



TOWN OF LAKE COWICHAN

Regular Meeting of Council

Tuesday, June 26th, 2018 at 6:00 p.m. – Council Chambers

AGENDA		Page #
1.	<u>CALL TO ORDER</u>	
	<u>INTRODUCTION OF LATE ITEMS</u> (if applicable)	
2.	<u>APPROVAL OF AGENDA</u>	
3.	<u>ADOPTION OF MINUTES</u>	
	(a) Minutes of the Regular Meeting of Council held on May 22nd, 2018.	3
4.	<u>BUSINESS ARISING AND UNFINISHED BUSINESS</u>	
	None.	
5.	<u>DELEGATIONS AND REPRESENTATIONS</u>	
	(a) Mike Wright, Community Paramedic Services re: Available Services for Residents.	
6.	<u>CORRESPONDENCE</u>	
	(a) Action Items	
	(i) Brian Carruthers, Chief Administrative Officer, CVRD re: Island Corridor Foundation License of Occupation for Trail and Municipal Infrastructure.	8
	(ii) Carol Ann Rolls, Chair, Community Safety Advisory Commission, CVRD re: Cowichan Region Safety Lens.	39
	(b) Information or Consent Items - (a member may ask that an item be dealt with separately)	
7.	<u>REPORTS</u>	
	(a) <u>Council and Committee Reports</u>	
	(i) Finance & Administration • June 12th, 2018.	Councillor McGonigle 59
	(ii) Public Works & Environmental Services • June 5th, 2018.	Councillor Austin 62
	(iii) Parks, Recreation & Culture • June 5th, 2018.	Councillor Vomacka 64
	(iv) Economic & Sustainable Development • June 12th, 2018.	Councillor Day 66
	(v) Cowichan Lake Recreation Commission	Mayor Forrest
	(vi) V.I.R.L	Councillor Vomacka
	(vii) Advisory Planning Commission	Councillor McGonigle
	(viii) Community Forest Co-op	Councillor McGonigle
	(b) <u>Other Reports</u>	
	(i) Cowichan Valley Regional District Board Meeting – Councillor Day.	
	(ii) Community Outreach Team Committee - Councillor Austin.	
	(iii) Community Safety Advisory Commission-Councillor Austin	
	(iv) Cowichan Lake Elder Care Initiative.	

(c) **Staff Reports**

F/C

Director of Finance re: Statement of Financial Information for 2017.

8. BYLAWS

- (a) "Town of Lake Cowichan Zoning Amendment Bylaw No.1005-2018" may be given third reading.
- (b) "Town of Lake Cowichan Zoning Amendment Bylaw No.1005-2018" may be reconsidered and adopted.

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9. NEW BUSINESS

10. MAYOR'S REPORT

11. NOTICES OF MOTION

**12. QUESTION PERIOD
- Limited to items on the agenda**

13. IN CAMERA

- (a) Section 92 of the *Community Charter* requires that before a meeting or part of a meeting is closed to the public, the council must state, by resolution, that the meeting is to be closed, and
- (b) The basis on which the meeting is to be closed falls under the following:
s.90 (1) (c) labour relations or other employee relations, s.90 (1) (d) the security of the property of the municipality, s.90 (1) (e) the acquisition, disposition, expropriation of land or improvements, and 90(1) (g) on litigation or potential litigation affecting the municipality

14. ADJOURNMENT



TOWN OF LAKE COWICHAN
Minutes of a Regular meeting of Council
Tuesday, May 22nd, 2018

PRESENT: Mayor Ross Forrest
Councillor Carolyne Austin
Councillor Bob K. Day
Councillor Tim McGonigle
Councillor Lorna Vomacka

STAFF: Joseph A. Fernandez, Chief Administrative Officer
Ronnie Gill, Director of Finance
Jill Walters, Recording Secretary

PUBLIC: 2

1. CALL TO ORDER

Mayor Forrest called the meeting to order at 6:00 p.m.

2. AGENDA

No. R.0055/18

Moved: Councillor Vomacka
Seconded: Councillor Austin
that the agenda be approved as amended with the following
addition under:

In-camera:

(a) dealing with section 90(2) on a matter investigated
under the Ombudsman Act.

CARRIED.

3. ADOPTION OF MINUTES

No. R.0056/18

(a) Moved: Councillor Day
Seconded: Councillor McGonigle
that the minutes of the Regular Meeting of Council held on April
24th, 2018 be adopted.

CARRIED.

No. R.0057/18

(b) Moved: Councillor Austin
Seconded: Councillor Day
that the minutes of the Special Meeting of Council held on May
8th, 2018 be adopted.

CARRIED.

4. BUSINESS ARISING AND UNFINISHED BUSINESS

None.

5. DELEGATIONS AND REPRESENTATIONS

None.

6. CORRESPONDENCE

(a) Action Items

None.

(b) Information or Consent Items

None.

7. REPORTS

(a) Council and other Committee Reports

No. R.0058/18
Finance and
Administration

- (i)** Moved: Councillor McGonigle
Seconded: Councillor Day
that the minutes of the Finance and Administration Committee meeting held on May 8th, 2018 be approved with the following:

1- Senior Citizen Housing-

that the Cowichan Lake Senior Housing Society be entitled to make a claim for a maximum of two toilet rebates on installation of the low flush toilets at the premises owned by the Society at 61 King George St., Lake Cowichan.

2- Lake Cowichan Fire Department-

that the Lake Cowichan Fire Department's incident expense report for April 2018 in the total amount of \$8,715.95 be authorized.

3-that Council investigate available options through public meetings or hearings before consideration is given to permitting the location of cannabis retail stores in any zone or location.

4-that the soccer field be named after Dobie Somerville.

No. R.0059/18
Public Works and
Environmental
Services

- (ii)** Moved: Councillor Austin
Seconded: Councillor McGonigle
that the minutes of the Public Works and Environmental Committee meeting held on May 1st, 2018, be approved as presented.

CARRIED.

No. R.0060/18
Parks, Recreation
and Culture

- (iii)** Moved: Councillor Vomacka
Seconded: Councillor Austin
that the minutes of the Parks, Recreation and Culture Committee meeting held on May 1st, 2018 be approved with the following:
1-that the Town Square be authorized for use for the Canada Day Celebration.

CARRIED.

No. R.0061/18
Economic and
Sustainable
Development

- (iv)** Moved: Councillor Day
Seconded: Councillor McGonigle
that the minutes of the Economic and Sustainable Development Committee meeting held on May 8th, 2018 be approved as presented.

CARRIED.

Cowichan Lake
Recreation

- (v)** Mayor Forrest reported the on the Cowichan Lake Recreation meeting with the following:
- Ross Forrest will be the representative for the Sports Tourism Grant sub-committee;
 - Support given for funding for Canada Day 2019-2023; and
 - Rental agreement approved for the Boy Scouts for use of the Mesachie Hall from September 1, 2018 to August 2019 for \$25.00.

- Vancouver Island Regional Library **(vi)** Councillor Vomacka reported that:
- The next meeting of the Library Board will be held on Saturday May 26, 2018 in Nanaimo; and
 - Aaron Hamilton and Chief Livingstone of Lake Cowichan First Nations were pleased with the turn-out at the Indigenous Voices event May 11, 2018.
- Advisory Planning Commission **(vii)** No update was available for the Advisory Planning Commission as the last meeting was cancelled.
- Community Forest Co-operative **(viii)** Councillor McGonigle reported that the Forest Co-op Directors and their Alternates attended a retreat to review a strategic plan for the Board. There will be a follow up meeting to review the plan and discuss the make-up of the new board.
- (b) Other Reports**
- Cowichan Valley Regional District Board **(i)** Councillor Day gave a verbal report to Council on his attendance at the recent Cowichan Valley Regional District meetings. He highlighted the following:
- A 2-hour time limit to be placed at the electric vehicle charging stations;
 - Funding is in place to complete the Trans Canada Trail between Saltair and Westholme;
 - Land use bylaw dealing with cannabis retail and cultivation uses was given 1st and 2nd readings;
 - Cowichan 2050 Forum was held on May 11th, 2018;
 - CVRD Regional Services meeting is to be held on May 23rd, 2018; and
 - Affordable Housing meeting will occur on May 24, 2018.
- Community Outreach Team **(ii)** The Community Outreach Team did not have a meeting. The next meeting is to be held on June 21st, 2018.
- Community Safety Advisory **(iii)** Councillor Austin gave a verbal report to Council on her attendance at the recent Community Safety Advisory Commission meeting. She highlighted the following:
- The Opioid Community received a grant of \$12,000.00;
 - The Cowichan Valley has been identified as a priority region and it is hoped that more grant funding for the Community Response Team would be available; and
 - This Commission is one of only 3 in Canada.
- Seniors Care Facility **(iv)** Councillor Day reported the following:
- Evergreen House and Olson Manor are both in support of working together to pursue funding;
 - CLECI is looking to form a non-profit society in the future; and
 - The Town has provided a list of available land choices for the Seniors Care Facility. Once preference for a land parcel is established, funding options will be explored.

(c) Staff Reports

None.

No. R.0062/18

8. BYLAWS

(a) Moved: Councillor McGonigle
Seconded: Councillor Austin
"Town of Lake Cowichan Council Procedure Bylaw No. 1006-2018" be given first, and second reading.

CARRIED.

9. NEW BUSINESS

None.

10. MAYOR'S REPORT

The Mayor presented his report for May 2018 which included the following:

- Heritage Days and the Laketown Shakedown as successful events;
- Attendance at the Chamber of Commerce meeting;
- Lake Cowichan's Steve Nahirnick was sworn in as Governor for District 5 Kinsmen. Also highlighted the many volunteer efforts of the Kin Clubs in our area;
- Minor baseball and Slo-pitch are playing on the new Centennial Park fields;
- Ken Calder and Tony Feltrin are to be inducted into the Heritage Sports Wall of Fame;
- OCP open house is scheduled for June 2nd, 2018 and the bi-annual Public meeting will occur on Monday May 28th, 2018;
- Volunteers are needed for the Towns 75th Birthday Celebration; and
- Council has taken steps towards being prepared for legislation under the Cannabis Act. Council has given first and second readings to the Zoning Amendment Bylaw 1005-2018.

11. NOTICES OF MOTION

None.

12. QUESTION PERIOD

13. IN CAMERA

Moved: Councillor McGonigle
Seconded: Councillor Vomacka
that Council close the meeting to the public to deal with issues relating to s.90 (1) (c) labour relations or other employee relations, s.90 (1) (e) the acquisition, disposition, expropriation and 90(1) (g) on litigation or potential litigation affecting the municipality and 90(2) dealing with a matter being investigated Act. (7.00 p.m.)

CARRIED.

14. ADJOURNMENT

No. R.0063/18
Adjournment

Moved: Councillor McGonigle
Seconded: Councillor Austin
that we arise and adjourn at 8.30 p.m., without report.

CARRIED.

Certified correct _____

Confirmed on the _____ day of _____, 2018.

Mayor



175 Ingram Street
Duncan, BC V9L 1N8
www.cvrdb.ca

Office: 250.746.2500
Fax: 250.746.2513
Toll Free: 1.800.665.3955

June 6, 2018

Joseph Fernandez
Chief Administrative Officer
Town of Lake Cowichan
39 South Shore Road, PO Box 860
LAKE COWICHAN BC VOR 2G0

Dear Mr. Fernandez:

Re: Island Corridor Foundation Licence of Occupation for Trail and Municipal Infrastructure

The Cowichan Valley Regional District (CVRD) Board, at their meeting of May 23, 2018, passed the following resolution (18-289.1):

1. That a 25 Year Licence of Occupation agreement with Island Corridor Foundation, inclusive of the City of Duncan, Municipality of North Cowichan, Town of Ladysmith and Town of Lake Cowichan, commencing January 1, 2018, for the purpose of constructing, operating and maintaining a regional park trail for public use, be approved; and,
2. That the 25 Year Licence of Occupation agreement with the Island Corridor Foundation be forwarded to the City of Duncan, Municipality of North Cowichan, Town of Ladysmith and Town of Lake Cowichan for their concurrence as signatories to the agreement.

The 25 Year Licence of Occupation agreement provides for both development and operation of rail trails within the E & N Rail Corridor lands, as well as installation and operation of municipal infrastructure, inclusive of those sections of the rail corridor located within the four, member municipal boundaries (Ladysmith, Duncan, North Cowichan, Town of Lake Cowichan) of the CVRD.

The attached report to the May 23, 2018, Regional Services Committee provides background details and highlights of the Licence of Occupation agreement, inclusive of intended benefits to member municipalities, for use where municipal infrastructure would benefit from location within or crossing E & N Rail Corridor lands. As signatories to the Licence of Occupation agreement, member municipalities will be accorded this benefit, as well as any trail development interests that otherwise are not planned as regional trail, by the CVRD, within municipal boundaries (i.e. continued development of the Cowichan Valley Trail, Friendship Trail). Financial liabilities of the Licence of Occupation agreement are:

- a) A one-time \$5,000 administration fee that will be paid by the CVRD.
- b) As required, a file opening fee of \$2,000 per new application under the Licence of Occupation to develop/install sections of trail or new municipal infrastructure.
- c) Reimbursement of incurred costs by ICF's rail operation where their review of proposed works is also required.

Also included in the Licence is recognition of the annual real property taxation exemption granted annually by the member municipalities and provincial government for the E & N Rail Line properties. Conditions of the Licence provide that if such annual real property taxation exemptions are not granted, that such taxes would be payable as an annual licence fee to ICF.

Cowichan

In order to proceed with enacting the Licence of Occupation with Island Corridor Foundation, endorsement of the four municipalities as signatories to the Licence agreement is required. Upon concurrence of all parties to enacting the 25 Year Licence of Occupation agreement, final copies of the document will be circulated for signatures. If there are any questions regarding the Licence of Occupation agreement or attendance of a CVRD staff representative to your Council meeting to address any questions that may arise during Council's deliberations on the agreement, I would ask that Brian Farquhar, Manager, Parks & Trails Division, be contacted directly at bfarquhar@cvrd.bc.ca or 250.746.2612. Mr. Farquhar is currently out of the office, returning Monday, June 18.

Yours truly,



Brian Carruthers
Chief Administrative Officer

BTF/BC/mca

Attachment (1)

pc: Brian Farquhar, Manager, Parks & Trails Division



STAFF REPORT TO COMMITTEE

DATE OF REPORT May 11, 2018
MEETING TYPE & DATE Regional Services Committee Meeting of May 23, 2018
FROM: Parks & Trails Division
Land Use Services Department
SUBJECT: E&N Railway Corridor 25 Year License of Occupation Agreement
FILE:

PURPOSE/INTRODUCTION

The purpose of this report is to seek direction on entering into a 25 year License of Occupation Agreement with the Island Corridor Foundation for trail use and development within the E&N Railway Corridor

RECOMMENDED RESOLUTION

That it be recommended to the Board:

That a 25 Year License of Occupation agreement with Island Corridor Foundation, inclusive of the City of Duncan, Municipality of North Cowichan, Town of Ladysmith and Town of Lake Cowichan, commencing January 1, 2018, for the purpose of constructing, operating and maintaining a regional park trail for public use, be approved, and,

That the 25 Year License of Occupation agreement with the Island Corridor Foundation be forwarded to the City of Duncan, Municipality of North Cowichan, Town of Ladysmith and Town of Lake Cowichan for their concurrence as signatories to the agreement.

BACKGROUND

Following acquisition of the E&N Railway Corridor in 2006 by the Island Corridor Foundation (ICF), regional districts along the corridor collaborated with ICF to develop standards and guidelines for trail development within the rail corridor, leading to creation of the "*Vancouver Island Rail Corridor Rail-with-Trail Design Guidelines*" document adopted by all parties in 2009. Through application of these design guidelines, the Cowichan Valley Regional District has proceeded to construct sections of the Cowichan Valley Trail within the railway corridor lands, inclusive of Duncan to Lake Cowichan and sections within the Chemainus—Ladysmith area. Tendering for construction to complete the rail-with-trail between Saltair and Chemainus is currently proceeding and preliminary design work is also underway for extending the rail-with-trail south of Chemainus to Westholme in 2019. The Regional District also maintains the Friendship (siye'yu) Trail within the E&N Railway Corridor from Duncan to Green Road.

With continued expansion of the CVRD's trail network within the E&N Railway Corridor, it is timely that a long-term agreement be secured with the Island Corridor Foundation to secure the viability and investment of these trails for many years to come for the benefit of Cowichan Valley residents and visitors to the region. The Capital Regional District and Regional District of Nanaimo have entered into such license of occupation agreements with the ICF for use of the rail corridor for trail development, whilst similarly applying the "*Vancouver Island Rail Corridor Rail-with-Trail Design Guidelines*" in developing their trail networks within the corridor. The license of occupation agreement with Nanaimo Regional District also includes those member municipalities through which the E&N Railway corridor is located as signatories to the agreement. This is due to provisions of the agreement enabling consideration for location of municipal utility and trail works

within the corridor, avoiding the necessity of separate agreements for each such application for use.

ANALYSIS

The proposed License of Occupation agreement between the Island Corridor Foundation and the CVRD/member municipalities is for a term of 25 years, with provision for a further 25 years through agreement of all parties. Key highlights of the License of Occupation include:

- Rights to use the corridor to use and occupy a portion of the railway corridor lands for the development, operation and maintenance of non-motorized multi-purpose trails.
- Consideration for statutory rights-of-way for local government infrastructure within the corridor as may be requested by the CVRD and member municipalities, including but not limited to water, storm drainage, sewers and dyke works.
- Security of trail investment over the term of the License of Occupation by way of any requirement to relocate approved sections of the trail to accommodate other uses/users would be at the cost of such future uses/users and not the Regional District.
- Provisions for Third Party Licensees to release, indemnify and save harmless the Regional District and member municipalities from any and against any claims, etc. as well as requirements for maintaining liability insurance naming the CVRD and member municipalities as named insured.
- Review and approval requirements for new trail construction, inclusive of adherence to the "Vancouver Island Rail Corridor Rail-with-Trail Design Guidelines", Transport Canada Regulations relating to public railway crossings and other regulations, bylaws, etc. that may be applicable.
- A one-time fee of \$5,000 to enact the License of Occupation agreement and an annual license fee equivalent to the property taxes owing annually, unless the ICF has otherwise been provided an exemption from such property taxes for the year for properties located within the boundaries of the CVRD and member municipalities.
- A file opening fee of \$2,000 for every new application for use of the E&N Railway corridor lands, with such funds to be applied by ICF towards processing such applications. This would apply to new sections of rail trail proposed, as well as other uses as permitted under the License of Occupation agreement. In addition to this file opening fee, the applicant (i.e., either the CVRD or a member municipality depending on who was applying for a use within the corridor) would also be subject to reimbursement of any additional costs incurred by ICF to review the application for use (i.e., consulting engineering fees).

The terms and conditions of the proposed License of Occupation agreement are generally consistent with the License of Occupation agreements issued by ICF to the Capital Regional District and Regional District of Nanaimo, inclusive of an annual license fee equivalent to property taxes owing, unless otherwise provided with such tax exemptions. The terms and conditions are favourable to the CVRD and member municipalities (City of Duncan, Municipality of North Cowichan, Town of Ladysmith and Town of Lake Cowichan) with respect to providing for trail and local government infrastructure use of the rail corridor, inclusive of provisions which provide for long-term security and relocation at the cost of others if such were required over the duration of the agreement. The 25 year term with a 25 year renewal clause ensures rail trail investment by the Regional District will provide a return on investment value benefit for both local residents and recreation tourism within the region.

FINANCIAL CONSIDERATIONS

The 2018 Regional Parks and Trails Budget includes funds for the one-time administration fee to enact the License of Occupation agreement with the Island Corridor Foundation. To date, permissive property tax exemptions have been granted to Island Corridor Foundation by the member municipalities (City of Duncan, Municipality of North Cowichan, Town of Ladysmith and Town of Lake Cowichan) and the Province of British Columbia. The conditions of the License of Occupation provide for no annual license fee, as long as such permissive property tax exemptions continue to be granted in future years.

Where such permissive property tax exemptions may not be granted in future for Island Corridor Foundation properties covered by License of Occupation agreement (i.e., all such properties within the boundaries of the CVRD), the Regional District would be subject, under the terms of the License of Occupation agreement, to paying an annual license fee equivalent to property taxes owing by Island Corridor Foundation for such properties. The funds to pay this property tax equivalency as a license fee would need to be annually budgeted in Function 280 – Regional Parks.

Where future improvements within the E & N Corridor under this License of Occupation agreement (i.e., trails) are to be considered, such budget decisions would be subject to Board approval for both capital improvements and annual operation/maintenance costs.

COMMUNICATION CONSIDERATIONS

Background information will be provided to CVRD's member municipalities pertaining to the proposed License of Occupation agreement with Island Corridor Foundation. Regional District staff will be available to attend council meetings as necessary to provide additional information if requested.

STRATEGIC/BUSINESS PLAN CONSIDERATIONS

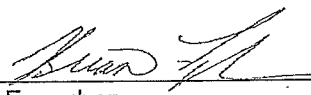
N/A

Referred to (upon completion):

- Community Services (*Island Savings Centre, Cowichan Lake Recreation, South Cowichan Recreation, Arts & Culture, Public Safety, Facilities & Transit*)
- Corporate Services (*Finance, Human Resources, Legislative Services, Information Technology, Procurement*)
- Engineering Services (*Environmental Services, Recycling & Waste Management, Water Management*)
- Land Use Services (*Community Planning, Development Services, Inspection & Enforcement, Economic Development, Parks & Trails*)
- Strategic Services

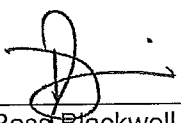
Prepared by:

Reviewed by:



Brian Farquhar
Manager

Not Applicable
Not Applicable



Ross Blackwell, MCIP, RPP, A.Ag.
General Manager

ATTACHMENTS:

Attachment A – License of Occupation Agreement Island Corridor Foundation

Attachment B – Map location of E & N Railway Corridor lands within the CVRD

LICENCE OF OCCUPATION

THIS AGREEMENT dated for reference the ____ day of _____, 2018

BETWEEN:

**ISLAND CORRIDOR FOUNDATION
(Inc. No. 419938-3)**

320 - 256 Wallace Drive
Nanaimo, B.C. V9R 5B3

(the "Grantor")

OF THE FIRST PART

AND:

COWICHAN VALLEY REGIONAL DISTRICT

175 Ingram Street
Duncan, B.C. V9L 1N8

(the "CVRD")

CITY OF DUNCAN

200 Craig Street
Duncan, B.C. V9L 1W3

(the "City of Duncan")

MUNICIPALITY OF NORTH COWICHAN

7030 Trans-Canada Highway, Box 278
Duncan, B.C. V9L 3X4

(the "Municipality of North Cowichan")

TOWN OF LAKE COWICHAN

39 South Shore Road, PO Box 860
Lake Cowichan, B.C. V0R 2G0

(the "Town of Lake Cowichan")

TOWN OF LADYSMITH
410 Esplanade, PO Box 220
Ladysmith, B.C. V9G 1A2

(the "Town of Ladysmith")

(collectively the "Grantees" and
individually the "Grantee")

OF THE SECOND PART

WHEREAS:

- A. The Grantor is the owner of lands legally described as set out in Schedule "A" attached to and forming part of this Agreement and containing the historical E&N Rail Line;

(the "Lands");
- B. The Grantees have requested that the Grantor grant a licence to use and occupy a portion of the Lands for the purposes of constructing, operating and maintaining a multi-purpose regional park trail for public use;
- C. The Grantor has agreed to grant to the Grantees a Licence of Occupation over a portion of the Lands on the terms hereinafter set forth.

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the premises and covenants contained in this Agreement, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree with each other as follows:

1.0 DEFINITIONS

1.1 In this Agreement the following terms mean as follows:

- (a) "Lake Cowichan Sub" means the area of the Lands between Duncan and Lake Cowichan identified as the Lake Cowichan Sub in Schedule A;
- (b) "Motor Assisted Cycle" means a motor assisted cycle that meets the requirements of the Motor Assisted Cycle Regulation, B.C. Reg. 151/2002 made pursuant to the *Motor Vehicle Act*, except that it may have four wheels that come in contact with the ground;

- (c) "Multi-purpose Use" means uses of the Trail by members of the public on foot, horseback, bicycle or by way of other non-motorized vehicle or Motor Assisted Cycle;
 - (d) "Third Party Licensee" means a person given permission by the Grantor to construct and use a Crossing over a portion of the Trail, as contemplated under section 4.2 of this Agreement, but does not include any of the following: a local government (including one or more of the Grantees), BC Hydro, Telus, Fortis BC, or any other public or private utility using the Lands for the purpose of electrical, telephone, telecommunication, gas distribution, or other utility works or services; and
 - (e) "Trail" means the trail for Multi-purpose Use constructed, operated and maintained by the Grantees on a portion of the Lands existing on either side of the central rail corridor, or as otherwise aligned on untracked portions of the Lands by mutual agreement, and within which the typical trail surface will be four metres in width within a typical five to eight metres (5 - 8m) wide Trail corridor.
- 1.2 For the purposes of this Agreement, but subject to section 2.1, the local government boundaries of the Cowichan Valley Regional District will be considered to include only that part of the Cowichan Valley Regional District within the boundaries of an electoral area.
- 2.0 RIGHT TO USE**
- 2.1 For the purposes of this section, the rights granted to the Grantees shall be interpreted as the right of each Grantee on that portion of the Lands contained within the local government boundaries of each of the Grantees' local government. For certainty, the Grantee, Cowichan Valley Regional District, may exercise its rights under this Agreement within any part of the Lands over which the Cowichan Valley Regional District has established a parks and trail service.
- 2.2 The Grantor grants to the Grantees, subject to the performance and observance by the Grantees of the terms, conditions, covenants and agreements contained in this Agreement, a non-exclusive right by way of licence allowing the Grantees to enter on the Lands and to install, construct, operate, maintain and repair the Trail.
- 2.3 The Grantor grants to the Grantees, their officers, servants, agents, employees, contractors and subcontractors the right to do all acts, things and matters necessary for or incidental to the installation, construction, operation, replacement, maintenance and repair of the Trail.
- 2.4 The Grantor grants to the Grantees and the Grantees' elected officials, officers, agents,

employees, contractors, subcontractors and licencees, the right to pass and repass, with or without motorized vehicles, along and upon portions of the Lands necessary to access the Trail and Utilities, and along and upon the Trail for the purposes of installation, construction, operation, replacement, maintenance and repair of the Trail, including but not limited to the removal of any trees from the Lands that the Grantees may from time to time determine are hazardous and present a danger to users of the Trail.

- 2.5 The Grantor grants to the Grantees and the Grantees' invitees and licencees, including members of the public, the right to pass and repass on foot, horseback, bicycle or by way of any other wheeled non-motorized device or Motor Assisted Cycle, along and upon that portion of the Lands necessary to access the Trail and along and upon the Trail upon terms and conditions set by the Grantees.
- 2.6 The Grantor shall consider granting to the Grantees, upon request by the Grantees, a statutory right of way for local government infrastructure including but not limited to water, storm drainage, sewers and dikes and all fixtures, fittings, pumps, valves, electrical lines and appurtenances thereto.
- 2.7 The Grantor and Grantees agree that the Grantees will submit to the Grantor all plans for the construction of segments of the Trail for approval by the Grantor, which will not be unreasonably withheld. The Grantor and Grantees also agree that any trails constructed at the time this Agreement is signed will be deemed to have been approved by the Grantor.
- 2.8 The Grantor and Grantees further agree that if at any time during the Term or any Renewal term, if it is necessary for the Grantor to use any of the Lands upon which an approved Trail or other trail improvements are located for railway operations, the Grantor, at its sole discretion shall have the right to relocate the Trail or any portion thereof and any other Trail improvements to another section of the Lands.
- 2.9 Any relocation of the Trail constructed in accordance with the trail setback and separation guidelines as outlined in Section 6 of the Vancouver Island Rail Corridor Rail-with-Trail Design Guidelines – June 2009 will be at the sole expense and cost of the Grantor. Any relocation of the Trail that is not constructed in accordance with the trail setback and separation guidelines as outlined in Section 6 of the Vancouver Island Rail Corridor Rail-with-Trail Design Guidelines – June 2009 will be at the sole expense and cost of the Grantees.

3.0 QUIET ENJOYMENT

3.1 The Grantor covenants and agrees to and with the Grantees that the Grantees may peaceably hold and enjoy the rights granted in this Agreement.

4.0 THIRD PARTY INTERESTS

4.1 Subject to section 4.2, the Grantor reserves to itself from the grant and covenants made by it to the Grantees under section 2.0, the right for the Grantor, its agents, employees, lessees, contractors, subcontractors and licensees to have full and complete access to the Trail to carry out any operations associated with the Grantor's or other licensees' use of the Trail during the Term or Renewal Term of this Agreement, provided that such access and use does not damage, or unreasonably disrupt or interfere with the Grantees' Trail.

4.2 If the Grantor enters into an agreement with any Third Party Licensee for the occupation and use of a portion of the Trail (such portion referred to herein as a "Crossing"), including but not limited to the grant of a licence to construct and use a driveway access or crossing for motor vehicles, or a Crossing for utilities or services such as a water line or stormwater works, the terms of the agreement with the Third Party Licensee must include provisions requiring the Third Party Licensee to:

- (a) release, indemnify and save harmless the Grantees from any and against any claims, demands, suits, actions, awards, proceedings and judgments arising from the use of the Crossing by the Third Party Licensee or any invitee of the Third Party Licensee;
- (b) construct and maintain the Crossing in accordance with specifications and standards for such Crossings that the Grantor and the Grantees may from time time agree upon; and
- (c) maintain liability insurance against third party claims arising from the operation and Crossing that is the subject of the licence, with inclusive limits of not less than Two Million (\$2,000,000.00) Dollars for bodily injury, including death and property damage, and naming the Grantee as an additional insured.

4.3 The Grantor shall provide the Grantees with advance notice of the Grantor's intention to enter into an agreement with a Third Party Licensee under section 4.2, including a copy of the proposed agreement and specifications for the proposed Crossing, and shall provide the Grantees with a reasonable opportunity to comment on the proposed Crossing.

4.4 A copy of the Grantees' form of release and indemnity is attached a Schedule "D" to this Agreement.

- 4.5 The Grantor shall use reasonable efforts to facilitate the requirements of section 4.2(a-c) of this Agreement on granting a new Crossing, but nothing in this Agreement shall impose of create liability on the Grantor if a Third Party Licensee fails to enter into, maintain or comply with the requirements of 4.2(a-c).

5.0 PLANS AND DRAWINGS

- 5.1 The Grantees shall provide to the Grantor, at no cost to the Grantor, copies of any as-built drawings, plans or surveys produced, commissioned or otherwise acquired by the Grantees in the course of the Grantees' exercise of their rights under this Agreement, that show the extent and location of the portion of the Lands being used by the Grantees for the purpose of the Trail, as well as any improvements installed or constructed by the Grantees. A reduced copy of such drawings, plans or surveys shall be deemed to form part of this Agreement upon written agreement of the parties.
- 5.2 Any and all plans, drawings, trail designs and construction of the Grantee's shall comply with any and all applicable laws, statutes, regulations, regulatory directives, by-laws, licenses and permits, including without limitation, Transport Canada's most current draft of RTD-10 Regulation relating to public railway crossings.

6.0 CONSIDERATION

- 6.1 Within seven (7) days of the date of this agreement, the Grantee shall pay the Grantor a one-time Administrative Fee of Five Thousand (\$5,000.00) Dollars, plus any applicable Goods and Services Tax, to offset the Grantor's anticipated costs of administering this Agreement over the Term.
- 6.2 In consideration of the rights of the Grantees under this Agreement, in each year of this Agreement each of the Grantees shall pay to the Grantor an amount equivalent to the real property taxes payable by the Grantor to that Grantee, upon receipt from the Grantor of a copy of the Real Property Tax Notice confirming the amount of real property taxes owing with respect to such of the Lands which are not tax exempt (the "Annual Licence Fees"). For certainty, if the Grantor is exempt from real property taxation within the boundaries of a Grantee's local government, no Annual Licence Fee shall be payable by that Grantee.
- 6.3 The parties agree that, except as set out in section 6.1, 6.2 and 6.3, no further fees or charges whatsoever shall be owing from the Grantees to the Grantor in consideration of the Grantees' rights under this Agreement.
- 6.4 Notwithstanding section 6.3, any new application by the Grantee for any use of the corridor (including but not limited to new trails) will be accompanied by a file opening fee of Two Thousand (\$2,000.00) Dollars plus any applicable Goods and Services Tax, payable to the Grantor to allow the Grantor to process applications. In addition to the foregoing,

the Grantee shall be responsible to reimburse the Grantor (and Grantor's rail operator) for all costs of reviewing applications by the Grantee including, but not limited to, engineering fees. The Grantee agrees in advance to a \$2,000.00 plus GST fixed cost for the Grantor's engineer to review trail applications and a variable cost for any crossings by the Trail over the track to be reviewed by the Grantor's engineer. Further increases in the file opening fee will be subject to the approval of the Island Corridor Foundation Board, acting reasonably. Subsequent to the completion of this due diligence and the Grantor approving the use contemplated by the review, there will be no further fees, rentals or other charges levied by the Grantor on that use.

- 6.5 Provided the Fees are paid when due, the Grantor agrees to waive all railway crossing fees for the Trail except for fees payable for road crossings which are otherwise payable by any of the Grantees under a separate agreement.
- 6.6 The Grantor agrees to waive all fees for new railway crossings established by the Grantor as of the date of this Agreement, including those for road crossings, which would otherwise be payable by any of the Grantees; provided however, that this waiver does not include any costs relating to the design, development or construction of a railway crossing.
- 6.7 The Grantees will not be responsible to pay real property taxes related to future Third Party Licensees or lessees that may be granted rights by the Grantor to use the Lands, including rights granted under or over the Trail area of the Lands.

7.0 TERM

- 7.1 The term of the licence granted under this Agreement shall be from the 1st day of January 2018, to the 31st day of December 2043 (the "**Term**"), with a right by mutual consent to renew for a further twenty-five (25) year term (the "**Renewal Term**"), unless earlier terminated pursuant to this Agreement.

8.0 GRANTEES' COVENANTS

- 8.1 For the purposes of this paragraph:

- (a) "**Guidelines**" mean the construction guidelines for the Trail, including requirements as to its width, depth and materials attached here to as Schedule "B".
- (b) "**Plans**" mean the design drawings created for each phase of the Trail construction:
 - (i) containing the construction details of the Trail including its width, depth, and the material which will be used in its construction;

- (ii) showing the location of the Trail on the Lands; and
- (iii) containing any requirements of the Grantor reasonably required during the construction, maintenance, repair, relocation or removal of the Trail for the protection of its property or railway operation;

reduced copies of which shall be deemed to form part of this Licence and be attached hereto as Schedule "C" upon written agreement of the parties.

8.2 The Grantees covenant and agree to and with the Grantor that the Grantees:

- (a) may, in accordance with the Plans and Guidelines, approved by the Grantor in writing, and where such approval may permit the Trail to be constructed to higher standards than those contained in the Guidelines, construct a Trail within the physical boundaries of the Grantees' local government and if constructed, shall maintain or cause to be maintained, the Trail in a good and workmanlike manner in order to cause no unnecessary damage or disturbance to the Grantor or the Lands;
- (b) shall carry out construction of the Trail so as not to adversely affect the drainage of the Lands and to not redirect or increase the quality or velocity of surface water runoff or any streams into the Grantor's drainage system or upon the railway tracks or other lands and facilities of the Grantor;
- (c) shall keep and maintain at its cost and expense the Trail and all its parts in good order and condition and in a structurally sound manner such that the existence and use of the Trail shall not interfere with the Grantor's use of its Lands and its railway operations on the Lands; and to do all repairs in all respects to a standard at least equal in quality of material and workmanship to the original material and work;
- (d) shall remove and discharge or cause to be removed or discharged promptly at its cost and expense any lien, encumbrance or charge upon the Lands which arises out of the use of the Lands under this Licence by the Grantees or by reason of labour or material furnished or claimed to have been furnished for any construction maintenance or repair of the Trail; and
- (e) shall repair, or cause to be repaired at its expense, any damage done to the track, the ballast or to any property of the Grantor by the construction, operation, maintenance, repair, relocation or removal of the Trail or any part thereof.

8.3 LAKE COWICHAN SUB

In addition to the other covenants of the Grantees under this Agreement, the Grantees

shall have the following additional obligations with respect to the Lake Cowichan Sub, where the Grantor's railway will not be operating:

- (a) the Grantees shall be responsible for the maintenance of all Trails, trees, culverts and drainage on all of the Lands within the Lake Cowichan Sub where such maintenance is considered by the Grantees to be necessary for the maintenance of the Trails, and in exercising its responsibilities under this provision the Grantees may do all acts, things and matters necessary for or incidental to the installation, construction, operation, replacement, maintenance and repair of any works the Grantees consider to be necessary for that purpose.

9.0 RELEASE AND INDEMNITY

9.1 No Grantee shall make a claim or demand against the Grantor or any of the Grantor's employees, representatives or agents, for any injury, loss or damage, including injury resulting in death, loss of or damage to property suffered or sustained by the Grantees or the Grantees' employees, representatives, agents or invitees, caused by or arising out of or connected directly or indirectly with this Agreement or anything done or not by as required hereunder unless such injury, loss or damage is caused by or arises out of the gross negligence or wrongful act or omission of the Grantor or the Grantor's employees, representatives, licensees, tenants or agents or a railway operation malfunction or accident not caused by the Grantor's negligence.

9.2 Each Grantee shall indemnify and save harmless the Grantor from and against any and all claims, demands, awards, actions, proceedings and judgments by whomsoever made, brought or prosecuted (collectively "**Claims**"), and from and against any and all injury, loss, damage, costs or expense (collectively "**Damages**") suffered or incurred by the Grantor, the Grantor's employees, representatives, licensees, agents, tenants or invitees entering upon that portion of the Lands within the Grantee's local government boundaries, and which are based upon, arise out of or are connected directly or indirectly with this Agreement or anything done hereunder or anything not done as required hereunder, unless such Claims or Damages are caused by or arise out of the gross negligence or the wrongful act or omission of the Grantor or the Grantor's employees, representatives licensees, tenants, invitees or agents.

9.3 For greater certainty, the provisions of sections 9.1 and 9.2 do not limit the obligation of a Third Party Licensee to indemnify the Grantees in accordance with section 4.2 of this Agreement.

10.0 INSURANCE

10.1 Each Grantee will maintain at its sole cost and expense, in good standing for the Term or Renewal Term (or any extension thereof), liability insurance against third party claims

arising from the operation and use of a portion of the Trail within the local government boundaries of the Grantee with inclusive limits of not less than Five Million (\$5,000,000.00) Dollars for bodily injury, including death and property damage, and in that event, the Grantees will, on request from the Grantor, provide the Grantor with evidence that such insurance is, at all times during the Term or Renewal Term (or any extension thereof), enforceable and in effect.

11.0 TERMINATION

11.1 Except as hereinafter provided, upon breach by any one of the Grantees of any of the provisions herein contained which breach is not remedied by that Grantee within sixty (60) days from the date of registered notice thereof mailed by the Grantor to that Grantee (the "**Breach Notice**"), the Grantor may bring a claim for damages or avail itself of any other remedy which it may have without further notice against that Grantee; or terminate this Agreement in respect of that portion of the Trail within the local government boundaries of that Grantee, if the breach continues for one hundred and twenty (120) days after written notice from the Grantor to that Grantee of its intention to terminate this Agreement, provided always that if the Grantee commences to remedy the breach within sixty (60) days of receipt of notice aforesaid and thereafter diligently and continuously proceeds with the remedial action, the Grantor shall not bring any claim or exercise any other remedies which it may have in respect of such breach provided such breach is remedied within one hundred and twenty (120) days from the date the remedial action is begun.

11.2 If the Grantor notifies a Grantee of a breach of this Agreement and of its intention to terminate this Agreement under section 11.1 in respect of that portion of the Trail within the local government boundaries of that Grantee, the Grantor must also notify each of the other Grantees and any of the Grantees may, at their option, take steps to remedy the breach of which the Grantor has provided notice.

11.3 In the event that any of the Grantees who are not in default choose to take steps to remedy a breach of which the Grantor has provided notice in accordance with Article 11.1, the said Grantee(s) must give written notice to the Grantor of that Grantee's intention to remedy the breach, and if such Grantee commences to takes action to remedy the breach within thirty (30) days of such notice and thereafter diligently pursues action to remedy the breach, the Grantor shall not bring any claim or exercise any other remedies which it may have, provided the breach is remedied within sixty (60) days from the date the remedial action commenced.

12.0 NO ASSIGNMENT

12.1 The Grantees covenant and agree to and with the Grantor that the Grantees shall not assign or sublet the right granted herein without the written consent of the Grantor.

13.0 COMPLIANCE WITH LAW

13.1 The Grantees shall abide by and comply with all the lawful bylaws, rules and regulations of the Province of British Columbia, every municipality or other lawful authority which in any manner relate to or affect the Lands and the right hereby granted insofar as the Grantees is subject hereto.

14.0 OWNERSHIP OF IMPROVEMENTS

14.1 Any and all Trail improvements brought onto, laid or erected upon or buried under the Lands by the Grantees shall immediately be and become the Grantor's property without compensation to the Grantees. Except to the extent otherwise expressly agreed by the Grantor in writing, no such Trail improvements shall be removed by the Grantees from the Lands either during or at the expiration or sooner termination of the Term or Renewal Term of this Agreement, except that:

- (a) The Grantees shall at the end of the Term or Renewal Term of this Agreement remove such of the Trail improvements as the Grantor requires to be removed (except for Trail bed and Trail surface materials such as gravel or asphalt, which may remain in place) and any such removal shall be completed in accordance with sub-section 16.2 below.

15.0 REGISTERED INSTRUMENT

15.1 In the event that the Grantor intends to transfer or lease its Lands, the Grantor agrees to advise the prospective purchaser or Lessee of this Licence of Occupation and the Grantor agrees to register against title to the Lands a Lease in substantially the same terms as this Agreement for the remainder of the Term or Renewal Term for the purpose of a Trail in favour of the Grantees in advance of the transfer or the leasing occurring. Further, the Grantor agrees to notify the Grantees in the event that the Grantor learns of any proceedings against it which may result in the Grantor losing its interest in the Lands and will, where possible, grant to the Grantees a Lease in substantially the same terms as this Agreement for the remainder of the Term or Renewal Term over its Lands for the purposes of the Trail.

16.0 GENERAL PROVISIONS

16.1 Notices: It is hereby mutually agreed:

Any notice required to be given under this Agreement shall be deemed to be sufficiently given:

- (a) to be delivered at the time of delivery and
- (b) if mailed from any government post office in the Province of British Columbia by prepaid registered mail addressed as follows:

- (i) if to the Grantor:

Island Corridor Foundation
320 - 256 Wallace Drive
Nanaimo, B.C. V9R 5B3

- (ii) if to the Grantees:

Cowichan Valley Regional District
175 Ingram Street
Duncan, B.C. V9L 1N8

City of Duncan
200 Craig Street
Duncan, B.C. V9L 1W3

Municipality of North Cowichan
7030 Trans-Canada Highway, Box 278
Duncan, B.C. V9L 3X4

Town of Lake Cowichan
39 South Shore Road, PO Box 860
Lake Cowichan, B.C. V0R 2G0

Town of Ladysmith
410 Esplanade, PO Box 220
Ladysmith, B.C. V9G 1A2

and any such notice shall be deemed to have been given to and received by the addressee on the date of personal delivery or three (3) days after the mailing thereof, postage prepaid and registered, as the case may be. Any party may at any time and from time to time notify the other in writing as to a change of address and the new address to which notices shall be given to it until further changed.

- 16.2 Removal Upon Termination of Agreement: The Trail placed, erected or built on the Lands at the expense of the Grantees will if required by the Grantor, be removed from the Lands by the Grantees within sixty (60) days after termination or surrender of this Agreement (except for Trail bed and Trail surface materials such as gravel or asphalt, which may

remain in place) and the Grantees will leave the Lands neat, clean, level, free and clear of all waste material, debris and rubbish all to the satisfaction of the Grantor. The Grantees covenant that if they are required to remove the Trail they will make good all damage caused to the property of the Grantor by reason of such removal and if such Trail is not so removed by the Grantees and the Lands not left neat, clean, level, free and clear of all waste material, including landscaping and trees, debris and rubbish as aforesaid (except for Trail bed and Trail surface materials such as gravel or asphalt, which may remain in place) within the said period of sixty (60) days, the Grantor may carry out such work and the Grantees will pay to the Grantor all costs and expenses reasonably incurred in so doing. In the event that the Grantor determines that the continued presence of the Trail does not constitute a hazard of interference with the rail operations of the Grantor, then the Grantees may abandon the Trail in place, in which case it will become the Grantor's unencumbered property.

- 16.3 Grantees' Right Non-Exclusive: The Grantees agree that their right to use the Lands pursuant to this Agreement is non-exclusive and acknowledges that the Grantor has in the past, and may in the future, enter into agreements with other persons ("**Third Parties**") to occupy and use the Lands for any and all additional purposes, for communication purposes, for the installation of utilities and cables (below and above ground), for landscaping, and for vehicular use and driveways, and that such Third Parties may be permitted to occupy portions of the Lands provided that all such uses shall not create hazards or unreasonably interfere with or prohibit the use of the Lands by the Grantees, their elected official officers, employees, contractors, licensees, agents and members of the public as contemplated under this Agreement and the Grantor shall provide as built drawings of the Third Party works to the Grantees affected.
- 16.4 Temporary or Permanent Relocation to Accommodate Third-Party Uses: If the Grantor enters into agreements with Third Parties to occupy and use the Lands and requests that the Grantees relocate temporarily or permanently all or part of the Trail, such temporary or permanent relocation will be at the cost of the Grantor, and only if the design requirements of the Trail can be met and the continuity of the Trail preserved.
- 16.5 Gender and Construction: Wherever the singular or masculine is used in this Agreement the same shall be deemed to include the plural or the feminine, or the body politic or corporate, also the heirs, executors, administrators, successors and assigns of the parties hereto and each of them (where the context or the parties so require).
- 16.6 Time of Essence: Time is to be the essence of this Agreement.
- 16.7 Enurement: This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees.

- 16.8 Waiver: The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.
- 16.9 Headings: The headings in this Agreement are inserted for convenience and reference only and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision of it.
- 16.10 Remedies Cumulative: No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.
- 16.11 Applicable Law: This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
- 16.12 No Partnership, Etc.: No provision of this Agreement shall be construed to create a partnership or joint venture relationship, an employer-employee relationship, a landlord-tenant, or a principal-agent relationship.
- 16.13 Amendments: This Agreement may not be modified or amended except by the written agreement of the parties.
- 16.14 Entire Agreement: This Agreement contains the entire agreement and understanding of the parties with respect to the matters contemplated by this Agreement and supersedes all prior and contemporaneous agreements between them with respect to such matters.
- 16.15 Survival of Representations: All representations and warranties set forth in this Agreement and all provisions of this Agreement, the full performance of which is not required prior to a termination of this Agreement, shall survive any such termination and be fully enforceable thereafter.
- 16.16 Notification of Violation: Each party shall promptly notify the other party of any matter which is likely to continue or give rise to a violation of its obligations under this Agreement.
- 16.17 Whole Agreement: The whole agreement between the parties is set forth in this document and no representations, warranties or conditions, express or implied, have been made other than those expressed.
- 16.18 Severability: Each article of this Agreement shall be severable. If any provision of this Agreement is held to be illegal or invalid by a Court of competent jurisdiction, the provision may be severed and the illegality or invalidity shall not affect the validity of the remainder of this Agreement.
- 16.19 Counterparts: This Agreement may be executed in counterpart with the same effect as if

both parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.

IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year first above written.

ISLAND CORRIDOR FOUNDATION)
by its authorized signatories:)

_____)
Name:)

_____)
Name:)

COWICHAN VALLEY REGIONAL DISTRICT)
by its authorized signatories:)

_____)
Name:)

_____)
Name:)

CITY OF DUNCAN)
by its authorized signatories:)

_____)
Name:)

_____)
Name:)

MUNICIPALITY OF NORTH COWICHAN)
by its authorized signatories:)

_____)
Name:)

_____))
Name:))
_____)

TOWN OF LAKE COWICHAN)
by its authorized signatories:)

_____))
Name:)

_____))
Name:)

TOWN OF LADYSMITH)
by its authorized signatories:)

_____))
Name:)

_____))
Name:)

Schedule "A"

E&N Rail Trail Lands

Schedule "B"

Trail Guidelines

Schedule "C"

Plans



Town of Ladysmith

Municipality of North Cowichan

Town of Lake Cowichan

Cowichan Valley Trail

Friendship Trail

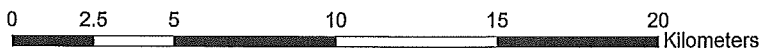
City of Duncan

Shawnigan Village Rail Trail Concept

Capital Regional District

LEGEND

- Existing Off Road Trails —————
- Proposed Off Road Trails ·······
- E&N Rail Corridors - - - - -





175 Ingram Street
Duncan, BC V9L 1N8
www.cvrld.bc.ca

Office: 250.746.2500
Fax: 250.746.2513
Toll Free: 1.800.665.3955

Town of Lake Cowichan
39 South Shore Road,
Lake Cowichan, BC V0R 2G0

June 18, 2018

Attn: Joseph Fernandez, CAO

Dear Joseph Fernandez;

Thank you for providing comments on the use of the Cowichan Region Safety Lens. The Safety Lens was originally designed as a tool for Planning and Development to assist in addressing safety issues faced in neighbourhoods to help reduce factors related to crime and/or negative activities. Planning for community safety includes a much more comprehensive approach than a CPTED analysis, as we know that focusing on the physical designs of a development does not encompass the social infrastructure surrounding it. The Safety Lens helps to augment the planning process by providing a range of topics and items that can be included in a review process and are proven to be effective when put into practice.

The responses received from you and other planners have identified that the safety lens is not currently being utilized for development or planning purposes. The key themes that came from feedback identified the key reasons as:

- The vast number of guidelines, processes and forms that exist related to community development
- Community safety is addressed through the Official Community Plans (OCP) and Development Permit Guidelines (DPA). A scan of the all the current Official Community Plans and Development Permit Area Guidelines was conducted and a summative document was created containing the excerpts of OCPs and DPAs that relate to community safety elements (see attached)
- Finally, the safety lens is cited as too cumbersome and needs to be more succinct. The City of Duncan compiled a simple checklist based on the lens for use (see attached)

The current pressures we are facing as a region from the impacts of poverty, homelessness and the opioid crisis are taking a toll on citizens, businesses and local government workers. Many municipalities are noting rising challenges in vulnerable neighbourhoods and placing a safety lens can identify the types of infrastructure and community developments that are required to build community safety.

The mandate of the Community Safety Advisory Commission (CSAC) are as follows:

- a) To advise the Board on community safety issues of regional, sub-regional and interagency importance. Advice may be in reference to programs, plans, policies, guidelines, or other local government policy instruments.

- b) To serve as a forum for multi-sectoral discussion where local government and community groups can work together. The Commission has a leading role in providing advice and support to safer communities' initiatives across the region.
- c) To be a conduit for recommendations arising from its members and from community initiatives, and for issues referred by the Board, elected officials, and staff requests.
- d) ***To be a resource for planning staff at various local governments and to Advisory Planning Commissions***

CSAC is requesting feedback on what kind of support the commission can offer to planning and development staff for taking an upstream approach and incorporating more community safety elements into planning and development. CSAC is exploring the following options:

- Option 1: Garner funding to update and consolidate the Safety Lens and develop an implementation plan for adoption by planning and development departments.
- Option 2: Link with OCPs and Local Area Plans that come up for review to encourage adoption of safety lens principles into their planning processes and a mechanism for monitoring.

Please respond with which option your department thinks would fit best with your current planning and development work to: christyvilliers@cwav.org

Sincerely,



Carol Ann Rolls
Chair, Community Safety Advisory Commission
CVRD

References to Community Safety Elements and the Safety Lens in Official Community Plans and Development Permit Areas in the Cowichan Region

Draft for Discussion Purposes

AREA A: Mill Bay

- Under vision statement and goals: I. To encourage safety for all residents, inclusive of abilities, ages, incomes, races, and gender;
- STONEBRIDGE NEIGHBOURHOOD PLAN: GOALS → OBJECTIVES (pg. 29): I to encourage safety for all residents, inclusive of abilities, ages, incomes, races and gender → design an inclusive neighbourhood with access to safe and convenient walking trails, streets and public spaces.
- 11.4.3 A Building Design Guidelines- The Building Design Guidelines apply to commercial, mixed use and multiple family residential development and their accessory buildings and structures. (pg. 49): 20. All plans and building designs must promote personal and public safety, consistent with the principles of Crime Prevention through Environmental Design (CPTED).
- 11.4.8 A Outdoor Lighting Guidelines - The Outdoor Lighting Guidelines apply to commercial, multiple family, and intensive residential development. (pg. 57): An illumination plan will be submitted with the application, indicating how building entrances, parking areas and pedestrian routes on a site will be lit. This will preferably be accomplished with lighting that is designed to illuminate the surface of the site, for pedestrian comfort and safety, without glare spill-over to adjacent parcels or roads.
- 11.4.9 A: Parking, Vehicular Access, and Pedestrian Guidelines (pg. 58): Access and egress to major network roads should be provided from local roads in locations which are safe and approved by the Ministry of Transportation and Infrastructure. Direct access from the Trans-Canada Highway or a major network road should be avoided.

AREA B: Shawnigan Village

- 11. To encourage safety for all residents, inclusive of abilities, ages, incomes, races, and gender; (pg. 10)
- E. To provide safe pedestrian and cycling trails in Shawnigan Village, between commercial areas, parks and residential neighbourhoods; (pg. 27)
- 22. All plans and building designs must promote personal and public safety, consistent with the principles of Crime Prevention through Environmental Design (CPTED). (pg. 39)
- 6. Parking lot design will incorporate designated pedestrian walkways for people to exit their automobiles and access buildings and surrounding areas safely, and these will be separated from the parking area by raised or landscaped features. Physical separation between well-marked pedestrian and vehicular traffic is required, and where the two share space, design features will clearly indicate that pedestrians have priority. All pedestrian areas should be level, smooth, and non-slip surfaced so as to accommodate people with accessibility challenges. (pg. 44)

AREA C: Cobble Hill Village

- Policy 4.5: The OCP supports the development of a Local Service Area for street lighting within the core commercial area. The type of lighting to be used will be in keeping with the overall development

objectives of the Plan, including maintaining the heritage character of the village, preventing light pollution, and providing for community safety. (pg. 12)

-Policy 4.6: Access for the mobility challenged, and Community Safety through Environmental Design, will be considered for all public and transportation facilities, parks, commercial uses, industrial uses, institutional uses and multiple family residential uses.

-16. All plans and building designs should promote personal and public safety, consistent with the principles of Crime Prevention through Environmental Design (CPTED), and be accessible for disabled persons. (pg. 43)

AREA D: COWICHAN BAY

-The CVRD will take a precautionary approach to ensure that public and environmental health and safety are afforded a high priority in land use decisions. When a proposed land use or activity raises threats of harm to human or environmental health, precautionary measures must be taken if some cause-and-effect relationships have not already been established scientifically, including the: ☐ Duty to take anticipatory action to prevent harm; ☐ Duty to require proponents to provide complete and accurate information about potential human and environmental impacts; ☐ Obligation to consider all practical alternatives, including no change to existing land use; and ☐ Duty to consider the costs and benefits to the community when evaluating alternatives, and to select the alternative with the least potential impact. (PG 9)

-6.5 Community Safety

All community members should feel safe in their homes, neighbourhoods, and public spaces and have access to essential services in the event of emergencies or natural disasters. Furthermore, new and redeveloped sites and buildings can be designed to deter crime and promote the health and safety of local residents. The objectives and policies of this section are intended to facilitate a safer community.

OBJECTIVE .1 To reduce public health and safety risks through appropriate site and building design.

POLICIES (a) The CVRD has endorsed in principle and will consider the provisions within the Cowichan Region Safety Lens (CVRD Community Safety Advisory Committee: 2008) during application processes.

(b) All multi-unit, mixed use, commercial and industrial development will be carefully planned and implemented respecting crime prevention through environmental design (CPTED) criteria for lighting, landscaping, and access and egress, and will be designed to maintain or improve safety for pedestrians, cyclists and motorists. This may include a contribution to infrastructure improvements such as roundabouts, sidewalks, and lighting.

(c) The CVRD will work with appropriate agencies community members to ensure an appropriate street addressing system is in place and that correct street addresses are visible from public roadways. (d) The CVRD will encourage the development of healthy living environments through the use of environmentally friendly building materials, low volatile organic compound paints and finishes, and other technologies deemed beneficial to human health.

(e) The CVRD will promote safety and security in public places by ensuring that all CVRD public parks and facilities integrate design principles that maximize Safety and, where possible, are accessible to children, youth, seniors, and people with disabilities.

(f) The CVRD will conduct safety audits when developing public infrastructure and parks, to ensure appropriate lighting, visibility and opportunities for informal surveillance of buildings and open spaces.

(g) The CVRD will encourage the Ministry of Transportation and Infrastructure to enhance the safety of public roadways with roadside pathways, signage, roundabouts, street lighting at critical intersections, and other improvements. (pg. 71)

-RC 11 Site Design: 4. Development should be designed to promote personal and public safety, including appropriate lighting and clear sightlines for pedestrians, through the use of Crime Prevention Through Environmental Design (CPTED) criteria. BC Housing's Design and Construction Standards for CPTED and performance standards checklist should be used as a guide. (pg. 140)

AREA E AND PART OF F: COWICHAN – KOKSILAH

Allenby Road Permit Development Area:

-Under Residential Design Guidelines:

iii) Safety from crime should be considered in landscaping plans. (pg. 79)

Sahtlam Commercial Development Permit Area

Under guidelines; landscaping

-ii) Safety from crime should be considered in landscaping plans. (pg. 94)

AREA F: Cowichan Lake South/Skutz Falls West Cowichan

-COMMUNITY SAFETY AND SOCIAL POLICIES - OBJECTIVES The objectives of the Regional Board pertaining to community safety and social policies are: a) to maintain a sense of community and rural character and ambience desired by residents, b) to establish and maintain a community environment where all ages (and both genders) of the population are able to walk, shop and recreate without fear for their personal safety, c) to establish a community environment where all segments of the population, inclusive of race, ability, income, and gender are able to live and work without fear for their personal safety, d) to ensure that appropriate plans are prepared for minimizing risk to life and property in the event of a major catastrophe such as a wildfire or an earthquake, e) to promote community awareness of emergency issues, programs and legislation, and f) to encourage the integration of land use planning and fire prevention in the Wildland/Urban Interface. (pg. 59)

-POLICY 14.3: The Regional Board encourages the establishment of community crime prevention programs, including Neighbourhood Watch programs and "Citizens on Patrol" (COPS) programs.

POLICY 14.4: Where feasible, the Regional Board, in conjunction with other agencies, shall require developments to be designed in a manner that encourages crime prevention. This includes building and road design, streetscaping and landscaping, street lighting, and amenity design that promotes personal safety, visibility, accessibility, and access to emergency services.

POLICY 14.5: The Regional Board shall encourage the development of initiatives which promote cooperative efforts between residents, businesses, and community groups to improve women's, children's and senior's safety in particular, and the public's safety generally. This may include new development as well as the redevelopment of existing buildings, streets, parks, and other publicly accessible areas where existing conditions do not promote safety and security.

POLICY 14.6: The zoning bylaw shall not preclude the provision of essential services such as transition houses in residential areas.

POLICY 14.7: The Regional Board shall encourage information and education programs for dog owners and shall require strict enforcement of bylaws relating to the control of vicious dogs.

POLICY 14.8: The Regional Board recognizes the valuable contribution youth make to the community and its future and encourages the provision of services and employment opportunities to encourage youth to remain in the community. (pg. 60)

POLICY 14.9: The Regional Board supports the provision of services for the mobility challenged and other disabled persons within the community and promotes the equitable treatment of all individuals.

POLICY 14.10: The Regional Board encourages the ability of residents to age-in-place by encouraging opportunities for improving the quality of life for all residents, with particular emphasis on seniors.

POLICY 14.11: The Regional Board supports the provision of a cemetery in an appropriate location, possibly in conjunction with a future development proposal.

POLICY 14.12: The Regional Board encourages the establishment of boating speed restrictions on Cowichan Lake as follows: a) 10 km. per hour within 60 m. of shore, b) 70 km. per hour beyond 60 m. of shore from Weir West to Pine Point, and c) unlimited speeds beyond 60 m. of shore from Pine Point West to the western end of the Lake. (pg. 61)

AREA G: Saltair

-TOURIST COMMERCIAL DESIGNATION – OBJECTIVES a) To ensure that new Tourist Commercial developments are attractive, are accessible, include public safety design measures, and blend in with the rural character of the community; (pg. 24)

-20.5.4 GUIDELINES Within the Commercial Development Permit Area:

g) Safe pedestrian routes across, within and between sites should be clearly delineated by means of separate, raised walkways, sidewalks or paths; (pg. 64)

AREA H: North Oyster – Diamond

-no highlights around community safety elements

AREA I: Youbou/Meade Creek

-COMMUNITY SAFETY AND SOCIAL POLICIES - OBJECTIVES (a) To maintain a sense of community and rural character and ambience desired by residents; (b) To establish and maintain a community environment where all ages (and both genders) of the population are able to walk, shop and recreate without fear for their personal safety; (c) To establish a community environment where all segments of the population, inclusive of race, ability, income, and gender are able to live and work without fear for

their personal safety; (d) To ensure that appropriate plans are prepared for minimizing risk to life and property in the event of a major catastrophe such as a wildfire or an earthquake; (e) To promote community awareness of emergency issues, programs and legislation; and (f) To encourage the integration of land use planning and fire prevention in the Wildland/Urban Interface.

-POLICY 12.3: The Regional Board encourages the establishment of community crime prevention programs, including Neighbourhood Watch programs and "Citizens on Patrol" (COPS) programs.

POLICY 12.4: Where feasible, the Regional Board, in conjunction with other agencies, will require developments to be designed in a manner that encourages crime prevention. This includes building and road design, streetscaping and landscaping, street lighting, and amenity design that promote personal safety, visibility, accessibility, and access to emergency services.

POLICY 12.5: The Regional Board will encourage cooperative efforts between residents, businesses, and community groups to improve women's, children's and senior's safety in particular, and the public's safety generally. This may include new development as well as the redevelopment of existing buildings, streets, parks, and other publicly accessible areas where existing conditions do not promote safety and security.

POLICY 12.6: The zoning bylaw will not preclude the provision of essential services such as transition houses in residential areas.

POLICY 12.7: The Regional Board will encourage information and education programs for dog owners and will require strict enforcement of bylaws relating to the control of vicious dogs.

POLICY 12.8: The Regional Board recognizes the valuable contribution youth make to the community and its future and encourages the provision of services and employment opportunities to encourage youth to remain in the community.

POLICY 12.9: The Regional Board supports the provision of services for the mobility challenged and other disabled persons within the community and promotes the equitable treatment of all individuals.

POLICY 12.10: The Regional Board encourages the ability of residents to age-in-place by encouraging opportunities for improving the quality of life for all residents, with particular emphasis on seniors. (pg. 43 – 44)

MUNICIPALITY OF NORTH COWICHAN

-Under Core Principals: 1.3.4 Healthy and safe community A healthy and safe community is one where access to community services, housing, parks and open space, clean air and water, and other such benefits promotes positive interaction and healthy outcomes among all residents. (pg. 7)

-Under Build Strong Communities: ensuring that our communities are affordable, safe and healthy; • having good infrastructure, recreation opportunities, walking and biking paths, roads and other amenities; • promoting "neighbours caring for neighbours," through volunteerism, emergency response planning, social events and other means of enabling residents to engage with each other. (pg. 67)

-2.5.3.1 The Municipality will design public areas to be people-friendly, secure, comfortable and distinctive. a) The Municipality will develop and incorporate community safety principles (e.g., the CVRD's Safety Lens, and Crime Prevention through Environmental Design), policies and practices into

long-term planning and development review processes, as well as into the processing of development applications. (pg. 77)

-Under Safe and Healthy Community 2.5.4.: Objective, Enable residents to experience a safe and healthy life in North Cowichan Progress towards this objective can be measured by: • Extent of volunteering in North Cowichan, • Crime rates, • Extent of services available for the most vulnerable residents, • Modifications to the built environment to support accessibility for differing levels of mobility, • Regular assessments conducted by such organizations as Social Planning Cowichan, Volunteer Cowichan, Success by Six, etc. (pg. 80)

-2.5.4.3 The Municipality considers community policing to be a high priority.

2.5.4.4 The Municipality will continue to support excellence in police service delivery. a) The Municipality will continue to support police initiatives in crime reduction, traffic safety and increased police visibility. b) The Municipality will continue to engage with the police in their planning and priority setting.

*Under Permit Design Guidelines, 1.3.1 CREATING COMPLETE COMMUNITIES; SAFETY AND ACCESSIBILITY STANDARDS: (A) New developments should incorporate principles related to "Crime Prevention Through Environmental Design" (CPTED) and the "safety lens." (B) Well-defined public and private spaces, adequately lit exterior spaces and clear sightlines should be considered to create healthy, safe environments. i. Parking lots should be designed so that pedestrian access is clearly separated from driveways and parked vehicles. At the main entrance, the public street and parking areas should be linked by a walkway (pg. 8)

CITY OF DUNCAN

-Under Safe and Healthy Community:

Community Safety Objectives • To create a safe and supportive community. • To foster a collaborative approach to problem solving community identified issues. • To support long-term crime prevention by working to address the root causes of crime and violence.

Community Safety Policies

9.1.1 Develop and incorporate community safety principles, policies, and practices (e.g. safety audits) into long term planning and development processes through: community-based research and action; development of tools and resources; education and training, policy guidelines and integrated planning, design and management of public spaces with a safety lens and building on and supporting the work of the CVRD Community Safety Advisory Committee (CSAC) and Safer Futures. (See Appendix 9.)

9.1.2 Work with neighbourhoods to address concerns and solutions (e.g. children's playground areas, youth outreach, community programming, traffic calming, crime reduction and safety).

9.1.3 Continue to work with private and public agencies to develop new and enhanced existing community services and programming to address community, social and economic planning and development.

9.1.4 Continue to work with Cowichan Tribes and multicultural communities to promote harmonious intercultural relations and ensure equal and universal access to community services.

9.1.5 Continue to liaise with private and public agencies to address the needs of people with disabilities. Buildings that provide a public service should be made fully accessible for people that have a physical or mental disability. (pg. 55 – 56)

Policing

Policing Objective • To ensure safe homes, safe streets, and a safe community. Policing Policies

9.2.1 Work with the CVRD, the RCMP, and the Province to identify the appropriate configuration of police services for the City and Region.

9.2.2 Continue to support policing initiatives (enforcement, investigation, and prevention) that address safety and fear of crime or violence, e.g. increased police visibility, community policing programs, and self-reliance programs.

9.2.3 Support the efforts of Cowichan Tribes and the RCMP to deal with youth issues.

9.2.4 Support the development of a Domestic Violence Unit.

9.2.5 Work with the RCMP to deal with traffic issues (e.g. appropriate signage, access, lane marking, and representation on the Traffic Safety Advisory Committee).

9.2.6 Work with the RCMP to support efforts dealing with drugs and organized crime (e.g. graffiti, derelict houses, Crime-Free Multi-Housing Program, CEPTED review of development proposals).

9.2.7 Work with the RCMP to improve community participation in crime prevention by encouraging residents, neighbourhoods, and developers to engage in programs such as Block Parents, Neighbourhood Watch, Citizens on Patrol, and/ or Crime Stoppers.

Under 12.2 DPA 1 – MULTI-FAMILY RESIDENTIAL AREAS:

-Accessibility & Personal Safety • Accessibility should be addressed in site, building and landscape design, to address the needs of all users. o Disabled access should be incorporated in the main access. o When provided, access ramps or related features should be visually integrated within the overall building design and site plan. o Accessible travel routes to building entrances, parking, and/or recreational areas should have a hard, slip resistant surface with a defined border of alternate material or texture to distinguish the sides or ends of paths, and shall meet the requirements of the current British Columbia Building Code. • The basic principles of Crime Prevention through Environmental Design (CPTED) should be incorporated into building and site planning/ design (e.g. avoid recesses, dark alcoves, the creation of hiding spots, and isolated areas). Refer to the Checklist for Safety Planning and Design (Appendix 9). (pg. 89))

12.3 DPA 2 – DOWNTOWN

-Where there is underground or structured parking, the sidewalk should be maintained at grade, and the pavement should be marked to alert both drivers and pedestrians of the upcoming intersection. o Attention to sightlines (both driver and pedestrian) is especially important in this compact urban

environment. • Designing for personal safety and crime prevention (CPTED principals) is of paramount importance. o This includes issues associated with appropriate levels and locations of lighting. • The exterior design should be integrated architecturally to look like a commercial building rather than an institution or warehouse. Signage Storefront signs contribute to the form and character of a community. (pg. 99)

12.4 DPA 3 – HIGHWAY 1 CORRIDOR

-Personal Safety • The effect of the design of the building on individual safety should be considered, e.g. recesses, dark alcoves, hiding spots and isolated areas. The Checklist for Safety Planning and Design in Appendix 9 should be referred to. • The basic principals of Crime Prevention through Environmental Design (CPTED) should be incorporated. (pg. 107 – 108)

-• Security and safety should be planned for through good parking lot design. o Locate windows and public areas to allow for passive surveillance. o Avoid the creation of “hiding spots” using gating or lighting recesses and alcoves and securing garbage bins (pg. 111)

12.5 DPA 4 – OTHER COMMERCIAL AREAS

-The impact the design of the building has on individual safety e.g. avoid recesses, dark alcoves, the creation of hiding spots, and isolated areas, should be considered. The Checklist for Safety Planning and Design (Appendix 9) should be referred to. • The basic principals of Crime Prevention through Environmental Design (CPTED) should be incorporated. (pg. 122)

-Appendix 9 – Check list for Safety Planning and Design (pg. 156 – 159)

(see attached Appendix)

TOWN OF LADYSMITH

-18. The Town will continue to support public safety programs of community policing, crime prevention programs (e.g. Citizens on Patrol), community safety initiatives (e.g. Safer Communities Program), law enforcement and adequate policing levels for the population. (pg. 46)

-19. Community design will be used to increase urban safety through promotion of mixed use and infill residential development, street-oriented retail and civic uses in the downtown, and application of Crime Prevention Through Environmental Design (CEPTED) planning and design principles for safer communities. (pg. 46)

Development Permit Guidelines:

DPA 2 Downtown

-18. Crime Prevention a) Best practices for Crime Prevention Through Environmental Design (CPTED) should be incorporated into building design, such as: i) Define Territoriality: Building entrances, parking areas, pathways, and other use areas should be defined with appropriate features that express ownership and boundaries, avoiding spaces that appear confined, dark, isolated, or unconnected with neighbouring uses, or appear to be without a clear purpose or function. ii) Integrate Natural

Surveillance: Visibility, light and openness should maximize the ability to see throughout the site. Window placement should provide visual access to all areas of the site. The location of walkways, entrances, landscape materials, and site features should avoid areas for hiding. Appropriate lighting should not produce glare, and excessive lighting that creates darkened spaces in other areas should be avoided. iii) Activity Support: The proposed site layout and building design should encourage legitimate activity in public spaces by locating outdoor uses in complementary arrangements, or activity nodes, that create more activity than if separated. (pg. 18)

DPA 3 Commercial

-18. Crime Prevention a) Best practices for Crime Prevention Through Environmental Design (CPTED) should be incorporated into building design. b) Define Territoriality: Building entrances, parking areas, pathways, and other use areas should be defined with appropriate features that express ownership and boundaries, avoiding spaces that appear confined, dark, isolated, or unconnected with neighbouring uses, or appear to be without a clear purpose or function. c) Integrate Natural Surveillance: Visibility, light, and openness should maximize the ability to see throughout the site. Window placement should provide visual access to all areas of the site. The location of walkways, entrances, landscape materials, and site features should avoid areas for hiding. Appropriate lighting should not produce glare, and excessive lighting that creates darkened spaces in other areas should be avoided. d) Activity Support: The proposed site layout and building design should encourage legitimate activity in public spaces by locating outdoor uses in complementary arrangements, or activity nodes, that create more activity than if separated. (pg. 39-40)

DPA 4 Multi-Unit Residential

-17. Crime Prevention a) Best practices for Crime Prevention Through Environmental Design (CPTED) should be incorporated into building design, such as: i) Define Territoriality: Building entrances, parking areas, pathways, and other use areas should be defined with appropriate features that express ownership and boundaries, avoiding spaces that appear confined, dark, isolated, or unconnected with neighbouring uses, or appear to be without a clear purpose or function. ii) Integrate Natural Surveillance: Visibility, light, and openness should maximize the ability to see throughout the site. Window placement should provide visual access to all areas of the site. The location of walkways, entrances, landscape materials, and site features should avoid areas for hiding. Appropriate lighting levels should not produce glare, and excessive lighting that creates darkened spaces in other areas. iii) Activity Support: The proposed site layout and building design should encourage legitimate activity in public spaces, by locating outdoor uses in complementary arrangements, or activity nodes, that create more activity than if separated. (pg. 40)

DPA 5 Industrial

-16. Crime Prevention a) Best practices for Crime Prevention Through Environmental Design (CPTED) should be incorporated into building design, such as: i) Define Territoriality: Building entrances, parking areas, pathways, and other use areas should be defined with appropriate features that express ownership and boundaries, avoiding spaces that appear confined, dark, isolated, or unconnected with neighbouring uses, or appear to be without a clear purpose or function. ii) Integrate Natural Surveillance: Visibility, light, and openness should maximize the ability to see throughout the site. Window placement should provide visual access to all areas of the site. The location of walkways,

entrances, landscape materials, and site features should avoid areas for hiding. Appropriate lighting should not produce glare, and excessive lighting that creates darkened spaces in other areas should be avoided. iii) Activity Support: Site layout and building design should encourage legitimate activity in public spaces by locating outdoor uses in complementary arrangements, or activity nodes, that create more activity than if separated. (pg. 48)

TOWN OF LAKE COWICHAN

7 Downtown; 7.3 Policies:

-9) The guidelines of the Cowichan Valley Safer Futures Program (1998)9 shall be used in reviewing development proposals. (pg. 29)

17 Development Permit Areas: 17.7 Downtown Development Permit Area (DPA 4):

-s) The guidelines of the Cowichan Valley Safer Futures Program shall be used in reviewing development proposals (See Appendix C for a project review checklist). Issues covered include: i) public consultation process; ii) overall design; and iii) specific design issues of isolation, visibility, lighting, signage, maintenance, management. (pg. 74-75)

17.8 Highway Commercial, Neighbourhood Centre and Tourism Areas Development Permit Area (DPA-5):

-r) The guidelines of the Cowichan Valley Safer Futures Program shall be used in reviewing development proposals (See Appendix C for a project review checklist). Issues covered include: i. public consultation process; ii. overall design; and iii. specific design issues of isolation, visibility, lighting, signage, maintenance, management. (pg. 77)

17.9 Multi-family Development Permit Area (DPA 6):

-(j) Council shall require the implementation of the guidelines of the Planning for Safer Communities guide and of the principles of the Crime Prevention Through Environmental Design (CPTED) concept in all new multi-family residential developments, including building and road design, streetscaping and landscaping, street lighting and amenity design that promotes personal safety, visibility accessibility and access to emergency services, in conjunction with other agencies. Developers shall be responsible for demonstrating how the guidelines of the Planning for Safer Communities guide have been incorporated into site and building design prior to obtaining approval from Council. This demonstration must be by a Qualified Environmental Professional. (pg. 78)

17.10 Industrial Development Permit Area (DPA 7):

-j) The guidelines of the Cowichan Valley Safer Futures Program shall be used in reviewing development proposals (See Appendix C for a project review checklist). (pg. 81)

-Appendix C -- Checklist for Safety Planning and Design (1998) (pg. 99 – 102)

(see attached Appendix C)

APPENDIX 9 – CHECKLIST FOR SAFETY PLANNING AND DESIGN

The following checklist is adapted from materials of the Cowichan Valley Safer Futures Program.

PLANNING AND DESIGN CHECKLIST FOR DEVELOPMENTS
<p>Designing community environments that are safe and accessible is an important (but not the only) part of building safer communities. Designing safer environments involves consideration of who we are planning for, how they need to use their communities, and what their obstacles might be. While this process incorporates some aspects of crime prevention through environmental design, it is based most importantly on building communities that consider accessibility and social, economic, and environmental vibrancy.</p> <p>This summary has been prepared as a quick reference to prompt questions about safety when considering development proposals and related planning questions. It is recognized that in any given situation, not all of the questions contained in the checklists will be pertinent. The purpose is to provide an array of considerations, and, where appropriate, to apply them to a given proposal.</p>
PLANNING ASSESSMENT CHECKLIST
PROCESS CONSIDERATIONS
<ul style="list-style-type: none"> ▶ Introduce and ask questions about safety issues and concerns at the beginning of a process. ▶ Provide information to applicants on safety and security issues, and design and management solutions. ▶ Include a process for referral and suggest community contacts to provide input (in the Cowichan Valley Regional District, the Community Safety Advisory Committee has been established with a mandate to review development proposals for safety). ▶ Suggest a women’s safety audit of the local area.
CHECKLIST
<p>1. Context of the area/ development:</p> <p>a) Are there any existing safety issues that need to be addressed? Has a safety audit been done to determine existing and potential problems?</p> <ul style="list-style-type: none"> ▪ Is the area known for vandalism, thefts or assaults? ▪ Is it perceived to be unsafe for/ by women, children, youth, seniors or people with disabilities? ▪ Is the area isolated, dark or poorly maintained? ▪ Is it known for traffic or pedestrian issues? ▪ How might the proposed development affect or improve the area in terms of safety? <p>b) Who are the present and proposed users? Are there any potential conflicts for example, between neighbouring land uses?</p> <p>Examples might include:</p> <ul style="list-style-type: none"> ▪ A vacant lot next to a proposed housing complex, a school next to a farm, mall, video arcade, liquor store next to a bus stop, industrial complex next to a park.

- 2. How do/ will women and children, youth, seniors, people with disabilities, etc., use this area both day and night and what might their safety concerns be? Day? Night?**
- Examples might include:
- A neighbourhood park that will be used by women and children whose safety concerns might be around using washrooms, or need for emergency outlets, possible alcohol/ drug use in the park.
- Have all needs/ views been considered/ solicited?
- Has the developer contacted people who may be the most vulnerable and/ or who are not able to come out to public meetings? Have parents, women, seniors, people with disabilities been specifically asked for their views?
- 3. Does the development consider design elements which support safety?**
- Does the layout and design of the proposed development (interior and exterior) maximize opportunities for casual surveillance, minimize potential entrapment areas, hiding spots?
 - Will there be adequate lighting, signage, accessible pedestrian routes, transit, security, emergency services and outlets? (How has this been determined?)
 - What provisions are there for accessibility?
 - Again, has consultation been done to determine the concerns of people who are the most vulnerable, and does design incorporate those needs?
- 4. What are requirements or considerations for management to support safety of staff and the public?**
- For example, will store owners, building managers be made aware of women's safety issues (and how) and
 - Will there be programs/policies to support safety of staff, residents and patrons?
- 5. What is the potential impact on community services?**
- Does the development provide for, or augment, existing community services?
 - Will there be adequate access to public transportation?
 - Does the proposed development target a specific group, for example seniors? If so, will there be adequate access to services for people who may be mobility impaired, require medical attention?
 - What might the impacts be for recreation opportunities, school grounds safety, and traffic safety for children? Have school parent groups been contacted for their views?

CHECKLIST FOR PLANNING AND DESIGN

1. OVERALL DESIGN

- Is it easy for someone who is not familiar with the area to find their way around?
- Are there adequate signage and other information that tells people where they are and how find services, who to call in an emergency?
- Is information provided, visible and legible to someone in a wheelchair, someone who is visually impaired?

Is the area/building accessible?

- Is the area served by public transportation? If so, does transit meet the needs of users? If not, what other assistance is available?

Are buildings, sidewalks, streets and crossings well-placed and accessible, particularly for people with disabilities? How has this been determined?

2. ISOLATION

- Is/ will the area, building (or parts of the building) be subject to isolation? If so, are there practices in place to enhance personal safety and security of people who must use the area during those times?
- Do the surrounding land uses encourage people to be there?
- How far away are the nearest emergency services?
- Is the area patrolled by security, police, and neighbourhood watch?
- Would someone hear a call for help?

3. VISIBILITY

- Does the layout of the site and building(s) provide for maximum visibility of the street and parking areas, paths and walkways?
- Does the building interior contain sharp corners, isolated areas?
- Are there any structures, landscaping, vegetation, corners, ditches, vehicles, signs that would impede visibility?

4. LIGHTING

- Is the lighting adequate? How has this been determined?
- Is the lighting bright enough (without being too bright or causing glare, is it evenly spaced and unobscured by landscaping or fences?)
- How well does lighting illuminate parking lots, pedestrian walkways, sidewalks, directional signs and maps? Is lighting adequate for someone to see another person 20 metres away?

5. SIGNAGE

- What signage is planned? What signage is needed to serve all users? Does it provide necessary information?
- Does signage direct people with disabilities to accessible entrances?
- Is it located properly? (e.g., so that it is visible to someone in a wheelchair?)
- Is the lettering large enough to read, easy to understand? Visual symbols?
- Are transportation points clearly indicated? (Taxi stands, bus stops, paratransit?)

6. MOVEMENT PREDICTORS AND ENTRAPMENT SITES

- Are there small, confined areas such as alcoves, solid staircases, between garbage bins, alleys, lanes, parking spots where someone could hide or be hidden from view?
- How easy would it be to predict someone's movements along a route?
- Is there more than one main route/ exit through well-travelled areas, into and out of buildings?

7. MAINTENANCE

- How will the area/ building be maintained?
- Who will be responsible for removing graffiti, repairing vandalism? Will this be done promptly?
- Will there be information posted to tell people how to report problems?

8. MANGEMENT AND SECURITY

- How is the area or building monitored? (police, security staff, etc.)
- Are security staff and building managers aware of personal safety concerns for women and children?
- Where buildings are used by businesses and services, are there safety measures and programs in place?
- How afar away is the nearest emergency service? (alarm, personnel, emergency telephone)
- Are there areas that should be locked, fenced, or barricaded?

Appendix C -- Checklist for Safety Planning and Design (1998) ¹²

The following checklist is adapted from materials of the Cowichan Valley Safer Futures Program.

Planning and Design Checklist for Developments

Designing community environments that are safe and accessible is an important part of building safer communities. Designing safer environments involves consideration of who we are planning for, how they need to use their communities, and what their obstacles might be. While this process incorporates some aspects of crime prevention through environmental design, it is based on building communities that consider accessibility and social, economic, and environmental vibrancy to be important. This summary has been prepared as a quick reference to prompt questions about safety when considering development proposals and related planning questions. It is recognized that in any given situation, not all of the questions contained in the checklists will be pertinent. The purpose is to provide an array of considerations, and, where appropriate, to apply them to a given proposal.

Planning Assessment**Process Considerations**

- Introduce and ask questions about safety issues and concerns at the beginning of a process.
- Provide information to applicants on safety and security issues, and design and management solutions.
- Include a process for referral and suggest community contacts to provide input (in the Cowichan Valley Regional District, the Community Safety Advisory Committee has been established with a mandate to review development proposals for safety).
- Suggest a women's safety audit of the local area.

Checklist

1) Context of the area/ development:

- a) Are there any existing safety issues that need to be addressed?
- b) Has a safety audit been done to determine existing and potential problems?
- c) Is the area known for vandalism, thefts or assaults?
- d) Is it perceived to be unsafe for/ by women, children, youth, seniors or people with disabilities?
- e) Is the area isolated, dark or poorly maintained?
- f) Is it known for traffic or pedestrian issues?
- g) How might the proposed development affect or improve the area in terms of safety?
- h) Who are the present and proposed users?
- i) Are there any potential conflicts for example, between neighbouring land uses?

¹² *Planning for Safer Communities: Summary and Checklists for Advisory Planning Commissions*, Safer Futures, Terri Dame, March 1998



- i) Examples might include:
 - (1) A vacant lot next to a proposed housing complex, a school next to a farm, mall, video arcade, liquor store next to a bus stop, industrial complex next to a park.
 - j) How do/ will women and children, youth, seniors, people with disabilities, etc., use this area both day and night and what might their safety concerns be? Day? Night?
 - i) Examples might include:
 - (1) A neighbourhood park that will be used by women and children whose safety concerns might be around using washrooms, or need for emergency outlets, possible alcohol/ drug use in the park.
 - ii) Have all needs/ views been considered/ solicited?
 - (1) Has the developer contacted people who may be the most vulnerable and/ or who are not able to come out to public meetings?
 - (2) Have parents, women, seniors, people with disabilities been specifically asked for their views?
- 2) Overall Design
- a) Does the development consider design elements which support safety?
 - b) Does the layout and design of the proposed development (interior and exterior) maximize opportunities for casual surveillance; minimize potential entrapment areas, hiding spots?
 - c) Will there be adequate lighting, signage, accessible pedestrian routes, transit, security, emergency services and outlets? (How has this been determined?)
 - d) What provisions are there for accessibility?
 - e) What are requirements or considerations for management to support safety of staff and the public? (for example, will store owners, building managers be made aware of women's safety issues (and how) and will there be programs/policies to support safety of staff, residents and patrons?
 - f) What is the potential impact on community services?
 - g) Does the development provide for, or augment, existing community services?
 - h) Will there be adequate access to public transportation?
 - i) Does the proposed development target a specific group, for example seniors? If so, will there be adequate access to services for people who may be mobility impaired, require medical attention?
 - j) What might the impacts be for recreation opportunities, school grounds safety, and traffic safety for children? Have school parent groups been contacted for their views?
 - k) Is it easy for someone who is not familiar with the area to find their way around?
 - l) Are there adequate signage and other information that tells people where they are and how find services, who to call in an emergency?
 - m) Is information provided, visible and legible to someone in a wheelchair, someone who is visually impaired?
 - n) Is the area/building accessible?
 - o) Is the area served by public transportation? If so, does transit meet the needs of the users? If not, what other assistance is available?
 - p) Are buildings, sidewalks, streets and crossings well-placed and accessible, particularly for people with disabilities? How has this been determined?



3) Specific Design Issues

- a) Isolation
 - i) Is/ will the area, building (or parts of the building) be subject to isolation? If so, are there practices in place to enhance personal safety and security of people who must use the area during those times?
 - ii) Do the surrounding land uses encourage people to be there?
 - iii) How far away are the nearest emergency services?
 - iv) Is the area patrolled by security, police, and neighbourhood watch?
 - v) Would someone hear a call for help?

- b) Visibility
 - i) Does the layout of the site and building(s) provide for maximum visibility of the street and parking areas, paths and walkways?
 - ii) Does the building interior contain sharp corners, isolated areas?
 - iii) Are there any structures, landscaping, vegetation, corners, ditches, vehicles, signs that would impede visibility?

- c) Lighting
 - i) Is the lighting adequate? How has this been determined?
 - ii) Is the lighting bright enough (without being too bright) or causing glare, is it evenly spaced and unobscured by landscaping or fences?
 - iii) How well does lighting illuminate parking lots, pedestrian walkways, sidewalks, directional signs and maps? Is lighting adequate for someone to see another person 20 from metres away?

- d) Signage
 - i) What signage is planned?
 - ii) What signage is needed to serve all users?
 - iii) Does it provide necessary information?
 - iv) Does signage direct people with disabilities to accessible entrances?
 - v) Is it located properly? (e.g., so that it is visible to someone in a wheelchair?)
 - vi) Is the lettering large enough to read, easy to understand? Visual symbols?
 - vii) Are transportation points clearly indicated? (Taxi stands, bus stops, paratransit?)

- e) Movement Predictors and Entrapment Areas
 - i) Are there small, confined areas such as alcoves, solid staircases, between garbage bins, alleys, lanes, parking spots where someone could hide or be hidden from view?
 - ii) How easy would it be to predict someone's movements along a route?
 - iii) Is there more than one main route/ exit through well-travelled areas, into and out of buildings?

- f) Maintenance
 - i) How will the area/ building be maintained?
 - ii) Who will be responsible for removing graffiti, repairing vandalism? Will this be done promptly?
 - iii) Will there be information posted to tell people how to report problems?



- g) Management and Security
 - i) How is the area or building monitored? (police, security staff, etc.)
 - ii) Are security staff and building managers aware of personal safety concerns for women and children?
 - iii) Where buildings are used by businesses and services, are there safety measures and programs in place?
 - iv) How far away is the nearest emergency service? (alarm, personnel, emergency telephone)
 - v) Are there areas that should be locked, fenced, or barricaded?





TOWN OF LAKE COWICHAN
Minutes of Finance & Administration Committee
Tuesday, June 12th, 2018

PRESENT: Councillor Tim McGonigle
Mayor Ross Forrest
Councillor Carolyne Austin
Councillor Lorna Vomacka
Councillor Bob Day

STAFF: Joseph A. Fernandez, Chief Administrative Officer
Ronnie Gill, Director of Finance
Nagi Rizk, Superintendent, Public Works and Engineering Services
Dalton Smith, CLEC Manager
Doug Knott, Fire Chief
Jill Walters, Recording Secretary

PUBLIC: 2

1. CALL TO ORDER

The Chair called the meeting to order at 6:00p.m.

2. AGENDA

No. FA.0029/18

Moved: Councillor Day
Seconded: Councillor Vomacka
that the agenda be approved with the following additions under:

New Business

(d) Meetings with Ministers at the UBCM conference.

Reports

(d) Hydraulic Modeling Costs; and.
(e) Doug Knott re: Fire truck purchase.

CARRIED.

3. BUSINESS ARISING AND UNFINISHED BUSINESS

Ongoing Items Still Being Addressed:

No. FA.0030/18 (a)

Moved: Mayor Forrest
Seconded: Councillor Vomacka
that the committee authorize staff to prepare a plan that could be considered for implementation for funding the municipal hall upgrades with just the Town's share of revenues.

CARRIED.

An application for Expression of Interest for the energy portion has been submitted. Council will be updated of updated plans and costs.

(b) Two units of the columbarium have been ordered at the price of \$41,000 plus taxes. A Geotech will be retained for the installation of the units scheduled for August of this year. Orders will be taken for the niches after tax time.

(c) A review of the Employment Code of Ethics is still underway.

4. DELEGATIONS AND REPRESENTATIONS

None.

5. CORRESPONDENCE

None.

6. REPORTS

- (a) The Financial Report for the period ending May 31st, 2018 was treated as information.
- (b) The Building Inspector's Service Report for May, 2018 was treated as information.

No. FA.0031/18 (c) Moved: Councillor Austin
Seconded: Councillor Vomacka
that the Committee recommend approval of the Lake Cowichan Fire Department's incident report for May 2018 in the total amount of \$11,242.42.
CARRIED.

No. FA.0032/18 (d) Motioned: Mayor Forrest
Seconded: Councillor Vomacka
that the committee recommend approval of the purchase of a new fire truck in the amount of \$666,263 plus taxes.
CARRIED.

No. FA.0033/18 (e) Motioned: Councillor Day
Seconded: Councillor Austin
that the committee recommend the approval of the expenditure of the Town's portion of the hydraulic modeling costs of \$30,564 plus taxes with the Lake Cowichan First Nation to be responsible for those costs on planned water main upgrades within its jurisdiction.

7. NEW BUSINESS

No. FA.0034/18 (a) Motioned: Councillor Austin
Seconded: Mayor Forrest
that the committee recommend that Council remuneration be reviewed by a consultant for the 2018-2022 mandate.
CARRIED.

No. FA.0035/18 (b) Motioned: Councillor Austin
Seconded: Councillor Day
that a list of potential lots be forwarded to the Town contract Planner and the APC for future care facility recommendations that could alternate property options.
CARRIED.

(c) A discussion was had on the Local Emergency Preparedness Plan. The Town's plan has been prepared with input from the with the CVRD.

- (d) Requests for meetings with Ministers at the UBCM conference need to be submitted soon. Some of the suggested meetings were:
- Ministry of Transportation regarding Game fencing and road safety considerations necessitated during Malahat closures;
 - Ministry of Education regarding surplus lands; and
 - Ministry of Health.

8. NOTICES OF MOTION

None.

9. PUBLIC RELATIONS ITEMS

- (a) July 1st, 2018 Canada 151 Celebration at the Town square.

- (b) Heritage Wall of Fame event occurring on June 16th, 2018
- (c) Attendance at the Field Naming Ceremony was Excellent.
- (d) BC Summer Games requested the use of the new Soccer Field for practice during the games. 16 soccer teams will be staying at the Lake Cowichan School.

10. MEDIA/PUBLIC QUESTION PERIOD

11. ADJOURNMENT

No. FA.0036/18
Adjournment

Moved: Councillor Austin
Seconded: Councillor Vomacka
that we adjourn (7: 17p.m.).

CARRIED.

Certified correct _____ .

Confirmed on the _____ day of _____, 2018.

Chair



TOWN OF LAKE COWICHAN
Minutes of Public Works and Environmental Services Committee
Tuesday, June 5th, 2018

PRESENT: Councillor Carolyne Austin, Chair
Mayor Ross Forrest
Councillor Lorna Vomacka
Councillor Day

ABSENT: Councillor McGonigle

STAFF: Joseph A. Fernandez, Chief Administrative Officer
Ronnie Gill, Director of Finance
Nagi Rizk, Superintendent, Public Works and Engineering Services

PUBLIC: 2

1. **CALL TO ORDER**

The Chair called the meeting to order at 5:00 p.m.

2. **AGENDA**

No. PW.015/18
Agenda

Moved: Councillor Day

Seconded: Councillor Vomacka

that the agenda be approved with the following additions under:

CORRESPONDENCE

(a) Email from Associated Engineering, re: Culvert replacement.

NEW BUSINESS

(b) Absence of Councillor McGonigle.

CARRIED.

3. **BUSINESS ARISING AND UNFINISHED BUSINESS**

(a) (i) The Superintendent, Public Works and Engineering Services, reported that staff and the consultant was still reviewing the tenders on the river main crossings.

(b) The Superintendent, Public Works and Engineering Services, reported that work on the water treatment plant is progressing well work order changes with some resulting in cost savings and some adding costs to the upgrades.

(c) **Ongoing Items Still Being Addressed:**

(i) The Superintendent, Public Works and Engineering Services, reported that work will continue on the Boat Ramp in the fall.

(ii) No update at meeting time was available on options to improve the water system at the Education Centre.

(iii) The Superintendent, Public Works and Engineering Services, reported that the required paving with the upgrade of the Greendale Road water main has been completed.

4. **DELEGATIONS**

None.

5. **CORRESPONDENCE**

(a) The email from Pat Cruickshank, Senior Project Manager, Associated Engineering re: Culvert Replacement on the Pacific Marine Route was treated as information.

6. REPORTS

The Superintendent, Public Works and Engineering Services, reported that the damaged lamp post has been replaced. The speed reader board has been moved from the entrance to the Town on South Shore Road to the Lake Cowichan School location.

7. NEW BUSINESS

(a) Stage 1 of Water Restrictions is in place.

No. PW. 16/18

(b) Moved: Councillor Vomacka
Seconded: Councillor Day
that Councillor McGonigle's absence from the day's meeting be approved.

CARRIED.

8. NOTICES OF MOTION

None.

9. PUBLIC RELATIONS ITEMS

A security camera has been installed at the sani-dump. The camera is motion activated with recording ability.

10. MEDIA/PUBLIC QUESTION PERIOD.

11. ADJOURNMENT

No. PW.017/18
Adjournment

Moved: Councillor Day
Seconded: Councillor Vomacka
that this meeting adjourns. (p.m.)

CARRIED.

Certified correct _____.

Confirmed on the _____ day of _____, 2018.

Chair



TOWN OF LAKE COWICHAN
Minutes of Parks, Recreation and Culture Committee
Tuesday, June 5th, 2018

PRESENT: Councillor Lorna Vomacka, Chair
Mayor Ross Forrest
Councillor Carolyne Austin
Councillor Day

STAFF: Joseph A. Fernandez, Chief Administrative Officer
Ronnie Gill, Director of Finance
Nagi Rizk, Superintendent, Public Works and Engineering Services

PUBLIC: 2

1. CALL TO ORDER

The Chair called the meeting to order at 6:01 p.m.

2. AGENDA

Moved: Councillor Austin
Seconded: Councillor Day
No. PR.0018/18 that the agenda be approved with the following additions:

Reports

(a) CAO re: Columbarium Quotes

New Business

(c) Ball fields Dedication Ceremony.

CARRIED.

3.(a) BUSINESS ARISING AND UNFINISHED BUSINESS

- (i)** The Town's 75th Birthday Celebration will coincide with the 75th Anniversary of the Kinsmen. The committee thought it may be appropriate to combine the celebrations for both the organizations.
- (ii)** The committee members had different opinions regarding having a river access point at Prospect; they felt that more water access but concerns regarding the neighbors and parking were raised.
- (b) Ongoing Items:**
- (i)** There was no update on the Riverfront Walkway and Trail Connections.
- (ii)** The item on the water park is to be removed from future agendas until further notice.
- (iii)** The lamp post banners have been installed.
- (iv)** The trail along South Shore Road already exists. Staff will investigate if there is liability insurance coverage for volunteers.

4. DELEGATIONS AND REPRESENTATIONS

None.

5. CORRESPONDENCE

None.

6. REPORTS

No. PR.0019/18 (a) Moved: Councillor Austin
Seconded: Councillor Day
that it be recommended that two units be purchased at a total price of \$41,000 plus taxes with the supply and installation to occur by August of this year. CARRIED.

Each unit is to be named after creek names such as Beadnell, Beaver, Stanley and Oliver.

7. NEW BUSINESS

No. PR.0020/18 (a) Moved: Councillor Day
Seconded: Councillor Austin
that it be recommended that a vehicle barrier is to be installed 200 meters from the Lakeview beach and which is to be controlled during the summer season by the Lakeview park employees but which will be closed during the off-season with the beach to be accessible only by foot traffic;

and that three handicap and three drop-off parking spaces be created at the beach area. CARRIED.

(b) A discussion was had on the use of a park for disc golf. The committee will await staff research on the topic.

(c) A discussion was had on the itinerary for the Centennial Field Naming Ceremony.

8. NOTICES OF MOTION

None.

9. PUBLIC RELATIONS ITEMS

(a) Councillor Austin reported that the broom busters group is actively removing broom in Lake Cowichan.

10. MEDIA/PUBLIC QUESTION PERIOD

11. ADJOURNMENT

No. PR.0021/18 Moved: Councillor Austin
Adjournment Seconded: Councillor Day
that the meeting be adjourned. (7:40 p.m.)

CARRIED.

Certified correct _____

Confirmed on the _____ day of _____, 2018.

Chair



TOWN OF LAKE COWICHAN
Minutes of Economic and Sustainable Development Committee
Tuesday, June 12th, 2018

PRESENT: Councillor Bob Day
Mayor Ross Forrest
Councillor Tim McGonigle
Councillor Lorna Vomacka
Councillor Carlyne Austin

STAFF: Joseph A. Fernandez, Chief Administrative Officer
Ronnie Gill, Director of Finance
Dalton Smith, CLEC Manager
Jill Walters, Recording Secretary

PUBLIC: 5

1. CALL TO ORDER

The Chair called the meeting to order at 5:03 p.m.

2. AGENDA

Moved: Councillor Austin
Seconded: Councillor Vomacka
No. SPD.0013/18 that the agenda be approved with the following addition under:

Public Relations:

Cowichan Crusher Bike Event.

CARRIED.

3. BUSINESS ARISING AND UNFINISHED BUSINESS

(a) Recent Items:

(i) The item on attainable housing was deferred until after the presentation by the delegation.

(b) Ongoing Items Still Being Addressed:

(i) The Business Walkabout is to be held on June, 28th 2018. Each business will be presented with a survey. There may be a BBQ after at the Chamber of Commerce to welcome the home-based businesses.

(ii) On the matter of partnership options on sustainable waste, the Superintendent, Public Works and Engineering Services reported that the Solid Waste Management meetings are still ongoing.

4. DELEGATIONS AND REPRESENTATIONS

(a) Michele March made a power point presentation on a proposed Community Land Trust Model with alternate housing choices for seniors. She requested to meet with council in a closed session to discuss details of land available for her proposal.

5. CORRESPONDENCE

None.

6. STAFF REPORTS

None.

7. NEW BUSINESS

(a) Community Futures tourism project is well under way. Timberwest has indicated its interest in partnering in the project by way of a letter.

(b) Councillor Day reported that the trails around the Town are not

well marked for tourists. He suggested a QRS code scanner that would show a map of the trails and location of beaches.

8. NOTICES OF MOTION

None.

9. PUBLIC RELATIONS ITEMS

- (a)** The committee was advised of the 2nd Annual Cowichan Crusher Bike Event passing through the Town on June 24, 2018.

10. MEDIA/PUBLIC QUESTION PERIOD

11. ADJOURNMENT

No. SPD.0014/18
Adjournment

Moved: Councillor Vomacka
Seconded: Councillor McGonigle
that the meeting adjourns. (5:47 p.m.).

CARRIED.

Certified correct _____.

Confirmed on the _____ day of _____, 2018.

Chair

TOWN OF LAKE COWICHAN

BYLAW NO. 1005-2018

A Bylaw to Amend Zoning Bylaw No. 935-2013

WHEREAS the *Local Government Act* authorizes a local government to enact regulations pertaining to land use and development within the Town of Lake Cowichan;

AND WHEREAS the Council of the Town of Lake Cowichan deems it expedient to amend Bylaw 935-2013 to allow for changes with respect to land use and zoning regulations;

AND WHEREAS the passage of this bylaw has met all of the requirements pursuant to the Local Government Act;

NOW THEREFORE the Council of the Town of Lake Cowichan in open meeting assembled enacts the following:

1. **TITLE**

This bylaw may be cited for all purposes as the "Town of Lake Cowichan Zoning Amendment Bylaw No. 1005-2018".

2. **AMENDMENTS**

2.1. Part 3 LAND USE DEFINITIONS is amended by adding or revising land use definitions in their entirety and the new definitions are substituted and inserted in alphabetical order as follows:

CANNABIS means cannabis as defined in the Controlled Drugs and Substances Act or any subsequent legislation or regulations which may be enacted in substitution and includes any products containing cannabis derivatives or marijuana intended for human consumption;

CANNABIS RETAIL STORE means the use of buildings for the sale of cannabis products, which includes marijuana products, for either recreational or medical purposes.

RETAIL means the sale of goods, wares or merchandise to the ultimate consumer for their personal consumption; and these may include operations such as bakeries, grocery and clothing stores;

RETAIL STORE means the use of buildings for the sale of goods, wares and merchandise for final consumption or household use which must be wholly enclosed within a building but does not include cannabis retail sales, or the sale of motor vehicle fuels, heavy agricultural and industrial equipment or adult entertainment; and

TOWN means the Town of Lake Cowichan.

2.2. Part 4 Land Use Categories and Regulations is amended by substituting Section 4.20 — Restricted Uses in its entirety by the following:



4.20 Prohibited Uses

Unless specifically permitted by this bylaw, no parcel in the Town shall be used for:

- (a) for a kennel;
- (b) as an outdoor storage yard;
- (c) storage sheds within setback area;
- (d) the location of storage containers;
- (e) pawnshops;
- (f) the location of a cannabis retail store; and
- (g) any use not expressly permitted or authorized by this Bylaw.

3. FORCE AND EFFECT

That upon adoption of this bylaw, Bylaw No. 935-2013 being the "Town of Lake Cowichan Zoning Bylaw No. 935-2013" shall hereby be amended and take effect with the amendments hereto attached.

READ A FIRST TIME on the 8th day of May, 2018.

READ A SECOND TIME on the 8th day of May, 2018.

PUBLIC HEARING held on the 19th day of June, 2018.

READ A THIRD TIME on the _____ day of _____, 2018.

RECONSIDERED, FINALLY PASSED and ADOPTED by the Municipal Council of the Town of Lake Cowichan on the _____ day of _____, 2018.

Ross Forrest
Mayor

Joseph A. Fernandez
Corporate Officer

