

Municipality of North Cowichan

Regular Council

AGENDA

Wednesday, September 4, 2019, 1:30 p.m.
Municipal Hall - Council Chambers

Pages

1. CALL TO ORDER

This meeting is open to the public. All representations to Council form part of the public record. Proceedings will be streamed live and archived at northcowichan.ca.

2. APPROVAL OF AGENDA

Recommendation:

That Council adopt the September 4, 2019 Regular Council agenda, as circulated [or as amended].

3. ADOPTION OF MINUTES

3.1 August 21, 2019 Special Council Minutes

7 - 9

Recommendation:

That Council adopt the minutes of the Special Council meeting held August 21, 2019.

3.2 August 21, 2019 Regular Council Minutes

10 - 22

Recommendation:

That Council adopt the minutes of the Regular Council meeting held August 21, 2019.

4. MAYOR'S REPORT

5. REPORTS

5.1 Proposed Remedial Action Request for 9384 Cottonwood Road

23 - 70

Purpose: To consider imposing a Remedial Action Requirement (RAR) in relation to the accessory building located at 9384 Cottonwood Road, pursuant to Sections 72, 73, and 74 of the *Community Charter*.

Recommendation:

Whereas Division 12 of Part 3 of the *Community Charter* authorizes Council to impose a remedial action requirement on the owner of a building or other structure, including a requirement to remove or demolish the building or structure where it contravenes a building bylaw; is a nuisance; or is so dilapidated or unclean as to be offensive to the community;

AND WHEREAS Webster Daniel Parker is the registered owner (the "Owner") of land with the civic address 9384 Cottonwood Road, North Cowichan, BC and legally described as PID: 010-529-331, [That part of Section 13, Range 4, Chemainus District, lying to the east of Fuller Lake and to the north of Parcel A (DD 89540I) shown outlined in red on Plan DD 7789F, Except part in Plan 33487] (the "Property"), upon which an accessory building unlawfully used for residential accommodation (the "Accessory Building") is located;

AND WHEREAS section 17 of the *Community Charter* provides that the authority of Council to require that something be done includes the authority to direct that, if a person subject to the requirement fails to take the required action, the Municipality may fulfill the requirement at the expense of the person;

NOW THEREFORE the Council of the Municipality of North Cowichan resolves as follows:

1. THAT Council considers that the Accessory Building contravenes the requirements of Building Bylaw 2003, No. 3172;
2. THAT Council hereby declares that the "Accessory Building" is a nuisance, within the meaning of Section 74 of the *Community Charter*, and so dilapidated and unclean as to be offensive to the community;
3. THAT Council hereby requires the Owner to demolish the Accessory Building and remove the resulting debris within 30 days of receiving notice of this requirement under Section 77 of the *Community Charter*(the "Remedial Action Requirement");
4. THAT the District shall provide notice of the Remedial Action Requirement to the persons entitled to notice under s. 77 of the *Community Charter*, including a copy of this resolution;
5. THAT the District shall notify the persons entitled to notice under s. 77(1) of the *Community Charter* that they may request that Council reconsider the Remedial Action Requirement pursuant to s. 78 of the *Community Charter*, by providing the District with written notice within 14 days of the date on which notice under s. 77 of the *Community Charter* was sent to them; and
6. THAT if any or all of the actions in paragraph 3 are not completed by the dates set out above, the District may undertake any or all of those actions required by the Remedial Action Requirement without further notice to and at the expense of the Owner, and recover the costs of doing so in accordance with sections 17, 80, 258, and 259 of the *Community Charter*.

6. DELEGATIONS AND PRESENTATIONS

- 6.1 **PRESENTATION: Cam Mathewson, Senior Research Consultant, NRG Research Group Re: Citizen Satisfaction Survey Follow up (30 minutes)** 71 - 133

Purpose: To present Council with supplemental information regarding Council's previous questions related to the 2019 Citizen Satisfaction Survey results.

Recommendation:

That Council receive the additional information on the 2019 Citizen Satisfaction Survey results for information and consider the results when determining priorities.

- 6.2 **PRESENTATION: Tracey Thompson, Regional Harm Reduction Coordinator and Stacy Middlemiss, OER-Community Action Team Coordinator, Canadian Mental Health Association Re: Understanding the Take Home Naloxone Program (30 minutes)**

Purpose: Ms. Thompson to provide an overview of the Provincial Take Home Naloxone program, statistics, effectiveness, and how naloxone works. Ms. Middlemiss will discuss how to obtain a free kit and where to access naloxone nasal spray.

- 6.3 **DELEGATION: Jock Hildebrand, President, Friends of the Cowichan Public Art Gallery Society** 134 - 134

Purpose: To present the concept of building a contemporary purpose built gallery to serve the needs of the Cowichan Valley and Vancouver Island.

- 6.4 **DELEGATION: Brad Grigor, Chair of the Committee for the Chemainus Valley Cultural Arts Society** 135 - 135

Purpose: To present on the benefits provided by the Chemainus Valley Cultural Arts Society, an update on recent and planned activities, and a briefing on initiatives to develop a regional professional Community Arts Centre in North Cowichan.

- 6.5 **DELEGATION: Bill Routley, Re: Chemainus River Campground** 136 - 160

Purpose: To present background on Chemainus River Campground's issues with Agricultural Land Commission requirements and request for assistance from North Cowichan to exclude the property from the Agricultural Land Reserve or support a water licence.

7. PUBLIC INPUT

Opportunity for brief verbal input from registered speakers regarding subsequent agenda items.

8. REPORTS CONTINUE:

- 8.1 **Setbacks for all Other Principal Buildings On Agricultural Lands** 161 - 171

Purpose: To provide Council with information, analysis, and recommendations for side, rear, and front yard setbacks for farm uses in All Other Principal Buildings, other than residential buildings, on agricultural lands.

Recommendation:

That staff be directed to prepare a zoning amendment bylaw to reduce front, rear, and side yard setbacks for 'All Other Principal Buildings' as follows:

- In the A1 zone - from 46 m to 25 m for front yard setbacks and from 46 to 15 m for side and rear yard setbacks, except for those lands abutting residentially zoned properties which are subject to 30 m setbacks from the abutting property line;
- In the A2 zone - from 30 m to 25 m for front yard setbacks and from 30 m to 15 m for side and rear yard setbacks, except for those lands abutting residentially zoned properties which are subject to 30m setbacks from the abutting property line; and
- In the A3 zone - from 30 m to 25 m for front yard setbacks, and from 30 m to 15 m for rear yard setbacks.

8.2 Rezoning Application No. ZB000093 for Bylaw 3763 (Retail Cannabis Sales - 8432 Trans-Canada Highway)

172 - 194

Purpose: To provide Council with information, analysis and a recommendation regarding a site specific zoning amendment application to permit the use of Retail Cannabis Sales at 8432 Trans-Canada Highway to facilitate a cannabis retail store.

Recommendation:

That Council give first and second readings to "Zoning Amendment Bylaw (Cannabis Sales – 8432 Trans-Canada Highway), 2019" No. 3752 – a bylaw to permit cannabis retail sales at 8432 Trans-Canada Highway;

AND That the Applicant be directed to conduct an Information Meeting prior to a Public Hearing;

AND That a Public Hearing be scheduled as required by the *Local Government Act*.

9. BYLAWS

9.1 Bylaw 3752 - "Zoning Amendment Bylaw (Cannabis Sales - 110, 2951 Green Road), 2019" (adoption)

195 - 205

Purpose: To consider adopting Bylaw 3752 - "Zoning Amendment Bylaw (Cannabis Sales - 2951 - Green Road), 2019" - a proposed site specific zoning amendment bylaw to permit retail cannabis sales at 2951 Green Road (Cowichan Commons).

Recommendation:

That "Zoning Amendment Bylaw (Cannabis Sales - 2951 Green Road), 2019" No. 3752 - a bylaw to permit retail cannabis sales at unit 110, 2951 Green Road be adopted.

9.2 Bylaw 3748 - "Zoning Amendment Bylaw (Cannabis Sales - 2900 Drinkwater), 2019" (reconsideration)

Purpose: Pursuant to his authority under section 131 of the *Community Charter*, the Mayor requires Council to reconsider the following motion from the August 21, 2019 Council meeting:

That "Zoning Amendment Bylaw (Cannabis Sales - 2900 Drinkwater Road), 2019" No. 3748 - a bylaw to permit cannabis retail sales at 2900 Drinkwater Road be given third reading.

9.3 Bylaw 3748 - "Zoning Amendment Bylaw (Cannabis Sales - 2900 Drinkwater Road), 2019" (adoption)

206 - 209

Purpose: Provided third reading is carried upon reconsideration, to consider adopting Bylaw 3748 - "Zoning Amendment Bylaw (Cannabis Sales - 2900 Drinkwater Road), 2019" - a proposed site specific zoning amendment bylaw to permit retail cannabis sales at 2900 Drinkwater Road.

Recommendation:

That "Zoning Amendment Bylaw (Cannabis Sales - 2900 Drinkwater Road), 2019" No. 3748 - a bylaw to permit cannabis retail sales at 2900 Drinkwater Road be adopted.

10. NOTICE OF MOTIONS

10.1 Quamichan Watershed and Lake Phosphorus Loading

Purpose: To consider Councillor Justice's Notice of Motion from the August 21, 2019 Regular Council meeting.

Recommendation:

Whereas it is one of Council's strategic priorities to take action on the water quality of Quamichan Lake;

And Whereas phosphorus deposition in Quamichan Lake is the result of land use practices including land clearing, agricultural practices, residential development, residential life in the watershed, as well as our methods for dealing with storm-water and septic disposal;

And Whereas some jurisdictions have come up with ideas to curtail and limit the deposition of phosphorus into watersheds and lakes using planning policy and land use regulations and engineering standards;

Be it Resolved that, within a time frame appropriate to its use in the OCP process, and the drafting of the new Zoning bylaw, staff present Council with a report on reducing both the deposition of phosphorus into the watershed and the flow of phosphorus into the lake which outlines options and recommendations for a) defining an appropriate target or goal and b) methods for achieving this target or goal including engineering standards, and land use planning policies and regulations.

10.2 Simon Fraser University's Climate Action for BC Communities Initiative

Purpose: To consider a motion by Councillor Justice regarding an integrated climate action for BC Communities initiative (note: Councillor Justice has requested that Council consider this motion at the September 4, 2019 meeting).

Recommendation:

Whereas Simon Fraser University's Adaptation to Climate Change Team has a program called "Integrated Climate Action for BC Communities Initiative" that provides assistance to communities in integrated climate action;

And Whereas there are some potentially very good opportunities for the municipality by participating in this initiative with respect to: accessing strategic coaching; research capacity and funding for integrated climate action; identifying strategic policy synergies; seizing co-benefit opportunities for broader community development goals; improving North Cowichan's remodelled CAEP; and developing a stronger Integrated Climate Action Strategy;

Be it resolved that Council direct staff to explore and evaluate any potential opportunities for the Municipality through involvement in this initiative and provide a report examining the budget and staff implications, along with the impact on existing priorities.

10.3 Public Hearing and Special Council Meeting to be Held at the Cowichan Performing Arts Centre - Tuesday, October 1, 2019 at 6:00 pm

Purpose: To pass a resolution, as per the requirements under Section 4(1) of the Council Procedure Bylaw the Council intends to hold a public hearing and a Special Council meeting outside Municipal Hall at the Cowichan Performing Arts Centre (2687 James Street, Duncan, BC).

Recommendation:

That Council authorize holding a Public Hearing for Bylaw 3761 - "Zoning Amendment Bylaw (Comprehensive Development Zone - 4063 Cowichan Valley Highway), 2019 and Special Council meeting outside of Municipal Hall on Tuesday, October 1, 2019 at 6:00 pm at the Cowichan Performing Arts Centre located at 2687 James Street, Duncan, BC.

11. NEW BUSINESS

12. QUESTION PERIOD

Public opportunity to ask brief questions regarding the business of this meeting.

13. RISE AND REPORT

14. ADJOURNMENT

Recommendation:

That Council adjourn the September 4, 2019 Regular Council meeting at ____ p.m.

Municipality of North Cowichan Special Council MINUTES

**August 21, 2019, 9:30 a.m.
Municipal Hall - Maple Bay Meeting Room**

Members Present	Mayor Al Siebring Councillor Christopher Justice Councillor Tek Manhas Councillor Rosalie Sawrie Councillor Debra Toporowski
Members Absent	Councillor Rob Douglas Councillor Kate Marsh
Staff Present	Ted Swabey, Chief Administrative Officer (CAO) Sarah Nixon, General Manager, Corporate Services Karen Robertson, Corporate Officer

1. CALL TO ORDER

There being a quorum present, Mayor Siebring called the meeting to order at 9:30 a.m.

2. APPROVAL OF AGENDA

It was moved and seconded:

That Council approve the August 21, 2019 Special Council agenda, as amended, to add two items under New Business – 4.1 and 4.2 (receipt of legal advice) and to reorder the agenda so that item 4.1 and 4.2 are considered after item 3.3.

CARRIED

3. BUSINESS

3.1 Council Meeting to be Held Outside of the Municipal Boundary - Wednesday, August 21, 2019 at 1:30 p.m.

It was moved and seconded:

That Council authorize holding its August 21, 2019 Regular Council meeting outside of the Municipal boundaries at 1:30 pm. at the Ramada Inn located at 140 Trans-Canada Highway, Duncan, BC.

CARRIED

3.2 Special Council Meeting to be Held Outside of the Municipal Boundary - Friday, September 27, 2019 at 1:00 p.m.

It was moved and seconded:

That Council authorize holding a Special Council meeting outside of the Municipal boundaries on Friday, September 27, 2019 at 1:00 pm, in the Boardroom at 1616-808 Nelson Street, Vancouver, BC.

And That the meeting be closed to the public under Section 90(1)(k) of the *Community Charter* - negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.

CARRIED

4. CLOSED SESSION

It was moved and seconded:

That Council close the August 21, 2019 Special Council meeting at 9:34 a.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; and**
- **(90)(1)(k) - negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of Council, could reasonably be expected to harm the interests of the municipality if they were held in public.**

CARRIED

5. RISE AND REPORT

Council rose and reported the following decisions from its August 21, 2019 Special Closed meeting:

5.1 South End Water Inclusion - 3964 Cowichan Lake Road

Council supported expanding the boundaries of the South End Water Area to include 3964 Cowichan Lake Road within the South End Water Local Services Area and directed staff to prepare the necessary bylaw to include the property within the service area.

5.2 Ladysmith Managed IT Services Agreement Contract Renewal

Council authorized the Director of IT and GIS Services to negotiate a new Managed IT Services Agreement with similar content to the current agreement and a revised initial term through mid-2021, with year-to-year renewals thereafter not to exceed a total term of five years;

And authorize the Mayor and Corporate Officer to enter into the agreement.

6. ADJOURNMENT

It was moved and seconded:

That Council adjourn the August 21, 2019 Special Council meeting at 12:38 p.m.

CARRIED

Certified by Corporate Officer

Signed by Mayor

Municipality of North Cowichan Regular Council MINUTES

**August 21, 2019, 1:30 p.m.
Ramada Duncan - Ballroom
140 Trans-Canada Highway
Duncan, BC**

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)
Mark Frame, General Manager, Financial and Protective Services
Ernie Mansueti, General Manager, Community Services
Sarah Nixon, General Manager, Corporate Services
David Conway, Director of Engineering
Rob Conway, Director of Planning
Natasha Horsman, Manager, Communications and Public Engagement
Glenn Morris, Development Planning Coordinator
Chris Hutton, Community Planning Coordinator
Shaun Mason, Municipal Forester
Caroline von Schilling, Development Planner
Karen Robertson, Corporate Officer

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

It was moved and seconded:

That Council adopt the agenda, as presented, by reordering the agenda to:

- **receive public input on items 6.1 and 6.2 prior to consideration of those staff reports; and**
- **consider staff report items 6.1 and 6.2 prior to hearing the delegations.**

CARRIED

3. ADOPTION OF MINUTES

3.1 July 17, 2019 Regular Council Minutes

It was moved and seconded:

That Council adopt the July 17, 2019 Regular Council minutes, as presented.

CARRIED

3.2 July 30, 2019 Committee of the Whole Minutes

It was moved and seconded:

That Council adopt the July 30, 2019 Committee of the Whole minutes, as presented.

CARRIED

4. MAYOR'S REPORT

The Mayor gave a verbal report on meetings and activities he recently attended.

5. PUBLIC INPUT (for agenda items 6.1 and 6.2 only)

Council received brief public input from 6 registered speakers regarding agenda items 6.1 and 6.2.

6. STAFF REPORTS

6.1 Request for Proposal and Proposed Selection Process for an Engagement Consultant on the Municipal Forest Reserve

It was moved and seconded:

That Council endorse the engagement RFP deliverables outlined in Appendix 1 to the August 21, 2019 report by the Manager, Communications and Public Engagement with the following amendments:

- **By adding the following to the scope of work which is highlighted in italics: "Concrete deliverables for this work are: an engagement plan based on the International Association of Public Participation (IAP2) framework *and drawing on the literature regarding forestry public engagement in other BC community forests and beyond.*"**
- **By adding the following to the concrete deliverables:**
 - **To provide regular, quarterly updates to Council on the engagement; and**
 - **Engagement will be primarily focused on North Cowichan Residents.**
- **To amend the paragraph about "Who Should Be Involved" by adding the text in italics: "The MFR is owned by North Cowichan on behalf of its residents, and decisions about its future management may affect residents very directly, via their taxes. The MFR is also used extensively for recreation by residents of the Cowichan Valley Region, and indeed, by residents from across Vancouver Island. *The MFR also contributes many other values and services to the community and broader region,* and responses to this RFP should acknowledge the range of interests and impacts involved."**

And That Council endorse the engagement consultant selection process as described in Table 1.

CARRIED

Council gave some additional feedback on the draft RFP outside of formal amendments, which the Manager, Communications and Public Engagement will incorporate. Feedback included adding reference to the traditional territory of the Coast Salish First Peoples, better characterizing the need for Indigenous involvement, adding reference to innovative methods of engagement and online engagement, and expanding the list of reference documents provided in the RFP.

The Mayor noted that Elder Joe Thorne from Cowichan Tribes was in the audience and invited him to say a few words about the engagement proposal.

Mr. Thorne addressed Council and conveyed his appreciation that Cowichan Tribes will be a part of the process and looks forward to sharing stories about the forest.

Councillor Marsh enquired about what the procedure would be to change her vote on the motion that was just passed for item 6.1.

The Mayor noted that under Council's Procedure Bylaw, a Council member who voted on the prevailing side may move to reconsider a resolution adopted by Council.

It was moved and seconded:

That Council reconsider the motion for item 6.1.

(Opposed: Siebring; Douglas; Justice; Manhas; Toporowski)

DEFEATED

6.2 UBC Proposed Framework to Complete the Multi-Objective, Landscape-Scale Scenario Analysis & Forest Carbon Project Evaluation

Councillor Manhas requested that the recommendations be considered seriatim.

It was moved and seconded:

That Council endorse moving forward with the UBC partnership proposal as outlined on Appendix A to the August 21, 2019 report by the General Manager of Community Services.

CARRIED

It was moved and seconded:

That Council waive the Municipality's Procurement Policy to enable the project to be sole sourced to the UBC Partnership group.

(Opposed: Manhas)

CARRIED

7. DELEGATIONS AND PRESENTATIONS

7.1 DELEGATION: Susan Beaubier from the Chemainus Health Care Auxiliary

Ms. Beaubier was in attendance to bring awareness to Council about the 170 volunteers, both women and men, who contribute to the comfort and care of Chemainus Valley residents, and beyond, through health care programs. She noted the program started back in 1899 by Mrs. Eliza Smith where in earlier times the Auxiliary sewed linens for the

Chemainus Hospital and raised funds through special lunch and shows to furnish other essentials for the comfort and care of the patients. She provided an overview of the services they currently provide which include:

- Partnering with the Chemainus Health Care Foundation (CHCF) to purchase and refurbish the equipment at the urgent care unit;
- Co-sponsored the creation of the palliative suite;
- Major supporter of the Cowichan Valley Hospice House;
- Raised funds for the Children's Hospital in Vancouver;
- Provide annual bursaries to Chemainus Secondary students;
- Donate annually to the COPS for Cancer;
- Donate annually to the Chemainus Health Care Centre, Cowichan District Hospital, Royal Jubilee Hospital (i.e. cardiology); Victoria General Hospital (e.g. diagnostics and imaging); BC Cancer Research, Therapeutic Riding Program; Harvest House, and others.

She concluded her presentation by stating that the auxiliary contributes on average, \$250,000 annually to health care facilities and programs within BC.

By consensus, Council recessed the meeting at 3:20 p.m.

The Council meeting resumed at 3:35 p.m.

7.2 DELEGATION: Mark Holland, Consulting Planner to VIMC Re: Overview of the Rezoning Application for a Comprehensive Development Zone at 4063 Cowichan Valley Highway

Mr. Holland, Consulting Planner to the Vancouver Island Motorsport Circuit (VIMC) was in attendance to provide Council with an overview of their rezoning application for a Comprehensive Development Zone at 4063 Cowichan Valley Highway. Highlights of his PowerPoint presentation included:

- An overview of the current zoning for the 3 parcels: parcel 1 (zoned I-2/C-8); parcel 2 (proposed phase 2 expansion area zoned I-2); and parcel 3 (proposed natural area with trails and zoned A-4);
- The past history of the Drinkwater industrial area which included heavy industry uses;
- The automobile uses in I-2 and the motorized uses in the past;
- The history of VIMC;
- The successes of the current facility;
- The support provided by VIMC to the local community;
- The purpose of the rezoning;
- The approved consultation process;
- The proposed expansion and revised submission in response to community input;
- Environmental strategies;
- Neighbourly challenges;
- Responses to community input on sound levels; and
- How they intend to meet North Cowichan's goals and policies as well as the community benefits that would be provided from the rezoning.

A question and answer period ensued.

8. PUBLIC INPUT

The Mayor noted that it is Council's practice to allow brief public input from five registered speakers at any one meeting but in this instance 43 people signed up to speak to item 9.1 and Council already heard from 6 speakers on items 6.1 and 6.2. He conveyed that while Council has relaxed this practice in the past, and welcomes public input, it would be unfair to have members of the public who were in attendance for other agenda items to have to wait until late into the evening to hear the debate on those topics should Council agree to hear all 43 speakers. He also noted that because there would be an opportunity for unlimited public input on this item at a public hearing (should Council consider passing first and second readings to the bylaw) Council would only consider receiving input from the first five registered speakers to item 9.1 and from the individual who signed up to speak to item 9.3.

9. STAFF REPORTS CONTINUED:

9.1 Bylaw 3761 - "Zoning Amendment Bylaw (Comprehensive Development Zone - 4063 Cowichan Valley Highway), 2019"

It was moved and seconded:

That Council approve first and second reading of Zoning Amendment Bylaw No. 3761 to rezone three properties at Cowichan Valley Highway and Drinkwater Road (PIDs 009-751-297, 029-201-675 & 014, 104-067) from I2 and C8 to a new CD21 zone.

CARRIED

It was moved and seconded:

That referrals be sent to the City of Duncan, the Cowichan Valley Regional District, Cowichan Tribes, the Sahtlam Neighbourhood Association, the Somenos Marsh Society, and the Cowichan Watershed Board;

And That those referral agencies be given a minimum of 30 calendar days to provide a response before a public hearing is held.

CARRIED

It was moved and seconded:

That a Public Hearing be scheduled for Zoning Amendment Bylaw No. 3761 and that notification be issued in accordance with the requirements of the *Local Government Act*.

CARRIED

By consensus Council recessed the meeting at 5:04 p.m. the Mayor stated that the Council meeting would resume at the conclusion of the public hearing.

10. PUBLIC HEARINGS (6:00 p.m.)

10.1 Rezoning Application No. ZB000109 for Bylaw 3752 (Retail Cannabis Sales - 110, 2951 Green Road) - Costa Canna Corp. Operated Retail Cannabis Store .

Mayor Siebring provided an explanation of the public hearing process and advised members of the public that no further verbal or written presentations could be reviewed by any member of Council following the closure of each public hearing. He also noted

the location of the public hearing binders for both rezoning applications and invited the public to review it during the hearing.

Mayor Siebring then called the public hearing to order at 6:02 p.m. for Rezoning Application No. ZB000109 for Bylaw 3752 (Retail Cannabis Sales – 110, 2951 Green Road).

Councillor Toporowski declared a conflict of interest as Cowichan Tribes is a partner in Costa Canna Corporation and she is a Cowichan Tribes Council member and left the Ballroom at 6:02 p.m.

Councillor Manhas declared a conflict of interest as his employer has submitted a rezoning application for a retail cannabis store and left the Ballroom at 6:02 p.m.

The Mayor asked the Corporate Officer to provide an overview of the correspondence received.

The Corporate Officer noted that prior to the hearing no correspondence was received from the public regarding the application.

The Mayor then invited Glenn Morris, Development Planning Coordinator to introduce the application.

Council then received a presentation from Stuart Pagaduan, a Cowichan Tribes Councillor who spoke on behalf of Costa Canna's application. He spoke in favour of the application and stated the following:

- On behalf of the Cowichan Tribes Chief and Costa Canna, there has been a level of frustration with the number of obstacles they have faced by levels of government and they have been ready to open for the past 3 months.
- Cowichan Tribes wants this opportunity for our nation and our people.
- We have many social issues happening on our reserves, just as greater Cowichan does;
- We are in dire need of housing and we have some 800 people on the list for housing and we are looking at ways to make our community healthier and stronger economically;
- We are looking to establish a cannabis store on Cowichan traditional territory;
- We have dreams and goals and we ask you to respect and honor the government to government relationship by asking you to not support the Liquor Control Branch's application;
- We are local people and we keep everything here in our community;
- We could have exercised our self-governance rights and gone on our own but we chose not to. We want to work with North Cowichan.

Council asked questions of the applicant.

Mayor Siebring called for submissions from the public for a second time.

Phil Floucault from Costa Canna spoke and advised Council that the Liquor Distribution Branch has a 15 retail price buying advantage and that if Council were to approve their

application it would be to the detriment of Costa Canna and asked that Council not approve 2 applications for the same location.

Mayor Siebring called for submissions from the public for a third and final time.

No one in attendance wished to speak to the application so Mayor Siebring closed the public hearing at 6:18 p.m.

10.2 Rezoning Application No. ZB000102 for Bylaw 3748 (Retail Cannabis Sales – 2900 Drinkwater Road) - Liquor Distribution Branch Operated Retail Cannabis Store

Mayor Siebring called the public hearing to order at 6:18 p.m. for Rezoning Application No. ZB000102 for Bylaw 3748 (Retail Cannabis Sales – 2900 Drinkwater Road). It was noted that Councillors Toporowski and Manhas were not in attendance for this public hearing given the conflict declaration they made for item 10.1 which would also be applicable for this application.

The Mayor asked the Corporate Officer to provide an overview of the correspondence received.

The Corporate Officer conveyed that prior to the hearing no correspondence was received from the public regarding the application.

The Mayor then invited Caroline Von Schilling, Development Planner to introduce the application.

Council then received a presentation from the applicant Kerri Lore, Director of Policy for the Liquor Distribution Branch (LDB) who spoke in favour of the application and stated that Council had seen her presentation previously but wanted to highlight the following:

- The goal of the LDB is to make high-quality cannabis products and provide education to all customers;
- Their mandate is to provide cannabis products to consumers throughout BC so that it helps to rid BC of the illicit market. For this reason the LDB supports public and private cannabis businesses throughout BC and stated her support for Costa Canna's application;
- Another goal is to keep cannabis away from youth;
- The LDB stores have educational information and messages on the wall;
- Safety and security is a top priority through surveillance, fire monitoring, tempered glass cases, vault, etc;
- The LDB is a reputable place to work and one of BC's top employers. The LDB pays its employees living wages of \$21.00 per hour plus pension plan. Staff have to go through screening and a serving it right course;
- There is a restricted access with two pieces of id required for anyone who appears under 30;
- The store's interior is open and bright;
- Cannabis accessories are locked behind glass cases;
- The LDB would be proud to have a store in Cowichan and all revenue goes back into provincial public services to support schools and health care;
- The LDB does fundraising in the local communities; and

- There's a variety of product that varies from public and private stores so the produce in a government store could be different than the product in the private stores.

Council asked questions of the applicant.

Mayor Siebring called for submissions from the public for a second time.

No one in attendance wished to speak to the application.

Mayor Siebring called for submissions from the public for a third and final time.

No one in attendance wished to speak to the application so Mayor Siebring closed the public hearing at 6:33 p.m.

10.3 Rezoning Application No. ZB000105 for Bylaw 3757 (A2 to A3) to accommodate a lot line adjustment at 3248 Gibbins Road and to permit the construction of two detached dwellings at 3248 Gibbins Road

Mayor Siebring called the public hearing to order at 6:33 p.m. for Rezoning Application No. ZB000105 for Bylaw 3757 (A2 to A3) to accommodate a lot line adjustment and to permit the construction of two detached dwellings at 3248 Gibbins Road.

The Mayor asked the Corporate Officer to provide an overview of the correspondence received.

The Corporate Officer noted that prior to the hearing one piece of correspondence was received from Maureen McInnis (copy included in the public hearing binder) citing concerns with the application.

Councillor Manhas and Councillor Toporowski returned to the Ballroom at 6:36 p.m.

The Mayor invited Caroline Von Schilling, Development Planner to introduce the application.

Council then received a presentation from the applicant, owners (Sharon and Colin McNeil) who spoke in favour of the application. Ms. McNeil stated:

- They have been the owners since the early 1980's and used the property as a family holiday home;
- Prior to the first realignment in 2011, 3248 Gibbins Road was approximately 2 acres at the front near and abutting Gibbins Road and 3246 Gibbins Road was approximately 6.24 acres at the back adjacent to and abutting the Cowichan Indian Reserve;
- In approximately 2009, we decided to retire and give off 2 acres at 3246 Gibbins Road for the family;
- We learned of the new UCB and policy densification in January, 2010 at which time we asked for, and received, a lot realignment with both properties ending up being roughly 4 acres each;
- In the lay of the land, there are 2 benches at each end of the properties;
- The north bench is broad and flat, measuring approximately 2 acres;

- The south bench is also approximately 2 acres, irregular, and mostly forest. It has a large flat area formerly used as a large garden area but now functions as a septic field for the house;
- The south bench also has a low flat area which is an old tennis court but is amenable for a second dwelling under the new A2 policy;
- Between the two benches in the area, at the middle, there is a low wide flat area which at present belongs to 3258 Gibbins Road;
- The low wide flat area is approximately 4 acres;
- Under the old densification policy, this area was problematic due to lack of road access and the need for a lift station;
- This area is more amenable of the new agricultural use policy. Therefore we have this application for lot realignment before you to request placement of this low wide flat area back into the control of 3246 Gibbins Road which has a long panhandle to provide access for this area;
- Under the new policy of agricultural use, we feel this reconfiguration on the lot realignment benefits the community's new policy of agricultural use;
- At present this low area has no road access or easement through the panhandle; and
- This lot realignment and land addition to 3246 Gibbins Road will provide the panhandle access necessary to make this land area a viable farming opportunity.

Mayor Siebring then called for submissions from the public for a first time.

No one in attendance wished to speak to the application.

Mayor Siebring called for submissions from the public for a second time.

No one in attendance wished to speak to the application.

Mayor Siebring called for submissions from the public for a third and final time.

No one in attendance wished to speak to the application so Mayor Siebring and closed the public hearing at 6:48 p.m.

Resume Council Meeting

The Council meeting resumed at 6:48 p.m.

Council, by consensus, agreed to consider the bylaws related to the public hearings (11.1, 11.2, and 11.3) prior to consideration of item 9.2.

11. BYLAWS

11.1 Bylaw 3752 - "Zoning Amendment Bylaw (Cannabis Sales - 110, 2951 Green Road), 2019"

Councillor Toporowski declared a conflict of interest as Cowichan Tribes is a partner in Costa Canna Corporation and she is a Cowichan Tribes Council member and left the Ballroom at 6:49 p.m.

Councillor Manhas declared a conflict of interest as his employer has submitted a rezoning application for a retail cannabis store and left the Ballroom at 6:49 p.m.

It was moved and seconded:

That "Zoning Amendment Bylaw (Cannabis Sales - 2951 Green Road), 2019" No. 3752 - a bylaw to permit retail cannabis sales at unit 110, 2951 Green Road be given third reading.

CARRIED

11.2 Bylaw 3748 - "Zoning Amendment Bylaw (Cannabis Sales - 2900 Drinkwater Road), 2019"

It was moved and seconded:

That "Zoning Amendment Bylaw (Cannabis Sales - 2900 Drinkwater Road), 2019" No. 3748 - a bylaw to permit cannabis retail sales at 2900 Drinkwater Road be given third reading.

(Opposed: Siebring; Sawrie)

CARRIED

Councillors Manhas and Toporowski returned to the Ballroom at 7:01 p.m.

11.3 Bylaw 3757 - "Zoning Amendment Bylaw (3248 Gibbins Road), 2019"

It was moved and seconded:

That "Zoning Amendment Bylaw No. 3757, 2019" - a bylaw to amend the zone at 3248 Gibbins Road (PID: 028-738-071) from Rural Zone (A2) to Rural Restricted Zone (A3) and to permit a second residence at 3248 Gibbins Road be given third reading.

CARRIED

It was moved and seconded:

That "Zoning Amendment Bylaw No. 3757, 2019" - a bylaw to amend the zone at 3248 Gibbins Road (PID: 028-738-071) from Rural Zone (A2) to Rural Restricted Zone (A3) and to permit a second residence at 3248 Gibbins Road be adopted.

CARRIED

9. STAFF REPORTS CONTINUED:

9.2 Bylaw 3760- "Zoning Amendment Bylaw (2372 Regina Drive), 2019"

It was moved and seconded:

That Council approve first and second reading of "Zoning Amendment Bylaw, 2019" No. 3760 to permit a detached second residence at 2372 Regina Drive (PID 000-368-393); and

That a Public Hearing be scheduled and notification be issued according to the *Local Government Act*.

CARRIED

9.3 Community Safety Plan Implementation

Councillor Douglas requested that the recommendations be considered seriatim.

It was moved and seconded:

That Council authorize the Mayor and Corporate Officer to enter into a lease with Duncan Music Ltd. for the premises at 490 Trans Canada Hwy, for a period of two (2) years, with options for two (1 year) extensions, at a rate of \$15.00 per square foot, per year, plus property taxes and expenses.

CARRIED

It was moved and seconded:

That Council approve leasehold improvements at 490 Trans-Canada Highway of up to \$30,000.

CARRIED

It was moved and seconded:

That Council authorize the District of North Cowichan to enter into a 50/50 cost sharing arrangement with the City of Duncan for the costs associated with the lease and leasehold improvements for operation of a Community Safety Office at 490 Trans-Canada Highway.

CARRIED

It was moved and seconded:

That Council approve the District of North Cowichan entering into a 50/50 cost sharing arrangement with the City of Duncan, at a cost of approximately \$70,000, for funding the Community Safety Ambassadors.

(Opposed: Douglas)

CARRIED

It was moved and seconded:

That Council approve, in principle, the proposed Community Safety Implementation Plan, as outlined in the August 21, 2019 report by the General Manager Financial and Protective Services.

CARRIED

9.4 Coastal Communities Social Procurement Initiative

It was moved and seconded:

That Council defer pursuing membership in Coastal Communities Social Procurement Initiative until such time as North Cowichan has adequate procurement resources to implement social procurement as a long term sustainable initiative.

CARRIED

9.5 One-Time Payment - Gas Tax Agreement Community Works Fund

It was moved and seconded:

That Council approve transferring the one-time Community Works Fund payment of \$1,327,987 into a capital reserve for allocation in the 2020 - 2023 Capital Expenditure Program.

CARRIED

11. BYLAWS CONTINUED:

11.4 Bylaw 3755 - "Fee Amendment Bylaw No. 3755, 2019"

It was moved and seconded:

That "Fee Amendment Bylaw No. 3755, 2019" be adopted.

CARRIED

12. NEW BUSINESS

None.

13. NOTICE OF MOTIONS

13.1 Quamichan Watershed and Lake Phosphorus Loading

Councillor Justice requested that the following Notice of Motion be considered at the September 4, 2019 Council meeting:

Whereas it is one of Council's strategic priorities to take action on the water quality of Quamichan Lake;

And Whereas phosphorus deposition in Quamichan Lake is the result of land use practices including land clearing, agricultural practices, residential development, residential life in the watershed, as well as our methods for dealing with storm-water and septic disposal;

And Whereas some jurisdictions have come up with ideas to curtail and limit the deposition of phosphorus into watersheds and lakes using planning policy and land use regulations and engineering standards;

Be it Resolved that, within a time frame appropriate to its use in the OCP process, and the drafting of the new Zoning bylaw, staff present Council with a report on reducing the both the deposition of phosphorus into the watershed and the flow of phosphorus into the lake which outlines options and recommendations for a) defining an appropriate target or goal and b) methods for achieving this target or goal including engineering standards, and land use planning policies and regulations.

13.2 Environmental Advisory Committee

Councillor Marsh requested that the following notice of motion be deferred to the October 2, 2019 Council meeting for consideration.

That Council reinstate its Environmental Advisory Committee;

And That the Committee recommence meetings in October and meet on a monthly basis.

14. QUESTION PERIOD

Council received questions from the public regarding business considered at this meeting.

15. ADJOURNMENT

It was moved and seconded:

That Council adjourn the August 21, 2019 Regular Council meeting at 7:46 p.m.

CARRIED

Certified by Corporate Officer

Signed by Mayor

Report

Date September 4, 2019

File: 4020-20

To Council

From Karen Robertson, Corporate Officer

Endorsed:



Subject Proposed Remedial Action Request for 9384 Cottonwood Road

Purpose

The purpose of this report is for Council to consider imposing a Remedial Action Requirement (RAR) in relation to the accessory building located at 9384 Cottonwood Road pursuant to Sections 72, 73 and 74 of the *Community Charter*.

Background

In 2002, a building permit was issued for a shop/studio (the "Accessory Building") at 9384 Cottonwood Road. The Board of Variance granted a variance to increase the height of the second floor to allow for its use as an art studio. The building permit (Appendix A) notes that no residential use of the Accessory Building is permitted.

In January 2009, North Cowichan staff discovered that the Accessory Building was being used for residential occupancy and issued a Stop Work Order to Webster Daniel Parker (the "Owner") for unauthorized construction related to the conversion of the Accessory Building to a residence (Appendix B). Enforcement efforts related to this unpermitted use continued in 2011 and through July 2012 when the Owner removed the tenant from the Accessory Building.

In August 2014, North Cowichan staff received a complaint and inspected to confirm that the Accessory Building was again being occupied contrary to the Building Bylaw and Zoning Bylaw. The Owner was required to apply for a decommissioning permit to remove the plumbing, wiring and cooking facilities from the Accessory Building. This permit was issued on August 24, 2014 and completed on December 7, 2015 (Appendix C). The Owner was advised of the processes available to him to apply for a zoning amendment which would permit a second residential building on the Property, but has not pursued such an application.

North Cowichan staff received complaints about noise, illegal activity and residential occupancy of the Accessory Building in 2017, but were unable to confirm whether residential use was being made of the structure at that time.

On March 29, 2018, North Cowichan staff inspected the Property and confirmed that the Accessory Building was being occupied for residential purposes again. A letter was sent to the Owner attaching a copy of the relevant provisions of the Zoning Bylaw (Appendix D).

The Owner took steps to evict the tenants from the Accessory Building through the Residential Tenancy Board process. The tenants appealed and the Supreme Court upheld the removal decision, with a deadline of August 15, 2018 to vacate the Property.

On August 17, 2018, North Cowichan staff received a complaint that the tenants had not vacated the Accessory Building as required. The Owner advised that he was financially unable to hire sheriffs to enforce the removal order at that time, and that he had given the tenants an additional month to move out.

On January 23, 2019, North Cowichan staff attended the Property for an inspection and confirmed that the Accessory Building was no longer being occupied for residential use. An Inspection Report was issued recommending a remedial action requirement be imposed if future complaints were received about unlawful occupancy of the Accessory Building (Appendix E).

On April 11, 2019, after receiving another complaint regarding residential occupancy of the Accessory Building, North Cowichan staff attended the Property to conduct an inspection along with representatives from the RCMP and Island Health. New tenants were occupying the Accessory Building for residential purposes. Island Health issued an Order under Section 31 of the Public Health Act and the Sewerage System Regulation, ordering the cleanup of raw sewage from behind the Accessory Building, which has no plumbing facilities (Appendix F).

The Accessory Building continues to be occupied for residential use.

Discussion

Given the lengthy history of outstanding bylaw infractions and disproportionate level of enforcement resources devoted to the inappropriate use of the Accessory Building, staff is requesting that Council consider its remedial action powers under the *Community Charter* (CC) to address the situation.

Pursuant to s. 73(1)(a) of the CC, Council may impose a remedial action requirement in respect of “a building or other structure”. Pursuant to s. 73(2), Council may only impose such a remedial action requirement if Council considers that the building is in or creates an unsafe condition, or contravenes the provincial building regulations or the Municipality’s Building Bylaw.

Section 6(g) of the Building Bylaw prohibits the occupancy or use of a structure after a change in the building or structure’s occupancy classification, until the Building Inspector issues an occupancy permit for it, or contrary to a permit issued, or notice given, by the Building Inspector.

Given that the Building Inspector has not issued an occupancy permit for the Accessory Building which would permit its use for residential occupancy, the Accessory Building is in violation of s. 6(g) of the Building Bylaw.

Pursuant to s. 74(1)(a) of the CC, Council may also impose a remedial action in respect of a “building or other structure” if Council considers that it is a nuisance or is “so dilapidated or unclean as to be offensive to the community”.

Pursuant to s. 72(2)(b), the remedial action requirement may require the owner of a structure to undertake the following measures with respect to the structure:

- i. Remove or demolish it,
- ii. Fill it in, cover it or alter it,
- iii. Bring it up to the standard specified by bylaw, or
- iv. Otherwise deal with it in accordance with the direction of council or a person authorized by council.

Section 77 CC establishes that notice of a remedial action requirement must be given by personal service or registered mail to the person subject to the requirement, the owner of the land where the action was to be carried out, any other person who is an occupier of the land, and any registered charge-holder (for example, mortgage-holders).

Section 79 empowers the District to give less than 30 days' notice where Council considered there to be a "significant risk to health or safety." In this case, 30 days should be an appropriate amount of time for the property owner to remedy the situation.

Under Section 78 of the *Community Charter*, a person affected by a RAR may seek reconsideration of Council's decision to impose the RAR if they provide a written request within 14 days of the notice of the RAR being sent to the owner. Council must then provide an opportunity to the owner or other party having an interest in the Property to make representations before Council. Council after hearing the owner or other party may confirm, amend, or cancel the RAR.

Options

Option 1 (Recommended)

Under the recommended resolution, the Owner will be required to demolish the Accessory Building and remove the resulting debris. If the Owner is unwilling or unable to comply with the remedial action within 30 days of being sent notice of the remedial action order, the Municipality or its authorized agents could then choose to undertake the necessary work or demolish and remove the building at the expense of the Owner. The Municipality may recover the costs it incurs in undertaking the remedial action in the same manner as property taxes.

Bylaw Enforcement staff will speak to the history on this file at the Council meeting and if Council is of the opinion that the Accessory Building is in violation of the Building Bylaw, is a nuisance, and/or is so dilapidated or unclean as to be offensive to the community, and chooses to impose a remedial action requirement and require the removal of the Accessory Building, the following resolution is recommended:

Whereas Division 12 of Part 3 of the *Community Charter* authorizes Council to impose a remedial action requirement on the owner of a building or other structure, including a requirement to remove or demolish the building or structure where it contravenes a building bylaw; is a nuisance; or is so dilapidated or unclean as to be offensive to the community;

AND WHEREAS Webster Daniel Parker is the registered owner (the "Owner") of land with the civic address 9384 Cottonwood Road, North Cowichan, BC and legally described as PID: 010-529-331, [That part of Section 13, Range 4, Chemainus District, lying to the east of Fuller Lake and to the north of Parcel A (DD 89540I) shown outlined in red on Plan DD 7789F, Except part in Plan 33487)] (the "Property"), upon which an accessory building unlawfully used for residential accommodation (the "Accessory Building") is located;

AND WHEREAS section 17 of the *Community Charter* provides that the authority of Council to require that something be done includes the authority to direct that, if a person subject to the requirement fails to take the required action, the Municipality may fulfill the requirement at the expense of the person;

NOW THEREFORE the Council of the Municipality of North Cowichan resolves as follows:

- 1. THAT Council considers that the Accessory Building contravenes the requirements of Building Bylaw 2003, No. 3172;**
- 2. THAT Council hereby declares that the "Accessory Building" is a nuisance, within the meaning of Section 74 of the *Community Charter*, and so dilapidated and unclean as to be offensive to the community;**
- 3. THAT Council hereby requires the Owner to demolish the Accessory Building and remove the resulting debris within 30 days of receiving notice of this requirement under Section 77 of the *Community Charter*(the "Remedial Action Requirement");**
- 4. THAT the District shall provide notice of the Remedial Action Requirement to the persons entitled to notice under s. 77 of the *Community Charter*, including a copy of this resolution;**
- 5. THAT the District shall notify the persons entitled to notice under s. 77(1) of the *Community Charter* that they may request that Council reconsider the Remedial Action Requirement pursuant to s. 78 of the *Community Charter*, by providing the District with written notice within 14 days of the date on which notice under s. 77 of the *Community Charter* was sent to them; and**
- 6. THAT if any or all of the actions in paragraph 3 are not completed by the dates set out above, the District may undertake any or all of those actions required by the Remedial Action Requirement without further notice to and at the expense of the Owner, and recover the costs of doing so in accordance with sections 17, 80, 258, and 259 of the *Community Charter*.**

Option 2:

Council could resolve to require the Owner to apply within 30 days to rezone the Property to permit a second residential structure, failing which the Owner would be required to demolish the Accessory Building and remove the resulting debris. This option is not recommended because the Owner has been aware (since 2014) of the option to apply for a zoning amendment and has failed to exercise this opportunity. Furthermore, staff would recommend against the approval of such a zoning amendment due to inconsistency with the Official Community Plan.

If Council wishes to provide the Owner with an opportunity to apply for a zoning amendment to permit the Accessory Building before being required to remove the Accessory Building, the following wording for the resolution is recommended:

Whereas Division 12 of Part 3 of the *Community Charter* authorizes Council to impose a remedial action requirement on the owner of a building or other structure, including a requirement to remove or demolish the building or structure where it contravenes a building bylaw; is a nuisance; or is so dilapidated or unclean as to be offensive to the community;

AND WHEREAS Webster Daniel Parker is the registered owner (the "Owner") of land with the civic address 9384 Cottonwood Road, North Cowichan, BC and legally described as PID: 010-529-331, [That part of Section 13, Range 4, Chemainus District, lying to the east of Fuller Lake and to the north of Parcel A (DD 89540I) shown outlined in red on Plan DD 7789F, Except part in Plan 33487] (the "Property"), upon which an accessory building unlawfully used for residential accommodation (the "Accessory Building") is located;

AND WHEREAS section 17 of the *Community Charter* provides that the authority of Council to require that something be done includes the authority to direct that, if a person subject to the requirement fails to take the required action, the Municipality may fulfill the requirement at the expense of the person;

NOW THEREFORE the Council of the Municipality of North Cowichan resolves as follows:

- 1. THAT Council considers that the Accessory Building contravenes the requirements of Building Bylaw 2003, No. 3172;**
- 2. THAT Council hereby declares that the "Accessory Building" is a nuisance, within the meaning of Section 74 of the *Community Charter*, and so dilapidated and unclean as to be offensive to the community;**
- 3. THAT Council hereby requires the Owner to submit a complete application, including all fees, for a zoning amendment to permit a second residential dwelling unit on the Property within 30 days of receiving notice of this Resolution under Section 77 of the *Community Charter*(the "Remedial Action Requirement");**
- 4. THAT if the Owner fails to submit the application described in Paragraph 3 within the time required, or if the application is denied, the Owner must demolish the Accessory Building and remove the resulting debris within 30 days of the expiry of the 30-day application period or within 30 days of receiving notice that the application has been denied, as the case may be;**
- 5. THAT the District shall provide notice of the Remedial Action Requirement to the persons entitled to notice under s. 77 of the *Community Charter*, including a copy of this resolution;**
- 6. THAT the District shall notify the persons entitled to notice under s. 77(1) of the *Community Charter* that they may request that Council reconsider the Remedial Action Requirement pursuant to s. 78 of the *Community Charter*, by providing the District with written notice**

within 14 days of the date on which notice under s. 77 of the *Community Charter* was sent to them; and

- 7. THAT if any or all of the actions in paragraphs 3-4 are not completed by the dates set out above, the District may undertake any or all of those actions required by the Remedial Action Requirement without further notice to and at the expense of the Owner, and recover the costs of doing so in accordance with sections 17, 80, 258, and 259 of the *Community Charter*.**

Implications

Financial:

There has been a significant amount of staff time and RCMP time attributed to the issues at the Property. If no further action is taken, given the history of events, it is probable that these issues will continue and additional cost will be incurred by the Municipality to continue to monitor the Property.

If the Owner fails to comply with the remedial action requirement by the date specified, the Municipality or its appointed contractors, are authorized to enter on the Property under s. 17 CC and to complete the remedial action requirement at the expense of the Owner. Any expenses incurred by the Municipality may be collected as a debt or unpaid taxes pursuant to ss. 17 and 258 CC.

Communication:

Notice will be provided to the Owner, occupiers of the Property, and other required parties in compliance with the process required by the CC.

Staffing:

The Senior Bylaw Compliance Officer will follow up with the Owner to obtain compliance. All building related questions will be directed to the Chief Building Inspector. If the Owner fails to comply with the remedial action requirement, contractors will be hired to undertake the work on the Property.

Recommendation

Whereas Division 12 of Part 3 of the *Community Charter* authorizes Council to impose a remedial action requirement on the owner of a building or other structure, including a requirement to remove or demolish the building or structure where it contravenes a building bylaw; is a nuisance; or is so dilapidated or unclean as to be offensive to the community;

AND WHEREAS Webster Daniel Parker is the registered owner (the "Owner") of land with the civic address 9384 Cottonwood Road, North Cowichan, BC and legally described as PID: 010-529-331, [That part of Section 13, Range 4, Chemainus District, lying to the east of Fuller Lake and to the north of Parcel A (DD 89540I) shown outlined in red on Plan DD 7789F, Except part in Plan 33487](the "Property"), upon which an accessory building unlawfully used for residential accommodation (the "Accessory Building") is located;

AND WHEREAS section 17 of the *Community Charter* provides that the authority of Council to require that something be done includes the authority to direct that, if a person subject to the requirement fails to take the required action, the Municipality may fulfill the requirement at the expense of the person;

NOW THEREFORE the Council of the Municipality of North Cowichan resolves as follows:

- 8. THAT Council considers that the Accessory Building contravenes the requirements of Building Bylaw 2003, No. 3172;**
- 9. THAT Council hereby declares that the “Accessory Building” is a nuisance, within the meaning of Section 74 of the *Community Charter*, and so dilapidated and unclean as to be offensive to the community;**
- 10. THAT Council hereby requires the Owner to demolish the Accessory Building and remove the resulting debris within 30 days of receiving notice of this requirement under Section 77 of the *Community Charter*(the “Remedial Action Requirement”);**
- 11. THAT the District shall provide notice of the Remedial Action Requirement to the persons entitled to notice under s. 77 of the *Community Charter*, including a copy of this resolution;**
- 12. THAT the District shall notify the persons entitled to notice under s. 77(1) of the *Community Charter* that they may request that Council reconsider the Remedial Action Requirement pursuant to s. 78 of the *Community Charter*, by providing the District with written notice within 14 days of the date on which notice under s. 77 of the *Community Charter* was sent to them; and**
- 13. THAT if any or all of the actions in paragraph 3 are not completed by the dates set out above, the District may undertake any or all of those actions required by the Remedial Action Requirement without further notice to and at the expense of the Owner, and recover the costs of doing so in accordance with sections 17, 80, 258, and 259 of the *Community Charter*.**

Attachment(s):

- Appendix A: Building Permit Documents for Accessory Building
- Appendix B: January 15, 2009 Letter to Owner and January 12, 2009 Inspection Photographs
- Appendix C: 2014 Correspondence and Building Permit Records for Accessory Building
- Appendix D: April 18, 2018 Letter to Owner and Zoning Bylaw Excerpt
- Appendix E: January 23, 2019 Inspection Notice
- Appendix F: April 16, 2019 Island Health Order

Appendix A

PLUMBING

FIXTURES TO BE INSTALLED

AMOUNT	FIXTURE
	Water Closets
	Bath Tubs
	Bidet
	Shower Heads (N)
	Automatic Washer
	Other
TOTAL NUMBER OF FIXTURES	
SCHEDULE OF FEES	
NUMBER OF FIXTURES	
	Minimum Fee (1 c)
	3 to 100 Fixtures
	Over 100 Fixtures
INSPECTION	

CERTIFICATE ISSUED
DATE

BUILDING PERMIT - CERTIFICATE OF OCCUPANCY

owichan

Folio No. 15046-000

DATE Sept. 27/19-2002

PERMIT NO. #240/02

ADDRESS P.O. Box 303

STORY Shop/Studio

NUMBER OF DWELLING UNITS N/A

Shop/Studio

ZONING DISTRICT R-1

33487

LOT 8 BLOCK 8

LOT SIZE 8.39/acs

on that the said construction shall, in all respects, conform to the Ordinances of this jurisdiction the construction and use of buildings, and may be revoked at any time upon violation of any SHALL CONFORM IN CONSTRUCTION TO THE REQUIREMENTS OF THE BRITISH COLUMBIA BUILDING ACT.

further municipal interests, and not for the benefit of the owner. The Inspector and municipality disclaim any responsibility to make no representation by this certificate.

The Corporation of the District of North Cowichan

Folio No. 15046-000

BUILDING PERMIT

DEPT. FILE COPY

Jon LeFebure

DATE Sept. 27/19-2002

PERMIT NO. #240/02

ADDRESS P.O. Box 303

STORY Shop/Studio

NUMBER OF DWELLING UNITS N/A

Shop/Studio

ZONING DISTRICT R-1

SUBDIVISION Chem S-13 R-5

LOT 8

BLOCK 8

LOT SIZE 8.39/acs

This permit is granted on the express condition that the said construction shall, in all respects, conform to the Ordinances of this jurisdiction including the Zoning Ordinance, regulating the construction and use of buildings, and may be revoked at any time upon violation of any provisions of said ordinances. THE BUILDING SHALL CONFORM IN CONSTRUCTION TO THE REQUIREMENTS OF THE BRITISH COLUMBIA CODE AND ATTACHED PLAN CORRECTION SHEET

REMARKS: No residential use or plumbing to be installed.

BUILDING AREA 7684

ESTIMATED VALUE \$ 33,000

PERMIT FEE \$ 218.00

OWNER / AGENT Jon LeFebure

ADDRESS above

BUILDING DEPT BY Russell Ogilvie

VII. VALIDATION

Building Permit Number	340
Building Permit Issued	Sept. 27/02
Building Permit Fee	\$ 218.00
Driveway Access Permit Fee	\$ 0
Plumbing Permit Fee	\$ 0
TOTAL	\$ 218.00
Receipt Number	1615
Date of Receipt	Sept. 25/02
Building Permit Issued By	R20

VIII. ZONING

Zoning Type	R-1	Residential Rural Zone
Use	Shop / Garage	Accessory
Front Yard	6.0m	
Side Yard	3.0m	Side Yard
Rear Yard	3.0m	
FSR	N/A	Height 5.0m 16.4'
NOTES		Site Coverage 30%

Construction value \$ 33,000

1st \$ 5,000 = \$ 50.00

2nd \$ 6.00 / 1000 = \$ 168.00

218.00

See Board of Variance decision to vary height for 2nd floor. Sept. 16/02 R20

Appendix B

MUNICIPALITY OF
NORTH COWICHAN



7030 Trans Canada Highway, Box 278
North Cowichan, BC V9L 3X4

Tel 250 746 3100 Fax 250 746 3133
www.northcowichan.bc.ca

January 15, 2009

File No: not applicable
Folio No: 15046.000

DELIVERED BY REGISTERED MAIL

Webster Daniel Parker,
9384 Cottonwood Road
Chemainus, BC
V0R 1K5

*Hand delivered to
owner Web Parker
onsite. July 29/2010*

Attention: Sir or Madam

**Re: Stop Work Order and Non Compliance with District Bylaws
9384 Cottonwood Road, North Cowichan BC
That Part of Section 13, Range 5, Chemainus District,
lying to the east of Fullers Lake and to the north of Parcel A (DD 89540I)
shown outlined in red on Plan DD 7789F, Except Part In Plan 33487**

B70

On January 12, 2009, Rob Clark, Bylaw Officer, Dan Gellein, Building Inspector and Audrey Rogers, Planner met on your property located at 9384 Cottonwood Road to review an accessory building and its conformity with District of North Cowichan Bylaws.

Our visit identified the following items that are not in conformity with District of North Cowichan requirements and as a result a Stop Work Order was posted on the property:

1. Per the requirements of Building Bylaw 3172, a building permit was not obtained for the work being done on the existing accessory building – conversion of this building into an accessory dwelling unit.
2. Per Zoning Bylaw 2950 more than one residential building is not permitted on this property.

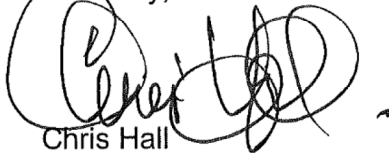
The following is required to remedy the situation found at the above noted property:

1. Since the conversion of an accessory building to include an accessory dwelling unit is not permitted under Zoning Bylaw 2950 the kitchen and bathing facilities are to be removed; a building permit for the balance of the work must be applied for.

Should you not respond as set out herein by **April 1, 2009**, be advised the District of North Cowichan will have no alternative but to take further action in this matter including legal proceedings with costs against you.

Finally, should you wish to appeal any findings set out in this letter you may do so through application to the Municipal Council of the District of North Cowichan.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Hall', with a large circular flourish on the left side.

Chris Hall
Director of Planning

/ar

Cc: Bruce Oliphant, Building Inspector, District of North Cowichan
Rob Clark, Bylaw Officer, District of North Cowichan
James Dias, Chief Administrative Officer, District of North Cowichan
Blair Russel, Legal Research, District of North Cowichan

Attached are Excerpts from
Section 6 of the Building Bylaw 2003
Section 56 of Zoning Bylaw 2950

Excerpt from Building Bylaw 2003, Bylaw No. 3172:

Prohibitions

6. No person may
 - (a.) start or continue constructing, altering, demolishing, reconstructing, relocating, or removing a building, structure, or work without a valid permit from the Building Inspector,
 - (b.) continue, after the Building Inspector orders work to stop, constructing, altering, demolishing, reconstructing, relocating, or removing a building, structure, or work, without the Building Inspector's written permission,
 - (c.) submit false or misleading information in an application for a permit under this bylaw,
 - (d.) interfere with the Building Inspector or other authorized person's administration of this bylaw,
 - (e.) substantially vary, in constructing a building, structure, or work, for which a permit is issued, from the drawings or specifications, or supporting documents, for the building, structure, or work, without the Building Inspector's written permission,
 - (f.) reverse, alter, deface, cover, remove, or tamper in any way, with a notice, permit, or certificate, posted on, or affixed to, a building or structure, or
 - (g.) occupy or use a building or structure
 - (i.) before the Building Inspector issues an occupancy permit for it,
 - (ii.) after a change in the building or structure's occupancy classification, until the Building Inspector issues an occupancy permit for it, or
 - (iii.) contrary to a permit issued, or notice given, by the Building Inspector.

Excerpt from Zoning Bylaw 2950

RESIDENTIAL RURAL ZONE (R1)

Permitted Uses

56. (1) The permitted uses for the R1 zone are as follows:

- Agriculture
- Bed and Breakfast
- Boarding House
- Home-based Business
- Single-Family Dwelling
- Temporary Trailer (subject to "Temporary Trailer Permit Bylaw 1976", No. 1685)
- Two-Family Dwelling

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 trailer may also be permitted on lots larger than two acres subject to "Temporary Trailer Permit Bylaw 1976", No. 1685.

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')

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) Agriculture use shall be subject to "Animal Control Bylaw, 1995", No. 2856.



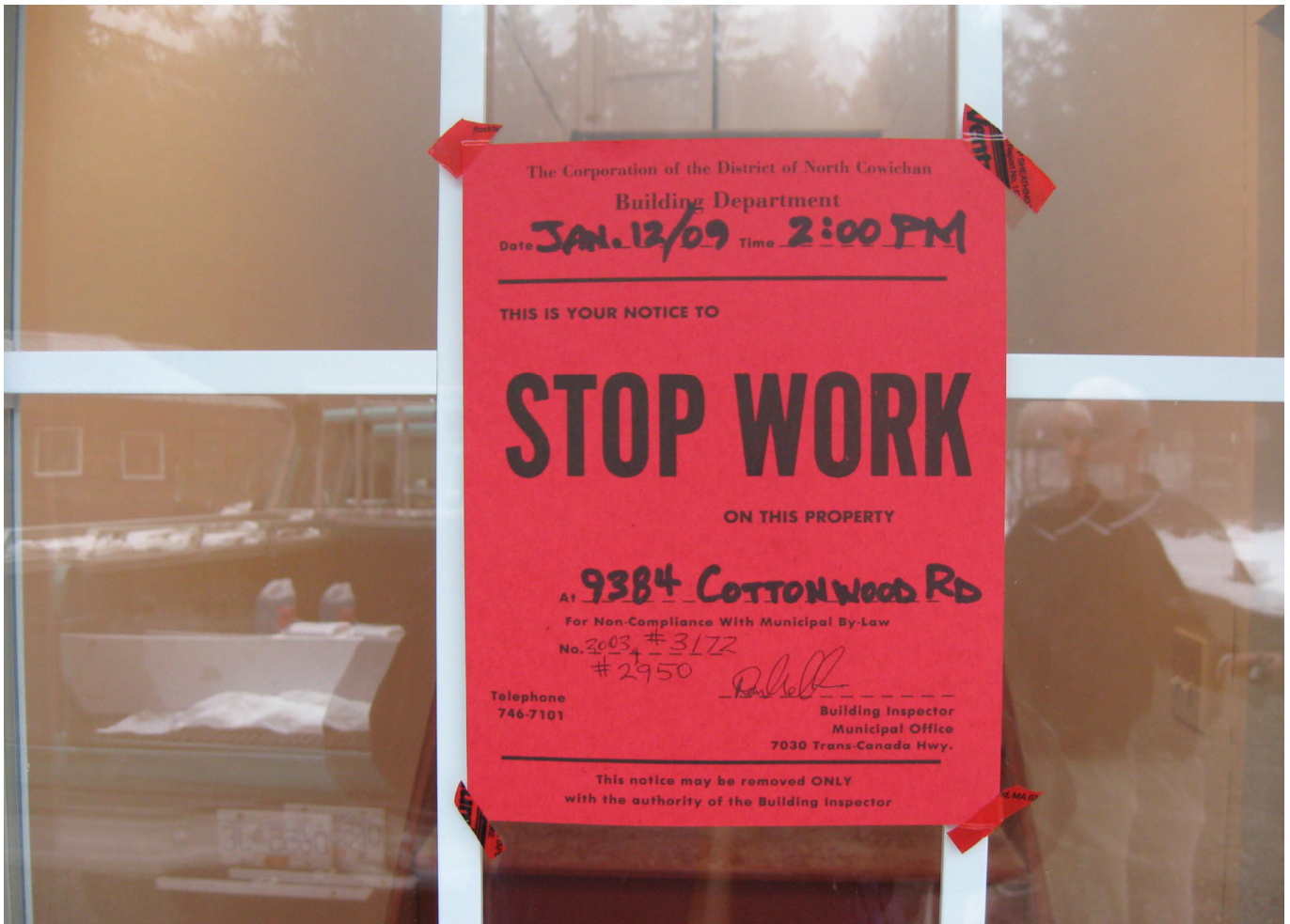




















Appendix C

May 28, 2015

Folio No: 15046-000

File No: BP006863

PARKER, WEBSTER D
9983 BEACH DR
RR 1
CHEMAINUS BC V0R 1K1

Dear Webster Parker

**Re: 9384 COTTONWOOD RD
SEC 13 RGE 5 CHEM**

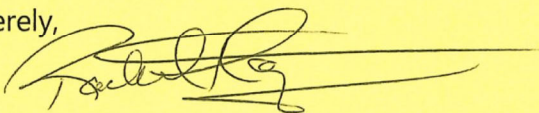
Further to our meeting on May 26, 2015 with Staff from Development Services where we discussed the continuing bylaw infractions associated with your property, it was agreed that staff would not take any further enforcement action for 30 days to allow you time to bring the property into compliance with Building Bylaw 3172 and the BC Building Code 2012.

However, please note that staff from Development Services will conduct an inspection on June 26, 2015 to ensure the property has been brought into compliance. Failure to have rectified the infractions by this date will result in the issuance of a fine for unlawful development and staff taking a report to Council recommending that a Notice on Title be placed on the property.

We look forward to your assistance in resolving these outstanding compliance issues with the property.

Should you have any questions please feel free to contact me at (250)746-3165.

Sincerely,



Rachel Hastings
Building Inspector
DEVELOPMENT SERVICES / Building and Compliance
Municipality of North Cowichan
7030 Trans Canada Highway / Box 278
Duncan, BC V9L 3X4 Canada
T (250) 746-3127

rachel.hastings@northcowichan.ca

LETTER_CORPORATE LETTERHEAD

SCANNED

March 30, 2015

Folio No: 15046-000

PARKER, WEBSTER D
9983 BEACH DR
RR 1
CHEMAINUS BC V0R 1K1

Dear PARKER, WEBSTER D

Re: 9384 COTTONWOOD RD

During a regular review of our current Building Permit files, it has come to our attention that we have not yet received any requests for inspections for the following project:

Building Permit No. **BP006863** issued on **Aug 25, 2014** for a **ACCESSORY BUILDING**

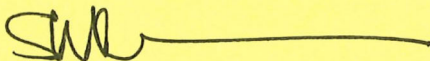
According to the District's Building Bylaw No. 3172, Section 5(6) a), b) and c) every permit that is issued is upon the condition that:

- a) work must be started within six months from the date the permit is issued;
- b) the work must not be discontinued or suspended for a period of more than one year;
- c) the permit will expire if the work is not substantially completed within two years from the date the permit was issued.

Further, the Bylaw requires the owner of a building which is under construction to call for all required inspections prior to occupation and/or use of the building.

Please call 250-746-3165 and leave a detailed message quoting the file number so that we can arrange for a building inspection. A representative from the Building Department will attempt to contact you within the same day or the following business day. A minimum of 24-hours' notice is required to schedule an inspection. Please contact us within 30 days of the date of this letter to discuss your file.

Sincerely,



Scott Mack, M.Arch, B.Sc.(Plan), MCIP, RPP
Director of Development Services

scott.mack@northcowichan.ca

SCANNED

Report

DRAFT

Date August 14, 2014

File: CIP00016
15046-000

To Council

From Rachel Hastings, Building Inspector

Endorsed:

Subject Notice on Title – 9384 Cottonwood Road

Purpose

The purpose of this report is to recommend to Council that Notice on Title be filed on the title of 9384 Cottonwood Road under section 57 of the Community Charter.

The purpose of registering a Bylaw Contravention Notice under Section 57(3) of the *Community Charter* on the title of the affected property is to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

Background

The Building and Compliance Services Division is responsible for regulating construction with the Municipality. Once a hazardous condition is observed, the Building Inspector is responsible to attempt to have the deficiency corrected. If the inspector were to fail to take any action, the Municipality may be held liable for any loss or injury sustained.

Section 57(3) of the *Community Charter* allows the Municipality to file a notice on title of any property where the Building Inspector:

- a) observes a contravention of a municipal bylaw, provincial building regulation, or another enactment that relates to the construction or safety of buildings or other structures; or
- b) discovers that something was done without a permit or inspection.

Discussion

A site visit was conducted by Development Services on August 13, 2014. This site visit identified that an accessory building had been converted into a two storey residential building and was being occupied at the time of the site visit. A building permit was issued September 24, 2002 for the 2 storey accessory building following a Board of Variance hearing September 16, 2002 to allow for the increased building height of 6.4m (21.0'). It was noted by the Chief Building Inspector at that Board of Variance meeting that the building was to be used for garage/studio purposes only. A stop work order was posted on the property January 12, 2009 for unauthorized construction related to conversion of the garage into a residence. A registered letter was sent to the owner January 15, 2009 outlining the non-conforming issues and the requirements to remedy the situation. There is no record of compliance on this matter and the building was occupied at the time of the site visit.

The Corporation of the District of North Cowichan

7030 Trans Canada Highway
P.O. Box 278, Duncan, BC

Building Department

Phone: 250-746-3100 Fax: 250-746-3154

BUILDING PERMIT

Permit #: **BP006863**

Folio: 15046-000

Issued Date: Aug 25, 2014

Permit Type: **ACCESSORY BUILDING - ALT**

Description: THIS PERMIT HAS BEEN ISSUED FOR THE DECOMMISSIONING OF AN ACCESSORY BUILDING.

ALL PLUMBING, FIXTURES AND COOKING FACILITIES MUST BE REMOVED.

Address: **9384 COTTONWOOD RD**
Legal: SEC 13 RGE 5 CHEM

Zone: R1 RESIDENTIAL RURAL ZO
P.I.D. 010-529-331

Applicant: PARKER, WEBSTER D
Address: 9983 BEACH DR RR 1 CHEMAINUS BC V0R 1K1

Phone: 250-732-8051

Owner: PARKER, WEBSTER D
Address: 9983 BEACH DR RR 1 CHEMAINUS BC V0R 1K1

Phone: 250-732-8051

Description	Quantity	Amount	Description	Quantity	Amount
Bp Fees	0.00	52.50			
			SCANNED		
			Total:		\$52.50

Building Information:

TYPE OF IMPROVEMENT: ALT
FLOOR AREA RATIO (%): N/A

CONSTRUCTION VALUE: 0.00
SITE COVERAGE (%): N/A

Special Conditions:

- * The District of North Cowichan will not be responsible for any errors, deficiencies and omissions in this plan information.
- * Neither the granting of a permit nor the approval of the relevant drawings and specifications nor the inspections made by the District of North Cowichan shall in any way relieve the owner of such a building from full responsibility for the carrying out of work or having work carried out in full accordance with the requirements of the B.C.B.C. 2012
- * Plans have been reviewed for general conformance. It is the designers responsibility for accuracy, adequacy and all code requirements.
- *
- * Contractor shall be prime contractor while working within road right of way

This permit expires and the right of an owner shall terminate, if the work is not commenced within 6 months, or if the work is not completed within 24 months of the date of issue of the permit. All Construction shall conform to the current edition of the B.C. Building Code and approved drawings issued with the Application For Permit For Erection, Alteration, or Repair of a Building. No deviation from these drawings, including site plans, shall be made without authorization being given subject to the same procedures established for the examination of the original plans.

The department reserves the right to reject any work which has been concealed or completed without first having been inspected and approved by the department in accordance with the requirements of the various codes.

Applicant: 

Building Inspector: 

INSPECTION NOTICE

Building & Compliance

Job Location:

9384 Cottonwood Ln

The following item(s) on these premises were inspected today:

- | | |
|---|---|
| <input type="checkbox"/> Footings/Foundation | <input type="checkbox"/> Insulation & Vapour Barrier |
| <input type="checkbox"/> Drain Tile/Damp-proofing | <input type="checkbox"/> Interior Braced Wall Fastening |
| <input type="checkbox"/> Underslab Plumbing | <input type="checkbox"/> Occupancy Inspection |
| <input type="checkbox"/> Rough Plumbing | <input type="checkbox"/> Final Plumbing |
| <input type="checkbox"/> Exterior Braced Wall Fastening | <input checked="" type="checkbox"/> Final Building |
| <input type="checkbox"/> Rough Frame | <input type="checkbox"/> Other _____ |

Inspection indicated that prior to approval, the following items must be corrected:

Complete Items from previous
inspection within 7 days
& call for an inspection by
Dec 1, 2015

Date:

Nov 24 / 2015

Signed:

Rachel Hastings

DO NOT REMOVE THIS TAG

- | | |
|---|--------------|
| <input type="checkbox"/> Inspection Bookings | 250-746-3165 |
| <input type="checkbox"/> Michael Mark, Mgr. Building & Compliance | 250-746-3125 |
| <input type="checkbox"/> Lane Killick, Building Inspector | 250-746-3126 |
| <input type="checkbox"/> Dan Gellein, Building Inspector | 250-746-3179 |
| <input checked="" type="checkbox"/> Rachel Hastings, Building Inspector | 250-746-3127 |

INSPECTION NOTICE

Building & Compliance

Job Location: 9384 Cottonwood

The following item(s) on these premises were inspected today:

- | | |
|---|---|
| <input type="checkbox"/> Footings/Foundation | <input type="checkbox"/> Insulation & Vapour Barrier |
| <input type="checkbox"/> Drain Tile/Damp-proofing | <input type="checkbox"/> Interior Braced Wall Fastening |
| <input type="checkbox"/> Underslab Plumbing | <input type="checkbox"/> Occupancy Inspection |
| <input type="checkbox"/> Rough Plumbing | <input type="checkbox"/> Final Plumbing |
| <input type="checkbox"/> Exterior Braced Wall Fastening | <input checked="" type="checkbox"/> Final Building |
| <input type="checkbox"/> Rough Frame | <input type="checkbox"/> Other _____ |

Inspection indicated that prior to approval, the following items must be corrected:

- ① 220 plug & wiring in wall must be removed & capped properly
 - ② IF Plumbing cannot be capped off @ floor level then the plumbing in the floor to be removed & capped @ that location
 - ③ Copy of Electrical Permit Required
 - ④ Plumbing Pipe @ exterior to be removed Above the cleanout.
- *

Date: Aug 4/15

Signed: Rachel Hastings

DO NOT REMOVE THIS TAG

- | | |
|---|--------------|
| <input type="checkbox"/> Inspection Bookings | 250-746-3165 |
| <input type="checkbox"/> Michael Mark, Mgr. Building & Compliance | 250-746-3125 |
| <input type="checkbox"/> Lane Killick, Building Inspector | 250-746-3126 |
| <input type="checkbox"/> Dan Gellein, Building Inspector | 250-746-3179 |
| <input checked="" type="checkbox"/> Rachel Hastings, Building Inspector | 250-746-3127 |

INSPECTION NOTICE

Building & Compliance

Job Location: 9384 Cottonwood

The following item(s) on these premises were inspected today:

- | | |
|---|---|
| <input type="checkbox"/> Footings/Foundation | <input type="checkbox"/> Insulation & Vapour Barrier |
| <input type="checkbox"/> Drain Tile/Damp-proofing | <input type="checkbox"/> Interior Braced Wall Fastening |
| <input type="checkbox"/> Underslab Plumbing | <input type="checkbox"/> Occupancy Inspection |
| <input type="checkbox"/> Rough Plumbing | <input type="checkbox"/> Final Plumbing |
| <input type="checkbox"/> Exterior Braced Wall Fastening | <input checked="" type="checkbox"/> Final Building |
| <input type="checkbox"/> Rough Frame | <input type="checkbox"/> Other _____ |

Inspection indicated that prior to approval, the following items must be corrected:

- ① Cut Wiring & Remove Breakers @ Panel
*work to be done by Qualified Electrician
Provide Copy of Electrical Permit & final
- ② Cap Plumbing upstairs
- ③ Pour Concrete over in ground piping or
completely remove

Date: June 25/15

Signed: Rachel Hastings

DO NOT REMOVE THIS TAG

- | | |
|---|--------------|
| <input type="checkbox"/> Inspection Bookings | 250-746-3165 |
| <input type="checkbox"/> Michael Mark, Mgr. Building & Compliance | 250-746-3125 |
| <input type="checkbox"/> Lane Killick, Building Inspector | 250-746-3126 |
| <input type="checkbox"/> Dan Gellein, Building Inspector | 250-746-3179 |
| <input checked="" type="checkbox"/> Rachel Hastings, Building Inspector | 250-746-3127 |

District of North Cowichan
FEE SLIP



DISTRICT OF NORTH COWICHAN
Box 278 Duncan BC V9L 3X4
PH# 250 746-3100

Please remit with payment.

Folder: BP006863

BUILDING PERMITS
ACCESSORY BUILDING - ALT

<u>Summary</u>	<u>Outstanding</u>
Building Fees	52.50
TOTAL	\$52.50

Receipt: 9688/4
Dated: Aug 25, 2014
Station: CASHDEV/JACKIE

Aug 25, 2014
11:02:51 AM

CDPMT	BP006863	52.50
Total		52.50
CHEQUE	PARKER, WEBSTER D	-52.50

Thank you for your payment

District of North Cowichan
PO Box, 278, 7030 Trans Canada Hwy
Duncan, BC V9L 3X4
Phone: (250) 746-3100
Fax: (250) 746-3154

FEE SLIP

Folder: BP006863

BUILDING PERMITS
ACCESSORY BUILDING - ALT

Address: 9384 COTTONWOOD RD

<u>Description</u>	<u>Quantity</u>	<u>Amount</u>	<u>Description</u>	<u>Quantity</u>	<u>Amount</u>
Bp Fees	0.00	52.50			
<u>Summary</u>			<u>Outstanding</u>		
Building Fees	52.50	0.00	52.50		
TOTAL	52.50	0.00	52.50		

COPY

SCANNED

Prospero No: CIP00016
Folio No: 15046-000

MR WEBSTER PARKER
9983 BEACH DRIVE
CHEMAINUS
V0R 1K1

Dear Mr Parker

RE: 9384 Cottonwood Road – Illegal building

The purpose of this letter is to follow up on issues following a site visited attended by staff from Development Services on August 14, 2014.

The site visit identified that an accessory building had been converted into a two storey residential building and was being occupied at the time of the site visit. This is contrary to the current zoning of the property. A number of Building Bylaw infractions were also observed with this property during the site visit.

A file review of the property file has identified that a Building Permit #0209240 for an accessory building was issued September 24, 2002, but since this date the property has been converted into a residential building contrary to the Municipality's Zoning and Building Bylaws.

In addition staff noticed on site a number of trailers which appeared to be being used as a "campground". Please note that this use is not permitted in the Residential Rural Zone (R1) and therefore these trailers must be removed from the property.

To legalize the two storey residential building will require you to undertake the following steps:

1. Apply for and obtain a Building Permit to decommission the illegal residential building to return the building to an accessory building, this will include the existing tenants having to vacate the building.

Should you wish to pursue having two separate residential buildings on the property you would need to undertake the following steps:

2. Once item 1. above has been completed, prepare and submit a zoning amendment application to rezone the property from Residential Rural Zone (R1) to allow for an accessory dwelling unit - coach house. Staff would not support a zoning amendment to allow two residential buildings on the property. An accessory dwelling unit – coach house means *'a single storey, self-contained*

dwelling unit that has direct access to the outside at-grade by a set of internal stairs, and forms the second storey of a detached accessory garage building in the rear of the lot'.

We would strongly encourage you to meet with staff to discuss the application requirements and process following the completion of item 1. above. It should also be noted that staff cannot offer any guarantees that your application will be approved by Council.

3. Following a zoning amendment application being obtained, a Building Permit would need to be obtained for the new residential building.

In addition, given that staff is now aware that illegal construction has taken place to create a two storey residential building contrary to our Zoning and Building Bylaw, staff will be taking a report to Council recommending that a Notice on Title be placed on the property. This notice will then only be removed once the property conforms to our Municipal Bylaws.

Sincerely

Brian Green, BSc (hons) Dip TP, MCIP, RPP, MRTPI
Manager of Planning and Sustainability
brian.green@northcowichan.ca
Enclosure 1

C:C Robert Clark, Bylaw Compliance Officer
Rachel Hastings, Building Inspector

Appendix D

April 18, 2018

CFS No: 10533
Folio No: 15046-000

PARKER, WEBSTER D
9983 BEACH DR
RR 1
CHEMAINUS BC V0R 1K1

Dear Mr. Parker:

RE: Illegal Uses and Building at 9384 Cottonwood Road, Chemainus

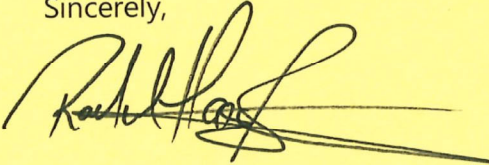
On March 29, 2018, following numerous complaints received by the Municipality, Bylaw Compliance staff visited the subject property. During the site visit, staff became aware of unauthorized uses occurring on the property that are contrary to the Municipality's Zoning and Building Bylaws. The following observations include but are not limited to;

1. Recreational Vehicles (RV) being used for residential purposes which include built structures surrounding some of the RV's
2. A detached accessory building that was previously decommissioned which has continued to be used for habitation.
3. Attic space has been converted to storage space in the detached accessory building and has been identified as a fire hazard.
4. A number of trees that appear to have been cut down within DPA 3 (Natural Environment) without first obtaining the required permit.
5. Multiple burn piles which prohibited materials that have been burnt were still visible.
6. A second dock has been constructed on Fuller Lake without the required permits and approval.

The property is zoned R1 (Residential Rural) (see attached), which does not permit the use of an RV for residential purposes or more than 1 residential building. Use of the RVs for residential purposes which includes overnight stays must cease immediately. Additionally, as only 1 residential building is permitted on the property, all items related to eating, sleeping and sanitary purposes within the accessory building must be removed to ensure this building can no longer be used for habitation.

In order that this matter can be resolved in a timely matter, we require you to respond to the contents of this letter by **May 4th, 2018** outlining how you propose to bring the site into compliance with the Municipality's bylaws. Failure to do so may result in the Municipality initiating legal action to ensure compliance. Your prompt co-operation is greatly appreciated. Should you have any questions please contact me at 250-746-3204 or by email.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rachel Hastings', with a long horizontal flourish extending to the right.

Rachel Hastings
Senior Bylaw Compliance Officer
rachel.hastings@northcowichan.ca

ec manager building and compliance

RESIDENTIAL RURAL ZONE (R1)

Permitted Uses

- BL 3302** 56. (1) The permitted uses for the R1 zone are as follows:
- Agriculture
 - Assisted Living
 - Bed and Breakfast
 - Community Care Facility
 - Home-based Business
 - BL 3367** Modular Home
 - Single-Family Dwelling
 - Supportive Housing
 - Temporary Trailer (subject to "Temporary Trailer Permit Bylaw 1976", No. 1685)
 - Two-Family Dwelling

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 trailer may also be permitted on lots larger than two acres subject to "Temporary Trailer Permit Bylaw 1976", No. 1685.
 - BL3383** (c) The maximum permitted floor space ratio for the R1 zone is 0.5:1.

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')
- BL 3150** (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').

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) Agriculture use shall be subject to "Animal Control Bylaw, 1995", No. 2856.
- BL 3302

(f) Assisted Living, Supportive Housing, and Community Care Facilities may be permitted provided that
 - (v) 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.
- BL 3083

(g) Limited farm sale of agricultural products may be sold directly to the public provided that:
 - (v) 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
- BL3367

(h) Repealed.

Appendix E

INSPECTION NOTICE

Bylaw Compliance

Location:

9384 Cottonwood Rd

The premise was inspected today and found to be deficient with respect to the following bylaw (s):

- | | |
|---|---|
| <input type="checkbox"/> Animal Control Bylaw | <input type="checkbox"/> Soil Removal and Deposit Bylaw |
| <input type="checkbox"/> Building Bylaw | <input type="checkbox"/> Traffic Control Bylaw |
| <input type="checkbox"/> Business Licence Bylaw | <input type="checkbox"/> Unsightly Premise Bylaw |
| <input type="checkbox"/> Fire Protection Bylaw | <input type="checkbox"/> Waterworks Bylaw |
| <input type="checkbox"/> Highway Use Bylaw | <input checked="" type="checkbox"/> Zoning Bylaw |
| <input type="checkbox"/> Noise Bylaw | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Sign Bylaw | |

Inspection indicated the following items must be corrected:

THE PROPERTY IS Zoned R-1 which does not permit the use of an R.V FOR RESIDENTIAL PURPOSES or more than 1 RESIDENT BUILDING. PLEASE NOTE GIVEN THE LENGTH OF TIME AND SUBSTANTIAL RESOURCES ATTRIBUTED TO THIS ENFORCEMENT FILE SHOULD ANOTHER REPORT BE RECEIVED OF OCCUPANCY OF THE DETACHED ACCESSORY BUILDING BYLAW SERVICES WILL FORWARD A REMEDIAL ACTION REPORT TO COUNCIL FOR THE REMOVAL OF THE ACCESSORY BUILDING

FIRE HAZARDS IDENTIFIED IN THE April 18, 2018 #3 HAS BEEN RECTIFIED.

Date:

Jan 23, 2019

Signed:

Rachel Hastings

☒ Rachel Hastings, Bylaw Compliance 250-746-3204

☐ Mike Dunn, Bylaw Compliance 250-746-3108

If another inspection is required please call :

250-746-3165

Please note that this does not purport to certify compliance with all other requirements of North Cowichan Bylaws.

Appendix F

ORDER

Section 31, *Public Health Act*, S.B.C. 2008, Chapter 28 & Section 11 of the Sewerage System Regulation, BC Reg. 326/04

To: Webster Daniel Parker
9983 Beach Drive
Chemainus, BC V0R 1K1

Pursuant to Section 25 of the British Columbia Public Health Act, I Jennifer Alison Gardner Environmental Health Officer, of the Vancouver Island Health Authority, on April 11, 2019 conducted an inspection of your property located at 9384 Cottonwood Road Chemainus BC and legally described as: PID # 010-529-331 - That Part of Section 13, Range 5, Chemainus District, Lying to the East of Fuller Lake and to the North of Parcel A (DD 895401) Shown Outlined in Red on Plan DD 7789F, Except Part in Plan 33487 hereafter referred to as the "Property". The Property is owned by Webster Daniel Parker.

As a result of my inspection, I have reasonable and probable grounds to believe and do believe that you are in contravention of the Sewerage System Regulation (BC Regulation 326/2004) hereafter referred to as the "Regulation". This opinion is based on the following:

- At the time of the inspection on April 11, 2019 the following was observed:

Sewage, including toilet paper, was observed on the ground surface behind the "Studio" structure on the property.

According to Section 3(1) (b) of the Regulation, it is the duty of the owner of every parcel on which a structure is constructed or located to ensure that all domestic sewage originating from the structure does not cause or contribute to a health hazard.

Whereas you have violated that duty, effective upon receipt of this Order, I exercise my authority under Section 31 of the *Public Health Act* and Section 11 of the Regulation and hereby order you to:

1. Immediately cease the discharge of sewage onto the ground surface.
2. Immediately remove all sewage form the ground surface and dispose of in an approved sewerage system.
3. Immediately cover all contaminated soils with lime or bleach and cover the affected area with a minimum of 15 cm of topsoil.

It is an offence under Section 99(1) (k) of the *Public Health Act* to fail to comply with an order of a Health Officer, such as this Order.

Section 43 of the *Public Health Act* gives you the right to request the issuing Health Officer to reconsider the Order.

I request your cooperation with this Order.

Dated at Duncan, BC this 16 day of April 2019.



J. Alison Gardner, CPHI(C)
Environmental Health Officer

e.c.: Craig Nowakowski, Supervisor Health Protection and Environmental Services
Rory Beise, Regional Drinking Water and Land Use Consultant
c.c.: Rachel Hastings, Senior Bylaw Compliance Officer, MNC

JAG/ct

Report

Date September 4, 2019

To Council

From Natasha Horsman, Manager, Communications and Public Engagement

Subject 2019 - Citizen Satisfaction Survey Follow Up

File:

Endorsed:



Purpose

To provide Council with supplemental information requested by Council on specific aspects of the 2019 Citizen Satisfaction Survey results.

Background

Citizen satisfaction surveys are a statistically valid method of collecting feedback from residents about their satisfaction with the Municipality's programs and services.

Through a competitive bid process, eNRG Research Group was selected as the successful consultant to conduct North Cowichan's first ever Citizen Satisfaction Survey. The survey took place from May 29 – June 17, 2019 and contacted 400 individuals by telephone (landlines and cell phones). With a margin of error of +/- 4.9%, these survey results can be generalized to North Cowichan's entire adult population within 4.9%, 19 times out of 20.

eNRG Research Group presented the survey results at the July 17, 2019 Council meeting, highlighting positive results overall: 97% of residents rate the overall quality of life in North Cowichan as good or very good, 89% of residents are satisfied with the overall level and quality of services provided by North Cowichan, and 4 in 5 residents feel that they get good value for their tax dollars.

When the survey results were presented in July, Council requested a detailed demographic breakdown and further insight into a few survey questions. The attached report provides the supplemental information requested by Council.

Recommendation

That Council receive the additional information on the 2019 Citizen Satisfaction Survey results for information and consider the results when determining priorities.

Attachment(s):

- Appendix 1: Supplementary Analysis: North Cowichan Citizen Satisfaction Survey 2019
- Appendix 2: Overview of Results: North Cowichan Citizen Satisfaction Survey 2019



District of North Cowichan Citizen Satisfaction Survey 2019

Supplementary Analysis

September 4, 2019

About NRG & Citizen Satisfaction Survey experience

- ✓ Marketing and public affairs research company with over 35 years of experience conducting general population, consumer and business-to-business research.
- ✓ Head office is in Vancouver, with regional offices in Calgary, Winnipeg and Toronto.
- ✓ 35 professional staff, 200+ call centre staff.
- ✓ Innovative customized telephone, online, onsite, and qualitative research solutions.
- ✓ Citizen satisfaction and quality of life studies is one of our specialities. We have conducted surveys for many communities, most notably for City of Victoria, Districts of Central Saanich and Oak Bay, CVRD, and Town of View Royal.



Validity of telephone surveys

All research methods have strengths and limitations. In choosing the right method, we consider the study objectives, potential budget and timeframe, desire for precision and representativeness and population characteristics.

- ✓ Data collection was primarily done via telephone survey using random digit dialling (RDD). Offered respondents the option of completing the survey online if they were not able to do so at the time of telephone contact.
- ✓ RDD (which includes cell numbers) ensures a robust sample amongst North Cowichan residents with the sampling frame close to the entire adult population of the District.
 - This is not possible from a proprietary online panel which would have a very limited selection of households to draw from.
- ✓ Households with landlines continue to be in the majority -- recent studies show 27.5% of all Canadian households are cell phone only.
- ✓ The RDD sample was supplemented by additional confirmed cell phone sample from the District of North Cowichan.
- ✓ With RDD and cell sample, we can provide the appropriate margin of error for the survey, which cannot be obtained from an online panel.

Methodology: Data Collection

Details of Data Collection

- Telephone interviewing was conducted from May 29 to June 17, 2019.

Disposition Results	Counts
Total sample of North Cowichan residents called	14,396
Persons reached	2,480
Interviews completed	439
Interviews removed as deemed out of District	39
Completed interviews among residents analyzed	400

- Based on the total of 400 valid survey completions, the maximum margin of error is $\pm 4.9\%$, 19 times out of 20.
- Response rates to the survey were:
 - 18% among people reached
 - 3% among total sample called

Comparisons of demographics: unweighted vs. weighted proportions by age and gender

Weighting was based on age brackets and gender proportions as per the 2016 Stats Can Census for the District of North Cowichan.

Weighting was used to make the survey results as representative as possible to the actual proportions of the district by age and gender to ensure the findings reflect the demographic profile of North Cowichan residents.

Of note: Some residents who were called about the survey were screened out of the study as the appropriate number of responses had been completed in their specific age bracket. This was a learning experience and we modified the interviewer script mid-survey to ensure residents were properly informed about why they were being screened out.

Variables weighted - to census	Unweighted %	Weighted %
Age		
18-34	7%	19% ↑
35-54	22%	29% ↑
55+	70%	51% ↓
Gender		
Male	41%	48% ↑
Female	59%	52% ↓

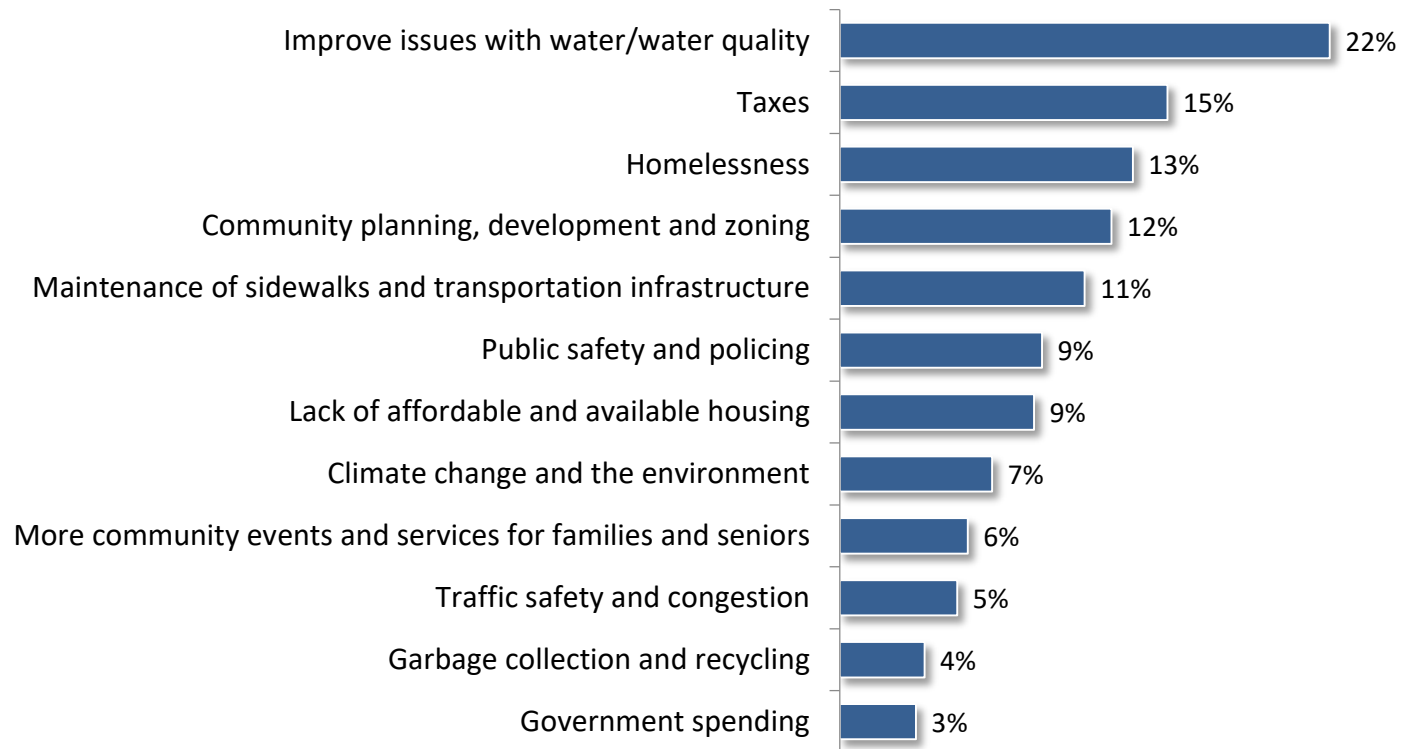
Household income Comparison: Survey vs. Census	Survey Weighted %	Census Proportions
Less than \$50,000	32%	38%
\$50,000 to less than \$100,000	39%	35%
\$100,000 and over	29%	27%

Follow-Up to Council Request for Additional Information (July)



Most important challenges facing the community

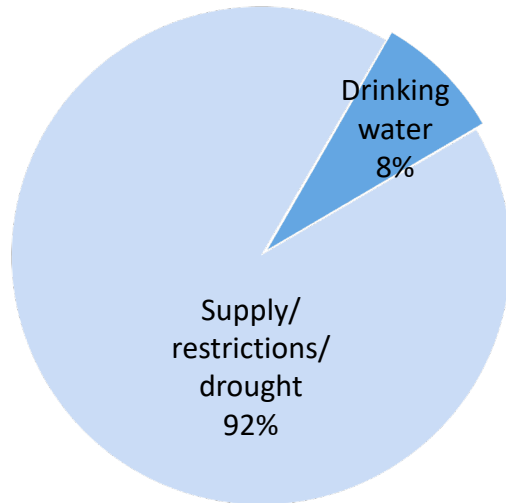
What do you feel are the most important challenges facing North Cowichan?
(All Mentions - Unaided)





Most important challenges facing the community: Focus on “improve issues with water/water quality”

Categorized comments for “improve issues with water/water quality”



Base size: n=90

Verbatims relating to “improve issues with water/water quality”

“Drinking water - it is not very good, it’s not clean drinking water. It always has too much chemicals in it.”

Select verbatims related to drinking water

“Drinking water, when the weather is dry.”

“Drinking water quality and sewer smells.”

“Well, I would say the water situation. We have had warnings about the water and not to drink it, so now we're on well water.”

“The water issue with depleting the reservoirs and the river.”

“Low rivers, water usage in the summer and not being able to water the lawn.”

“Water supply, every year we are almost in a drought. We end up with water restrictions, massive water well that they don't control well.”

Select verbatims related to water generally (supply, drought, restrictions)



Most important challenges facing the community: Focus on “climate change and the environment”- select verbatims

“The drought that is happening.”

“The state of our rivers. We're eroding away everything that holds the rivers. Because of the development. It doesn't help the wonderful environment that we love here. Resources for the community that we have.”

“The environment, how climate change is impacting us and what we can do about it.”

“Air quality. It's dirty, it stinks, and nobody seems to do anything about it. It smells of septic and there's black particulates in the air.”

“Environmental and residential growth and natural resources like water.”

“Global warming and the environment.”

“Protection of the environment. Main 6 mountains logging come to an end.”

“Responsibly dealing with climate change issues. Looking at developing the community in regards to climate change.”

Base size: n=28

Verbatims relating to “climate change and the environment”



Most important challenges facing the community: environment/climate change references from other municipalities

Municipalities	Mentions of environment/climate change as important issue
District of North Cowichan (2019)	Climate change and the environment = 7%
Town of View Royal (2019)	Climate change and the environment = 3%
District of Saanich (2019)*	Environment = 9% (<i>Environment/enhanced green spaces</i>)
City of Duncan (2014, 2016, 2019)*	Climate/weather/climate change = 1% (across all 3 years)
City of Vancouver (2018)*	Environment/sustainability = 10%
City of Kelowna (2018)*	Environment = 2%
Port Coquitlam (2017)*	Environment = 4%
Cowichan Valley Regional District (2016)	Protection of environment = 4%
District of Oak Bay (2016)	Climate change = 1%
District of Central Saanich (2015)	Protection of environment = 6%


* Recent publicly available studies



Most important challenges facing the community: breakdown by community

Most important challenges – Top 12 – For select communities	Total (n=400)	Chemainus (n=76)	Crofton (n=36)	Maple Bay (n=55)	Other (n=233)
Improve issues with water/water quality	22%	27%	15%	36%	20%
Taxes	15%	22%	18%	18%	12%
Homelessness	13%	2%	7%	12%	18%
Community planning, development and zoning	12%	10%	10%	27%	10%
Maintenance of sidewalks and transportation infrastructure	11%	7%	14%	11%	12%
Public safety and policing	9%	10%	2%	5%	11%
Lack of affordable and available housing	9%	2%	12%	5%	11%
Climate change and the environment	7%	9%	9%	6%	6%
More community events and services for families and seniors	6%	6%	4%	1%	7%
Traffic safety and congestion	5%	9%	3%	5%	5%
Garbage collection and recycling	4%	6%	7%	7%	2%
Government spending	3%	2%	1%	1%	5%
Other	19%	14%	18%	19%	20%
Nothing	1%	2%	-	3%	0%
Don't know	9%	13%	12%	5%	8%

Challenges mentioned by at least 3% of residents are displayed

 - Indicates significantly higher than other communities at 95% confidence level



Attitudes on North Cowichan's population growth (Q21): Select demographic profile

Demographics	Total (n=400)	Grow at a faster rate (n=36)	Grow at about the same rate (n=205)	Grow at a slower rate (n=111)	Do not want to grow at all (n=39)
<i>Proportion of total sample</i>		9%	51%	28%	10%
Age					
18-34	19%	53%	16%	17%	12%
35-54	29%	20%	34%	23%	22%
55+	51%	25%	48%	59%	60%
Gender					
Male	48%	57%	48%	47%	46%
Female	52%	43%	52%	53%	54%
Years lived in District					
<15 years	35%	43%	34%	40%	21%
15 to <30 years	31%	42%	33%	23%	36%
30+ years	34%	16%	33%	38%	43%
Household income					
Less than \$50,000	27%	22%	26%	27%	35%
\$50,000 to less than \$100,000	33%	39%	31%	36%	30%
\$100,000 and over	25%	25%	29%	23%	8%
Community live in					
Chemainus	15%	9%	14%	19%	22%
Crofton	11%	11%	11%	15%	7%
Maple Bay	13%	17%	13%	10%	10%
Other	60%	63%	62%	55%	61%

○ / □ - Indicates significantly higher/lower than the other group(s) at 95% confidence level



Approaches to service levels and property taxes (Q9): Demographic profile


Demographics	Total (n=400)	Increase taxes to maintain/enhance services/reserve funds (n=220)	Cut services to maintain or reduce taxes (n=111)
<i>Proportion of total sample</i>		55%	28%
Age			
18-34	19%	24%	15%
35-54	29%	28%	28%
55+	51%	47%	57%
Gender			
Male	48%	45%	53%
Female	52%	55%	47%
Years lived in District			
<15 years	35%	38%	27%
15 to <30 years	31%	30%	27%
30+ years	34%	32%	46%
Household income			
Less than \$50,000	27%	29%	22%
\$50,000 to less than \$100,000	33%	35%	37%
\$100,000 and over	25%	25%	25%
Community live in			
Chemainus	15%	14%	20%
Crofton	11%	12%	6%
Maple Bay	13%	12%	14%
Other	60%	62%	60%

○ - Indicates significantly higher than the other group at 95% confidence level



Amount of information received from North Cowichan (Q13): Demographic profile

Demographics	Total (n=400)	Just the right amount (n=254)	Too little (n=134)
<i>Proportion of total sample</i>		63%	33%
Age			
18-34	19%	18%	25%
35-54	29%	28%	33%
55+	51%	54%	42%
Gender			
Male	48%	48%	48%
Female	52%	52%	52%
Years lived in District			
<15 years	35%	35%	36%
15 to <30 years	31%	29%	35%
30+ years	34%	37%	29%
Household income			
Less than \$50,000	27%	24%	34%
\$50,000 to less than \$100,000	33%	38%	26%
\$100,000 and over	25%	23%	28%
Community live in			
Chemainus	15%	15%	15%
Crofton	11%	11%	10%
Maple Bay	13%	14%	12%
Other	60%	55%	61%

 - Indicates significantly higher than the other group at 95% confidence level

Thank you.

Questions?



District of North Cowichan Citizen Satisfaction Survey 2019

July 17, 2019

Tim Chan, Vice President

Agenda

- Survey Background and Objectives
- Methodology
- Executive Summary
- Issues Agenda and Current Service Levels
- Interactions with the District
- Planning for the Future
- Conclusions and Recommendations

Community Satisfaction Survey: Background and Objectives

Survey Background and Objectives

Background

The Municipality of North Cowichan commissioned NRG to conduct the first Citizen Satisfaction Survey among residents of the District. The intent of the survey is to provide the Municipality with information regarding the awareness, use and satisfaction with current service levels, as well as information regarding perceptions of potential future directions.

Objectives

The objectives of the Citizen Satisfaction Survey were to:

- Identify the most important local issues to residents of North Cowichan;
- Gauge satisfaction with overall quality of life, the overall level and quality of services provided by North Cowichan, and specific services offered by North Cowichan;
- Understand perceptions of value for tax dollars;
- Determine the types and sources of information desired by residents, as well as preferred contact method for future interactions; and,
- Gauge responses to potential approaches to funding future large projects, as well as strategies for balancing funding and service levels.

Methodology

Methodology: Data Collection

Three Modes of Data Collection

1. The study was primarily conducted via telephone interviewing, using phone numbers (both landline and cellphone) for the District of North Cowichan.
2. If respondent was unable or unwilling to participate when reached by phone, they were also given the opportunity to participate through an online survey. The interviewer would collect the respondent's email address and a personalized link would be emailed to the respondent within the next few business days.
3. The study was also offered via an open link online survey (publicized in a news release titled "North Cowichan Launches First Ever Citizen Satisfaction Survey" that contained a link to the survey) in parallel with the telephone survey.

Notes on Sampling

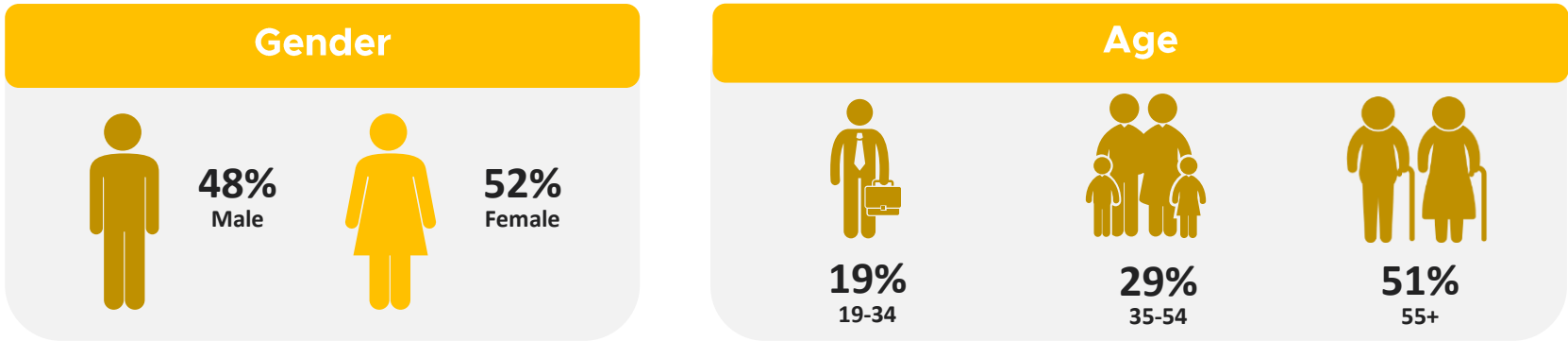
- Results from modes 1 and 2 are included in this analysis; these are considered to be collected via random sampling and are therefore appropriate for statistical analysis.
- Open link results will be shared with the District of North Cowichan under separate cover. These results should be considered directional as they were not collected via random sampling and thus may not be representative.

Methodology: Data Collection

Details of Data Collection

- Telephone interviewing was conducted from May 29 through June 17, 2019. Online invitations were also sent during this period as requested.
- The parallel open link was launched a week later as requested by North Cowichan, thus was active from June 11 to June 25, 2019.
- A total of 400 North Cowichan households were included in the final results:
 - 395 collected by telephone
 - 5 collected online through an email invitation
- Based on the total population and sample size, the maximum margin of error for the total sample is $\pm 4.9\%$, 19 times out of 20.
- Potential participants were ineligible for the study if:
 - They do not reside in the District of North Cowichan.
 - A member of the household works for the Municipality of North Cowichan (including municipal employees, volunteer firefighters, and elected officials for the Municipality), or in the fields of marketing research or media.

Demographics (weighted proportions)



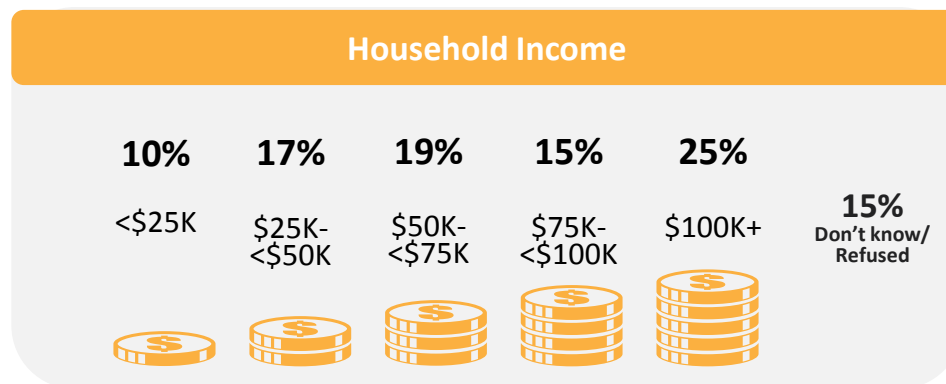
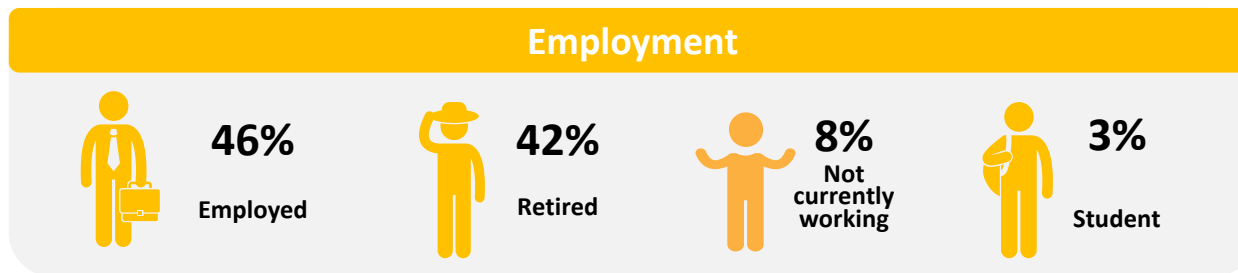
Data were weighted by gender and age based on 2016 Census proportions to ensure demographic representativeness of results to the population of the District of North Cowichan.

Demographics



- **The majority are longer-term residents of North Cowichan:**
 - 34% have lived in North Cowichan for thirty or more years
 - 21% have lived in North Cowichan for twenty to fewer than thirty years
 - 22% have lived in North Cowichan for ten to fewer than twenty years
 - 23% are relatively new to the area, with fewer than ten years in residence
- **Four in five (81%) are homeowners; 17% rent their current home.**
- **Most share their home with other household members; however, few of these households include children under 18:**
 - 62% of households have one or two members, and 38% have three or more.
 - 26% of households include children under 18.
- **The majority say they plan to continue living in North Cowichan:**
 - 67% say they will live in North Cowichan for at least 10 years
 - 16% say they will live in North Cowichan for less than 5 years
 - 11% say they expect to live in North Cowichan for 6-10 years

Demographics



- **Most are college or university-educated:**
 - 7% have less than a high school education
 - 23% have a high-school diploma
 - 23% attended but did not complete post-secondary studies
 - 36% completed a post-secondary degree or diploma
 - 11% have a post-graduate education

Executive Summary

Executive Summary

Issues Agenda and Current Service Levels

- When residents are asked, on an unaided basis, to name the most important challenge facing North Cowichan, the most commonly cited challenge is improving water quality (mentioned by 22% of residents).
- When asked to pick one issue for local leaders to take action on, the most mentioned subject is homelessness/drug addiction (17%).
- Parks, greenspace and natural beauty are aspects about North Cowichan that nearly one-half (48%) of residents reference as their favorite things about the District.
- Nearly all residents rate the overall quality of life in North Cowichan as good (97% rate it as either very good or good).
- Satisfaction with the overall level and quality of services provided by North Cowichan is also very high (89% rate this as very satisfied or somewhat satisfied).
 - Among specific services, community planning has the most room for improvement (73% are satisfied), followed by bylaw enforcement (70%) and development and building permits (59%). Note that 'community planning' may mean different things to different people and was not specifically defined in the survey.
 - Among specific services, development and building permits has the most room for improvement (59% are satisfied), followed by bylaw enforcement (70%) and community planning (73%). Note that community planning may mean different things to different people and was not specifically defined in the survey, which may account for lower satisfaction levels.

Executive Summary

Issues Agenda and Current Service Levels *(continued)*

- The services that have the greatest influence on the overall level and quality of services rating for the District are road maintenance and community planning (22% and 16% share of impact, respectively).
- Four-in-five residents (80%) feel that they get good value overall for their tax dollars, given all the programs and services they receive from North Cowichan.
- Fewer than one-half (44%) of residents surveyed personally contacted or dealt with a North Cowichan employee within the past year. This contact was most commonly either in-person (61%) or by telephone (42%).
 - Satisfaction with North Cowichan staff interactions was generally good, with the staff's ability to resolve issues having the most room for improvement (72% are either very satisfied or somewhat satisfied).
- Nearly two-thirds (63% of residents) feel they currently receive just the right amount of information from North Cowichan. However, one-third (33%) believe they receive too little information from the District.
 - Fewer residents want North Cowichan to provide them with information about engagement opportunities (43%) and council meetings (40%) than other types of information (i.e. taxes, development planning, etc.)
- The most common sources residents would use to find information about North Cowichan include: the District's website (51%), the Internet/Google (41%), call the District office directly or speak with staff (26%) and the local newspaper (22%).
- Three-quarters of residents (74%) are satisfied with their opportunities to provide input to the District of North Cowichan on their views and priorities.

Executive Summary

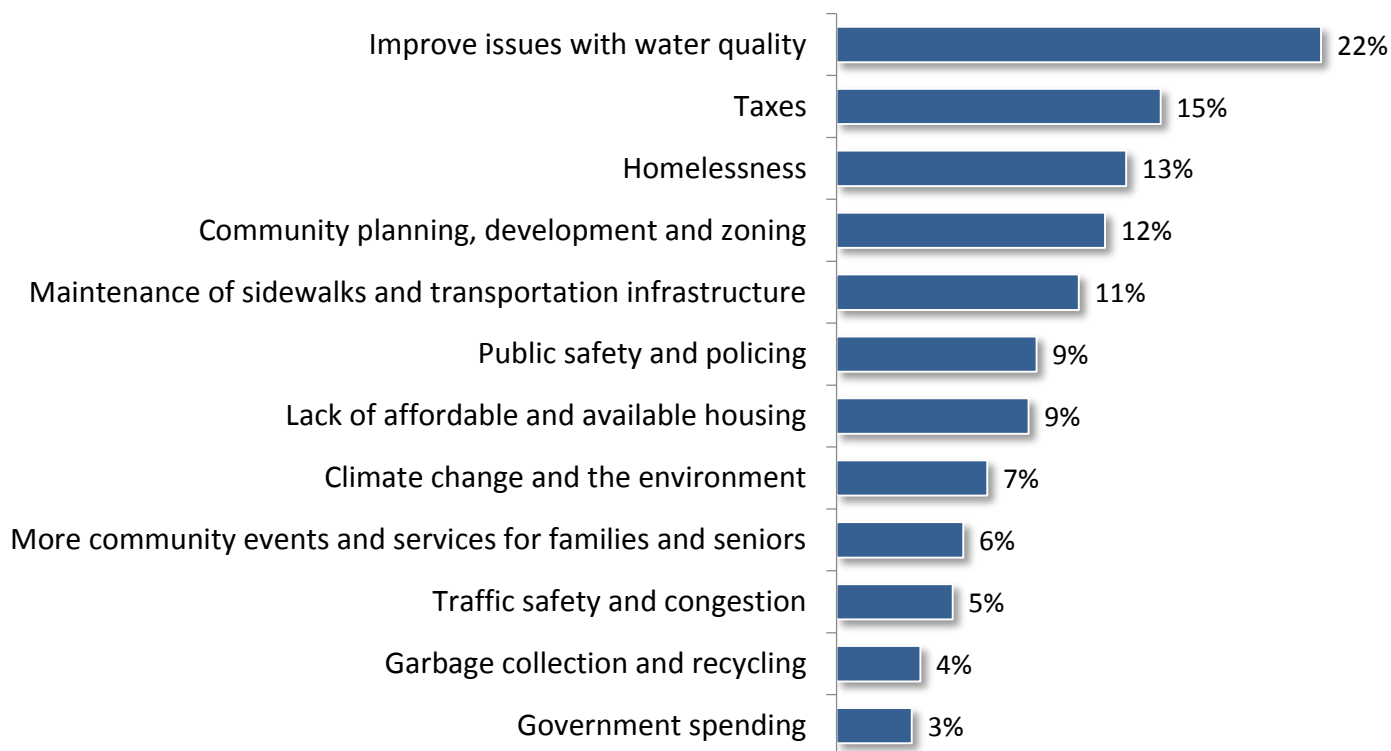
Planning for the Future

- The most preferred means to be contacted by North Cowichan in the future are email (46%), mail (29%) and telephone (15%).
- The most preferred way to do business with North Cowichan are in-person at municipal hall (61% selecting), and online via the website (26%).
 - Older residents prefer the in-person approach (72% among those aged 55+), while among those aged 19-34 preference is the same for in-person and online (41% and 40% respectively).
- If there were an emergency situation in North Cowichan, the largest proportion would prefer to receive communication from the District about what to do via cell phone (40%), followed by radio (19%) or landline phone (14%).
- Overall, more residents like the changes to North Cowichan over the last 5-10 years than dislike them (63% versus 20% respectively).
 - Among those indicating they do not like the changes to the District, the leading reasons cited relate to community planning/development and zoning/density issues.
- One-half (51%) of residents would prefer to see North Cowichan's population continue to grow by about the same rate of 1% per year in the future. Just over one-quarter (28%) would prefer to see the District grow at a slower rate.
- When thinking about current service levels/infrastructure and property taxes, twice as many would prefer the District increase taxes (55%) than cut services (28%).

Results:
Issues Agenda and Current Service Levels

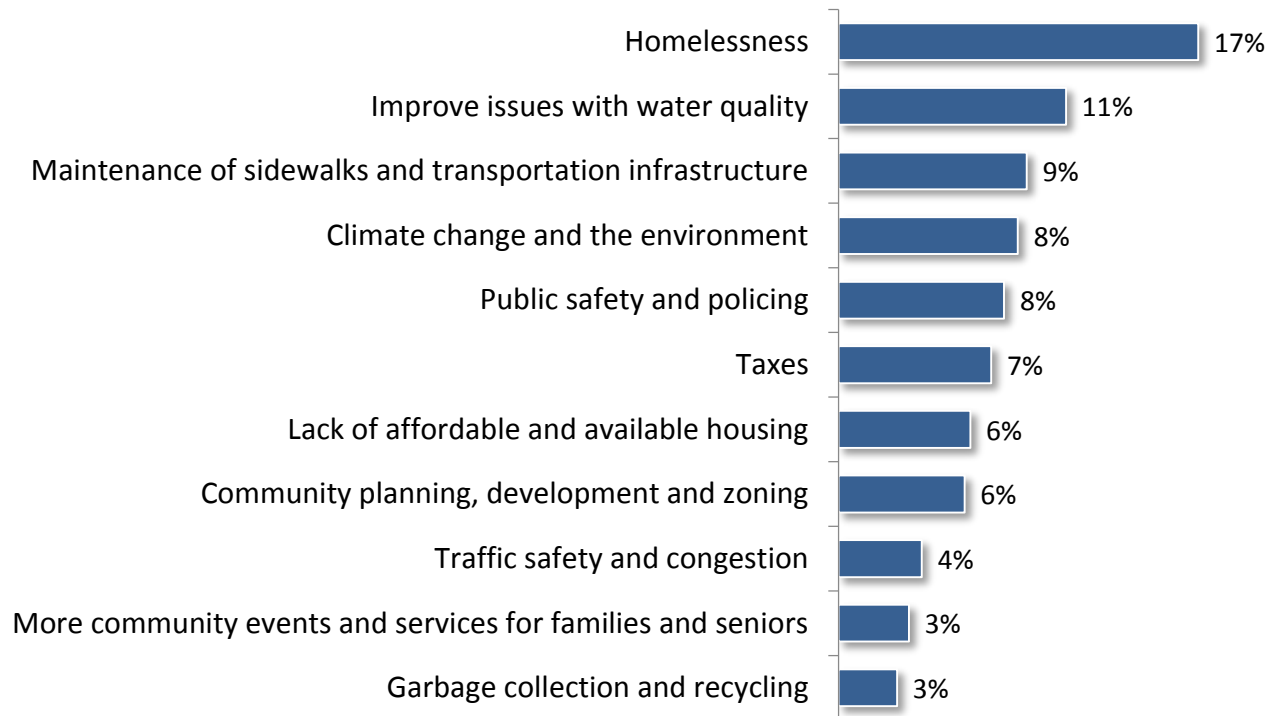
Most important challenges facing the community

What do you feel are the most important challenges facing North Cowichan?
(All Mentions)



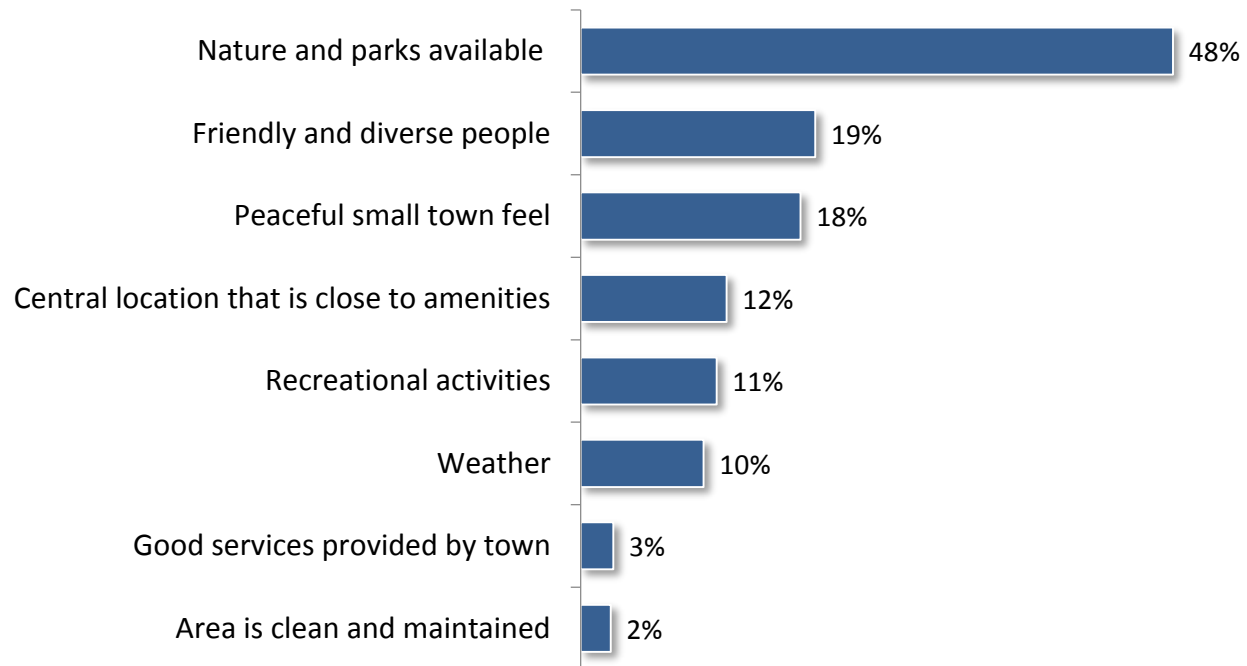
Key issue for local leaders to take action on

If you had to pick only one issue for your local leaders to take action on, what would it be?
(All Mentions)



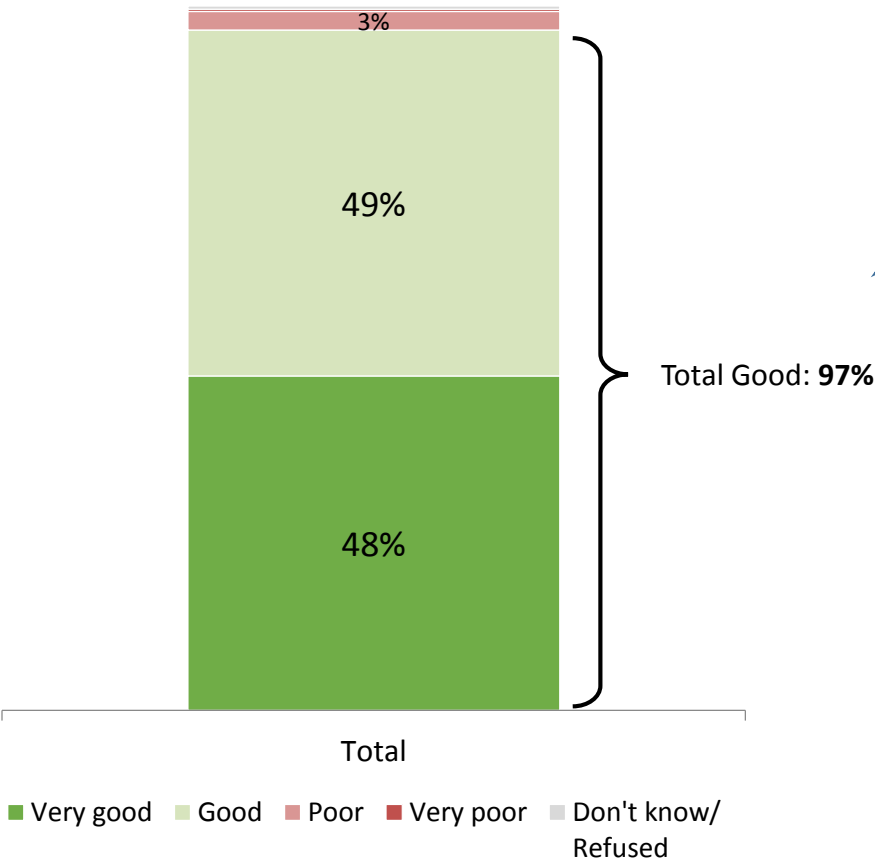
Favorite thing about North Cowichan

What is your favorite thing about North Cowichan?
(All Mentions)



Overall quality of life in North Cowichan

How would you rate the overall quality of life in North Cowichan today?



OTHER SELECT BC COMMUNITIES:

Oak Bay (2016): 99% good, 77% very good;

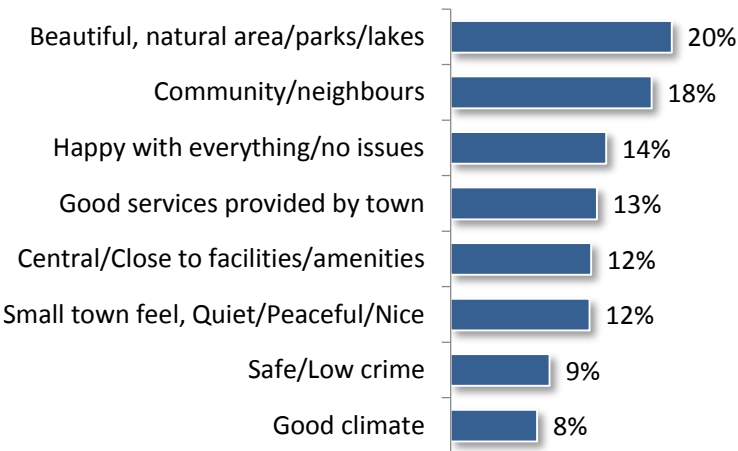
Town of View Royal (2019): 99% good, 59% very good;

Port Coquitlam (2017): 98% good, 48% very good;

Central Saanich (2015): 97% good, 57% very good;

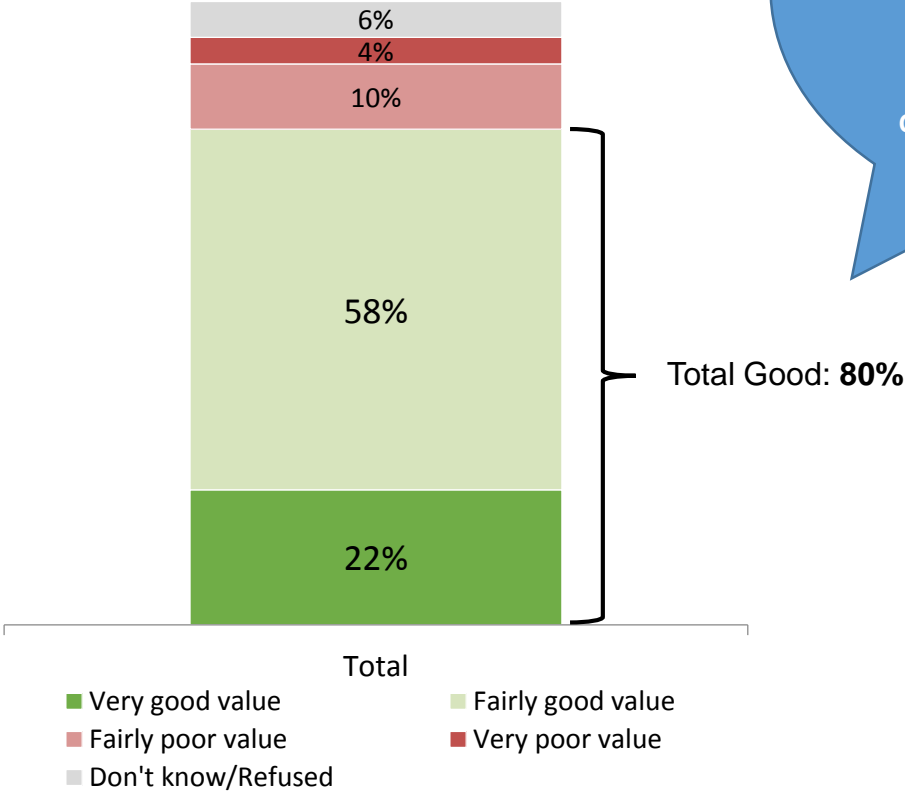
Kelowna (2018): 94% good, 36% very good

Why do you say the overall quality of life in North Cowichan is good/very good?



Value for tax dollars

Thinking about all the programs and services you receive from North Cowichan, would you say overall that you get good value or poor value for your tax dollars?



OTHER SELECT BC COMMUNITIES:

View Royal (2019): 86% good, 41% very good;

Port Coquitlam (2017): 86% good, 21% very good;

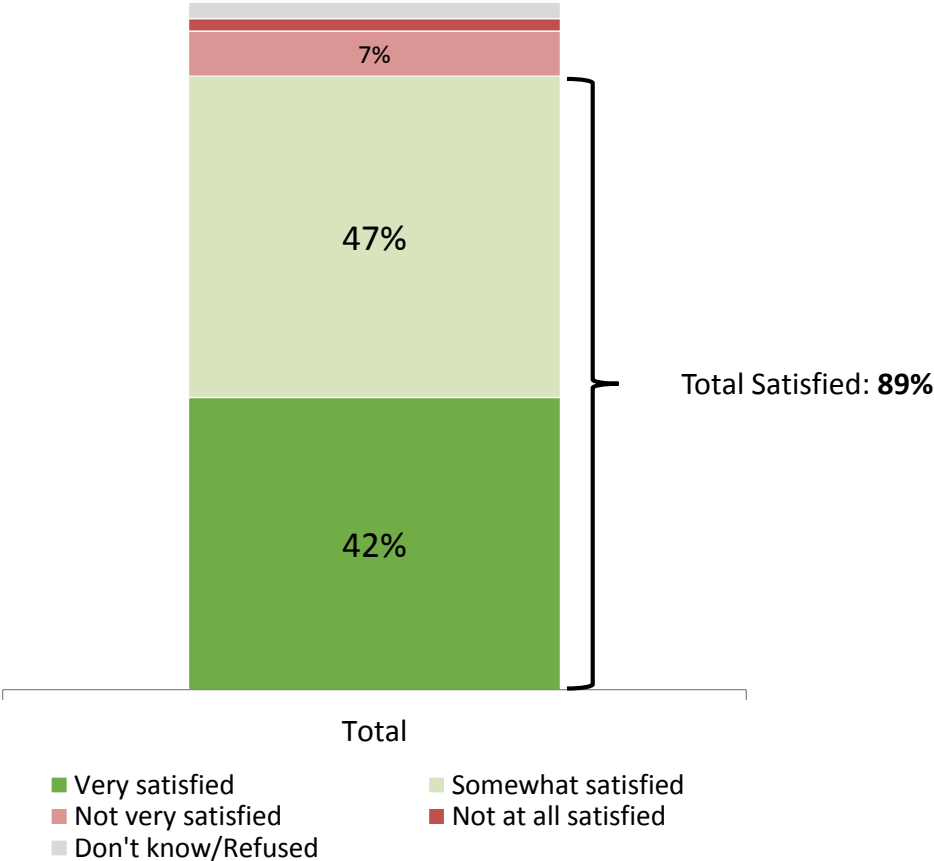
Oak Bay (2016): 83% good, 37% very good;

Kelowna (2018): 79% good, 16% very good

Central Saanich (2015): 78% good, 25% very good;

Satisfaction with overall level and quality of services

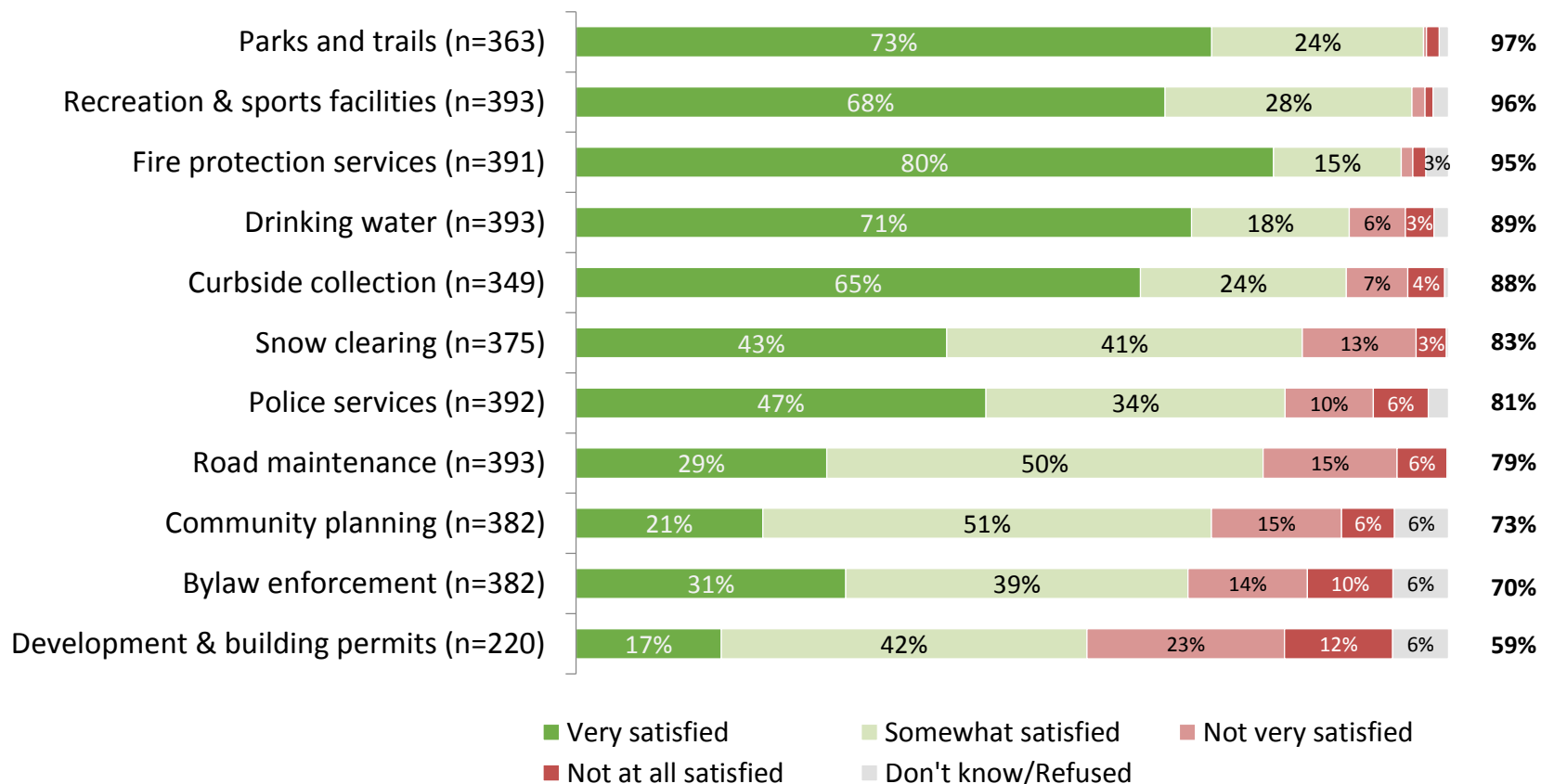
How satisfied are you with the overall level and quality of services provided by North Cowichan?



Satisfaction with specific North Cowichan services

How satisfied are you with the following services*

Total Very/
Somewhat
Satisfied



Influencers on Satisfaction with the Overall Level and Quality of Services provided by North Cowichan

Key Driver Analysis allows for the identification of particular aspects of the services provided by North Cowichan that are having a greater impact on or drive resident's satisfaction with the overall level and quality of services provided by North Cowichan. NRG constructed and ran a regression model using the data collected from local residents of North Cowichan. Key driver analysis was performed against the variable, *Satisfaction with the overall level and quality of services provided by North Cowichan*. The Key Driver Analysis reveals the strength of the relationship between the specific aspects (independent variables) and the key measure or metric (the dependent variable).

The following variables were used in the key driver analysis.

Dependent variable:

Satisfaction with the Overall Level and Quality of Services provided by North Cowichan (Q6)

Independent variables:

Satisfaction with the Specific Services provided by North Cowichan (Q7)

Methodology: Each of the service aspects' average satisfaction scores are calculated and then outlaid with it's relative and derived importance on the satisfaction with the overall level and quality of services provided by North Cowichan. The importance scores are derived from a Shapley Value Regression taking the relative importance scores. The scores are then mean centered and normalized to produce the coordinates for the importance scale (X-axis). The same method is used for the average satisfaction scores of each service aspect to produce the coordinates for the performance scale (Y-axis). Quadrants are set by establishing the average performance rating and derived importance scores across all of the service aspects that were rated. Therefore, this analysis provides a relative comparison of which areas to focus on to either improve or maintain.

The regression model built for this key driver analysis yielded an R Squared of 0.41 – meaning that 41% of the variation in the overall satisfaction scores can be explained by the service aspects. That level of R Squared score suggests a substantial amount of variance being explained by the regression model which indicates that the model is a good fit.

Key Driver Analysis: Categories

The four quadrants are divided into the following:

Reinforce: High importance; high performance (upper right quadrant)

- Perceptions of North Cowichan's level of service on these aspects performs well and is deemed as critical to residents' overall satisfaction with the level and quality of services provided by the Municipality. These are the core strengths and it is critical to ensure these service aspects are maintained or strengthen its position.

Focus: High importance; low performance (lower right quadrant)

- These critical service aspects are perceived to be performing relatively poorly and they should be given the highest priority and focus. These are the core weaknesses and it is critical to improve and strengthen these service aspects.

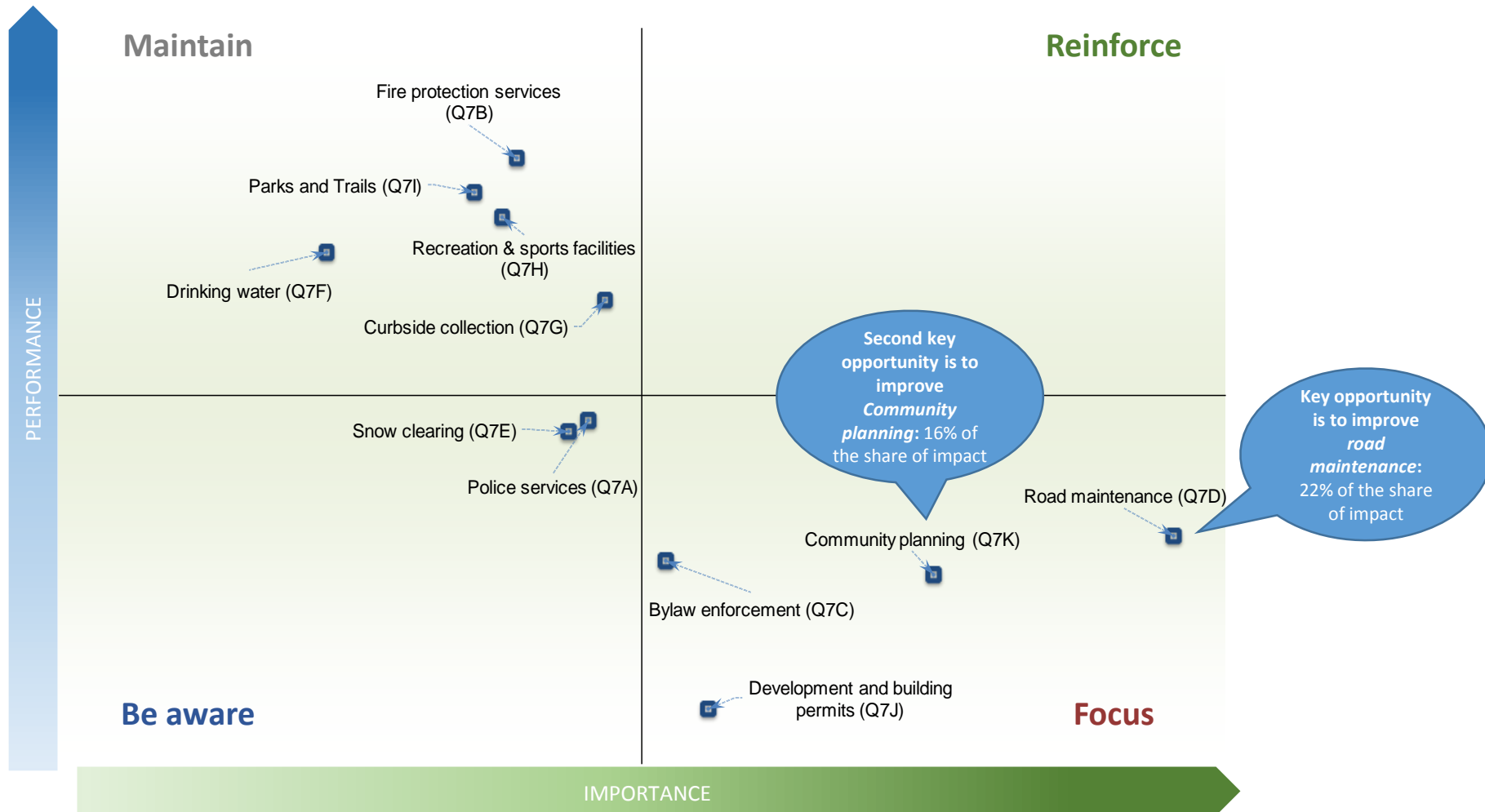
Maintain: Low importance; high performance (upper left quadrant)

- These service aspects are found to have a relatively weaker impact on residents' overall satisfaction with the level and quality of services provided by the Municipality. However, they are relatively well regarded by residents and should be at a minimum maintained.

Be aware: Low importance; low performance (lower left quadrant)

- While residents perceive these service aspects as not performing well by North Cowichan, they also do not significantly impact their satisfaction with the overall level and quality of services provided by the Municipality. Thus, they should not be a priority or focus for any action at this time.

Key Driver Analysis: Areas of focus



Key Driver Analysis: Category Breakdown

Focus:

These are areas of critical weaknesses that residents perceive about the level and quality of service provided by North Cowichan and it is important to focus on these service aspects to improve overall satisfaction. The service aspects in this quadrant are key opportunities and key drivers of resident's overall satisfaction, which should be given the highest priority.

The service aspects are:

- Road maintenance (Q7D)
- Community planning (Q7K)
- Development and building permits (Q7J)
- Bylaw enforcement (Q7C)

Maintain:

These aspects are found to not have a significant impact on the satisfaction of the overall level and quality of services provided by the Municipality, but they are perceived to be performing relatively well by residents. The performance level of these service aspects should be at a minimum maintained. The service aspects that fall into this quadrant are:

- Curbside collection (Q7G)
- Fire protection services (Q7B)
- Recreation and sports facilities (Q7H)
- Parks and trails (Q7I)
- Drinking water (Q7F)

In particular, focus and attention should be given to *Curbside collection (Q7G)* as this aspect is relatively higher on the importance spectrum than the other service aspects in this quadrant. It is important to continue to maintain or if time and resources allow, improve the performance level of this service aspect.

Be aware:

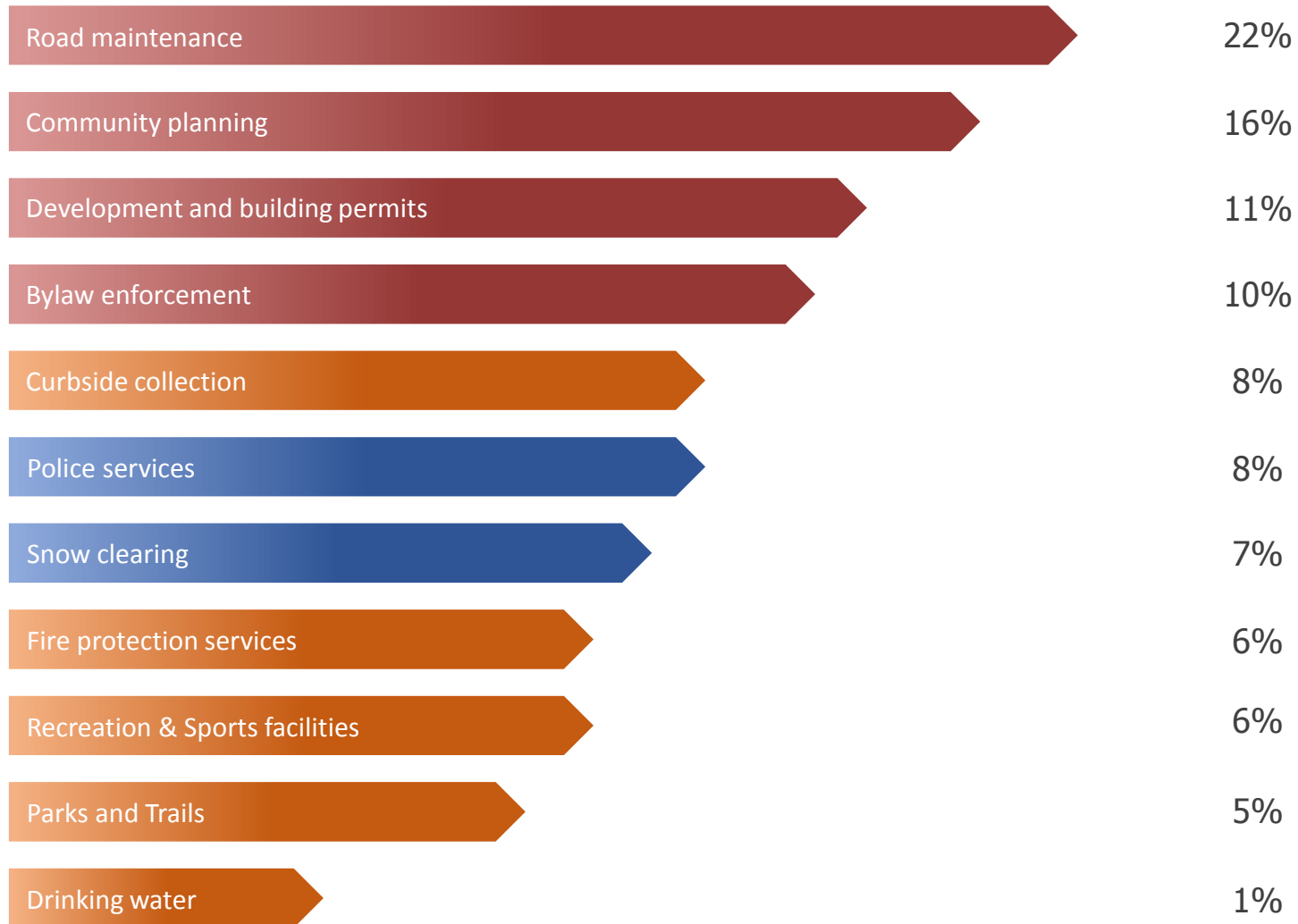
These service aspects should not be a priority for action at this time. However, monitoring of these aspects is advised in case they become more important in the future. The service aspects that fall into this quadrant are:

- Police services (Q7A)
- Snow clearing (Q7E)

Of note, both of these aspects are relatively high on the importance spectrum compared to the other service aspects so if time and resources allow, focus can be allocated to maintain or improve the performance of these service aspects.

Key Driver Analysis: Share of impact

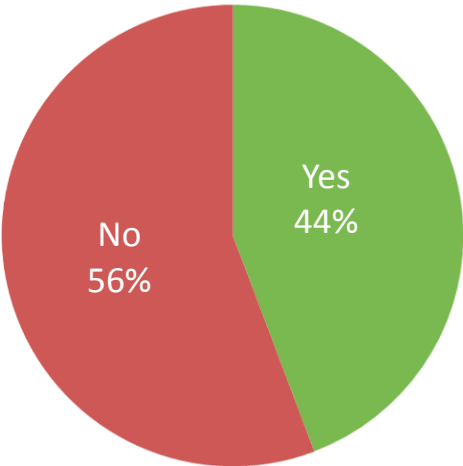
Impact on Overall Satisfaction



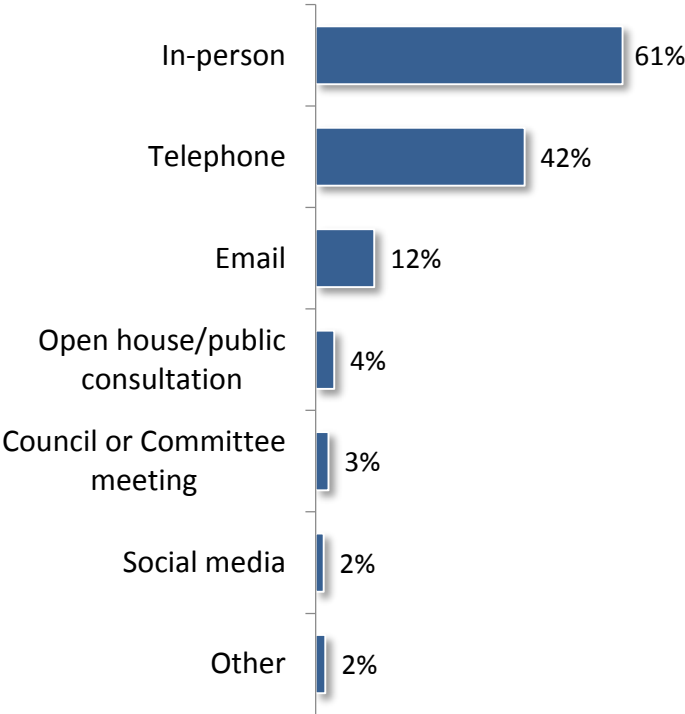
Results:
Interactions with the District

Contact with North Cowichan staff

Have you personally contacted or dealt with a North Cowichan employee within the past year?



How did this contact occur?
(All Mentions among those who had contact)



(n=186)

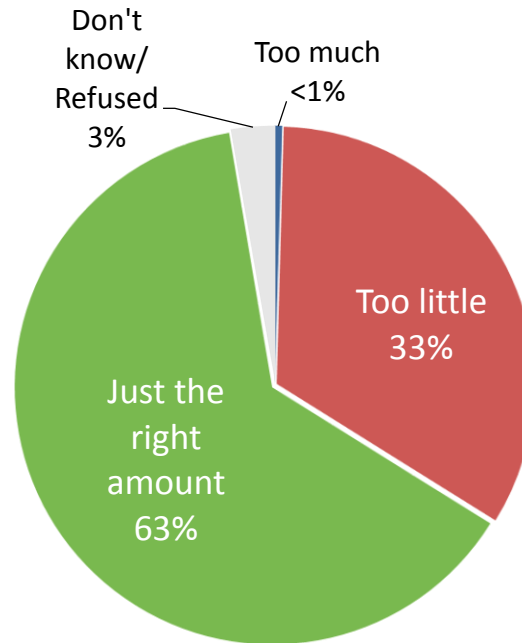
Satisfaction with North Cowichan staff interactions



(n=186)

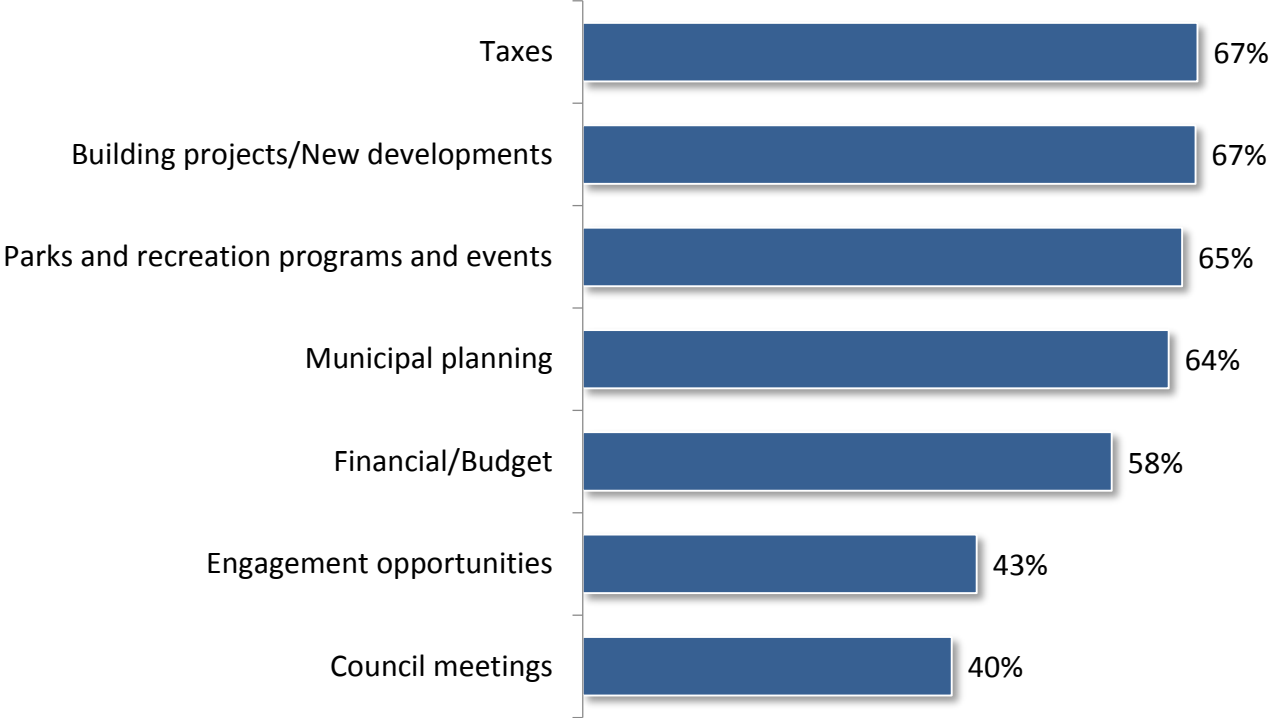
Information from North Cowichan

In your opinion, do you currently receive too much, too little, or just the right amount of information from North Cowichan?



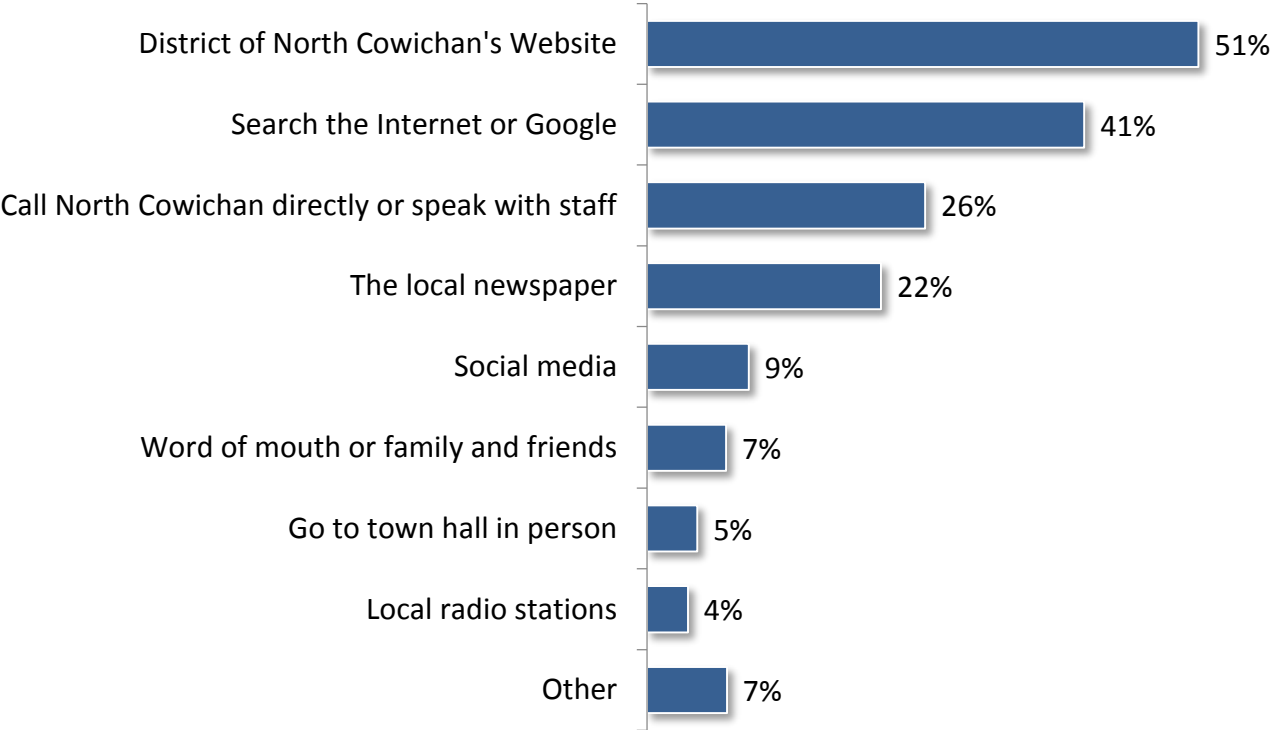
Information preferred from North Cowichan

Thinking about your information needs, what kinds of information do you want North Cowichan to provide you with? (Multiple response)



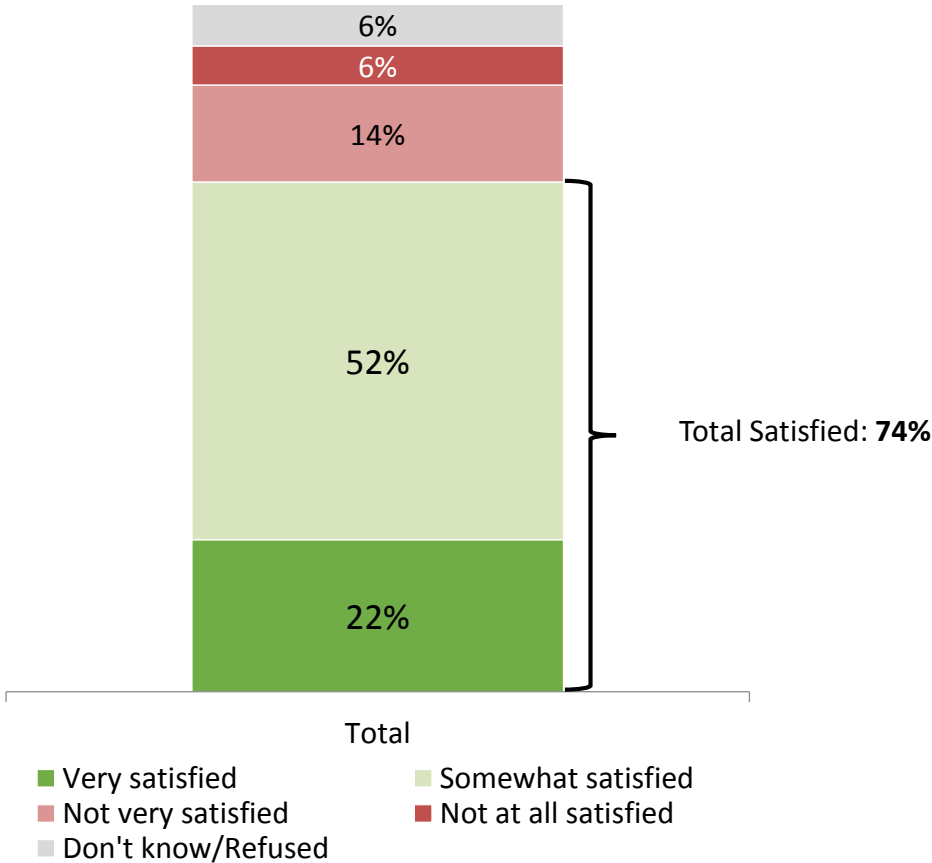
Sources of information on North Cowichan

If you were looking for information about North Cowichan, what sources would you use to find this information? (Multiple response)



Satisfaction with opportunities to provide input

How satisfied are you with your opportunities to provide input to the District of North Cowichan on your views and priorities?



Why do you feel this way – Not Satisfied (n=80)

Not listened to for decision making	29%
No opportunities for input (council meetings)	23%
Not enough information provided	20%
Not sure who to contact	5%
Meeting held at inadequate time	4%
No calls returned	3%

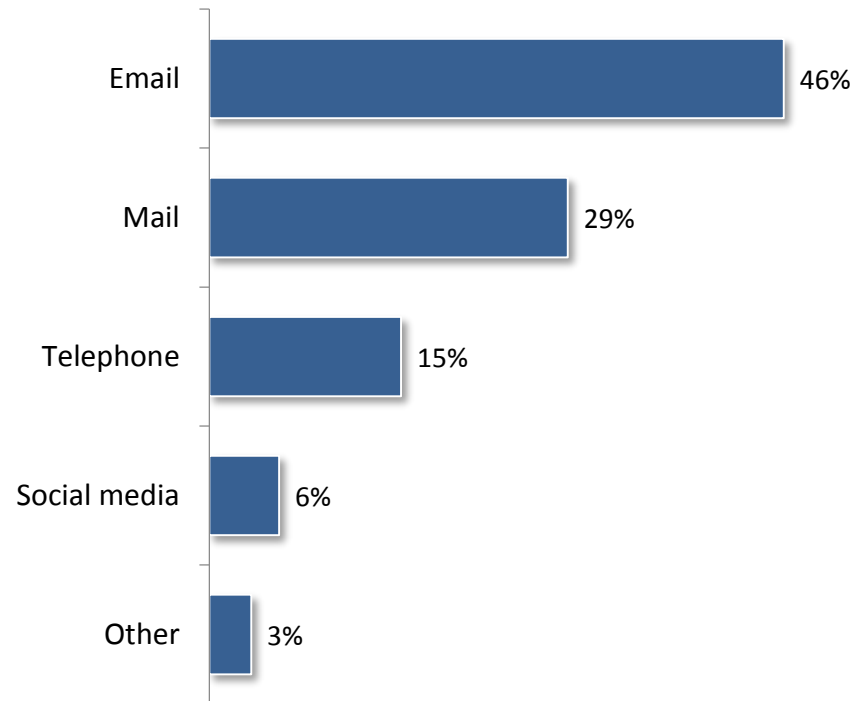
Why do you feel this way – Satisfied (n=294)

No complaints	10%
Information is provided	8%
Accessible to staff and council	7%
Able to attend meetings	7%
Variety of ways to provide input	5%
Listens to you	4%

Results:
Planning for the Future

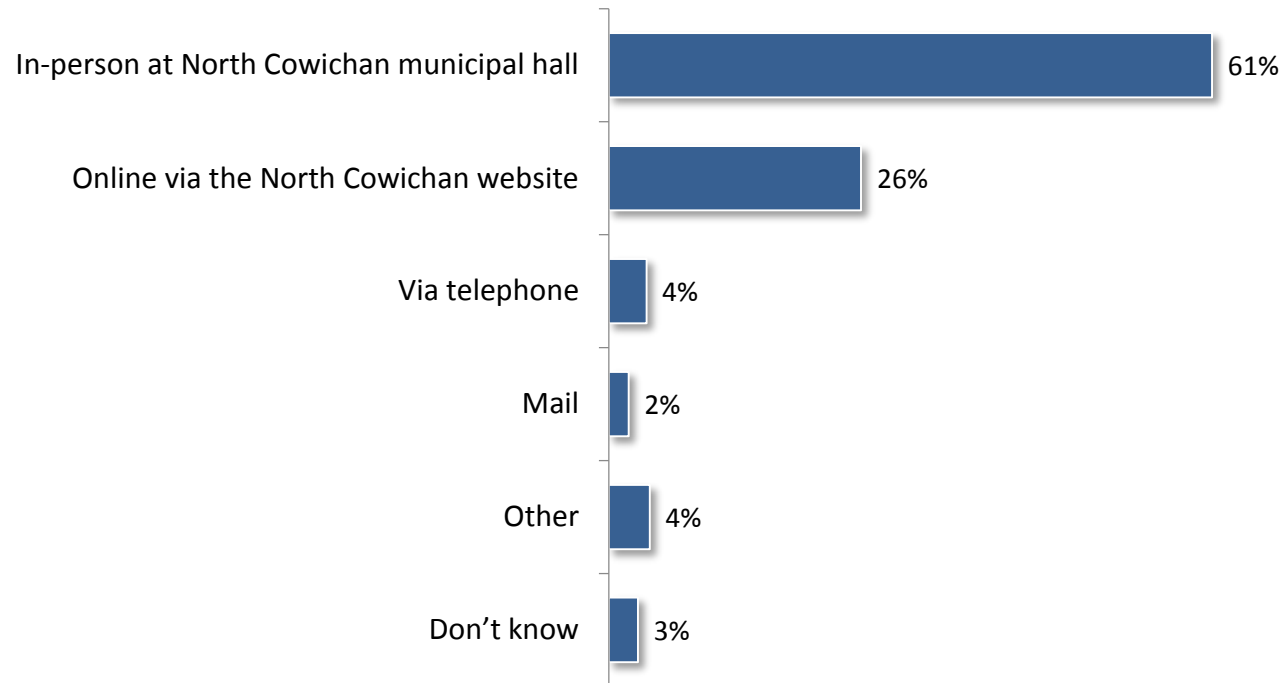
Preferred means of contact from North Cowichan

Of the following options, how would you most prefer to be contacted by North Cowichan in the future? (Single response)



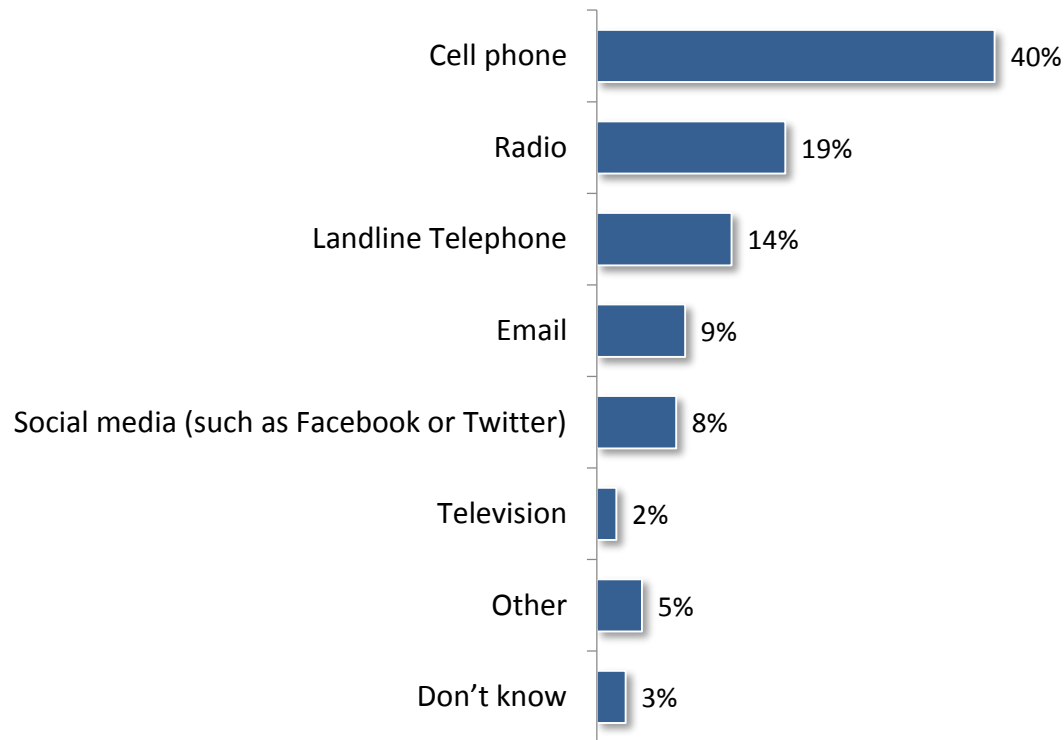
Preferred way to do business with North Cowichan

If you have business to conduct with the North Cowichan, for instance, paying a bill, purchasing a dog license, or submitting a permit application, what is your preferred way to do this? (Single response)



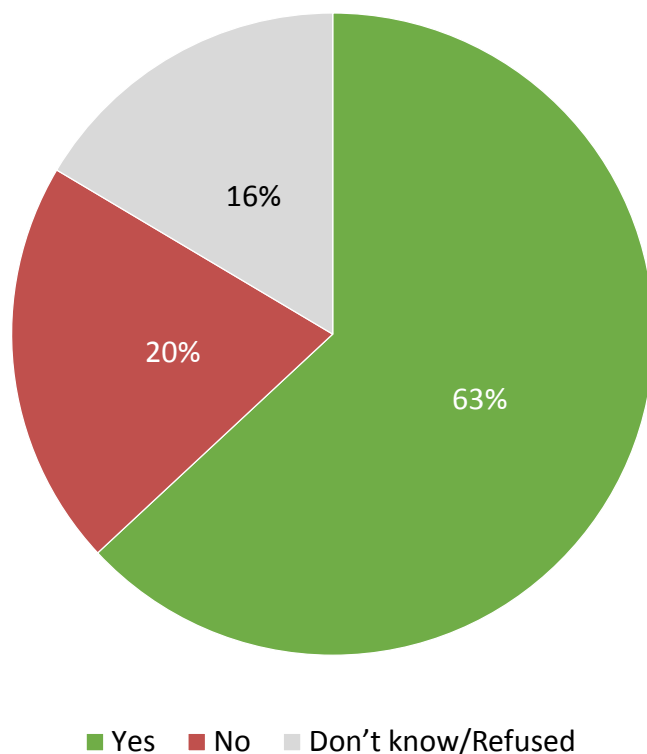
How prefer to receive emergency communication from the District

If there was an emergency situation in North Cowichan, such as an earthquake or other such disaster, how would you most prefer to receive communication from the District about what you need to do? (Single response)



Like changes to North Cowichan?

In general, have you liked the changes to North Cowichan over the last 5-10 years?



What changes to North Cowichan do you specifically not like?

(Among those saying No, n=94)

Community planning, development, and zoning	40%
Traffic	10%
Government spending	8%
Listening to public concerns	8%
Employment	6%
Homelessness	6%

What changes to North Cowichan do you specifically like?

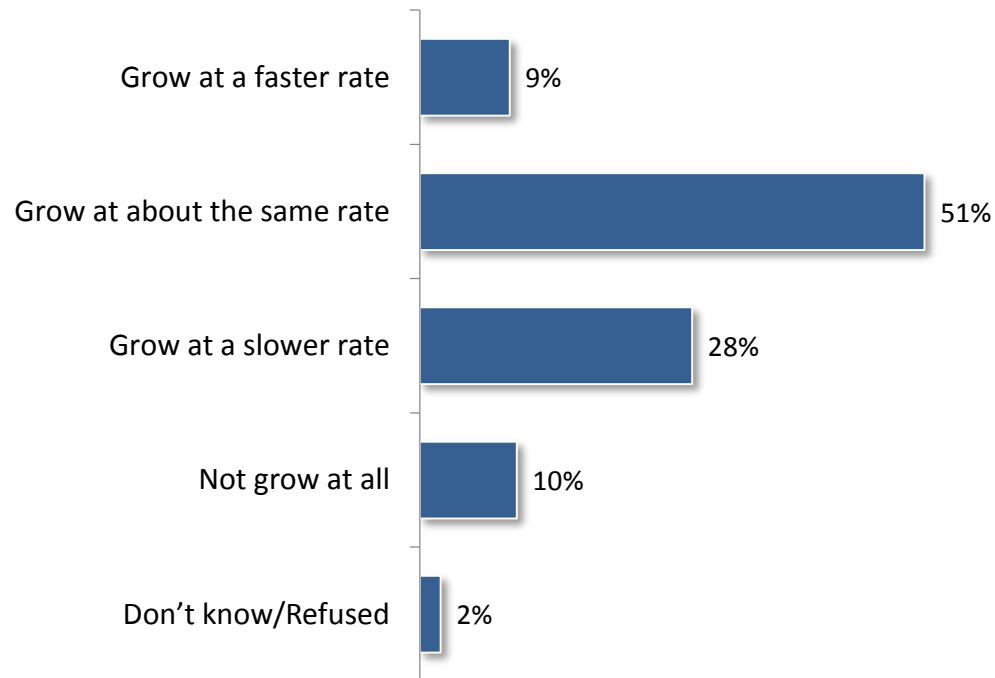
(Among those saying Yes, n=240)

Recreational activities	17%
Parks and greenspace	14%
Housing development	11%
Access to walking, biking, and hiking trails	9%
City council (better planning, good communication, provide information, listens)	8%
Maintenance of transportation infrastructure	8%
Businesses – Shopping, restaurants	7%
Community growth and planning	7%
Clean well maintained area	6%

Mentions of more than 5% are displayed

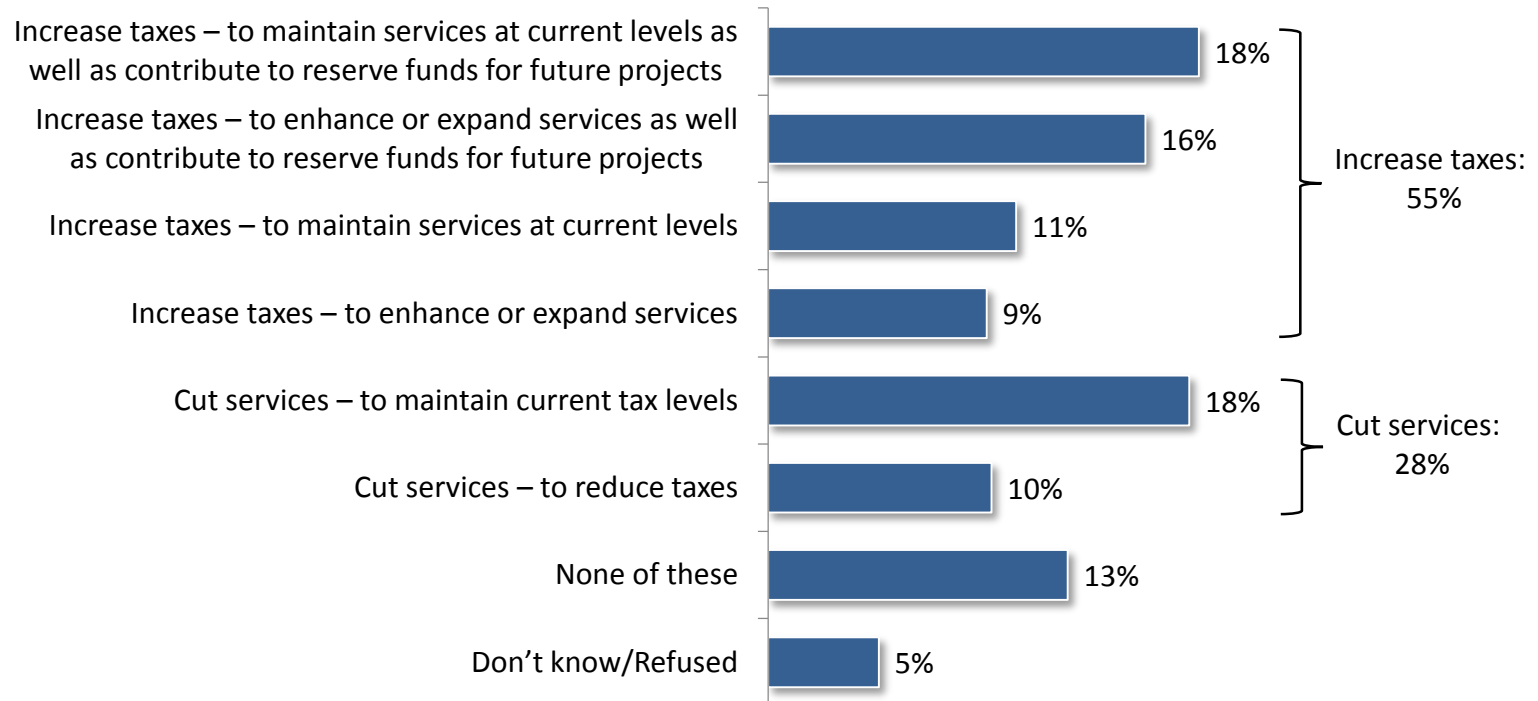
North Cowichan's population growth

North Cowichan's population has been growing by about 1% per year.
Would you prefer to see North Cowichan...



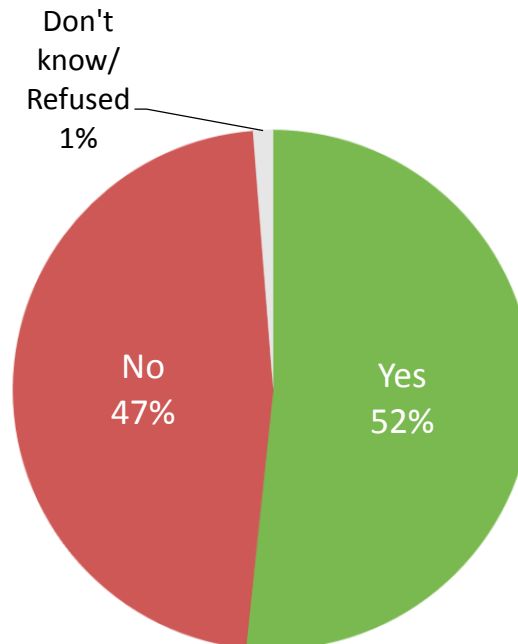
Approaches to service levels and property taxes

When thinking about current service levels/infrastructure and property taxes, which one of the following approaches would you most like the District to pursue?



Receive information about use of forest lands

North Cowichan is one of the few communities in North America that owns and manages forest lands for the benefit of residents. North Cowichan will soon begin gathering public input about the highest and best use for these forest lands. Would you like to be included on a North Cowichan email list to receive information and provide your input on this topic?



Conclusions and Recommendations

Conclusions and Recommendations

- Residents view the District of North Cowichan very positively towards:
 - Overall quality of life rating – on par with other select BC communities
 - The overall level and quality of services provided
 - The majority of services provided
 - Feel that overall they get good value for their tax dollars
- Residents would prefer to maintain or increase service levels, even if that means an increase in property taxes.
- Road maintenance should be a top focus area for North Cowichan as this is a key driver of overall satisfaction with the level and quality of services provided by the District. Interests and desires around community planning should be further explored, as this has the next highest influence on the overall rating of the District.

Conclusions and Recommendations

Performance results are strong overall; however, results could be strengthened in the following areas:

- Road maintenance and community planning services
- Development and building services
- Training and supports to enable staff to resolve resident issues
- Continue sharing information with residents and seeking input on their views and priorities

High Level Comparison of Telephone vs Online results

	Telephone (Weighted %)	Online – Open (Unweighted %)
Age		
18-34	19%	8%
35-54	29%	29%
55+	51%	58%
Gender		
Male	48%	31%
Female	52%	61%
Overall quality of life in North Cowichan		
Good/Very good	97%	82%
Satisfaction with overall level and quality of services		
Very/Somewhat satisfied	89%	76%
Value for tax dollars		
Fairly/Very good value	79%	65%
Satisfaction with opportunities to provide input to District		
Very/Somewhat satisfied	74%	55%

Questions?

Tim Chan, Vice President

NRG Research Group

Tel: 604.676.5652

Email: tchan@nrgresearchgroup.com

The Cowichan Valley Public Art Gallery (Officially: Friends of the Cowichan Public Art Gallery Society)
Jock Hildebrand, President.

The Cowichan Valley Public Art Gallery is a not-for-profit society that boasts 70 members and 22 people working on the board and 6 different committees. Our goal is to raise 35 million dollars to build a contemporary purpose built gallery to serve the needs of the Cowichan valley and Vancouver Island. The organization is already hosting art exhibitions in various venues in order to qualify for ongoing Canada Council operating grants. Our champion and Honorary Chairperson is former MP Jean Crowder. We would like to inform local government of our project. For more information, please go to our website: www.cvpublicartgallery.ca

There is no cost to the City and no funding is being requested at this time.

We are a not-for-profit society that has been formed in pursuit of bringing a purpose built Public Art Gallery to the Cowichan Valley. Local artists and artists from other regions would have many exhibition opportunities. To this end, we will be fundraising for the next several years to realize our project; an Arts Centre for exhibitions, and arts programming. Until we have our permanent home; we will be hosting exhibitions in rented space.

The need is obvious. Considering the size of our community, this lack of a facility that houses a public art gallery is very unusual. There is no building that serves that function, and our group has recognized that need. We want to raise funds and set in place a strategy for creating a purpose built public art gallery for the Cowichan Valley.

Under our mandate, we will build an "A" list gallery. This is a gallery that can meet the conditions, such as providing the correct environmental requirements needed for holding top international and national exhibitions. The gallery would supply arts programming for the valley population. And as well, would provide exposure for local artists in terms of curated exhibitions.

As a starting place, our group has formed a not-for-profit organization with the purpose of promoting the concept around the eventual building and operating of the gallery. As well we will continue ongoing exhibitions throughout the year. Currently we have 70 Members in our organization, and around 150 people who get our monthly newsletter.

Our board currently consists of 9 people, leaders in the arts and business world. We have 6 working committees with 23 people on those committees.

With former MP, Jean Crowder, we have an honorary chairperson and champion. We have support from our MP and MLA and many letters of support from local politicians.

The gallery is to serve the citizens of Cowichan Valley in Particular and Vancouver Island generally. We are at present delivering exhibitions to the Cowichan valley. We are in year one of actual operations.

We anticipate 5 to eight years to complete funding of a purpose building public art gallery. This program is unique in the valley. There are a number of art councils which have galleries; they are rental spaces for local artists. We have letters of support from local art councils, MP Alister McGregor, MLA Sonia Furstineau and many other local politicians.

Delegation to the Municipality of North Cowichan Council

The Chemainus Valley Cultural Arts Society is requesting to send a delegation to make a presentation to the Municipality of North Cowichan Council on August 21, 2019.

Here is an outline of our presentation:

1. Synopsis of the excellent work that the Chemainus Valley Cultural Arts Society has done in its 20-year history to support and foster arts & culture in the Municipality of North Cowichan, for example the many summertime music programs it produces at the Chemainus Waterwheel Bandshell.
2. Update on recent and planned activities being undertaken by the CVCAS for the community and the region, including establishing the permanent Rainforest Arts Gallery and First Nations projects.
3. Briefing on the CVCAS initiative to develop a regional professional Community Arts Centre in North Cowichan, including the need and vision, community and regional benefits and current progress toward funding a professional, independent feasibility study.

**Attn: Ted Swabey
Chief Administrative Officer
Municipality of North Cowichan
Telephone: 250-746-3112
E-mail: ted.swabey@northcowichan.ca**

8/17/2019

Dear Mr. Swabey:

This is a follow up letter to our meeting of August 15, 2019. We hereby request a delegation to a meeting with North Cowichan Council at the earliest opportunity. Further to our verbal outline of the situation we are facing with the ALC I would like to forward the Opening Statements by Bill Routley (attachment #1). Also, we are forwarding our documents - Other Relevant Issues (attachment #2), and our Proposal Document (attachment #3) And a copy of our written documentation which we gave you containing our ten attachments. (attachment #4). requesting action from North Cowichan Council. Additionally, we here by request that our two options in our Proposal Document be forwarded to Council for discussion and a decision. If you have other suggestions on how to proceed, we would appreciate your help. Thank you for your attention to these matters.

Yours Truly

John & Jeri Wyatt

Opening Statements – by Bill Routley (attachment #1)

John and Jeri Wyatt's —future has been put in peril

The ALR—thru the Agriculture Land Commission are threatening to close their campground Oct 1 2019 and force them into an agriculture operation or a farm— therefore they have been forced to do their "Due Diligence" and so have written to the minister of -Forests Lands and Natural Resource Operations asking for a water licence for 4 million gallons of water over the growing season from the Chemainus River to enable them to have the water necessary to grow any kind of agriculture based business on the Land.

I want to give you an overview of this Situation----

—before John retired—he worked as an Electrician— (he apprenticed with Hamilton Electric, starting in @1975—so he now has 44 years as a certified Electrician.

Jeri had a long community service career working @ 33years --For Cowichan SD 79 as a custodian.

—they were NOT ever farmers or ranchers —when they bought the Campground property they bought it specifically because it was zoned—A2 -Campground-- their goal from the beginning when they bought the property was to have a campground which was a legal and practical option for the Land based on the ALR zoning (A2 Campground) which it was at the time they bought the Campground property 1980.

In 1986 the ALC confirmed the campground zoning by suggesting the Wyatt's to install 46 sites on the 7T land adjacent to the Chemainus River.

No ALR representative came out to look at the property so they did not know that the land they wanted John to put the sites on was 100ft drop to the Chemainus river below.

John went to "North Cowichan" to obtain a permit to put in 10 sites ,but before John proceeded with the sites he had the building inspector and one of the North Cowichan's engineers come to the property to show them that the 7T land was unusable because of the steep bank and upon viewing the property they agreed to put the sites adjacent to the drop off.

The building inspector and engineer agreed that the 7T land was totally unusable and gave John permission to install the first 10 sites adjacent to the cliff. (Note: John assumed that this was all the approval needed.)

As representatives of North Cowichan had given them the permission to start the Campground, John was confident that the vision of having a campground was coming to fruition.

In February of 2004 John took out another permit for the washrooms and North Cowichan granted the permit and they proceeded to put in what is probably the nicest washrooms for any campground in the Region.

In May of 2014 John again applied for and received a permit to put in 11 more sites, this was granted and they proceeded with the new sites.

In March of 2017 the business was doing well and they were getting more and more visitors from Europe so they decided to apply again to North Cowichan to install 10 more sites to accommodate the influx of Tourists.

This time all the inspectors and engineers that John had been dealing with at North Cowichan over the years had retired and John was met by bunch of new young faces. This time John was told that he would have to apply for these 10 new sites thru the ALC.

John was immediately informed by the ALC that although North Cowichan had given him permission to install the Campground that the ALC had not been informed and that they considered the campground as illegal.

This was a shock and surprise to John and Jeri as they had followed all the procedures at North Cowichan for applying for and receiving land use permits and did not know that they were anything but legal and conforming.

John did as requested by the North Cowichan and contacted Chris Hutton planner for the ALR, he seemed sympathetic to Johns plight and recommended that he apply to the ALC to have the existing campground recognized and made legal thru the ALC along with asking for the addition of the 10 extra sites.

The Island ALC Panel has since rejected their application and appeal entirety.

They did not take into account that two seniors now in their 70s had devoted the last 17 years of their life to producing a high-quality recreation destination Campground on Lands that they bought zoned ALR) A2 Campground), bringing tourists from all over the world to the Chemainus area.

They did not consider that the Canadian Land Inventory map showed clearly that the land was of the poorest of quality.

They did not consider that a major new water supply would be necessary for any new agriculture business to succeed.

So John felt it was necessary to hire an Agrologist (Madrone Environmental Services) to provide updated science based information on the Land status and the Water license necessary for any agriculture activities.

The agrologist provided them with a comprehensive report, which was shared with the ALC, showing that 70% of the Land was of very poor quality and that Water licences would have to be applied for to do any agriculture on the land, however the ALC seemed to have no interest in this scientific report.

On January 24, 2019 they received the notice from the ALC Enforcement arm that they have until October 1, 2019 to remove all construction associated with the campground and "return the property back to its former Agricultural capacity."

**It is not as if they just purchased the land, they have lived here for almost 40 years
The Land has been designated for campground use by North Cowichan along with 3 other North Cowichan campgrounds. This should mean something !**

Clearly, based on the number of people they have to turn away during the summer months they believe the region needs more campgrounds not less.

Sadly now in their 70s the Wyatt's have been handed a nightmare by the ALC —Notice to shut down the Campground !--John has had health issues including Cancer ,Jeri has her own health issues—and I am concerned that the stress of this situation it is putting more unwanted impacts to the detriment to their health situation. I now want to take you thru the Attachments #1 thru #10 we have provided so you can see the seriousness of this situation——Bill---

Other Relevant Issues (attachment 2)

1. BC Population—when I moved to Cowichan Valley in 1952—BCs Pop was—1.9 Million—as of 1st Quarter 2019 BC POP.has grown to 5 Million plus—5million !.

**2.Tourism Demand— the campground have had more than 22,000 requests or bookings-since John started his computer system
The point I want to make is Chemainus River Campground is much needed and in high demand**

—@ 70% of their Campers are from Van. Island are from major cities like Victoria ,Nanaimo, Port Alberni etc ,even from nearby communities who are looking for low cost tourism opportunities—a chance to wade or swim in the Chemainus River or just relax.

—30% of campers are from all over the world and demand for sites is continually growing ,that is why they where trying to get approval for 10 more sites —they are currently having to turn people away almost daily ,and could easily fill 10 more sites --and still they would have to turn some folks away during the busy times of year.

With population increases Vancouver Island will continue to have pressure to increase Tourism opportunities— —

The Campground is also in high demand because it provides low cost accommodation over the winter slow season for many Seniors and low wage workers.

3. I believe a good case can me made that our communities if given a choice would chose to continue to support the Chemainus River Campground as a tourism destination with its opportunities for low cost holiday accommodations and peaceful recreation much more than they would insist that the Very Poor Quality Soil on 70% of the campground lands, designated Agriculture A2 Campground should need to be flipped to agriculture use only and provided with huge volumes of water (4 Million gallons) from the Chemainus River so they can grow Hay instead !!!

4 Additionally, the Campground folks support a lot of North Cowichan businesses, ie.local Restaurants ,the theatre, grocery, fuel, Chemainus Murals tours and a host of other specialty shops and businesses.

5.The ALC seems to be ignoring the history of this land—it was purchased by the Wyatts because it was zoned ALR A2 Campground—they have not changed the potential of the land as originally designated—still in ALR the History actually includes Logging in Poly 2,3,4,5 (see attached map) these logged over areas which have mostly 2nd growth forest stands is seen BY the ALC and described even by the Madrone in their report as Fair soil capability for agriculture and yet the land was logged 50 to 80 years ago which explains why the land now has 50 to 80 year old trees which stand as a testament to the fact this land was not used for Agriculture originally —it was Forested lands .

The Wyatts have NOT changed any Agricultural potential—the best growing sites are growing trees—still !

6.In doing the Due Diligence demanded by the ALC letter threatening Campground closure by October 1st, 2019 and potential further actions against the Wyatts The Wyatts have requested a new Agriculture Water licence as outlined in the Madrone report which would be critically needed to support any chance of success in using their lands as suggested by the ALC for Agriculture. We have noted that this additional demand for Water would run contrary to the North Cowichan, CVRD and Cowichan Water board water Conservation goals of reducing water consumption by 20% by 2018.

7. I want to be clear I have made speeches in the B.C. Legislature supporting the ALR. However I also believe in applying common sense and compassion to a situation in particular one with special circumstances like this land use issue. Conflicting and important land use issues – Tourism / Business vs Agriculture, with it's major water supply needs.

Water issues include First Nations, Communities, Fish and other threatened river dependant wild life, and even Drought and Climate change impacts are all involved.

8. Next Steps---

We appreciate the long standing support the Wyatts have experienced from North Cowichan technical staff and Council in providing support and approvals for the Campground growth plans over the years, it is their hope that the shared vision for the campground and the North Cowichan support for the Campground that has existed over the last 2 decades will continue.

With this in mind we would like to present some ideas on how we think we could move forward —after we give you our Ideas we would very much appreciate your ideas and your help in dealing with this situation.

Our Proposal Requesting action from North Cowichan Council (attachment #3)

Preamble:

It would be unfair and unreasonable for the Chemainus River Campground owners to be put in a perilous situation, they are in jeopardy of losing their retirement business by being forced into shutting down the Campground by the ALR who are demanding agriculture only take place on their lands.

Also they are also in peril of being refused a new high volume water licence (4 million gallons per season) to draw water from the Chemainus River, which would be definitely needed in order to run a successful agriculture based business.

Therefore ,Chemainus River Campground owners John and Jeri Wyatt request North Cowichan Councils support for one of the following options (our preferred option is option one.)

- 1. North Cowichan Council agrees to make an application to the ALC under section 29 of the ALC Act to exclude the Chemainus River Campground lands from the ALC. This is based on environmental grounds in order to reduce the additional demands for water on Poor Agricultural Land Also. his application will help to protect the Chemainus River water for fish and dependent wildlife. This application would also work toward the goal of helping to protect First Nations water supplies, Community water needs and Chemainus Region Aquifers from further additional stress. And finally, this application would help conserve water during times of drought, also it will help deal with the continuing impacts of climate change on our Region.**

OR

- 2. North Cowichan Council will help the Chemainus River Campground in its forced transformation to an agriculture business by agreeing to support the water licence request to the Minister of Forests lands and Natural Resource Operations of an increase to 4 million gallons of Water for Agriculture use during the growing season from the Chemainus River. (Their current Water licence is 1000 gallons a day from the Chemainus River for Domestic use only and would not support an agriculture business.)**

Ten Attachments: (attachment #4)

Attachments

1. ALC Letter –Compliance and Enforcement—Requiring property back to its “original agriculture capability” by Oct 1, 2019.
2. Letter to Forests lands (FLNRO) re a Water Permit for 4 Million gallons of water over the growing season (we would rather not be forced by the ALC to require a water license).
3. Water Conservation Request letter July 31/2018 (FLNRO)—note -complied with!
4. MADRONE Agrologist the- Executive Summary—shows –70% VERY POOR SOILS—where Campground is located and the need to have a large WATER supply to farm.
5. Map (colored) showing existing campground on VERY POOR and POOR soil areas.
6. BC Water Act -Conditional Chemainus River Water licence –1000 gallons a day.
7. North Cowichan Planning Dept. approved improvements to the Campground May 5/2014 Phase Two of Site Plan.
8. Building Permit for Phase Two Sites
9. Approved layout for sites 1 to 10
10. Permit for washrooms



Agricultural Land Commission

201 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.a.c.gov.bc.ca

January 24, 2019

ALC C&E File 50724

DELIVERED ELECTRONICALLY:
elec2014@telus.net

John Wyatt
Jeri Wyatt
8682 Trans-Canada Highway
RR #1, Chemainus BC V0R 1K0

Dear Property Owner(s):

Unauthorized Commercial Activity in the Agricultural Land Reserve

CIVIC ADDRESS: 8682 Trans-Canada Highway, Chemainus BC
LEGAL: Section 6, Range 6, Chemainus Land District, Portion N 60 AC, Except Plan
RW1271 18552 S OF RD 46197
PID: 009-489-134
(the "Property")

This letter serves to inform you that the Agricultural Land Commission (the "ALC" or the "Commission") Compliance & Enforcement Department received information that you are operating a campground facility on the Property without first receiving permission from the ALC.

However, I am aware that a non-farm use application (#56336) was submitted to the ALC to:

1. Authorize the existing campground uses occupying 1.8 ha on the Property, including 21 recreational vehicle sites with electricity and water service hookups, 24 tent sites with no services, and a washroom/shower facility; and,
2. To expand the campground by adding an additional 10 sites occupying 0.2 ha on the Property.

On April 09, 2018 you received a letter by way of electronic mail advising you that the Panel refused the proposal to authorize the existing campground uses on the Property, including 21 recreational vehicle sites with electricity and water service hookups, 24 tent sites with no services, and a washroom/shower facility; and, refuses the proposal to expand the campground facility by adding an additional 10 sites.

Further to this Decision, the ALC received a Reconsideration Request and was held before the Executive Committee on August 22, 2018 and determined that they did not believe your submission constituted evidence that was not available at the time of the previous decision and demonstrated that all or part of the original decision was based on evidence that was in error was false. Therefore, the request for reconsideration did not meet the requirements for reconsideration pursuant to s. 33(1) of the *Agricultural Land Commission Act*.

ALC C&E File 50724

John & Jeri Wyatt

Based on the above information, I have determined that you are required to remove all campground sites and any and all services required for the use of the campground sites by October 01, 2019 and return the Property back to its original agricultural capability as it was prior to the unauthorized use.

Please provide the ALC with a report on your plans to restore the Property no later than June 28, 2019.

If you require further information I can be reached at 604-209-9311 or Paula.Blanchard@gov.bc.ca . I look forward to hearing from you to resolve this matter in a timely fashion.

A lack of response to this letter may result in further action(s) which may include, but is/are not limited to; the recommendation of a monetary penalty and/or an order to rehabilitate the Property to a suitable agricultural standard.

This letter does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

Sincerely,



Paula Blanchard
Compliance and Enforcement Officer
Provincial Agricultural Land Commission

cc: ALC – Ron Wallace, Planner (sent by electronic mail)

MNC – Glenn Morris, Manager Planning & Development (sent by electronic mail)

Honourable Doug Donaldson

Minister of Forests, Lands, Natural Resource Operations and Rural Development
Parliament Buildings
Victoria, British Columbia V8V 1X4

Dear Minister Donaldson:

8/6/2019

Urgent : we need a Water licence for Agriculture use.

My wife Jeri and I now in our 70s have been put into the most stressful position of our lives by the recent correspondence from Agricultural land commission enforcement representatives. (ALC letter ATTACHED) Their position is essentially that we must shut down our 17 years in operation, successful campground business and now be forced to grow agriculture products on our land instead.

- This land use change will most certainly demand a huge improvement in our current water supply in order to have a reasonable chance of success. This is why we now require an URGENT response from your Ministry in order to determine if we could even access sufficient water to turn our land into productive agricultural land.
- I'm certain you would agree it would be morally and ethically unfair for a branch of government to force a land use change to any British Columbians land if there is little to NO chance of success in making the demanded change!
- Your water licence decision will most certainly determine if we are to have any chance of turning a currently successful 17year campground business into a productive agriculture venture.
- Based on the analysts of our expert Agrologist who says 70% of our land is very low agricultural capability (see report attached) and further identifies Water as a real issue and says Suitable water use applications would be REQUIRED!
- We want to be clear when we originally bought this property in 1980 it was zoned A2 (campground), and it remains that way to this day.
- Please advise us if there is any further forms to be filled out for this application to proceed.

Our Existing **Chemainus River Campground** has been owned and operated for almost two decades by the both of us. In 1986 we were advised by ALR commissioners R.Murdoch and A Claridge that—I quote “the commission will be willing to entertain a proposal that confines the Campground to lesser capability lands” which is exactly what we have done.

For greater certainty we recently at our own expense hired a licensed professional Agrologist company Madrone Environmental services to give us a scientific analyst report. (attached)

The ALC has ordered us to remove anything pertaining to the campground and turn the land back to it’s original Agricultural potential. To accommodate the ALC we are looking into the feasibility of what we could produce that we could replace our financially viable campground with. We have talked to our Farming friends and they say that the first thing to get in place is the water source. We do have water rights on the Chemainus River of 1000 GPD however to put in a grass crop as recommended by the ALC we would need about one-acre foot of water for the season.

Based on the utilization of 15 acres as the remainder 8 acres is totally useless for agriculture would translate into 15 acre feet of water which in turn translates into $15 \times 271,328 = 4,069,920$ Imperial Gallons for the season.

We did receive your letter requesting voluntary restriction of usage of water from the Chemainus River which we as a campground have complied with, but as we are now being forced into using the land solely for Agriculture purposes by the ALC we need to know if we will be allowed to increase our consumption from the Chemainus River from the 1000 GPD to the 4 Million Gallons over the growing season.

As the ALC has given us a dead line of October 1, 2019 to put the land back to it’s original Agricultural Potential a quick and prompt response is imperative.

In Closing, We require a water licence for Agricultural use, with approval of 4 million gallons? Or 1 – acre foot of water over the growing season.

Thank you for your attention to these matters.

PS – Please note as the ALR to date has only evaluated our property from old Canadian Land inventory drawings and old Arial photographs with no creditable professional agrologist studying the realistic opportunities on the site. We decided it was important to have to have an agrologist do a thorough science based assessment with the following results. (See report attached)

Yours Truly

John & Jeri Wyatt

Chemainus River Campground
8682 Trans Canada Hwy.
Chemainus, B.C. V0R 1K4
Phone: 250-246-9357
[E-mail: elec2014@telus.net](mailto:elec2014@telus.net)

prepared by:

Harry Williams M.Sc., P.Ag., R.P.Bio.
Thomas Elliot, PhD, P.Ag., P.Geo.
Madrone Environmental Services Ltd.

- Approximately 70% (7.6 ha) of the property has very low agricultural capability due to either very poor gravelly soils or steep slopes and lack of accessible area (see table below).
- Approximately 30% (3.14) of the property has poor to fair soils where agricultural is feasible.

(See Full Report Attached)

CC - Premier John Horgan
Ministry of Agriculture
Honourable Lisa Beare
Mayor and Council North Cowichan
Doug Routley MLA

- **Honourable George Heyman**

premier@gov.bc.ca
iana.popham.MLA@leg.bc.ca
lisa.beare.MLA@leg.bc.ca
council@northcowichan.ca
DOUGLAS.ROUTLEY.MLA.BC.CA
ENV.Minister@leg.bc.ca



AGRICULTURAL LAND CAPABILITY ASSESSMENT
8682 Trans-Canada Highway
PID 009-489-134
ALC File 56336

PREPARED FOR:

John and Jeri Wyatt
Chemainus River Campground
8682 Trans-Canada Highway
Chemainus, BC V0R 1K4

PREPARED BY:

Harry Williams M.Sc., P. Ag., R.P. Bio.
Thomas Elliot, PhD, P. Ag., P. Geo.
Madrone Environmental Services Ltd.

August 10, 2019

MADRONE ENVIRONMENTAL SERVICES LTD.
1081 CANADA AVENUE • DUNCAN • BC • V9L 1V2
TEL 250.748.5545 • FAX 250.748.5850 • WWW.MADRONE.CA

DOSSIER: 18.0158



Executive Summary

At the request of John and Jeri Wyatt, of Chemainus BC, we have completed a Land Capability for Agriculture assessment, which includes field and mapping components, and soils investigation for a 10.74 hectares (26.5 acres) parcel adjoining the Trans-Canada Highway in the Municipality of North Cowichan, BC.

The intended outcome of this LCA is to evaluate the agricultural capability of the Site (Chemainus River Campground), and to identify agricultural land uses which would be suited to the Site, and to provide a supporting document for a proposed campsite expansion.

The undersigned, Harry Williams PAg and Thomas Elliot PAg conducted the assessment as qualified professionals and concluded the following:

For soil polygon 1 (see Figure 1):

The improved Land Capability for the soil polygon1 would be rated at a Class 5P stoniness limitation.

This limitation would be difficult to ameliorate with stone picking due to the high content of coarse gravels. The stoniness also exacerbates the aridity limitation.

- Secondary limitations include unsuitable subsurface structure due to cemented duric horizons at depth, and excess soil moisture limitation due to perched water table caused by an impervious layer at depth, resulting in a Class 3 to 4 limitation;

Availability of irrigation water would be a consideration for the drought conditions experienced throughout growing season (June-September) resulting in a Class 3 aridity limitation.

For soil polygons 4, 5 & 6

- The soils in polygon 1 are limited by excess water at a Class 3W to Class 4W. Secondary limitations are fertility and aridity (July 15 – Sept 15). These limitations can be addressed with soil amendments, irrigation, and developing further drainage structures as necessary (one ditch is already present).

For soil polygons 2 & 3:

Soil polygon 2 is represented by Chemainus soils which occur on active floodplains – in this case the Chemainus River. This polygon is very narrow and has difficult access down a steep, poorly maintained road, making agricultural activities in this area impractical. Because of this limitation this area will not be discussed in detail.

Soil Polygon 3 is represented by Fairbridge soil on very steep unstable banks where agriculture (or any other activity) is not feasible. Because of the severe limitation of this area it will not be discussed in detail.



Additional considerations for the property include:

The Chemainus area has favourable weather for a high diversity of crops (including vegetables, berries, fruit tree, grapes and nuts), however production will be limited by coarse gravelly soils in polygon 1, and a gully and seasonably wet soil in polygons 4, 5, & 6.

The proposal to allow an additional 10 campsites on the property should be guided by the importance of keeping the best agricultural land undisturbed to maximize the viability of any future farming operation, and with any campground extension only occurring on those portions of the land with the very poorest soil.

Approximately 70% (7.6 ha) of the property has very low agricultural capability due to either very poor gravelly soils or steep slopes and lack of accessible area (see table below).

Approximately 30% (3.14) of the property has poor to fair soils where agricultural is feasible.

Agricultural Land Capability	Polygon	ha	Percent % ¹
Good (Class 2, or Class 3 improvable to Class 2 or better)			
Fair (Class 3, or Class 4 improvable to Class 3 or better)	4, 6	2.14	20.48
Poor (Class 4 improvable to Class 4 or better)	5	0.95	8.75
Very Poor (Class 5 to 7, not practically improvable due to stoniness)	1	4.05	37.24
Very Poor (Class 5 - 7, due to very steep topography)	2, 3	3.60	33.52
Total		10.74	100%

¹ of total 10.74 ha Site area



July 31, 2018

OCCUPANT

Dear Water User:



Dave Johnson

Licensed Authorizations Officer - Water

Telephone: 250-751-7074
Facsimile: 250-751-7192
E-mail: David.A.Johnson@gov.bc.ca

Mailing Address/Location:
103-2100 Labieux Road
Nanaimo BC V9T 6E9

Re: Water Conservation Request

The Chemainus River is currently experiencing severe low flows and forecasts indicate that levels will drop below the Critical Environmental Flow Threshold, the flow below which significant or irreversible harm will occur to the aquatic ecosystem, if immediate reductions in water use do not occur. I am writing to request your participation in **voluntary water use reductions for the remainder of the dry season** and to provide advanced notification of the potential for regulated restrictions (curtailment) on water users, should conditions worsen.

Due to a prolonged period of hot, dry weather, flows within the Chemainus River are approaching historic minimum levels. This has resulted in the reduction of the amount of stream habitat available for juvenile fish species including steelhead, rainbow, cutthroat, coho, chum and chinook. Drying of critically important habitat prevents juveniles from using these stream areas, limits the production of insects the fish feed on, and can lead to fragmented channel connectivity. When these factors are combined with an increase in stream temperature, it is likely that juvenile populations will be severely limited or eliminated from the lower reaches of the river. This will ultimately impact the numbers of adults that will be returning to Chemainus River to spawn in the future.

In order to ensure that flows do not fall below the critical threshold where the aquatic ecosystem is severely harmed, we ask that you voluntarily reduce your current water use, either from the stream or from the groundwater source that is hydraulically connected to the stream, for the remainder of the dry season. If the thresholds are exceeded, regulatory action may be triggered including curtailing water use.

Voluntary reductions (and curtailment, if deemed necessary) will also help to secure water for the basic needs of all water users on the source during this time of low flow.

If you are a licensee, please take the time to review your licence in order to ensure that you are adhering to the terms and conditions. In particular, note the authorized volume, the water use purpose permitted, and if you are an irrigator, the specific area you are authorized to irrigate.

Page 1 of 2

Ministry of Forests, Lands,
Natural Resource Operations,
and Rural Development

Water Authorizations
West Coast Region

Mailing Address:
103-2100 Labieux Road
Nanaimo BC V9T 6E9

Tel: 250-751-7220
Fax: 250-751-7192
Website: www.env.gov.bc.ca/wsd

You can search for your water licence details here:

http://a100.gov.bc.ca/pub/wtrwhse/water_licences.input and can download a scanned water licence and accompanying map here:

http://www.env.gov.bc.ca/wsd/water_rights/scanned_lic_dir/

Water users may access the current drought and various flow conditions by visiting the following online resources:

British Columbia Drought Information Portal (follow links to West Coast Stream Watch for information specific to your area):

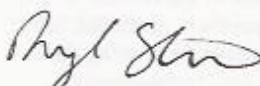
governmentofbc.maps.arcgis.com/apps/MapSeries/index.html

Water Survey of Canada:

https://wateroffice.ec.gc.ca/report/real_time_e.html?stn=08HA001

I would like to thank you in advance for your efforts to conserve water and to ensure this important aquatic ecosystem is not harmed. Please contact Matt MacDonald, RPF; Licensed Authorizations Officer - Water, should you have any questions or suggestions, by phone at 250 751-7049 or by email at matthew.s.macdonald@gov.bc.ca.

Thank you,



Darryl Slater

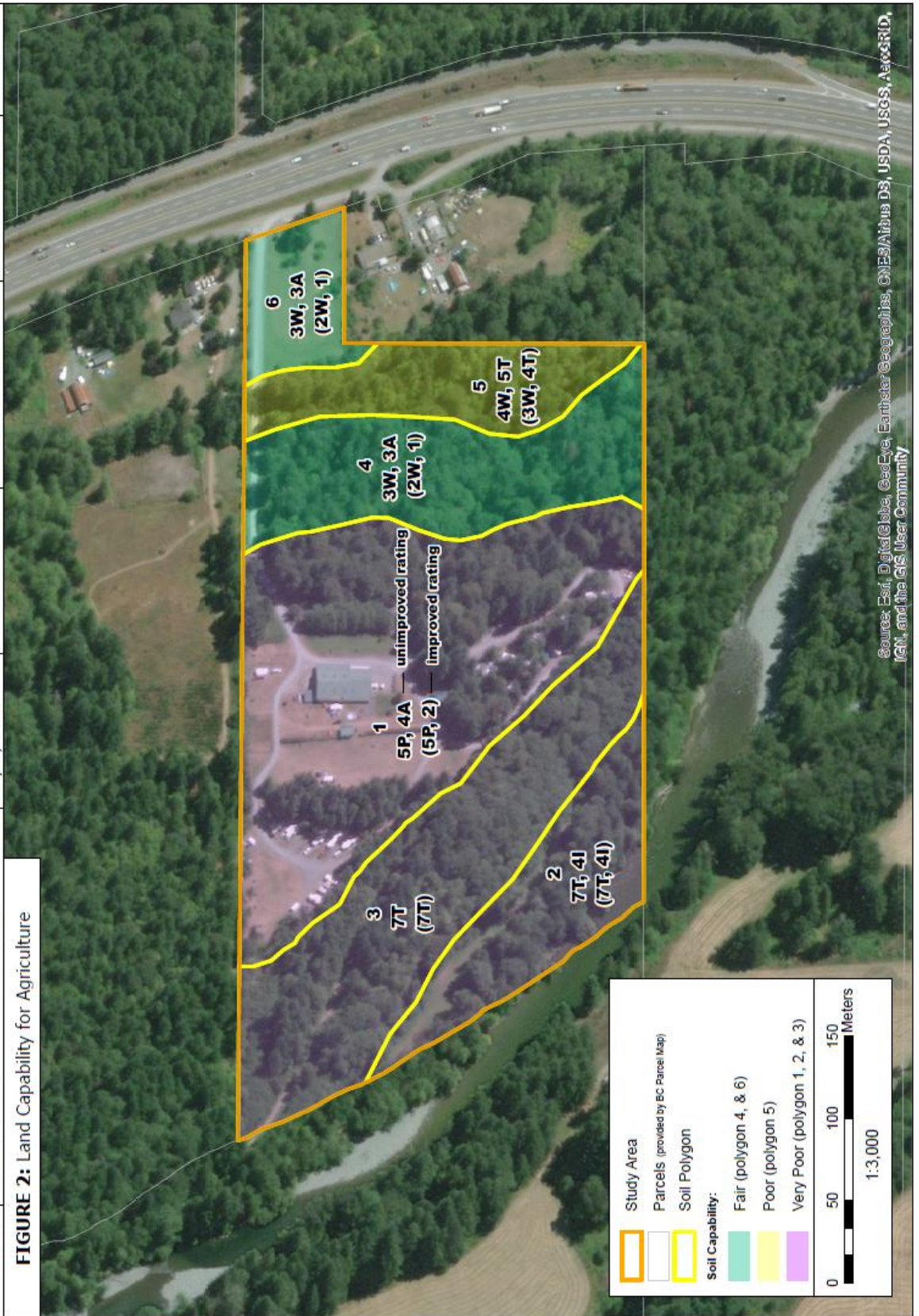
Water Manager

West Coast Natural Resource Region

Ministry of Forests, Lands, Natural Resource Operations and Rural Development

	PROJECT: Land Capability Assessment: 8682 TransCanada Hwy		LOCATION: Chemainus, BC	CLIENT: John & Jeri Wyatt	DOSSIER NO: 18.0158
	ASSESSED BY: Harry Williams M.Sc., P.Ag., R.P.Bio.	FIELD DATE: May 2, 2018	MAP SCALE: 1:3,000	MAPPING DATE: May 14, 2018	DRAWN BY: Jessica Yellowlees

FIGURE 2: Land Capability for Agriculture





THE PROVINCE OF BRITISH COLUMBIA—WATER ACT
CONDITIONAL WATER LICENCE

The owners of the land to which this licence is appurtenant are hereby authorized to divert and use water as follows:

- (a) The source of the water-supply is Chemainus River.
- (b) The point of diversion is located as shown on the attached plan.
- (c) The date from which this licence shall have precedence is 22nd August, 1972.
- (d) The purpose for which this licence is issued is domestic.
- (e) The maximum quantity of water which may be diverted is 1000 gallons a day.
- (f) The period of the year during which the water may be used is the whole year.
- (g) The land upon which the water is to be used and to which this licence is appurtenant is the North 60 acres, Section 6, Range 6, Chemainus District, lying east of Chemainus River and west of Plan 1271 R/W (Highway 1), except that part within Plan 46197.
- (h) The works authorized to be constructed are diversion structure, pump, pipe, and tanks, which shall be located approximately as shown on the attached plan.
- (i) The intake shall be adequately screened to prevent debris and fish from entering the works.
- (j) The construction of the said works has been completed and the water is being beneficially used. The licensee shall continue to make a regular, beneficial use of water in the manner authorized herein.
- (k) This licence authorizes the use of water for domestic purpose in two dwellings located approximately as shown on the attached plan.
- (l) This licence is issued in substitution of Conditional Water Licence 40615.


B. Hollingshead
Regional Water Manager



The Corporation of the District of North Cowichan

7030 Trans Canada Highway

P.O. Box 278, Duncan, BC

Building Department

Phone: 250-746-3100 Fax: 250-746-3154

BUILDING PERMIT

Permit #: **BP006767**

Folio: 15064-000

Issued Date: May 5, 2014

Permit Type: **AGRICULTURE - NEW**

Description: THIS PERMIT HAS BEEN ISSUED FOR THE CONSTRUCTION OF 11 RV TRAILER SITES AND 9 TENT SITES IN THE AGRICULTURE LAND RESERVE

Address: **8682 TRANS CANADA HWY**
Legal: SEC 6 RGE 6 CHEM

Zone: A2 RURAL ZONE
P.I.D. 009-489-134

Applicant: CHEMAINUS RIVER CAMPGROUND
Address: 8682 TRANS CANADA HWY CHEMAINUS BC V0R 1K4

Phone: (250)246-9357

Owner: WYATT, JERI D
WYATT, JOHN R
Address: 8682 TRANS CANADA HWY RR 4 CHEMAINUS BC V0R 1K4

Phone:
Phone: 250-246-3161

Description	Quantity	Amount	Description	Quantity	Amount
Bp Fee Com	10,000.00	215.00			
Total:					\$215.00

Building Information:

TYPE OF IMPROVEMENT: NEW

CONSTRUCTION VALUE: 10,000.00

Special Conditions:

- * The Municipality of North Cowichan is relying on the registered professional engineer or architect of record provided to ensure compliance to the current B.C. Building Code for design, plan certification and field reviews as provided for in section 290 of the Local Government Act and section 12 & 13 of the Municipality of North Cowichan's Building Bylaw No. 3172, 2003.
- * Neither the granting of a permit nor the approval of the relevant drawings and specifications nor the inspections made by the District of North Cowichan shall in any way relieve the owner of such a building from full responsibility for the carrying out of work or having work carried out in full accordance with the requirements of the B.C.B.C. 2012

This permit expires and the right of an owner shall terminate, if the work is not commenced within 6 months, or if the work is not completed within 24 months of the date of issue of the permit. All Construction shall conform to the current edition of the B.C. Building Code and approved drawings issued with the Application For Permit For Erection, Alteration, or Repair of a Building. No deviation from these drawings, including site plans, shall be made without authorization being given subject to the same procedures established for the examination of the original plans.

The department reserves the right to reject any work which has been concealed or completed without first having been inspected and approved by the department in accordance with the requirements of the various codes.

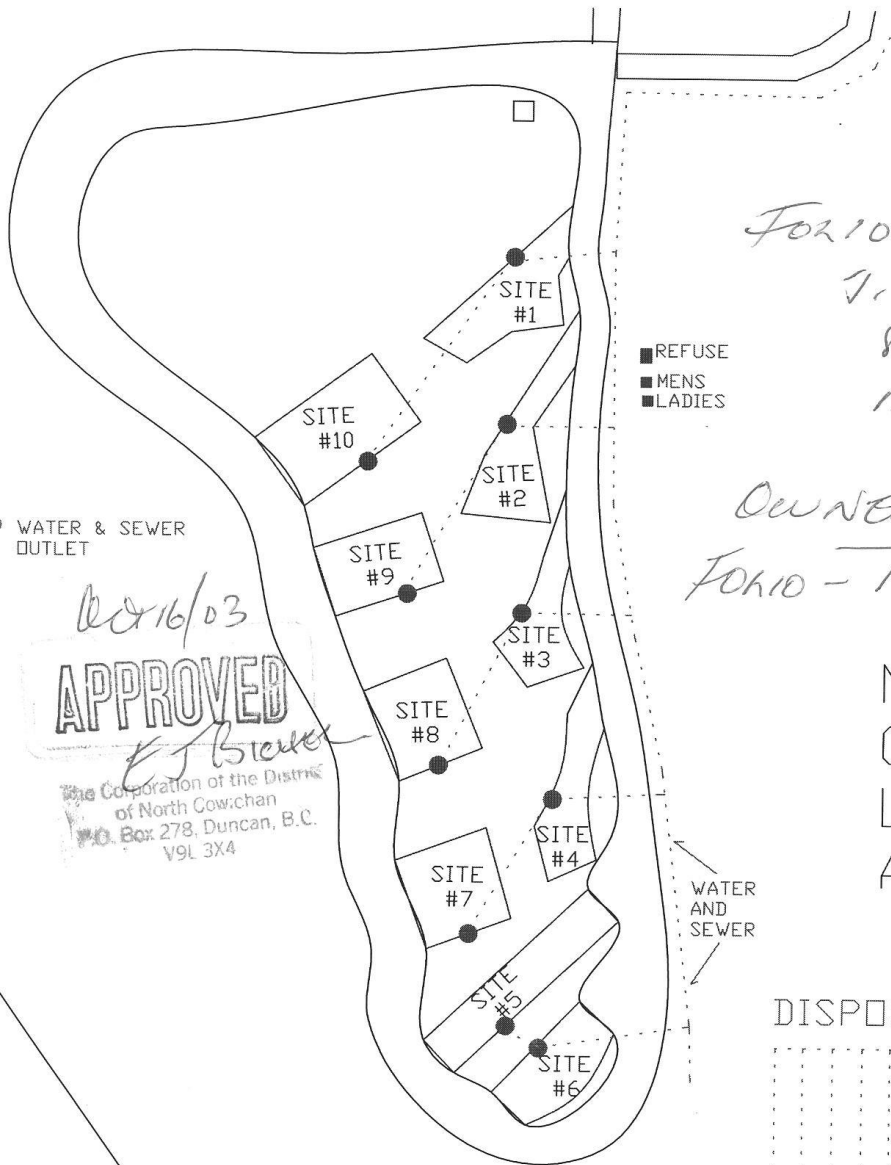
Applicant: Jd Wyatt

Building Inspector: Bruce L. Clephant

Signed May 20, 2014

Sent Ron Hinde May 22, 2014

May 5/ 2014



For 10-15064-000

J. Wyatt.

8 682 T.C.H.

Bp# 236-03.

OWNER Copy

For 10-15064-000

NORTH &
CHEMAIN
LYING S
AND PL

The Corporation of the District of North Cowichan

P.O. Box 278, Duncan, BC
Building Department
Phone: 746-3100 • Fax: 746-3154

Folio No. 15064-000

**BUILDING PERMIT -
CERTIFICATE OF OCCUPANCY**

CERTIFICATE ISSUED
DATE

Sept. 27 / 05
1820

DATE Feb 4 / 04 19. PERMIT NO. #12 / 04
APPLICANT John Wygatt ADDRESS 8682 Trans Canada Hwy
PERMIT TO Warehouse (TYPE OF IMPROVEMENT) (1) NO. STORY Campground (PROPOSED USE) NUMBER OF DWELLING UNITS N/A
AT (LOCATION) 8682 TCH. (NO.) (STREET) Chemainus B.C. ZONING DISTRICT A-2
SUBDIVISION Chem 5-6 A-6 LOT BLOCK LOT SIZE 23.33 ac.

This permit is granted on the express condition that the said construction shall, in all respects, conform to the Ordinances of this jurisdiction including the Zoning Ordinance, regulating the construction and use of buildings, and may be revoked at any time upon violation of any provisions of said ordinances. THE BUILDING SHALL CONFORM IN CONSTRUCTION TO THE REQUIREMENTS OF THE BRITISH COLUMBIA CODE AND ATTACHED PLAN CORRECTION SHEET

REMARKS: The inspection on which this certificate is based is made to further municipal interests, and not for the benefit of the owner. The inspector and municipality disclaim any responsibility to the owner for the effectiveness of the inspection, and they make no representation by this certificate.

BUILDING AREA 7867 (SQUARE FEET)
OWNER / AGENT John Wygatt
ADDRESS



INCORPORATED 1873

MUNICIPALITY OF NORTH COWICHAN
7030 Trans Canada Highway

Bruce L. Oliphant
Chief Building Inspector
Local Assistant Fire Commissioner

P.O. Box 278
Duncan, B.C. V9L 3X4

Telephone: (250) 746-3125
Facsimile: (250) 746-3154
Email: bruce.oliphant@northcowichan.ca
www.northcowichan.ca

North Cowichan

000

**BUILDING PERMIT -
CERTIFICATE OF OCCUPANCY**

CERTIFICATE ISSUED
DATE

Aug. 14 / 2012
1820

#1866

PERMIT TO CONSTRUCT RESIDENCE (TYPE OF IMPROVEMENT) (2) NO. STORY S.F.D. ATTACHED STORAGE (PROPOSED USE) NUMBER OF DWELLING UNITS 1
AT (LOCATION) 8682 T.C. HWY (NO.) (STREET) ZONING DISTRICT A-2

SUBDIVISION NORTH 60 AC. (EXC. SOUTH OF CHEMA RIVER) LOT REM BLOCK LOT SIZE
CHEM 37181, 5-6, A-6


BUILDING IS TO BE AS FT. WIDE BY PER FT. LONG BY PLANS FT. IN HEIGHT AND SHALL CONFORM IN CONSTRUCTION

TO THE REQUIREMENTS OF THE NATIONAL BUILDING CODE AND ATTACHED PLAN CORRECTION SHEET.

REMARKS: The inspection on which this certificate is based is made to further municipal interests, and not for the benefit of the owner. The inspector and municipality disclaim any responsibility to the owner for the effectiveness of the inspection, and they make no representation by this certificate.

AREA 5000 (SQUARE FEET)
OWNER J. & J. WYATT - 8680 T.C. HWY.
ADDRESS RR#1 CHEM. - VOR 1KO

Report

Date	September 4, 2019	File: SPP00067
To	Council	
From	Larissa Barry-Thibodeau, Development Planner	Endorsed: 
Subject	Setbacks for All Other Principal Buildings on Agricultural Lands	

Purpose

To provide Council with information, analysis, and recommendations for side, rear, and front yard setbacks for farm uses in All Other Principal Buildings, other than residential buildings, on agricultural lands.

Background

At its meeting on May 15, 2019, in response to concerns raised by a local resident, Council requested that Staff provide a report to explore the implications of reducing setbacks requirements for ancillary buildings from 46 meters to 25 meters. Staff note that All Other Principal Buildings, not 'ancillary buildings', are subject to the 46 m meter front, rear, and side yard setback in the Agricultural (A1) Zone. Therefore the purpose of this report is to provide Council with information, analysis, and recommendations on setbacks for farm uses in 'All Other Principal Buildings' on agricultural lands (A1, A2, and A3).

Discussion

Community Context

One quarter of the Municipality's land area is designated as Agriculture Land Reserve (ALR), and there are also a large number of parcels in agricultural zones which are not in the ALR but are zoned to permit agricultural uses. The Strategic Agricultural Plan (2001) indicates the most common farm size in North Cowichan (63%) is between 0.4 ha to 8.0 ha (1-20 acres), and of the 6,250 hectares in the ALR, 75% is actively farmed. Agricultural sector growth has increased over the last 20 years by 14.5% (farm gate sales, adjusted for inflation) while over the same period the area farmed has decreased (SAP, 2001, p. 2-4). The Climate Action and Energy Plan (2011) provides additional comment, and states that the most recent State of the Industry Report [at the time] indicates a trend towards smaller, more intensive and organic farms along with a livestock industry in decline (due to rising input costs, reduced processing capacity and increased regulations). Both plans identify small farm holdings as an important part of North Cowichan's agricultural base.

More recent regional data from the 2016 Census confirms the trends above, indicating that the number of farms, and farmland in use in hectares has declined in the Cowichan Valley Region District as a whole, however the number of employees has increased, as well as total farm receipts (Agriculture in Brief- Cowichan Valley, 2016). It should be noted however, “the accuracy of data for total farms in operation and farm size could be compromised by non-reporting, and that direct sales at farm gates and at farmers’ markets are not tracked, resulting in the potential for an incomplete picture of total farm receipts” (CVRD State of the Environment, 2014, p. 8). As mentioned, this data is not specific to the Municipality of North Cowichan, but indicates more recent regional trends.

Zoning Bylaw

Zoning Bylaw 2950 permits Agriculture in seven zones (A1, A2, A3, R1, R3, C7, CD7) and Agricultural Storage, in three zones (A1, A2, & A3). The focus of this report are the A1, A2, and A3 zones which have the largest number of additional permitted uses related to agriculture (ATTACHMENT 4) and the storage of agricultural products, and the most restrictive setbacks.

“Agriculture” means the use of land, buildings and structures: (a) to raise livestock, (b) to grow, rear, produce, and harvest agricultural products, (c) to process crops grown on the land, (d) to store or repair farm equipment used on the land, (e) to sell agricultural products, (f) for aquaculture, (g) for horticulture, (h) for mariculture, and (i) for silviculture, but does not include the operation of feedlots, fur farms, piggeries, poultry farms, or mushroom farms.

The latter uses, excluded from the definition of agriculture under (i), are permitted only in the Agricultural (A1) Zone, and on any other parcel in the Agricultural Land Reserve, regardless of zoning. Noted above, buildings used for agriculture on A1, A2, and A3 properties, which include greenhouses, barns to store crops, poultry barns, etc., are subject to more extensive setbacks than residential uses (between 30-46 meters depending on the zone). Slaughterhouses are the most restricted farm use in terms of siting and are subject to 92 meter setbacks.

Ministry of Agriculture’s Guide for Bylaw Development in Farming Areas

North Cowichan’s setback requirements for buildings for farm uses are generally inconsistent with the *Ministry of Agriculture’s Guide for Bylaw Development in Farming Areas*, which sets out maximum setback requirements and also differentiates between different types of farm uses. More intensive agriculture uses such as facilities to grow mushroom, poultry, game, livestock, and milking facilities have recommended maximum setbacks of between 15-30 m, while greenhouses, barns for tractors/crop storage, and riding rings have recommended maximum setbacks of between 4.5-7.5 m (ATTACHMENT 1). The Ministry of Agriculture has provided comments in support of the proposal to reduce setback requirements, and highlight that reductions for slaughterhouses also be addressed (ATTACHMENT 3).

Setback requirements for Cowichan Valley Regional District, Comox Valley Regional District, District of Sooke, District of North and Central Saanich, and Village of Pemberton were reviewed for the purpose of this research, as they are jurisdictions with significant amounts of farmland. In general, the District of North Cowichan’s setback regulations are more stringent for farm uses than comparative jurisdictions, particularly for side and rear yard requirements (ATTACHMENT 2).

Table 1. Setbacks Requirements in Agricultural Zones

Agricultural Zones	Setback Requirements for Farm Uses	Consistent with MOA Guide (See ATTACHMENT 1)
Agriculture Zone (A1)	All Other Principal Buildings Front, Side, and Rear-46 m (150.91') Slaughterhouse Front, Side, and Rear-92 m (301.84')	No
Rural Zone (A2)	All Other Principal Buildings Front, Side, and Rear-30m (98.42')	No
Rural Restricted Zone (A3)	All Other Principal Buildings Front, and Rear-30m (98.42') Side-15m (49.21') ⁶	No

Official Community Plan

The following Objectives, Policy Directions/Commitments, and Policies lend support to reducing barriers to farming on agricultural lands.

2.1.1 Agriculture

Objective: Sustain and increase agricultural activity through policies that support and strengthen the role of agriculture in North Cowichan's social and economic fabric, enhance food security through greater support for farmers, and protect the agricultural land base.

Policy Direction/Commitment: The Municipality will protect the agricultural land base, strengthen the economic vitality of farming, and promote the importance of local agriculture.

2.1.1.4 The Municipality will take a regional approach to protecting, enhancing and supporting agriculture, working with other jurisdictions to resolve common issues that interfere with the economic vitality of farming. Such issues include drainage problems and the need for irrigation water to promote food production.

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.

2.1.1.8 It is a municipal priority that North Cowichan's urban residents understand the contributions of agriculture to North Cowichan's quality of life, and that we ensure that the Municipality understands the concerns of farmers.

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.

2.4.2 Rural and Environmental-Based Economic Opportunities

Objective: Encourage and promote economic activities that support the values of the rural and natural environment

Policy Direction/Commitment: The Municipality will encourage new, and support existing, rural- and environmental-based businesses.

Strategic Agricultural Plan (SAP)

Goals: Support and Enhance the Small Farm Sector; Reduce Costs and Regulatory Barriers.

The SAP emphasizes the importance of smaller agricultural parcels in the Cowichan Valley, between 0.4-8 hectares in size, and identifies buffering/urban edge planning as key to lessening the conflicts between urban and non-urban land uses. Setbacks for permitted agricultural uses are not specifically identified in the SAP, however the plan emphasizes reducing regulatory barriers for farm enterprise.

Council's Strategic Plan

Council has stated that it will act to maintain and strength North Cowichan as an economically thriving and sustainable community of unique and inclusive towns and neighbourhoods; preserving our agricultural rural countryside, and stewarding healthy forests, rivers, and lakes. Council has stated that it will take action to support small scale innovative agriculture, as well as continued action to encourage the use of arable land.

Climate Action and Energy Plan (CAEP)

The CAEP recommends that an Agricultural Development Centre be established for the purpose of training farmers, making farmland available, and producing and selling local food. The CAEP identifies establishing a local food initiative to encourage more organic and local food sales, and highlight that local good production and consumption can generate significant GHG emission reductions. The 33% reduction in GHG emissions to 2007 levels by 2020 is linked to increases in farming and farm production, specific actions include designating 23% more farmland area, as well as increasing the percentage of local food production to from a baseline of 20% to a baseline of 60%. While the Municipality cannot directly increase local food production, it can participate by reducing regulatory barriers to farming.

Conclusion

In general, the Municipality's regulations for setbacks requirements on agricultural lands are more restrictive than best practices set by the Ministry of Agriculture, and relative to regulations from neighbouring jurisdictions. The Ministry of Agriculture recommends maximum setback requirements as a strategy to all farmers to cluster farm buildings to preserve arable land. Overall, local governments have taken the approach of implementing more restrictive setback requirements for intensive agricultural uses like chicken and mushroom barns due to inherent conflicts between residential and agricultural uses. Possible implications for reducing setbacks are increased impacts on adjacent properties and increased complaints related to permitted farm uses.

In 2001, the majority of farms were between 0.4 ha- 8 ha (SAP, 2001). With the prevalence of smaller lots used for agricultural purposes in North Cowichan, we can expect that farm uses on these types of lots may be challenged to comply with present setback requirements, creating excessive regulatory barriers to farming, and unanticipated implications, such as the fragmentation of productive soils.

The Official Community Plan explicitly supports and prioritizes agriculture and farming practices, and rural economic development. The SAP provides direction to reduce regulatory barriers to provide easier access to agricultural production, particularly with respect to smaller agricultural holdings, and the CAEP provides direction to encourage local food production and farming. These objectives and goals are seen by Staff as potential outcomes of reducing setbacks requirements. Council's Strategic Plan lends support to changes which will positively impact small scale innovative agriculture, and use of arable land. The reduction of setback requirements will reduce regulatory barriers and make the placements of farm related buildings more feasible on smaller and unusually configured agricultural parcels. This reduction will be of benefit to both large scale and small scale farms.

Therefore it is the recommendation of Staff that the setback requirements for agricultural uses be reduced for front, rear, and side yard setbacks for 'All Other Principal Buildings' from 46 m for to 25 m for front, and from 46 to 15 m for side and rear yard setbacks in the A1 Zone; from 30 m to 25 m for front, and from 30 m to 15 m for side and rear yard setbacks in the A2 Zone; and from 30 m to 25 m for front, and from 30 m to 15 m for rear yard setbacks in the A3 Zone; except, that 'All Other Principal Buildings' on A1 and A2 lands abutting residentially zoned properties are subject to 30 m setbacks from the abutting property line.

Options

The following options are available to Council.

Staff recommendation:

1. That a zoning amendment bylaw be prepared to reduce front, rear, and side yard setbacks for 'All Other Principal Buildings' from 46 m for to 25 m for front, and from 46 to 15 m for side and rear yard setbacks in the A1 Zone; from 30 m to 25 m for front, and from 30 m to 15 m for side and rear yard setbacks in the A2 Zone; and from 30 m to 25 m for front, and from 30 m to 15 m for rear yard setbacks in the A3 Zone; except, that 'All Other Principal Buildings' on A1 and A2 lands abutting residentially zoned properties are subject to 30 m setbacks from the abutting property line.

Alternate recommendations:

2. That a zoning amendment bylaw be prepared to reduce front, rear, and side yard setbacks for 'All Other Principal Buildings' from 46 m to 25 m for front, and from 46 m to 15 m for side and rear yard setbacks in the A1 Zone.
3. That no amendment bylaw to the setbacks for 'All Other Principal Buildings' in agricultural zones be pursued at this time, and that the issue be considered as part of the OCP and Zoning Bylaw review.

Recommendation

That a zoning amendment bylaw be prepared to reduce front, rear, and side yard setbacks for 'All Other Principal Buildings' from 46 m for to 25 m for front, and from 46 to 15 m for side and rear yard setbacks in the A1 Zone; from 30 m to 25 m for front, and from 30 m to 15 m for side and rear yard setbacks in the A2 Zone; and from 30 m to 25 m for front, and from 30 m to 15 m for rear yard setbacks in the A3 Zone; except, that 'All Other Principal Buildings' on A1 and A2 lands abutting residentially zoned properties are subject to 30 m setbacks from the abutting property line.

Attachment(s):

1. Ministry of Agriculture Guide to Bylaw Development in Farming Areas
2. Comparative Local Government Setbacks for Agricultural Uses
3. Comments from the Ministry of Agriculture
4. Permitted Uses in A1-A2-A3 Zones

Table 1 Maximum*** Setbacks for Farm Buildings, Structures, and Facilities			
Building or Facility	From Lot Lines		From Domestic Water Supply Intake
	Front and Exterior Side	Interior Side and Rear	
Principal Farm Buildings, Animal Containment, and Storages			
<i>Greenhouse (nursery, specialty wood & turf crops): including boiler room, header house, machine storage</i>	7.5 m	4.5 m	30 m
Tree, vine, field, and forage crop storage; granary	7.5 m	4.5 m	
Apiculture: Bee hive; <i>honey house</i>	7.5 m	7.5 m	
Mushroom: barn	15 – 30 m *	7.5 m	
<i>Livestock, poultry, game, or fur: barn, brooder house; fur farming shed; hatchery; livestock shelter; milking facility; stable, confined livestock area</i>	15 – 30 m *	15 – 30 m *	
Free range poultry at a density of less than one animal unit	0 m	0 m	
Medical Marihuana Production Facilities	15 - 30 m	15 - 30 m	
Accessory buildings, structures and facilities			
Incinerator; silo	30 m	30 m	30 m
Generator shed	15 m	15 m	
<i>Detention pond</i>	7.5 m	4.5 m	
Grain and hay storage; silage storage in plastic bags; straw storage (non-composting materials)	7.5 m	4.5 m	
<i>Machine storage and shelters, and accessory buildings, structures and facilities which are low risk for being potential sources of pollution</i>	4.5 m	4.5 m	
Feeding area location in <i>seasonal feeding area****</i>	n/a	n/a	
Boilers or walls with fans – all uses	15 m	15 m	
Horse riding rings and exercise yards where no feeding of animals occurs and where a vegetated buffer is provided in the form of a hedge between the ring or yard and neighbouring properties	0 m	0 m	n/a
Horse riding rings and exercise yards where no feeding of animals occurs and where no vegetated buffer is provided	4.5 m	4.5 m	n/a

Building or Facility	From Lot Lines		From Domestic Water Supply Intake
	Front and Exterior Side	Interior Side and Rear	
Marketing, Processing, and Product Preparation Structures and Facilities			
Direct farm marketing	7.5 m	4.5 m	30 m
On-farm processing, on-farm product preparation	7.5 m	7.5 m	
Winery and Cider processing facility	7.5 m	4.5 m	
On-farm soil-less medium production	15 m	15 m	
Soil-less medium storage, wood waste storage	7.5 m	7.5 m	
Waste and Chemical Handling			
Agricultural liquid or solid waste storage facility; solid agricultural waste (field storage**)	30 m	30 m	30 m
Compost storage; on-farm composting	30 m	30 m	
Chemical storage	7.5 m	7.5 m	
Composting materials (non-manure storage)	15 m	15 m	
Medical Marihuana Production Facilities (MMPF)			
Setbacks from Parks and Schools	150 metre maximum setback from MMPFs to Parks and Schools		
Setbacks from non-ALR Residential Uses	30 metre maximum setback from MMPFs to non-ALR Residential Uses with a buffer, or 60 metre maximum setback if a buffer is not employed.		
<p>* Range in setback distance allows for <u>reductions</u> for enclosed animal facilities and for narrower walls that are oriented to lot lines. Current bylaws may have setbacks within the range and thus, could remain unchanged and be consistent with these guidelines.</p> <p>** Field storage for more than 2 weeks.</p>			
<p>***Local government zoning or development permit area criteria usually stipulate the “minimum setback” distance - which is the closest to the object a building or <i>structure</i> may be situated. An applicant may choose to locate his feature farther back. In order to minimize the effects on farming, these guidelines give the MAXIMUM setback distance that a local government should use in its bylaws. The dimensions are referred to as – “the setback distance”.</p>			
<p>**** <i>Seasonal feeding areas</i> are predominately covered by productive vegetation during the growing season.</p>			

Local Government	Setback Requirements for Farm Uses
Cowichan Valley Regional District	Area A and C: 15 m front, rear, side Area D: Marine, 15 m front, rear, side; Upland 30 m front and exterior side, and 15 interior side and rear, 15 m adjoining ALR Area E: 30 m front, and 15 m rear and side. Area F: 30 m front and exterior side, and 15 interior side and rear Area G: 15 m front, 7.5 rear and side Area H: 15 m front, rear, side Area I: 30 m front, 15 m rear and side
Comox Valley Regional District	7.5 m front and rear; 7.5 m side abutting a road and 3.5 m side not abutting a road
District of Central Saanich	Livestock, Manure Storage Buildings 30 m abutting a residential zone; Other Agricultural uses front 7.5 m, rear and side 1.5 m, side exterior 6 m.
District of North Saanich	7.6 m front, rear, side
Regional District of Nanaimo	30 m Intensive Agriculture front, rear, side; 8 m front, rear, side other Ag. Buildings
District of Sooke	Intensive Agriculture 30 m front, rear, side; Non-Intensive Farm Building or Structure 15 m front, rear, side
Village of Pemberton	7.5 front, rear, side




Thu 6/27/2019 4:07 PM

Pepper, Doug AGRI:EX <Doug.Pepper@gov.bc.ca>

FW: Municipality of North Cowichan -Reducing Setbacks in Agricultural Z

To Larissa Barry Thibodeau

 You replied to this message on 6/27/2019 4:29 PM.

Hello Larissa,

Myself and my colleague, Reed Bailey (Agri Land Use Planner), have both reviewed the proposed setbacks. Reed's comments below best articulate the position of AGRI.

"As described in the Report to Council titled "Setbacks for Principal Buildings on Agricultural Lands" dated July 17, 2019, the Ministry is encouraged to see that the Municipality of North Cowichan staff are recommending a reduction in the minimum setbacks for Principal Buildings for agricultural uses within the A1, A2 and A3 zones. Despite this positive change, the Ministry encourages the Municipality to consider further reductions in the minimum setbacks for Principal Buildings for agricultural uses or consider adopting maximum setbacks in line with those described in the Ministry's Guide to Bylaw Development in Farming Areas. Reducing the minimum setbacks for Principal Buildings for agricultural uses will ensure that more land is available for agricultural production on parcels where agricultural is a permitted use.

While it appears to be out of scope in the context of this particular bylaw amendment, the Ministry would nonetheless like to acknowledge the unreasonably large minimum setback (92 metres) for slaughterhouses within the A1 zone. Within the Ministry's Guide to Bylaw Development in Farming Areas, slaughterhouses are considered a type of on-farm processing building/facility where the maximum setback from front, side and rear lot lines is 7.5 metres. The Ministry encourages the Municipality to consider reducing the minimum setback for slaughterhouses within the A1 zone to better reflect the standard in the Ministry's Guide to Bylaw Development in Farming Areas."


If you have any further questions, please let me know.

Thank you,

Doug

	Agriculture Zone (A1)	Rural Zone (A2)	Rural Restricted Zone (A3)
Permitted Uses	Agricultural Exhibition and Fairground Agriculture Agricultural Storage Assisted Living Bed and Breakfast Craft Distillery Community Care Facility Feedlot Forestry Use Fur Farm Greenhouse Home-based Business Kennel Large Animal Hospital Manufactured Home Mushroom Farm Piggery Poultry Farm Riding Stable Single-Family Dwelling Slaughterhouse Supportive Housing Temporary Mobile Home Two-Family Dwelling	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 Two-Family Dwelling	Agriculture Agricultural Storage Assisted Living Bed and Breakfast Community Care Facility Greenhouse Home-based Business Modular Home Single-Family Dwelling Supportive Housing Temporary Mobile Home Two-Family Dwelling

Report

Date	September 4, 2019	Prospero No. ZB000102
To	Council	Folio No. 05463-050
From	Caroline von Schilling, Development Planner	File No. 3360-20 18.28
Subject	Zoning Bylaw Amendment Application No. ZB000093 (8432 Trans-Canada Highway) – Cannabis Retail Sales	Endorsed: 

Purpose

The purpose of this report is to provide Council with information, analysis and a recommendation regarding a site specific zoning amendment application to permit the use of Retail Cannabis Sales at 8432 Trans Canada Highway to facilitate a cannabis retail store.

Background

The 0.49 ha (1.21 ac) subject property is located at the corner of Mount Sicker Road and the Trans-Canada Hwy. (see ATTACHMENTS 1 & 2). The property is designated Highway Service Commercial in the Official Community Plan (OCP), is zoned Commercial Service (C3) in the zoning bylaw (ATTACHMENT 3). The Subject Property is located within the Agriculture Land Reserve (ALR). Proximity of the proposed location of the proposed cannabis retail sales store to parks, schools, and recreation areas is identified in ATTACHMENT 4.

Land Use Context

North: Commercial; Agricultural and rural properties beyond
South: Agricultural and rural properties
East: Agricultural and rural properties; Halalt First Nation beyond
West: Agricultural and rural properties

Proposal

The applicant is proposing to amend the Zoning Bylaw to permit a cannabis retail store at 8432 Trans-Canada Highway (ATTACHMENT 5 & 6) within the Commercial Service (C3) Zone (ATTACHMENT 7).

Discussion

In October, 2018, the Federal government legalized non-medical Cannabis regulated by Bill C-45 the *Cannabis Act*. This federal legislation created a number of responsibilities for all levels of government regarding cannabis use, possession, production, and sales. The Province of BC has since adopted the *Cannabis Control and Licensing Act* and the *Cannabis Distribution Act*, as well as a series of regulations, to regulate private cannabis retail stores.

The Province has been clear that local governments can choose to prohibit cannabis stores or cap the number permitted in the community, or establish criteria for permitting cannabis retail stores. On January 16, 2019, Council considered and adopted the Retail Cannabis Sales Policy in order to establish criteria to guide Council in its consideration of land use amendment applications for site-specific cannabis retail sales. It was revised on July 17, 2019 (see ATTACHMENT 8).

Policy considerations regarding this application are:

Official Community Plan

Provide clear policies guiding the location and operation of commercial enterprises

Policy 2.4.5.2 *The Municipality encourages a range of commercial facilities from local to regional in scope.*

Policy 2.4.5.12 *The Municipality will take the following into consideration for zoning to permit highway service commercial development:*

- Land use along the Trans-Canada Highway will be governed by highway service commercial zone and policy. [see also 2.5.6.10 & Map 11]
- Commercial land along the highway should be protected for highway commercial uses ...

Policy 2.5.6.10 *The Municipality supports the maintenance of the existing service and transportation corridors in North Cowichan.*

Achieve results consistent with the goals, principles and policies of the OCP

Policy 3.2.2.2 *The Municipality will work together with neighbouring First Nations on matters of shared concern, including traffic, water and servicing.*

- (a) The Municipality will continue to work together with First Nations to integrate standards and share service delivery equitably*

The OCP designates the Subject Property within the Westholme Highway Service Commercial area (Map 9), which services the surrounding rural/regional area as well as the neighbourhood jurisdiction of Halalt First Nation. The OCP further designates the Subject Property within the Trans Canada Highway Corridor Rural Designation, which identifies this section of the Trans Canada Corridor for rural land uses.

The proposal is generally consistent with the policies of the OCP. The Municipality should work together with neighbouring jurisdiction of Halalt First Nation on matters of shared concern (OCP Policy 3.2.2.2).

Retail Cannabis Sales Policy

Policy 4.1 Location

Retail cannabis use must be located on, or in close proximity to, a provincial highway ...; and in commercial areas ...

This application proposal is located in close proximity to the Trans-Canada Highway, and in an established commercial area.

Policy 4.2 *Only one retail cannabis sales storefront will be allowed per parcel.*

No other active application has been approved for this parcel at this time.

Policy 4.5 Community Impact

Council will consider the impact of retail cannabis sale in proximity to libraries, public recreation centres, public community centres, parks, places of worship and family-oriented facilities.

The proposal is located within approximately 500m from Chemainus Community Park and the historic Westholme School, and approximately 800m from Halalt First Nation, e.g., day care, library, and community centre.

The location is separated from Chemainus Community Park by a bridge crossing the Chemainus River. The location is separated from historic Westholme School and Halalt First Nation by an arterial highway.

Policy 4.9 Application Process

The municipality will refer all retail cannabis sales applications to School District #79, North Cowichan RCMP, and jurisdictional neighbours for up to 30 days to ensure that their comments are considered in Council's decision.

Referrals were sent to School District #79, North Cowichan RCMP, and the jurisdictional neighbours of Halalt First Nation, Cowichan Tribes, City of Duncan, and the Cowichan Valley Regional District, to notify them and invite comment or concern about the proposal.

All jurisdictions and agencies provided comment. In summary, no concerns over proximity were raised by SD79. No concerns were raised by the City of Duncan nor the Cowichan Valley Regional District. Cowichan Tribes wished to defer to Halalt First Nation. The RCMP did not raise concerns.

Concerns over the proximity of the cannabis retail sales store proposal were raised by Halalt First Nation (ATTACHMENT 9).

Development Permit Areas

This area is subject to Development Permit Area-1 (General) should new construction or significant exterior upgrades to the store be required.

Zoning Bylaw

Retail use is permitted in the existing Commercial Service (C3) Zone. Cannabis retail use is not permitted without a zoning amendment.

Ministry of Transportation and Infrastructure

The subject property is within 800 m of a Controlled Access Highway (Trans-Canada Highway) requiring Ministry of Transportation and Infrastructure (MOTI) approval of this proposed zoning amendment bylaw prior to bylaw adoption. The application was referred to the MOTI on August 19, 2019; no concerns were raised.

Analysis & Conclusion

Official Community Plan (OCP) support for the proposal (Commercial Section 2.4.5) is based on, the proposal:

- Encourages a range of commercial facilities, and
- Is consistent with the policy direction of Highway Service Commercial designation, i.e., commercial proximity to an arterial highway.

Further, Cannabis Retail Sales Policy support for the proposal (Location Policy 4.1 & Community Impact Policy 4.5) is based on, the proposal is:

- Located near an arterial highway, and within an established commercial area, and
- Unlikely to negatively impact use of Chemainus River Community Park on the north side of the Chemainus River and the periodic use of historic Westholme School.

However, Cannabis Retail Sales Policy (Community Impact Policy 4.5) is not supportive of the proposal because the proposal:

- Could negatively impact Halalt First Nation, e.g., day care, library, community centre.

In conclusion, this zoning amendment application to a permit a cannabis retail sales store does not contradict the intent of the Official Community Plan, including the Highway Service Commercial and Trans Canada Corridor Rural designations, nor, on the balance, the Cannabis Retail Sales Policy. Therefore, staff, provides a positive recommendation to this application.

Yet, the Westholme Highway Service Commercial area services local area community residents, including Halalt First Nations community residents. As such, this area functions as a rural neighbourhood commercial node as well as a highway service commercial node. In order to determine if retail cannabis sales is an appropriate use in this context, the local community should be consulted.

Communications and Engagement

The applicant is required to arrange and conduct an Information Meeting to provide residents and property owners within a 60 m of the subject property with information about their application (Section 4.8, Cannabis Retail Sales Policy) prior to Public Hearing. A summary of the feedback received at the meeting will be incorporated as part of the staff presentation to Council. An Information Meeting for this application has not yet occurred, but would be required prior to a Public Hearing.

Should Council choose to provide 1st and 2nd Reading to this bylaw, the application will proceed to a Public Hearing, at which time the general public will be provided an opportunity to provide input to the proposed Zoning Bylaw amendment. Neighbouring properties within a 60 m radius of the subject property will be notified of this application and advertisements will be placed in the local newspaper, as required by the *Local Government Act*.

Options

The following options are presented for Council's consideration (ATTACHMENT 10):

Option 1 – Staff Recommended

1. That Council give first and second readings to "Zoning Amendment Bylaw (Cannabis Sales – 8432 Trans Canada Highway), 2019" No. 3752 – a bylaw to permit cannabis retail sales at 8432 Trans-Canada Highway;
2. That the Applicant be directed to conduct an Information Meeting prior to a Public Hearing; and,
3. That a Public Hearing be scheduled as required by the *Local Government Act*.

Option 2 – Alternate Recommendation:

That Council deny first and second readings to "Zoning Amendment Bylaw (Cannabis Sales – 8432 Trans Canada Highway), 2019" No. 3752.

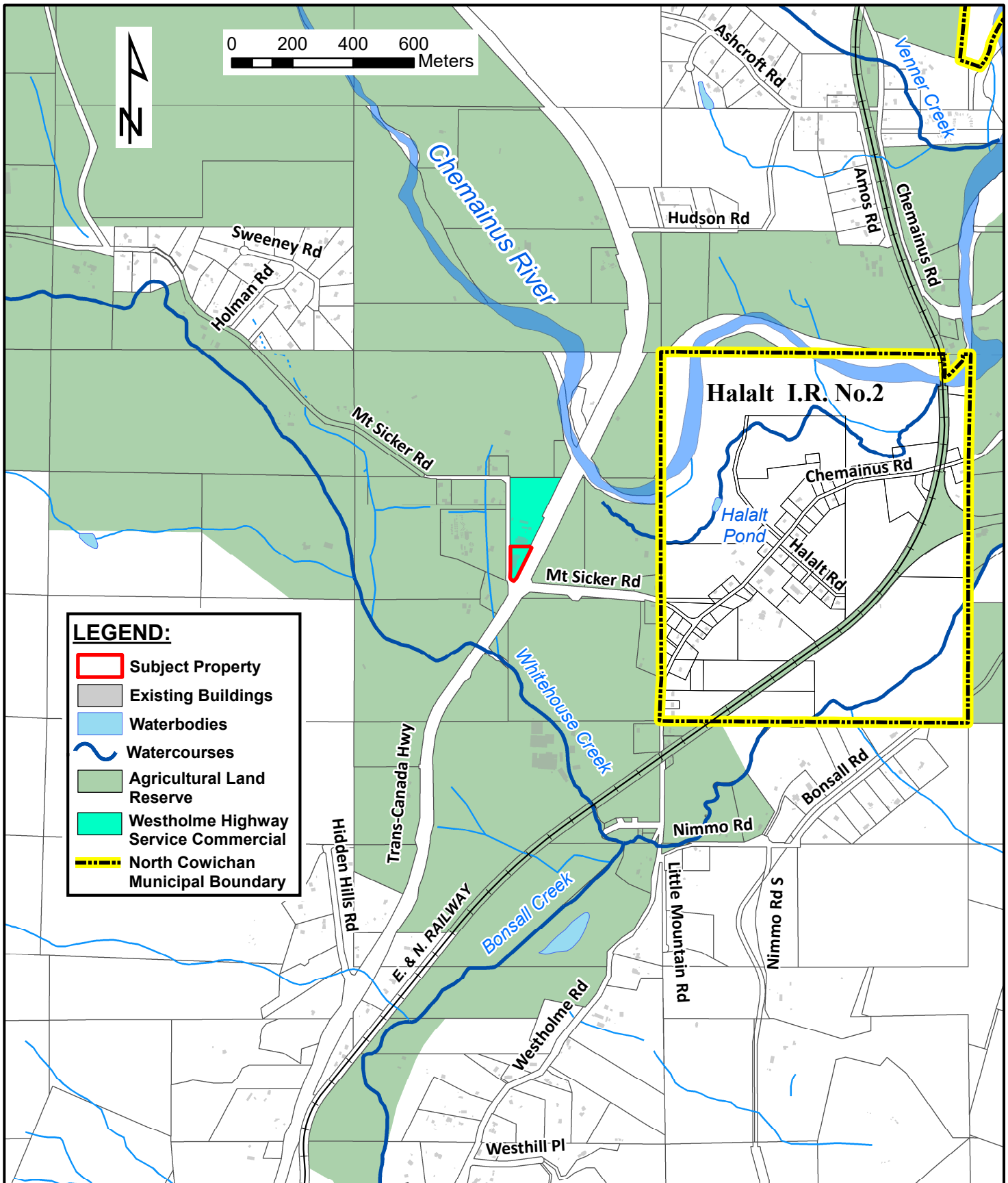
Should Council choose to deny this zoning amendment application the applicant would be required to conform to the permitted uses of the Commercial Service (C3) Zone.

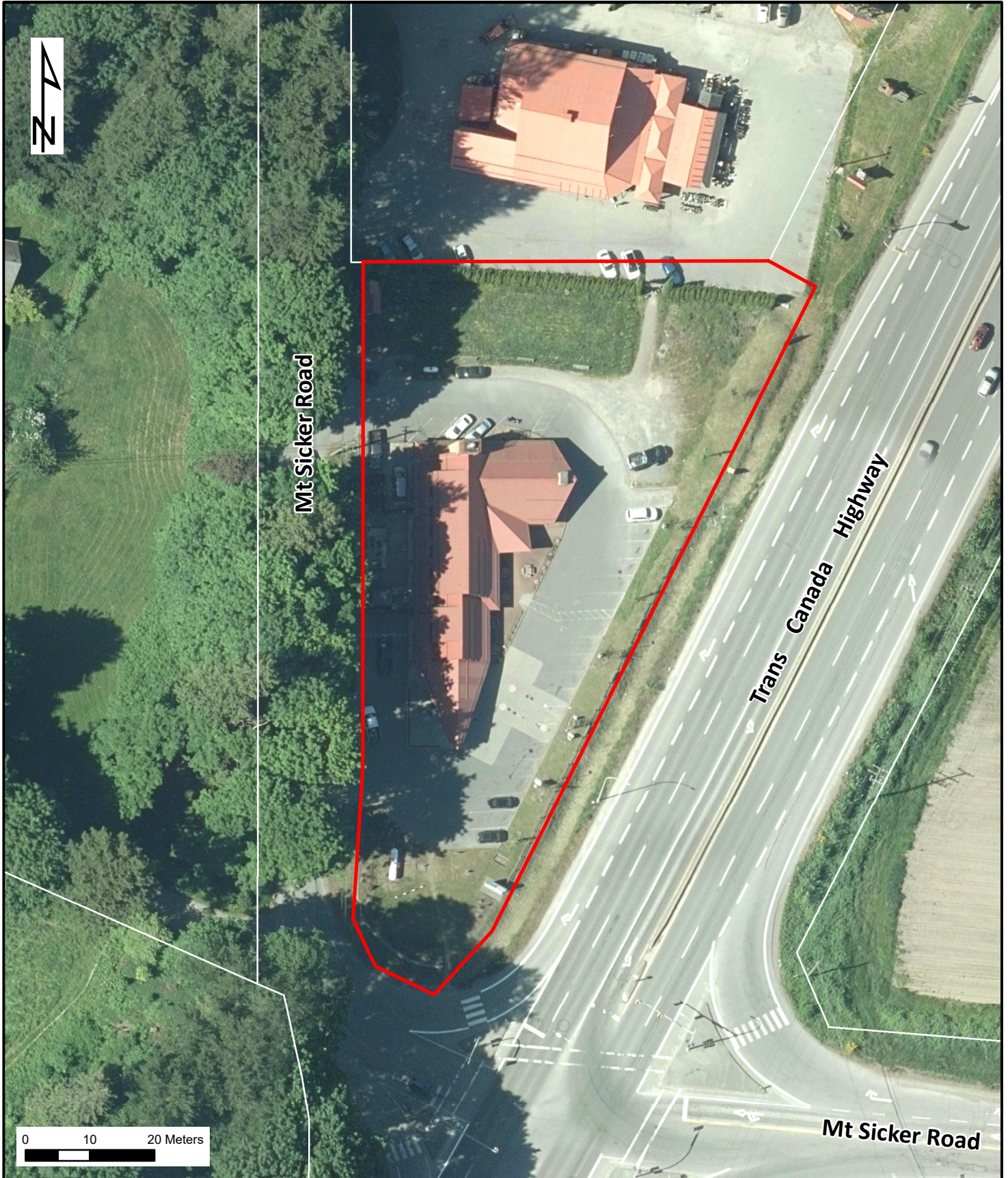
Recommendation

- 1. That Council give first and second readings to "Zoning Amendment Bylaw (Cannabis Sales – 8432 Trans Canada Highway), 2019" No. 3752 – a bylaw to permit cannabis retail sales at 8432 Trans-Canada Highway;**
- 2. That the Applicant be directed to conduct an Information Meeting prior to a Public Hearing; and,**
- 3. That a Public Hearing be scheduled as required by the *Local Government Act*.**

Attachments:

1. Location Map
2. Air Photo
3. Zoning Map
4. Cannabis Policy Map
5. Letter of Rationale
6. Site Photos
7. Commercial Service (C3) Zone
8. Council Policy: Cannabis Retail Sales
9. Halalt First Nation Referral (Concerns)
10. Bylaw 3763





ORTHOPHOTO MAP

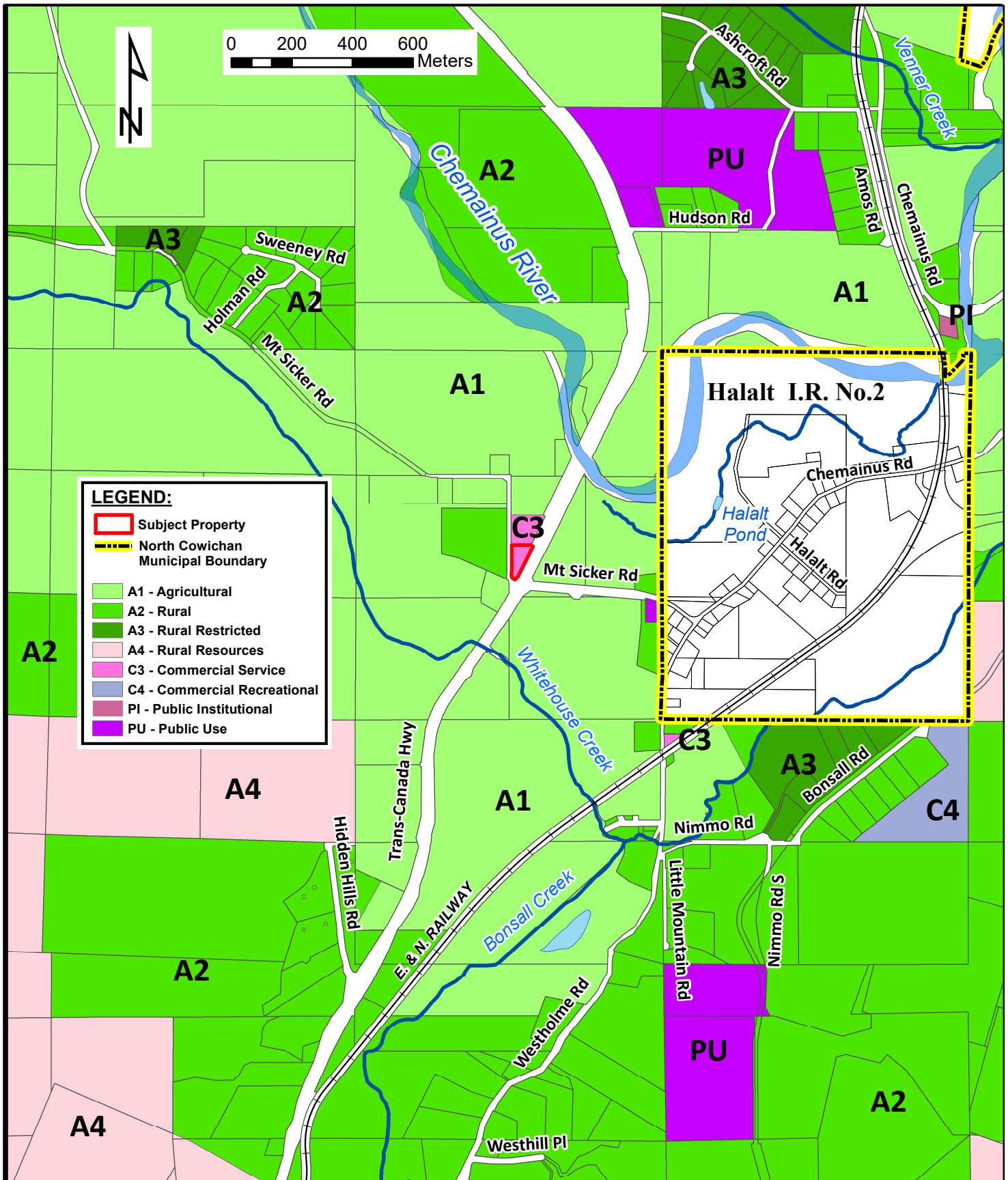
(Orthophoto is from 2017 aerial photography)

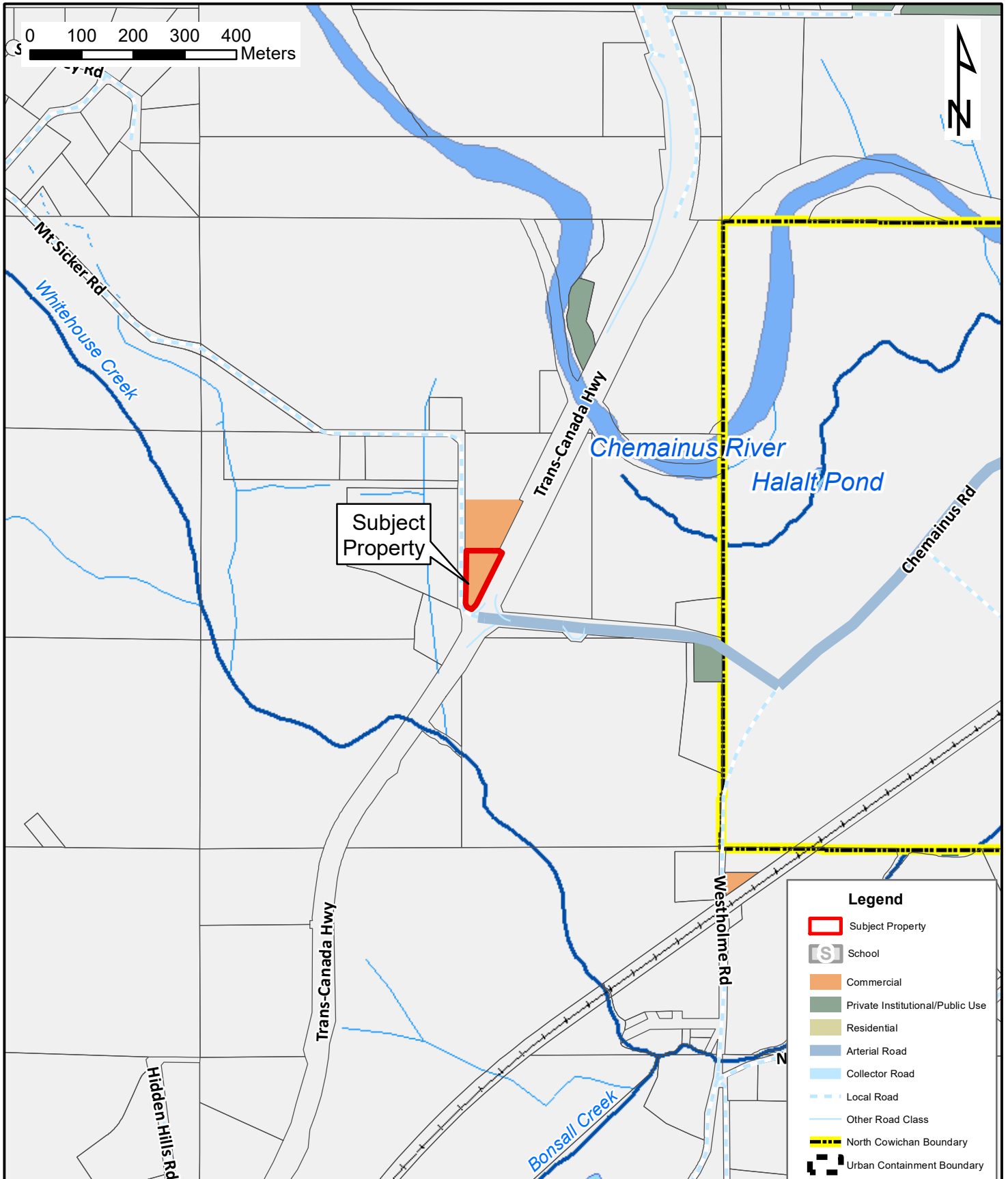
8432 Trans-Canada Highway

DATE: September 14, 2018

TYPE: Zoning Amendment

FILE#: ZB000093







Father Nature's Gifts LTD

Business Operating Manual

**Policies, procedures
and practices.**

2018

B.C. 1144949
Gst 780498887 RT 0001
PST 1107-5325

SCANNED

Aug 27/18

Father Nature's Gifts LTD
Operating manual

Our goal is to implement high standards.

We will give our customers the best and safest means for acquiring their Products. We will annually review our systems and develop ongoing methods to improve our standards.

I am fortunate enough to have been in the hospitality industry for over 30 years.

I have owned and managed restaurants, hotels, nightclubs and bars.

I spent 8 years being the General Manager of the Phoenix station Motor Inn in the Cowichan Valley. The Hotel included a Bar, a night club that served until 2:00am, a Liquor store, a dining room, full banquet facilities and a rooms division.

I am very clear on the regulations regarding , the Service, Consumption and off-sales of Alcohol. I was responsible for the training and testing of all staff before they were able to serve or sell Alcohol.

I was in touch weekly with the areas liquor inspector, { Rob Sabayan at the time} and in 8 years we never received a single violation for over-service, serving minors, or any other contraventions to the Liquor Control Act. I was very proud of that.

It was imperative to understand the serious consequences that could occur for not following the regulations.

I believe the experience that I have gained in that industry will be incredibly beneficial in the transition to a retail Cannabis store. Rules and regulations will be very similar to Alcohol service and understanding what to look for in impaired people, and knowing the laws regarding service to minors.

No one under the age of 19 shall be allowed on the premises.

ID will be required.

Before a customer will be allowed to purchase product they will have to have 2 pieces of identification on their person. One will be a primary ID. Drivers license, Passport, Military card, Status card, etc. it will have to have a photo and be government issued.

They will also require a second piece of Id with their name and signature on it to help verify the primary ID. IE bank card, credit card, Sin card ETC.

Complaints:

Any complaints about our business that any customer has will be handled on an individual basis. We will definitely do everything to solve any problem.

This will include having a policy in place to deal with any complaints

As we grow we will continue to educate our customers on the potential health risks and side effects of Cannabis. We will include suggested doses depending upon the customers usage and tolerances. Only suggestions, not rules.

In the future we will be offering some educational content such as strains, ingestion options, potency and possible side effects. Who to call and what to do if there are any complications with adverse side effects, or negative symptoms

All special considerations customers can book one on one time to help with their individual needs.

We will have our hours of operation posted on the door and our web sites, so that customers are aware of our opening and closures.

Our operation will be lit up well and with Cameras to help ensure the safety of our customers coming and going.

Our establishment is also Wheel chair accessible.

As we build our stocks and suppliers, we will be able to ensure that we will have a good selection of products available to the patients

We will also ensure that non cannabis products are approved for sale in Canada and that we will have the appropriate licensing to do so.

We prohibit the sales of tobacco, alcohol, or any scheduled substances other than marijuana and marijuana products.

Our staff will be fully trained in understanding all the products that we carry to ensure the right medicines go for the right symptoms.

Our staff will be trained to understand when to flag a customer for abuse. We will carry information on where to go and who to contact in case of abuse or addiction or customers that may require this kind of help.

Quantity restrictions:

On our policy it will clearly state what our quantity restrictions are. We will be following Government regulations, of a maximum of 30 grams

Policies regarding refusing service to a customer:

We have the right to refuse any customer that is abusive to staff, or other customers.

Anyone that is acting erratically or in a manner that seems to be unsafe.

customers with obvious mental health issues

Any customers that seems to be overly inebriated or high on other substances.

If this occurs, there will be a policy that will require all staff to fill out a refusal form, that will include details of their actions that required us to refuse that customer. We will implement a policy that will allow us to suspend or permanently suspend them.

Product handling:

All product handlers will have their “ Food Safe “ certification and we will comply with all health safety and cleanliness standards and procedures.

All products will be in clean sanitized glass jars, and the back up product will be kept in a safe and clean environment to protect the quality of the product.

We will carry 2 certified digital scales to ensure that Patients are getting what they are paying for. A secondary scale will be kept in case of dispute.

We will ensure that all cannabis and cannabis products will be properly labelled with strains and strengths of products. When legislation changes we would like to include the names of the producers, so that customers are knowing where the products and sources comes from.

Tracking and collecting sales records:

We will be having a legal cash register and running our business like a business, that will include all details such as sales tax collected and remitted, as well as source deductions from employees. We want to ensure that when legalization does occur, then we are in compliance with any rules and regulations put forth. We have our Certified General accountant handling all of these details

Incident policy:

We will have an incident report and daily log book, that will be filled out after each incident. Their problem, and the resolution.

We will have a suggestion box in our store to give our customers a chance to share their opinions, and concerns in anonymity . This allows our business to grow and give our customers what they want, and address the concerns put forth.

Each job done in our business will have a job description available to that employee. Our hiring practices will be very strict and specific as to what our needs will be. We will be doing back ground checks if necessary. They will not be able to have had previous substance charges or problems as well, if we deem necessary to have that employee have a criminal record search.

All staff will be appropriately trained for their position before starting the job. They will need to continue to educate themselves for the better of the business. There will be annual staff evaluations. This helps them improve in the areas that are needed.

There will be regular staff meetings to bring up concerns and new ideas.

We will follow the regulations regarding employment standards of Canada.

We will get involved in some of the communities needs and take on a cause that will help locally. Give back to the community that gives to us.

Our store will be kept clean and healthy. All surfaces will be sanitized daily. Our store front is attached to other businesses so it is imperative that we keep it clean and looking professional.

Safety and Security:

We have a full security system that includes 8 cameras in a 800 sq. ft operation.

Bars on Windows, steel door safe and window coverings, to not allow visibility inside the store from the outside.

We have a safety plan set forward with our staff and the owner of the building. Covered in this document is a plan of action in case of:

Robbery

Assault

Mental health problems

Medical emergencies

Natural disasters

We will have an online presence and through email and face book we will be able to communicate and continue to educate our customers, on new products and new treatments.

We intend on putting together a Monthly news letter for our customers, that keeps them advised as to what we are doing, new products and interesting ways to educate our patients on the risks and benefits of medical Marijuana.

Devices for cannabis administration:

We will carry a variety of devices such as Papers, Pipes, and Vape pens.

Strain information:

We will do everything we can to assure that there is information on each strain to our customers. The staff will be well trained and informed before a product can go on the shelf.

The staff and owners will go to meetings that include educational learning from various experts. Our goal is to be prepared for any questions our customers have. If we do not know, we will guarantee the patients that we will find the information for them.

We would like to set up an area in our store that carries information on Ancillary health care and other community services. These might be important to our customers that may have addiction problems, mental health issues or in a crisis situation.

No product will be used in the store or on the property. To do so will mean that person will no longer be allowed to purchase product from our store.

We will comply with rules and regulations put forth by North Cowichan, the Province and The federal Government.

In closing I would like to add that our Location is not near any schools, playgrounds, or day care centers.

Our Neighbors at the Russell Farm Market have also been incredibly supporting in our endeavour. I have been Managing the Red Rooster Restaurant for the last 3.5 years. I know our clientele very well, and have discussed with a lot of them about what we intend to do. I have had not one negative comment from anyone. The only concern is that we do not allow people to use products on the property. They do not want to see people hanging around. I have assured them that this will not happen and we will be very strict on enforcing this policy.

Thank you for your time and considerations.







Permitted Uses

- 70** (1) The permitted uses for the C3 zone are as follows:
- All Uses Permitted in the C2 Zone
 - Accessory Custom Workshop
 - Automotive Repair Shop
 - Bed and Breakfast
 - Home-Based Business
 - Major Equipment Repair
 - Market Garden
 - Micro cannabis production facility
 - Mobile Food Service
 - Motor Vehicle Sales and Rentals
 - Single-family Dwelling (subject to the provision of the R3 zone)
 - Truck Depot
 - Warehousing [BL3037, BL3150, BL3657; BL3746]

Minimum Lot Size

- (2) The minimum permitted lot size for the C3 zone is 560 m² (6,028 sq. ft.).

Minimum Frontage

- (3) The minimum permitted frontage for the C3 zone is 15.0 m (49.21').

Maximum Lot Coverage

- (4) The maximum permitted lot coverage for the C3 zone is 50% of the lot area.

Minimum Setbacks

- (5) The minimum permitted setbacks for the C3 zone are as follows:
- (a) Principal Buildings
 - Yard, Front, 8.0 m (26.25')
 - Yard, Side (One only), 5.0 m (16.4')
 - (b) Accessory Buildings and Structures (Excluding Fences)
 - Yard, Front, 8.0 m (26.25')
 - Yard, Side (One only), 1.0 m (3.28')
 - (c) Where a lot line, side, of a lot abuts residentially-zoned land, the yard, side, shall be maintained on that side adjacent to such residentially zoned land.
 - (d) Despite the foregoing, where the lot line, rear, of a lot abuts residentially-zoned land the required yard, rear, shall be 8.0 m (26.25').

Maximum Building Height

- (6) The maximum permitted building heights for the C3 zone are as follows:
- (a) Principal Buildings, 12.0 m (39.37')
 - (b) Accessory Buildings, 5.0 m (16.4')

COUNCIL POLICY: RETAIL CANNABIS SALES POLICY



Council Approval Date: January 16, 2019

Department: Development Services

Amended: July 17, 2019

1. PURPOSE

This policy outlines criteria that will be considered by North Cowichan Council as part of any Zoning Bylaw Amendment Application, Temporary Use Permit Application, or Liquor and Cannabis Regulation Branch referral for cannabis retail use.

This policy was established in response to the legalization of cannabis by the federal government. It is intended to address potentially adverse community impacts of retail cannabis sales, including inappropriate exposure of cannabis to minors and undesirable concentration of storefront cannabis retailers.

2. SCOPE

This policy is intended to guide Council when considering applications for rezoning or temporary use permit, as well as for provincial licensing referrals for retail cannabis sales. It is not intended to fetter Council's discretion when considering individual applications. Each application will be evaluated on its own merits.

3. DEFINITIONS

"applicant" means an applicant for an application that would allow for a retail cannabis sales at a particular location;

"retail cannabis sales" means premises where cannabis is sold or otherwise provided to a person who attends at the premises.

4. POLICY

Location

4.1 Retail cannabis use must be located on, or in close proximity to, a provincial highway, urban arterial road, or urban collector road; and in commercial areas, including areas zoned for retail use, or designated for commercial use in the Official Community Plan or Local Area Plan.

4.2 Only one retail cannabis sales storefront will be allowed per parcel.

4.3 *[Rescinded- July 17, 2019]*

4.4 *[Rescinded – July 17, 2019]*

Community Impact

- 4.5 Council will consider the impact of retail cannabis sales in proximity to public or independent elementary, middle or secondary schools, playgrounds, libraries, public recreation centres, public community centres, parks, places of worship, family-oriented facilities, or areas where children and youth frequent.

Application Process

- 4.6 The Municipality will not accept applications for proposals that are not associated with an application that has been accepted by the Liquor and Cannabis Regulation Board (LCRB).
- 4.7 Should the Municipality accept an application and then that application is cancelled or withdrawn from consideration by the LCRB, the Municipality will terminate the application process by giving the applicant the opportunity to withdraw the application, and subsequently recommending that Council reject the application.
- 4.8 All applicants are required to arrange and conduct an Information Meeting to provide residents and property owners within 60 m of the subject property with information about their application. A summary of the feedback received at the meeting will be incorporated as part of the staff report to Council.
- 4.9 The Municipality will refer all retail cannabis sales applications to School District #79, North Cowichan RCMP, and jurisdictional neighbours for up to 30 days to ensure that their comments are considered in Council's decision.
- 4.10 All applications for retail cannabis sales under this Policy shall be forwarded to registered or selected Community Associations, for information and comments they may wish to provide.

5. ROLES & RESPONSIBILITIES

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



**HALALT FIRST
NATION**

A Coast Salish First Nation

7973 Chemainus Road ~ Chemainus, BC V0R 1K5

Ph: 250-246-4736 Fax: 250-246-2330

August 8, 2019

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

By Email: caroline.vonschilling@northcowichan.ca

Dear Ms. von Schilling,

Re: Cannabis Retail Sales Zoning Amendment Application Referral for 8432 Trans-Canada Hwy

I write on behalf of Halalt First Nation in response to your email regarding the above noted referral.

Halalt First Nation does not support the proposed amendment to the property zoning which would permit a cannabis retail store at 8432 Trans Canada Highway. The site is the closest convenience, gas and market space to Halalt First Nation and we, including the elders of our community, strongly oppose the potential for easily accessible cannabis particularly by our younger community members and youth. We are very supportive of a drug and alcohol-free lifestyle and Canada's Indigenous population struggles with addictions to these and other substances; furthermore, the proximity of such a retail location would be of no benefit to the promotion of a healthy lifestyle for our community.

Respectfully,

*Signed on Behalf of
Chief James Thomas*

by: Caroline Gladstone, General Manager

Chief James R. Thomas
Halalt First Nation



The Corporation of the District of North Cowichan
**Zoning Amendment Bylaw (Cannabis Sales – 8432 Trans
Canada Highway), 2019**

Bylaw 3763

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

1 *Zoning Bylaw 1997, No. 2950, is amended by adding the following text as a new subsection after 40.6:*

"40.7 Despite section 40.5, one cannabis retail store is permitted at 8432 Trans Canada Highway Drinkwater Road (PID: 001-305-310)."

READ a first time on

READ a second time on

CONSIDERED at a Public Hearing on

READ a third time on

APPROVED BY the Ministry of Transportation and Infrastructure on

ADOPTED on

CORPORATE OFFICER

PRESIDING MEMBER



The Corporation of the District of North Cowichan
**Zoning Amendment Bylaw (Retail Cannabis Sales – 2951 Green
Road), 2019**

Bylaw 3752

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

1 *Zoning Bylaw 1997, No. 2950, is amended by adding the following text as a new subsection after 40.5:*

"40.6 Despite section 40.5, one cannabis retail store is permitted at 2951 Green Road (PID: 027-506-444)."

READ a first time on July 17, 2019

READ a second time on July 17, 2019

CONSIDERED at a Public Hearing on August 21, 2019

READ a third time on August 21, 2019

APPROVED BY the Ministry of Transportation and Infrastructure on August 27, 2019

ADOPTED on

CORPORATE OFFICER

PRESIDING MEMBER

August 21, 2019 Public Hearing Report
Bylaw 3752 (Retail Cannabis Sales – 110, 2951 Green Road), 2019

Mayor Siebring provided an explanation of the public hearing process and advised members of the public that no further verbal or written presentations could be reviewed by any member of Council following the closure of each public hearing. He also noted the location of the public hearing binders for both rezoning applications and invited the public to review it during the hearing.

Mayor Siebring then called the public hearing to order at 6:02 p.m. for Rezoning Application No. ZB000109 for Bylaw 3752 (Retail Cannabis Sales – 110, 2951 Green Road).

Councillor Toporowski declared a conflict of interest as Cowichan Tribes is a partner in Costa Canna Corporation and she is a Cowichan Tribes Council member and left the Ballroom at 6:02 p.m.

Councillor Manhas declared a conflict of interest as his employer has submitted a rezoning application for a retail cannabis store and left the Ballroom at 6:02 p.m.

The Mayor asked the Corporate Officer to provide an overview of the correspondence received.

The Corporate Officer noted that prior to the hearing no correspondence was received from the public regarding the application.

The Mayor then invited Glenn Morris, Development Planning Coordinator to introduce the application.

Council then received a presentation from Stuart Pagaduan, a Cowichan Tribes Councillor who spoke on behalf of Costa Canna's application. He spoke in favour of the application and stated the following:

- On behalf of the Cowichan Tribes Chief and Costa Canna, there has been a level of frustration with the number of obstacles they have faced by levels of government and they have been ready to open for the past 3 months.
- Cowichan Tribes wants this opportunity for our nation and our people.
- We have many social issues happening on our reserves, just as greater Cowichan does;
- We are in dire need of housing and we have some 800 people on the list for housing and we are looking at ways to make our community healthier and stronger economically;
- We are looking to establish a cannabis store on Cowichan traditional territory;
- We have dreams and goals and we ask you to respect and honor the government to government relationship by asking you to not support the Liquor Control Branch's application;
- We are local people and we keep everything here in our community;
- We could have exercised our self-governance rights and gone on our own but we chose not to. We want to work with North Cowichan.

Council asked questions of the applicant.

Mayor Siebring called for submissions from the public for a second time.

Phil Floucalt from Costa Canna spoke and advised Council that the Liquor Distribution Branch has a 15 retail price buying advantage and that if Council were to approve their application it would be to the detriment of Costa Canna and asked that Council not approve 2 applications for the same location.

Mayor Siebring called for submissions from the public for a third and final time.

No one in attendance wished to speak to the application so Mayor Siebring closed the public hearing at 6:18 p.m.

Report

Date	July 17, 2019	Prospero No. ZB000109
To	Council	Folio No. 05463-021
From	Glenn Morris, Development Planning Coordinator	File No. 3360-20 19.04
Subject	Zoning Bylaw Amendment Application No. ZB000109 (Unit 110 - 2951 Green Rd.) – Cannabis Retail Sales (Costa Canna Corp.)	

Endorsed: 

Purpose

The purpose of this report is to provide Council with information, analysis and a recommendation regarding a site specific zoning amendment application to permit Retail Cannabis Sales at unit 110, 2951 Green Road - Cowichan Commons.

Background

The previous location (unit 101) within building "B" was denied at the Regular Council meeting held June 5, 2019. Safety and security considerations, immediacy to the Averill Creek Friendship Trail head, relative proximity to a neighbouring elementary school and non-compliance with the Council Cannabis Retail Policy were noted as points of concern.

The applicant has since revised the proposed location to unit 110 which is centrally located within building "B" as opposed to the previous western extent against the Averill Creek Friendship Trail head (unit 101). Written confirmation has been received by staff from the Liquor and Cannabis Regulation Branch (LCRB) that the revised location will be considered by the LCRB.

The 1.07 ha (2.65 ac) subject property is located on Green Road west of the mall access road at the Cowichan Commons regional shopping centre (**see ATTACHMENTS 1 & 2**). The property is designated as a Regional Shopping Centre under the Official Community Plan (OCP), zoned Commercial General (C2) (**ATTACHMENT 3**), and is located within the Urban Containment Boundary (UCB). The proximity of the proposed location of the Cannabis Retail Store to parks, schools, and recreation areas is identified in (**ATTACHMENT 4**).

Land Use Context

North: Commercial, Residential & Multi-family properties
South: Residential properties, including undeveloped seniors' housing zoned property (CD17)
East: Public Use properties, i.e., BC Forest Discovery Centre, Visitor Centre
West: Railway – Island Corridor Foundation, Rural Residential, and Rural Agricultural properties

Proposal

The applicant, Costa Canna Corp. is proposing to amend the Commercial General - C2 Zone to permit a cannabis retail store at Building B, Unit 110, 2951 Green Road within the Cowichan Commons (**ATTACHMENT 5 & 6**).

Discussion

In October, 2018, the Federal government legalized non-medical Cannabis with the adoption of Bill C-45 the *Cannabis Act*. This federal legislation created a number of responsibilities for all levels of government regarding cannabis use, possession, production, and sales. The Province of BC has since adopted the *Cannabis Control and Licensing Act* and the *Cannabis Distribution Act*, as well as a series of regulations, to regulate private cannabis retail stores and authorize the creation and operation of provincial government cannabis retail/wholesale sales to include storefront locations.

The Province has been clear that local governments can choose not to allow cannabis stores, cap the number permitted in the community, or establish criteria for permitting cannabis retail stores. On January 16, 2019, Council considered and adopted the Retail Cannabis Sales Policy in order to establish criteria to guide Council in its consideration for zoning amendment applications requesting site-specific cannabis retail sales (**see ATTACHMENT 7**).

Policy considerations regarding this application are:

Official Community Plan

Policy 2.4.5 *The Municipality will protect and promote the economic viability of existing commercial enterprises in North Cowichan; attract new and emerging service, retail and other commercial businesses; and encourage diverse types of commercial activity.*

Policy 2.4.5.1 b) *The Municipality supports commercial infill and intensification of existing commercial areas. Emphasis will be given to the redevelopment or intensification of use on existing commercial sites over the designation of new commercial lands on "green field" sites. Increased density within existing commercial areas makes more efficient use of land and infrastructure, encourages transit and alternative transit modes, and promotes pedestrian-oriented development.*

Policy 2.4.5.2 *The Municipality encourages a range of commercial facilities from local to regional in scope.*

Retail Cannabis Sales Policy

Policy 4.1 Location

Retail cannabis use must be located on, or in close proximity to, a provincial highway ...; and in commercial areas zoned for retail use...

The subject site is located in close proximity to the Trans-Canada Highway, and in an established commercial area.

Policy 4.2 *Only one retail cannabis sales storefront will be allowed per parcel.*

No other active application has been approved for this parcel at this time.

Policy 4.3 *Each parcel permitting retail cannabis sales must be:*

- (a) At least 600 m (in a straight line from closest lot line to closest lot line) from a public or independent elementary, middle or secondary school; or a playground, recreation centre, or other areas where children and youth frequent, and*
- (b) At least 300 m (in a straight line from closest lot line to closest lot line) from another lot where retail cannabis sales is permitted, whether or not a storefront cannabis retailer is active or not.*

The subject property is located within 600 m of Drinkwater Elementary School (6236 Lane Rd.), Fairview Neighbourhood Park, Averill Creek Friendship Trailhead and, as an area where children and youth frequent, the BC Forest Discovery Centre & Visitor Information - *Council policy states no closer than 600 m permitted.* The proposed Costa Canna retail location (lot line to lot line) is within:

- 350 m of Drinkwater Elementary School,
- 233 m of Fairview Neighbourhood Park,
- 0 m of Averill Creek Natural Area - Friendship Trailhead,
- 280 m of BC Forest Discovery Centre.

Therefore, the Costa Canna retail location does not meet policy statement 4.3 (a) above.

An application for a cannabis retail store - *Liquor Distribution Branch (LDB)* on an adjacent parcel *and within 300 m* (measured lot line to line) received first reading at the Regular Council meeting on June 5, 2019. The LDB applicant then held a public information meeting on June 17, 2019 and received second reading at the June 19 regular Council.

Council resolved at its June 5, 2019 Regular Council meeting to:

"deny Zoning Bylaw Amendment Application No. 000109 (2951 Green Road, PID: 027-506-444) and invite the applicant to re-submit the application with the proposed new storefront location within the same parcel."

Policy 4.5 Community Impact

Council will consider the impact of retail cannabis sale in proximity to libraries, public recreation centres, public community centres, parks, places of worship and family-oriented facilities.

Policy 4.6 LCRB Application

The Municipality will not accept applications for proposals that are not associated with an application that has been accepted by the Liquor and Cannabis Regulation Board (LCRB).

Confirmation that the Costa Canna application for unit 110 had been accepted for consideration by the Liquor and Cannabis Regulation Board – LCRB dated June 19, 2019 was received.

Policy 4.9 Application Process

The municipality will refer all retail cannabis sales applications to School District #79, North Cowichan RCMP, and jurisdictional neighbours for up to 30 days to ensure that their comments are considered in Council's decision.

A second set of referrals for this application noting the unit no. change to unit 110 were sent internally to Municipal Departments and externally to School District #79, North Cowichan RCMP, the Ministry of Transportation and Infrastructure MOTI, and the jurisdictional neighbours of Halalt First Nation, Cowichan Tribes, City of Duncan, and the Cowichan Valley Regional District, to notify them and invite comment or concern about the proposal.

Of those Municipal Departments, agencies or jurisdictions that provided comment, improvement on the location was noted by the Municipality's Parks Department, the RCMP (**see ATTACHMENT 10**) registered no concerns and School District 79 supplied the Board of Education School District No. 79 policy on retail cannabis adopted June 4, 2019.

Municipal Parks – acknowledges siting improvement for unit 110 application (**see ATTACHMENT 8**).

"The move by Costa Canna away from the previous corner location does greatly diminish their "front and centre" appearance for person coming off or onto the Municipal and the CVRD's regional trail system. It doesn't actually change the distances identified within the policy however in regards to distances from schools or places where children & youth frequent, if taken from the lot line to lot line perspective."

School District 79 – provides Board of Education Policy for retail cannabis stating:

*"In the absence of a natural barrier (highway, river) that the school district file objection to any site specific zoning within 300 meters of schools, and review any 300 – 600 meters" (**see ATTACHMENT 9**).*

Measured lot line to lot line the separation from the lot within which unit 110 resides and the school site is 350m. The Board policy states a review of the proposed location as opposed to a default non – support response would be anticipated. However, the Board of Education is not scheduled to meet again until September 3rd, 2019 and thus will not be in a position to consider this application until then.

Servicing and Infrastructure

Servicing, traffic access/egress, and parking related to this zoning amendment application proposal is considered adequate.

Ministry of Transportation and Infrastructure

The subject property is within 800 m of a Controlled Access Highway (Trans-Canada Highway) requiring Ministry of Transportation and Infrastructure (MOTI) approval of this proposed zoning amendment bylaw prior to bylaw adoption. The application was referred to the MOTI on June 11, 2019; a response has not yet been received.

Communications and Engagement:

The applicant is required to arrange and conduct an Information Meeting to provide residents and property owners within a 60 m of the subject property with information about their application (Section 4.8, Retail Cannabis Sales Policy) prior to the public hearing. A summary of the feedback received at the meeting will be incorporated as part of the staff report to Council.

Conclusion:

Policy

The proposal is consistent with the Commerce policies of the OCP – Section's 2.4.5, 2.4.5.1b), 2.4.5.2...; further, it is consistent with Location policies - Section 4.1 and 4.2 respectively of Council's Cannabis Retail Sales Policy as the proposal is located near an arterial highway in an established and purpose built commercial shopping centre and if approved will be the only retail cannabis store for this parcel.

The proposal is inconsistent with Location policy Section 4.3 (a), Council Retail Cannabis Sales Policy as the proposal is located within 600 m of Drinkwater Elementary School, Fairview Neighbourhood Park, and Averill Creek Natural Area - Friendship Trailhead; further it is located in close proximity to The BC Forest Discovery Centre & Visitor Information.

Considering the proximity of the proposed Costa Canna Cannabis Retail store relative to Fairview Neighbourhood Park, Drinkwater Elementary and the BC Forest Discovery Centre a separation distance of some several hundred meters is involved. In the case of the Forest Discovery Centre the separation from the site is enhanced by the barrier effect of the Trans – Canada Highway.

Unit 101 vs unit 110

Concerns initially raised over initial unit 101 proposal (western periphery of Building "B") were noted as the site is:

1. not consistent with the Council Retail Cannabis Sales Policy;

2. located on the west periphery of the site and not subject to natural surveillance along the south and west building elevations;
3. located at the terminal of a major pedestrian trail system.

In the opinion of staff items two and three have been resolved with the centrally re-located unit 110 as proposed. Item one remains inconsistent with Council Retail Cannabis Policy 4.3 (a) as measured from lot line to lot line (**see ATTACHMENT 6**).

4.3 (a) Each parcel permitting retail cannabis sales must be:

(a) At least 600 m (in a straight line from closest lot line to closest lot line) from a public or independent elementary, middle or secondary school; or a playground, recreation centre, or other areas where children and youth frequent, and

When measured from unit 110 to the school itself (structure), the separation is in fact 542m. This is due in part to the size of the lots involved and the extent to which the lot lines for each extend out, for example:

- Lot B, 2951 Green Road (Subject Property - Costa Canna) is 1.1 ha (2.65 ac) in area,
- Lot 1, 6236 Lane Road (Elementary School and grounds) is 2.4 ha (6.00 ac) in area,
- Lot 5, 2900 Drinkwater (Drinkwater Road Application Site - LDB) is 7.3 ha (18.00 ac) in area (**see ATTACHMENT 4**).

Safety and Security or Crime Prevention through Environmental Design (CPTED)

Safety and security are improved given the centrally located CRU proposal as more consumer and employee traffic (natural surveillance) are associated with multiple adjacent businesses. Individuals having no legitimate purpose along the central storefront area will be under scrutiny and find it more difficult to engage in inappropriate behaviour un-observed.

Pole lighting (parking lot), and wall-pack (wall mounted) building lighting along the storefronts are well established and maintained providing for strong illumination during evening and darker seasonal hours. A rationale for casual access and loitering to the side and rear of the building "B" relative to the main entrance of the cannabis retail unit are diminished with the central as opposed to end location.

Alarmed buildings and independent security patrols contracted to the Cowichan Commons by the Landlords provide around the clock site security and general commerce traffic impacts are separated from adjacent residential areas by roadways and green space buffer (west) encompassing the entire mall site.

The individual CRU (unit 110) moves 84m east along the storefront of Building "B" away from the Averill Creek trail head increasing the separation by an additional 62m over unit 101. This is a particularly important consideration as the separation greatly reduces the funnel effect and subsequent casual exposure to the retail cannabis location by pedestrian and cyclists moving into and out of the trail adjacent the west end of building "B". The separation from the west mall access roadway adjacent to the

trail head and the Averill Creek natural area weakens a rationale for loitering within public transit areas adjacent a retail cannabis location.

Prefacing my final comments with a review of the intended Scope under section 2. of the Retail Cannabis Sales Policy, we consider that:

"This policy is intended to guide Council when considering applications for rezoning or temporary use permit, as well as for provincial licensing referrals for retail cannabis sales. It is not intended to fetter Council's discretion when considering individual applications. Each application will be evaluated on its own merits."

Additionally we note:

Policy 4.4 Location

"This Policy does not limit Council from considering variances to the separation distances noted based on circumstances related to a specific application."

Acknowledging that unit 110 does not meet the Council Retail Cannabis Policy section 4.3 (a), we recognize the suitability of the Cowichan Commons for purpose built retail businesses, the subsequent efforts on behalf of the applicant to address safety and security concerns, the inherent flexibility within the Retail Cannabis Policy for Council to consider this application on its own merits and conclude that despite some shortcomings, the proposed location is appropriate for a retail cannabis store. We therefore recommend approval of this application.

Options

The following options are presented for Council's consideration:

Option 1 – Staff Recommended

That Council give first and second readings to "Zoning Amendment Bylaw (Cannabis Retail Sales - 2951 Green Road), 2019 No. 3752"; and require the applicant to conduct an information meeting prior to the public hearing.

Option 2 – Alternate Recommendation:

That Council deny Zoning Amendment Application No. ZB000109 to permit cannabis retail sales at 2951 Green Rd. (PID: 027-506-444).

Should Council choose to deny this zoning amendment application the applicant would not be permitted to conduct Cannabis Retail Sales at this location.

Recommendation

That Council give first and second readings to “Zoning Amendment Bylaw (Cannabis Sales - 2951 Green Road), 2019 No. 3752”; and direct the applicant to conduct an information meeting prior to the Public Hearing.

Attachment(s):

1. Location Map
2. Orthophoto
3. Zoning Map
4. Cannabis Policy Map
5. Letter of Rationale
6. Site Photos
7. Council Policy: Retail Cannabis Sales Policy
8. Referral Response North Cowichan Parks Dept.
9. Referral Response SD79
10. Referral Response RCMP
11. Draft Bylaw



The Corporation of the District of North Cowichan
**Zoning Amendment Bylaw (Cannabis Sales – 2900 Drinkwater
Road), 2019**

Bylaw 3748

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

1 Section 40.5 [Cannabis Sales Prohibited] of Zoning Bylaw 1997, No. 2950, is repealed and the following substituted:

Cannabis Sales

40.5 The sale, distribution or trade of cannabis and its derivatives is prohibited in all zones, except for

- (a) distribution by an approved cannabis production facility in accordance with the terms and conditions of its licence under section 8 (1) of the *Cannabis Regulations*; and
- (b) retail cannabis sales (one storefront) is permitted at 2900 Drinkwater Road (PID: 027-069-630).

READ a first time on June 5, 2019

READ a second time on June 19, 2019

CONSIDERED at a Public Hearing on August 21, 2019

READ a third time on August 21, 2019

APPROVED BY the Ministry of Transportation and Infrastructure on August 27, 2019

ADOPTED on

CORPORATE OFFICER

PRESIDING MEMBER

August 21, 2019 Public Hearing Report
Bylaw 3748 (Retail Cannabis Sales – 2900 Drinkwater Road), 2019

Mayor Siebring called the public hearing to order at 6:18 p.m. for Rezoning Application No. ZB000102 for Bylaw 3748 (Retail Cannabis Sales – 2900 Drinkwater Road). It was noted that Councillor Toporowski and Manhas were not in attendance for this public hearing given the conflict declaration they made for item 10.1 which would also be applicable for this application.

The Mayor asked the Corporate Officer to provide an overview of the correspondence received.

The Corporate Officer conveyed that prior to the hearing no correspondence was received from the public regarding the application.

The Mayor then invited Caroline Von Schilling, Development Planner to introduce the application.

Council then received a presentation from the applicant Kerri Lore, Director of Policy for the Liquor Distribution Branch (LDB) who spoke in favour of the application and stated that Council had seen her presentation previously but wanted to highlight the following:

- The goal of the LDB is to make high-quality cannabis products and provide education to all customers;
- Their mandate is to provide cannabis products to consumers throughout BC so that it helps to rid BC of the illicit market. For this reason the LDB supports public and private cannabis businesses throughout BC and stated her support for Costa Canna's application;
- Another goal is to keep cannabis away from youth;
- The LDB stores have educational information and messages on the wall;
- Safety and security is a top priority through surveillance, fire monitoring, tempered glass cases, vault, etc;
- The LDB is a reputable place to work and one of BC's top employers. The LDB pays its employees living wages of \$21.00 per hour plus pension plan. Staff have to go through screening and a serving it right course;
- There is a restricted access with two pieces of id required for anyone who appears under 30;
- The store's interior is open and bright;
- Cannabis accessories are locked behind glass cases;
- The LDB would be proud to have a store in Cowichan and all revenue goes back into provincial public services to support schools and health care;
- The LDB does fundraising in the local communities; and
- There's a variety of product that varies from public and private stores so the produce in a government store could be different than the product in the private stores.

Council asked questions of the applicant.

Mayor Siebring called for submissions from the public for a second time.

No one in attendance wished to speak to the application.

Mayor Siebring called for submissions from the public for a third and final time.

No one in attendance wished to speak to the application so Mayor Siebring closed the public hearing at 6:33 p.m.

Report

Date	June 19, 2019	Prospero No. ZB000102
To	Council	Folio No. 05463-050
From	Caroline von Schilling, Development Planner	File No. 3360-20 18.28
Subject	Zoning Bylaw Amendment Application No. ZB000102 (2900 Drinkwater Rd.) – Cannabis Retail Sales (Liquor Distribution Branch, BC) SECOND READING	
		Endorsed: 

Purpose

To provide Council with an update regarding Council's requirement for the applicant of ZB000102 (2900 Drinkwater Road) to host an Information Meeting as per Section 4.8 of the *Retail Cannabis Sales Policy*:

Section "4.8 All applicants are required to arrange and conduct an Information Meeting to provide residents and property owners within 60 m of the subject property with information about their application. A summary of the feedback received at the meeting will be incorporated as part of the staff report to Council".

Discussion

On June 5, 2019 Council gave First Reading to Zoning Bylaw Amendment No. ZB000102 (2900 Drinkwater Road) and directed the applicant to conduct an Information Meeting prior to its consideration of Second Reading.

Staff wish to advise Council that the applicant has arranged an Information Meeting for Monday, June 17th, 2019 at the Ramada Inn (Sitka Room) from 6pm – 8pm. The applicant stated they distributed notifications of the Information Meeting to properties within a 60m radius of the Subject Property. A summary of the feedback received at the Information Meeting will be provided to Council as a late-item.

Subject to any unforeseen circumstances, staff believe that the Retail Cannabis Sales Policy requirements have been satisfied. Council can now consider giving Second Reading to the bylaw, and further, direct staff to proceed with the public hearing process.

Staff Recommendation

That Council approve Second Reading to "Zoning Amendment Bylaw (Cannabis Sales – 2900 Drinkwater Road), 2019," No. 3748 to permit cannabis retail sales; and

That staff be directed to schedule a Public Hearing and issue notice in accordance with the requirements of the *Local Government Act*.