

To: Mayor and Council

I invite you to consider a matter of great importance to the future of ALR land in the Municipality of North Cowichan.

The Municipality made a request to the Agricultural Land Commission on 03/10/2022 to use a ROW on ALR land at the end of Henry Road (West) to allow traffic from the development at 9090 TCH to use Henry Road as its primary access point. This application was approved by the ALC on 10/11/2022. The application ID is 65023 and the Decision and information submitted by the Municipality on this application can be seen at <https://www.alc.gov.bc.ca>.

Henry Road West is primarily ALR land and is identified in our OCP as Agriculture, Forestry and Conservation. It is located outside the Urban Containment Boundary and is currently well suited to agriculture as it is a quiet dead end road. In 2021 residents signed a petition against using Henry Road for this purpose and the plan to use the ROW on ALR land was halted.

Henry Road residents have recently learned that an application was made to the ALC to use the ROW by an Agent for the MNC and was subsequently approved by the ALC. Myself and other affected residents have written to the ALC to make a Request for Reconsideration due to a number of errors presented in the original evidence. The Agent for the Municipality in their application to the ALC, through error or omission, did not let the ALC know that residents along Henry Road had expressed concerns for ALR land. I wrote a letter to Mayor and Council on July 25<sup>th</sup> 2021 expressing concerns for the future of agriculture along Henry Road if the ROW is used in this manner.

The main piece of evidence that the ALC panel relied on to determine the impact to ALR land was a Traffic Study which contains a number of inaccuracies. One major inadequacy is that it calculated the impact of traffic for the proposed 100 modular homes by comparing it to a “mobile home park” that is populated by “low-income seniors that drive at non-peak times.” The traffic impact of working families with children that need to be driven to school at peak times was not calculated.

The Traffic Study found that Henry Road does not meet the current legal width of 7.3m for a rural local road. At its narrowest, Henry Road is 4.4 m wide. A standard SUV is over 2m. The Study did not examine the ability of heavy machinery to safely use Henry Road during the construction phase. It did rightly state that there are no shoulders along Henry Road, but it did not explain how two vehicles whose total width is more than the road (like an SUV and a cement truck) could use the road safely.

The Municipality is responsible for road safety and upholding our OCP. If current Mayor and Council do not agree with this use of ALR land or with the inaccuracies given by the Municipality in their application to the ALC, then I hope that you will correct it by making a Request for Reconsideration to the ALC to support the residents along Henry Road who purchased ALR property in good faith that it would remain rural in accordance with our OCP. This ROW does not benefit the residents of Henry Road in any way and it is contrary to our OCP. I hope you do your utmost to correct this course of action which was initiated prior to the election of this current Council.

I've attached the Traffic Study as well as my letter to the ALC which further outlines many reasons for the Request for Reconsideration.

I've also attached a google drive link to a video I took of Henry Road West from the intersection at Smiley Road heading toward the ALR ROW at the end of Henry Road that shows the condition of the road on December 5th 2022. Can you imagine how we could have passed a cement truck at any point in the road?

Thank you for your consideration,



Road Resident

FIPPA s 22(1)

# MEMORANDUM

**To:** Municipality of North Cowichan  
**From:** Caytlin Kopeck, EIT & Andy Kading, P.Eng.  
**Our File #:** 3261.B01  
**Project:** Henry Road Development  
**Date:** 2022 June 29  
**RE:** Henry Road Safety Assessment

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## 1.0 INTRODUCTION

Watt Consulting Group was retained by The Municipality of North Cowichan to examine Henry Road west of the Trans-Canada Highway (TCH), in the Municipality of North Cowichan, BC. This traffic assessment will determine if improvements to Henry Road are required as the result of a 110-unit mobile home park development being planned south of Henry Road. This examination consists of several parts: an assessment of the road conditions, an analysis of the traffic both existing and expected, and a brief review of the Smiley Road / TCH intersection. See **Figure 1** for a map of the study area.



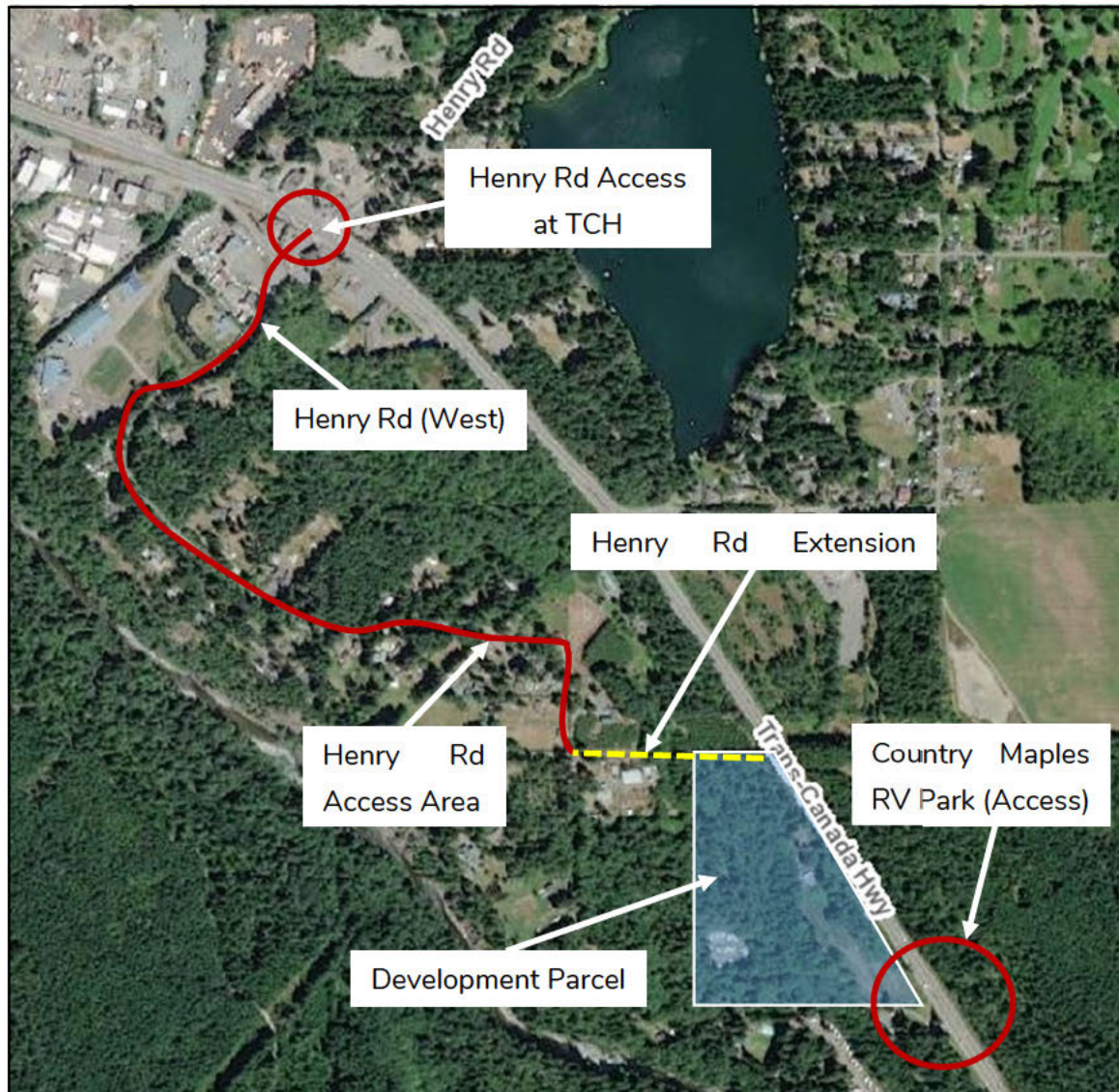


Figure 1: Study Area

## 2.0 BACKGROUND

Henry Road is an arterial road east of TCH, and a local road west of TCH. This assessment will only look at the western portion of Henry Road, which is a paved, two-lane, rural-local road, with a statutory speed of 50km/h, connecting local traffic to the TCH.

There is a planned development of a 110-unit mobile home park south of Henry Road. This development will utilize two accesses: one at an extension of Henry Road to the northern boundary of the development parcel, and the one at Country Maples RV Resort Access / TCH. See **Figure 1** for site access locations.

A site assessment and traffic count of Henry Road was conducted on 30 March 2022. During the site assessment, the conditions of Henry Road were noted, including: the location of any road damage (such as potholes), the width of the roadway, any notable structures which may impede vehicle traffic or result in potential safety issues, and any curves / sightline obstructions. The assessment began at the intersection of Henry Road / Smiley Road and extended approximately 1.5km south-west to the current terminus of Henry Road.

### 3.0 ROAD ASSESSMENT

#### 3.1 ROAD CONDITION

Henry Road's surface consists of pavement and is encompassed by vegetation and residential driveways on both sides of the roadway. The roadway has no shoulder or sidewalks on either side of the roadway. Some utility poles are present, but none were impeding the roadway or sightlines. Overall, the road was in good condition with minimal surface damage, level grading, and no overgrown vegetation. **Figure 2** shows the maximum extent of the road surface degradation.

#### 3.2 ACTIVE MODES

No sidewalks or cycling facilities are present on Henry Road. The rural nature of the road and limited number of residences allows for walking and riding on the roadway without additional dedicated infrastructure.





Figure 2: Road Degradation

### 3.3 ROAD WIDTH

#### 3.3.1 CURRENT ROAD WIDTHS

In the narrowest sections the roadway was over 4.4m wide, which is enough space for two standard passenger vehicles (1.8m wide) to pass one another without having to yield. See **Figure 4** for the width of the roadway at the two most constrained “pinch-points” with a standard passenger vehicle as reference. An average RV is 2.6m therefore, one standard vehicle can fit alongside one RV. If there are two RVs passing one another, one may have to yield on the shoulder to pass by. The narrowness will act as a traffic calming element as two vehicles approaching each other will naturally slow during the passing maneuver.

At its narrowest point Henry Road is ~0.5m narrower than the 5.0m minimum width seen in the proposed MTP Rural Local road cross-section. The average width of a passenger vehicle is 1.8m, which leaves adequate room for vehicles to safely pass each other in these narrow areas. A common internationally employed traffic calming method is to narrow lanes at certain points, which forces vehicles to slow to navigate around each other. The narrow sections on Henry Road are therefore expected to function in a traffic calming capacity, where drivers reduce their speed a small amount at the pinch points when alone, or significantly reduce their speeds when meeting

another vehicle. Varying road widths are common in rural settings and generally people driving navigate these constraints without issue, this is especially true if a driver is familiar with the roadway.

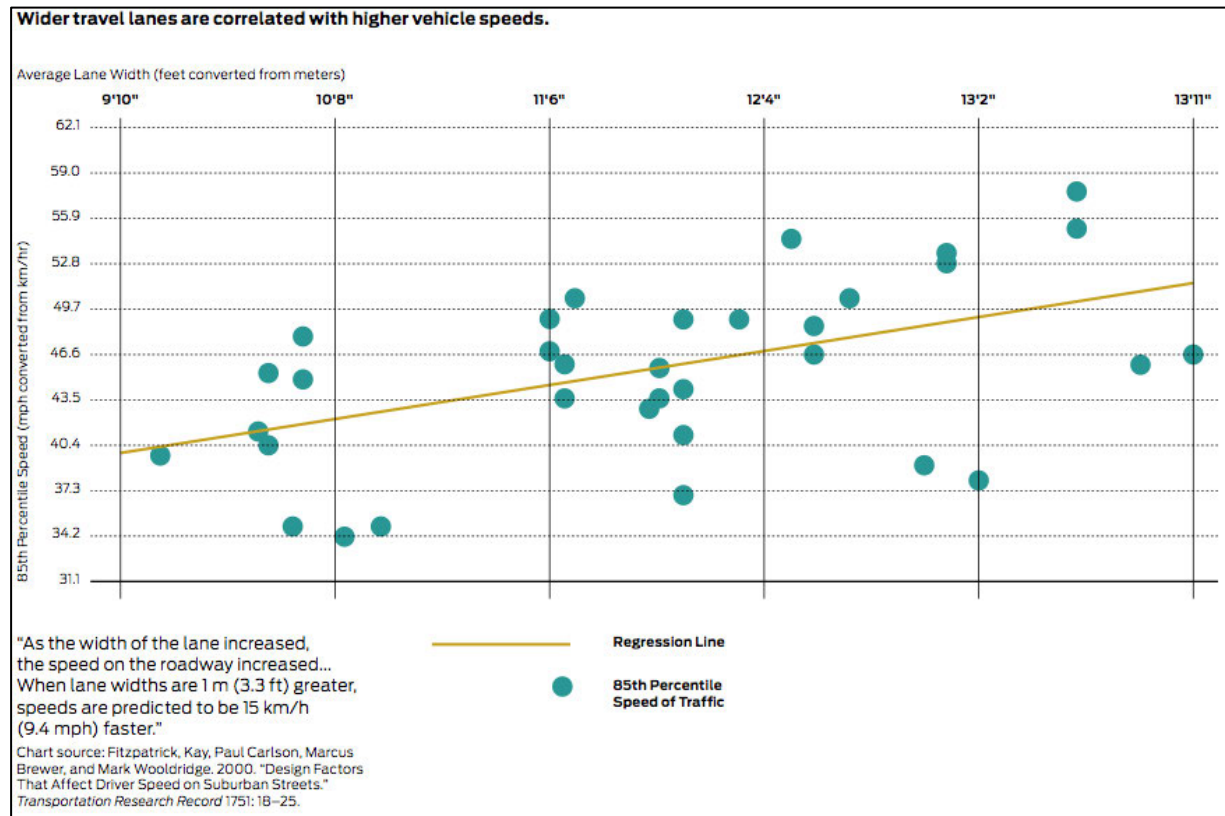
### 3.3.2 FUTURE ROAD WIDTHS

The Municipality of North Cowichan is considering changes to their standard road cross sections with the adoption of the upcoming Master Transportation Plan (MTP) to provide narrower lanes, specifically to address issues with speeding. The existing Rural Residential cross section recommends a paved road width of 7.3m. In the forthcoming MTP a Rural Local Road Cross Section is proposed with a 5.0m-6.0m general purpose lane. The proposed MTP lane width is similar to the existing width on Henry Road, with Henry Road only being narrower at the two tightest pinch points, and the majority of the roadway meeting the proposed MTP cross section. The MTP is in draft stage and has not yet been approved by Council.

The MTP recommendation regarding narrow lanes is based on research demonstrating the relationship between roadway widths and vehicle speeds. From the National Association of City Transportation Officials (NACTO) *Urban Street Design Guide* (emphasis added),

*“The relationships between lane widths and vehicle speed is complicated by many factors, including time of day, the amount of traffic present, and even the age of the driver. **Narrower streets help promote slower driving** speeds which, in turn, reduce the severity of crashes.”*

The NACTO guide also provides a plot showing this relationship, which can be seen in **Figure 3** below. In general a reduction in roadway width can be expected to reduce vehicle speeds.



**Figure 3: Speed and Lane Width (NACTO)**

The relationship between speed and roadway width comes from the “friction” a person driving experiences as they go along; objects (cars parked or moving, barriers, poles, etc.) that are close cause the person driving to slow down in order to avoid crashing / striking those objects. The friction concept is one of many tools used by transportation engineers to help calm traffic and reduce vehicle speeds. The reduced lanes widths seen in the MTP reflect this and are proposed specifically to address speeding issues in the Municipality.

### 3.4 INTANGIBLE ASPECTS

Henry Road’s intangible aspects, which make up the “feel” of the road / place, define the road to residence and users.

The roadway itself has a “rural / country” feel, with most residences set far back from the road, gravel driveways, trees and vegetation growing near the roadway edge, and the sparse presence of utilities. Although Henry Road has the width that allows for safe passing, the road feels narrow



/ constrained in some places with the presence of solid objects (utility poles, trees) adding to that feel.

The proposed development will add additional traffic to the roadway; however, the overall rural feel of the road is not expected to be diminished significantly for several reasons:

- The road has enough latent capacity that it can handle the expected increase.
- Mobile home parks often house low-income seniors, who tend to have non-peak hour travel patterns. This means their trips will be taken during the middle of the day when traffic volumes are low, thus having a reduced impact to the peak hour traffic.
- The narrowness (both physical and feel) of the road will help to regulate speeds.

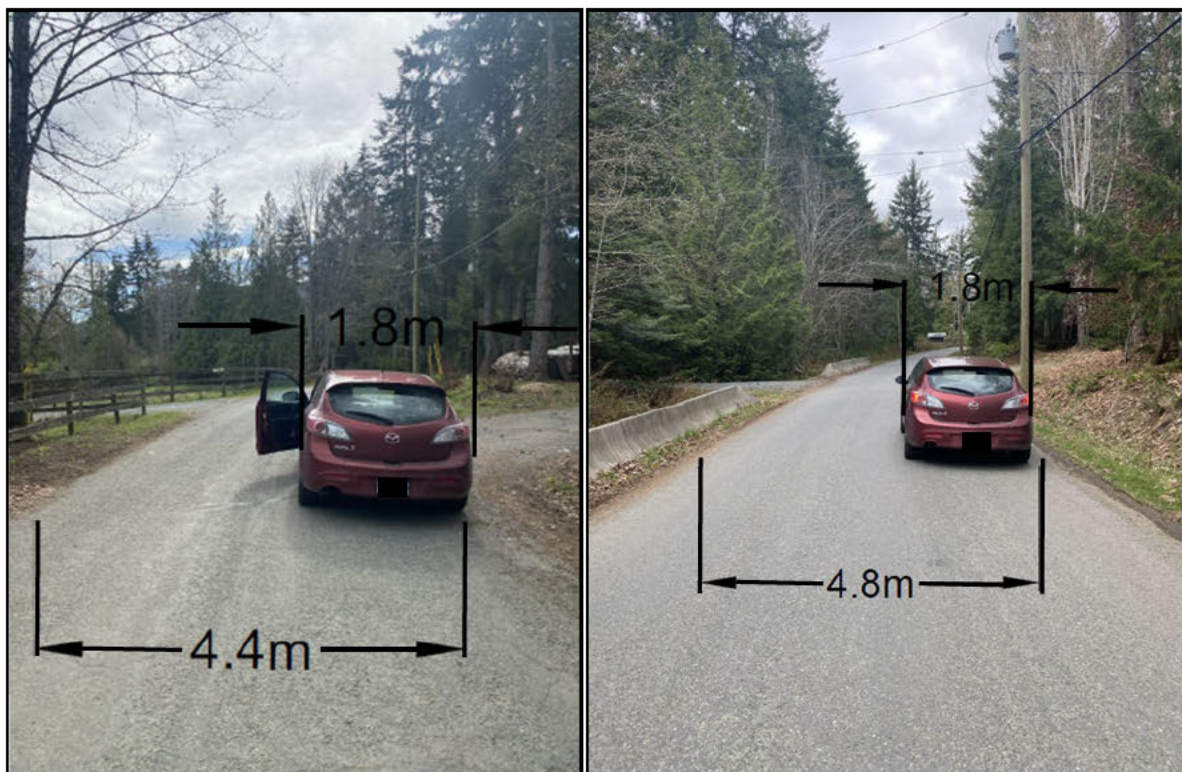


Figure 4: Road Width at Pinch-Points

#### 4.0 TRAFFIC COUNT

A traffic count was taken on the same date as the road assessment (30 March 2022) during 4:00pm-5:00pm to determine the weekday PM peak vehicle volume on Henry Road. Table 2

shows the results of the traffic count at Henry Road, immediately west of Smiley Road. Note the low volumes of traffic eastbound and westbound on Henry Road.

**TABLE 2: HENRY ROAD PM TRAFFIC VOLUMES**

Time (From – To)		Eastbound Through	Westbound Through
4:00pm	4:15pm	5	2
4:15pm	4:30pm	8	3
4:30pm	4:45pm	6	7
4:45pm	5:00pm	3	4
<b>Total</b>		<b>22</b>	<b>16</b>

## 5.0 TRAFFIC IMPACT FROM DEVELOPMENT

To quantify the traffic impacts the proposed development will have on Henry Road an estimation of the vehicle volumes expected from the development was prepared. The Institute for Transportation Engineers (ITE) publishes estimations of traffic volumes for various types of developments based on over 40 years of data gathered from sites around North America. In order to determine the expected vehicle volumes from the development the *ITE Trip Generation Manual*, 11<sup>th</sup> Edition was consulted, and Mobile Home Park was chosen as the land use.

Based on 110 mobile home units, this development is estimated to generate 40 trips into the site and 24 trips out of the site during the weekday PM peak hour, for a total of 64 PM peak hour trips. It is assumed that for trips entering the site, 70% will be coming from the north and will utilize the Country Maples access via TCH, while the remaining 30% coming from the south will use the Henry Road access. Similarly for trips exiting the site, it is assumed that 30% heading south will use the TCH via the Country Maples access, while the remaining 70% heading north will use the Henry Road access. Overall, the proposed development will **add 29 trips** to Henry Road during the weekday PM peak hour.

## 6.0 TRAFFIC ANALYSIS

To determine if any improvements to Henry Road will be required due to the development, the expected traffic from the proposed development was compared to the 2017 TAC Geometric Design Guidelines local road standards. A rural-local road, such as Henry Road, is expected to have an Annual Average Daily Traffic (AADT) of approximately 1000 vehicles or less.



AADT is a traffic engineering metric that describes the amount of traffic one could expect to see on a given road for an average day at any point in the year. The industry “rule of thumb” is that the PM peak hour of observed traffic [AKA the Design Hour Volume (DHV)] is approximately 8%-12% of the Average Daily Traffic (ADT) [Federal Highway Administration (FHWA), *Traffic Data Computation Method, Pocket Guide*], with 10% being the value most used. ADT differs from AADT in that AADT accounts for seasonal variations (it’s the yearly average) in traffic volumes while ADT does not (i.e. summer differs from winter). In the case of Henry Road ADT can be used for AADT because the road is a dead-end rural-residential road with few residences, and therefore seasonal variations are likely small.

Henry Road has approximately 700 AADT (which includes the addition of the development traffic). This value is assumed by using the 10% rule discussed above:

$$\begin{aligned} AADT &= (Observed\ PM\ Traffic) * 10 + (Est.\ Development\ PM\ Traffic) * 10 \\ AADT &= (38) * 10 + (29) * 10 \\ AADT &= 670 \end{aligned}$$

With the 1000 AADT threshold Henry Road’s 700 AADT can also be viewed as Henry Road having the ability to absorb an additional 30% more traffic before it exceeds the TAC definition of a local road. Therefore, Henry Road is expected to operate within the design parameters of a rural-local road with the addition of the development traffic.

The generally good condition of Henry Road, alongside the low traffic volumes, demonstrates that no further improvements are justified as a result of the development.

## 7.0 HENRY ROAD, SMILEY ROAD, AND HIGHWAY 1 INTERSECTION

The signalized intersection of Smiley Road / Henry Road / TCH is controlled by MoTI and has a non-standard configuration (with Smiley Road being off-set across Henry Road) that has existed in its current state for many years.

The additional 29 vehicle trips that are expected to access the intersection from the proposed development are well within the capacity of the intersection and therefore the intersection is expected to absorb the additional traffic with no significant decrease in performance.

## 8.0 EXTENSION OF HENRY ROAD TO THE DEVELOPMENT SITE

The proposed extension of Henry Road into the development site should conform to the MTP Rural Local roadway standard with minor modifications for the site-specific conditions. Specifically, the road width should match the proposed cross section, but the parking and multiuse trail are not needed.

## 9.0 CONCLUSION AND RECOMMENDATION

Henry Road is in good condition regarding both road surface / grading, and general road condition. No significant road surface issues were observed during field observations outside of some potholes and surface cracking. The width of Henry Road meets minimum width requirements and can accommodate two vehicles passing one another. The lane width along Henry Road is 4.4m at the narrowest pinch point. While it currently does not meet the North Cowichan road width standard for a Rural Local road of 7.3m, the majority of the road meets the proposed MTP Rural Local Road cross-section of 5.0m-6.0m. No other safety implications were noted, and no parking or active transportation is present or warranted along this corridor.

Observed vehicle traffic was low on Henry Road with fewer than 40 vehicles tallied from 4:00PM – 5:00PM. The proposed development is expected to generate 64 vehicle trips in its PM peak traffic hour, only 29 of which will be added to Henry Road. A local road can carry up to 1000 AADT and therefore, Henry Road will not require any upgrades to the roadway or walking / cycling facilities as this volume is consistent with a rural-local road. Further it should be noted that if Henry Road were to be widened the traffic calming properties of the “pinch points” would be eliminated and average vehicle speed would likely increase.

Based on this assessment the development does not trigger the need for any improvements on Henry Road and Henry Road will be able to accommodate the additional traffic. If in the future traffic speeds significantly increase or safety issues arise, there are a variety of low-cost treatments available to calm traffic and improve safety without impacting the carrying capacity of Henry Road.

Finally, the intersection of Henry Road and TCH will be able to accommodate the development traffic in its current state. However, the intersection is highly non-standard and should be revised if the opportunity arise through redevelopment of the adjacent properties, or if funding becomes available.



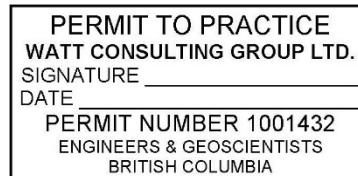
Sincerely,

**Watt Consulting Group**



Caytlin Kopeck, EIT  
Transportation Engineer-in-Training

Andy Kading, P.Eng., P.E.  
Transportation Engineer



Agricultural Land Commission  
201 – 4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Via email: ALC.Island@gov.bc.ca

FIPPA s 22(1)

Chemainus BC

December 8<sup>th</sup>, 2022

Request for Reconsideration ALC File: 65023 (Resolution #366/2022)

This is a Request for Reconsideration of ALC File 65023 pursuant to section 33 of the ALC Act. I am a resident affected by the decision in the immediate vicinity of the ROW. I will provide 4 points of evidence for your consideration that demonstrate that all or part of the original decision was based on evidence that was in error or was false.

- 1) The Traffic Study does not demonstrate that there will be no adverse impact to ALR land
- 2) The civic and PID address used on the application was not available on BC Assessment to allow affected residents the opportunity to respond at the time of the original application
- 3) The Applicant made a false or mistaken claim that ALR residents had not expressed agricultural concerns to the Municipality including to the Mayor, Council, and Planners
- 4) This use of ALR land contravenes our OCP

**1. The Traffic Study does not demonstrate that there will be no adverse impact to ALR land**

The Panel found that the Traffic Study demonstrates that the Proposal will not have an adverse impact to the ALR along the existing portions of Henry Road. The Traffic Study is the main evidence used by the panel in their decision but there are inconsistencies and inadequacies in the Traffic Study that I will focus on below. The Traffic Study was not included in the Decision Package and I have attached it for your consideration. The Traffic Study should satisfy two main concerns: a) will construction of the ALR ROW or modular home development impact the ALR along existing Henry Road and b) will the traffic pressure from the modular housing development impact the ALR land along the length of Henry Road once constructed. To answer the first, we need to know if the applicant intends to use Henry Road to transport the machinery used in road construction and if the existing Traffic Study has examined the use of Henry Road for that purpose (it has not), and to answer the second, the traffic study must accurately calculate the increase in traffic by the modular home development to be able to accurately consider the impact it will have on ALR land.

The Traffic Study correctly notes in 3.1 that “The roadway has no shoulder or sidewalks on either side of the roadway.” When describing how two RVs at 2.6m each should pass each other at a pinch point where the road width is 4.4m the Traffic Study states in 3.3.1 “If there are two RVs passing one another, one may have to yield on the shoulder to pass by.” This contradicts 3.1 which rightly notes that the roadway has no shoulder. Similarly, suggesting that one RV *may* have to stop fails to acknowledge a very basic math calculation which is that 2.6m + 2.6 m equals 5.2m which is more than the 4.4m width of the road.

The Traffic Study is narrow in scope and fails to address practical concerns. As rural ALR land, the majority of vehicles on this road are trucks and SUVs with standard widths over 2m. The Traffic Study did not offer a practical solution to how Garbage Collection or Parcel Delivery Vehicles would access 9090TCH given that they cannot pass safely at pinch points on Henry Road. The Traffic Study did not consider how vehicles would pass during winter time when roads are slippery and not fully cleared of snow. What about emergency vehicles? The Traffic Study didn't consider this.

The Traffic Study did not examine how vehicles used in the construction of the ROW or the development would be able to safely use Henry Road. It's concerning that this point was left out of the Traffic Study given that MoTI has indicated that Henry Road must provide PRIMARY access to the development. The ALC was therefore not able to know from the Traffic Study the impact to ALR land as a result of construction. The Traffic Study did not examine weight or height restrictions or abilities of the road as it relates to any machinery used in building or transportation of goods to the site. A standard cement truck is 2.923m. How does the Traffic Study suggest that heavy machinery like a cement truck proceed safely down Henry Road while it passes an oncoming truck? It doesn't! Nor does it explore the impact to ALR land or roadway. Will all machinery related to the proposed ALR ROW be prohibited from using Henry Road? Is it not the case that MoTI has required that Henry Road be the PRIMARY access to 9090 TCH? Development Permit DP00256 issued November 2 shows Henry Road as the Secondary Access in the Core Group Drawing Package. Is Henry Road the Primary access or the secondary? A Traffic Study would need to be conducted if ANY heavy machinery is to be permitted at any time to use Henry Road. This Traffic Study could then be used to examine the impact of heavy machinery to ALR land including to existing livestock along Henry Road.

An important assumption the Traffic Study makes when calculating the expected increase in traffic is that the modular homes will be similar to “mobile home parks” and inhabited by “low-income seniors”. The Traffic Study states in 3.4 that “Mobile home parks often house low-income seniors, who tend to have non-peak hour travel patterns. This means their trips will be taken during the middle of the day when traffic volumes are low, thus having a reduced impact to the peak hour traffic.” This would certainly make a substantial difference to traffic flow were it true, however has the applicant signed a legally binding document that affirms that this development will be a housing development exclusively for seniors who will only drive during non-peak times? We can agree there would be very different traffic models based on who resides at the development, unfortunately this Traffic Study only considers the one model based on “low-income seniors.” The Traffic Study did not calculate the traffic if every modular home had two vehicles and children that needed to be driven to and from school daily at peak times. If the developer does not plan to restrict this development to seniors that drive at non-peak times, then I suggest that a more thorough Traffic Study be required to assess the traffic needs of a range of buyers that may seek to reside in these modular (not mobile) homes so that impacts on current and future agricultural operations on ALR land along Henry Road can be examined by the ALC.

The traffic study admits in 9.0 that “The lane width along Henry Road is 4.4m at the narrowest pinch point...it currently does not meet the North Cowichan road width standard for a Rural Local road of 7.3m”. **The current lane width does not meet the legal standard for a Rural Local road.** Maybe it would be better more accurate to call Henry Road, Henry Lane?

The traffic study further limits its scope and usefulness by calculating that drivers would use the Henry Road and Country Maples exists in equal proportion, even though MoTI has stated that Henry Road be

a PRIMARY access route. It's as if the calculations presented in the Traffic Study are attempting to minimize the traffic that Henry Road is likely to see, by using a “best-case” scenario to make their calculations, minimizing the danger the 4.4m “pinch points” and blind corners present, and basing their calculations on seniors living in mobile homes, not families with children in modular homes. I would like to see a Traffic Study that actually examines what the real impacts are likely to be. ALR residents use this road daily and the MNC is responsible for maintaining safe roads. Is the purpose of the Traffic Study to gather real information or to gloss over the truth and evade important questions? Can the applicant guarantee that use of the Country Maples Road will be split equally with Henry Lane forever and in perpetuity? If not, there is no guarantee that Henry Lane will not become the primary or only route for future residents and all their required services like garbage removal and package delivery.

Lastly, the Traffic Study failed entirely to examine the foreseeable negative impacts to ALR land. It did not study the impact that increased traffic will pose to current and future livestock and agriculture along ALR land. It did not examine traffic emissions or provide any evidence to suggest that increased traffic will NOT impact ALR land. It failed to accurately calculate reasonable traffic increases as it only considered the traffic increase of low-income seniors driving small passenger vehicles at non peak times. No evidence has been presented that demonstrates that this development will only house such people, which leaves one to understand that the traffic impacts will be greater than what the Traffic Study calculates.

Due to the lack of insight provided by the Traffic Study, we cannot fully and properly understand what the impacts are to ALR land for future generations. Common sense dictates that in the absence of compelling evidence indicating otherwise, increasing the traffic flow to this agricultural gem is not in the best interest of ALR land. It is not BENEFICIAL to this ALR land to increase traffic by using the ALR ROW to funnel traffic from a non-ALR development through a rural environment that is currently perfect for livestock, bee farming and other agricultural pursuits.

There is a very simple solution and that is for the developer of 9090 TCH to work with MoTI to develop a strategy for managing the traffic needs directly from the TCH. This will be less impactful to ALR land now and for future generations. If the MNC supports a development that is NOT in line with our OCP (and if they can't be legally prohibited from doing so) then at a minimum the owners of nearby affected ALR land should not be required to suffer the consequences unduly. The ALR residents along Henry Lane chose to live on rural land. They invested in farming and in raising their children on rural ALR land. They purchased land in the ALR in good faith that their land would remain in the ALR and they should not be subjected to the disproportionate consequences of the decision of the MNC to disregard our OCP. It is ALR residents along Henry Lane who have been speaking out to protect ALR land and it is ALR residents that will be left to navigate a road made dangerous by careless planning.

## **2. The civic and PID address used on the application was not available on BC Assessment to allow affected residents the opportunity to respond at the time of the original application**

The Applicant was aware that ALR residents were wanting to submit letters to the ALC if an application were to be made to the ALC to use the ROW. The out of sequence civic address given by the applicant was effective in silencing concerned ALR residents from expressing their concern at the time of the original application. Neither the Civic nor PID address exist according to BC Assessment.

## **3. The Applicant made a false or mistaken claim that ALR residents had not expressed**



#### **agricultural concerns to the Municipality including to the Mayor, Council, and Planners**

A petition was signed by affected residents of Henry Road and was submitted to the Municipality of North Cowichan Mayor and Council in 2021 when the proposed use of the ROW became known to affected residents. This petition appears not to have been shared with the ALC by the applicant, and I attach it for your consideration. The petition highlights many concerns about using the ROW on ALR land including concerns about agricultural impacts to ALR land along the approx 1.3 km length of Henry Road. I personally have written letters to Council, the Mayor (both current and former) to MoTI and to planner Rob Conway expressing my concern for ALR land and one such letter sent to Mayor and Council on July 25<sup>th</sup> 2021 is attached.

#### **4. This use of ALR land contravenes our OCP**

The ALC Act requires local governments to ensure its bylaws (Growth Strategies, OCP's and zoning bylaws, etc.) are consistent with the Act, failing which they are of no force and effect. The proposed development at 9090 TCH and the subsequent use of the adjoining ROW to allow the traffic of the non-ALR development to transit through rural ALR Henry Road land is NOT in accordance with our OCP.

Councillors for the Municipality of North Cowichan attempted twice to change the zoning of 9090 TCH in an effort to protect the continuity of our rural ALR land and to revert the zoning of 9090 TCH to be in line with our OCP. On June 2<sup>nd</sup> 2021, then Councillor Rob Douglas presented a motion to down zone the property from (R5) to a rural zone (A2). This motion was unsuccessful by one vote (4-3). On September 21<sup>st</sup>, then councillor Kate March presented a notice of motion to change the zoning to A3 which was defeated 4-3 on October 7<sup>th</sup> 2021. Lake Cowichan Gazette author Robert Barron wrote "Second effort to stop modular-home park outside Chemainus fails" on October 8<sup>th</sup> 2021. He writes, "In a written statement by Marsh submitted to council when she made the motion, Marsh said that the repeal of the property from the agricultural land reserve 42 years ago should never have happened. She said current best practices in planning would not support 108 units on a steep slope in a rural area above a river, particularly the Chemainus River whose creeks and tributaries support salmon and other important and possibly endangered species." He further writes that "Marsh further stated that many residents of North Cowichan have repeatedly told council through official community plans not to build density in rural areas."

We have since had a change of Municipal Governance on October 15, 2022 and a new Mayor and Council have been elected. Perhaps our new Mayor and Council would like the opportunity to voice their concerns to the ALC in this matter.

I respectfully submit that a Reconsideration of this Application be undertaken due to the above stated errors/falsities and in consideration of the great importance of this application to the future of a sizable portion of ALR land.

Thank you for your effort in protecting our ALR,

 FIPPA s 22(1)  
cc council@northcowichan.ca

5 attachments and

1 google drive video of Henry Road taken December 5<sup>th</sup> 2022 from the Smiley Road intersection

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