

FRASER VALLEY REGIONAL DISTRICT



BOARD OF DIRECTORS

MERGED OPEN MEETING AGENDA AND ADDENDA

Thursday, April 25, 2019
(Immediately following the FVRHD Open Meeting)
FVRD Boardroom, 45950 Cheam Avenue, Chilliwack, BC

Pages

1. CALL TO ORDER
2. APPROVAL OF AGENDA, ADDENDA AND LATE ITEMS

All/Unweighted

MOTION FOR CONSIDERATION

THAT the Agenda, Addenda and Late Items for the Fraser Valley Regional District Board Open Meeting of April 25, 2019 be approved;

AND THAT all delegations, reports, correspondence committee and commission minutes, and other information set to the Agenda be received for information.

3. DELEGATIONS AND PRESENTATIONS

3.1 Sean Reid, Partner, KPMG Enterprise

Presentation of 2018 Fraser Valley Regional District Audited Financial Statements

3.1.1 2018 Fraser Valley Regional District Financial Statements

16 - 63

All/Unweighted

- Corporate report dated April 25, 2019 from Mike Veenbaas, Director of Financial Services
- Draft 2018 FVRD Financial Statements
- KPMG - Audit Findings Report

MOTION FOR CONSIDERATION

THAT the Fraser Valley Regional District Board approve the 2018 DRAFT Financial Statements for the Fraser Valley Regional District.

4. BOARD MINUTES & MATTERS ARISING

4.1 Board Meeting - March 20, 2019

64 - 77

All/Unweighted

MOTION FOR CONSIDERATION

THAT the Minutes of the Fraser Valley Regional District Board Open Meeting of March 20, 2019 be adopted.

5. COMMITTEE AND COMMISSION MINUTES FOR INFORMATION AND MATTERS ARISING

5.1 Regional and Corporate Services Committee - March 12, 2019

78 - 82

5.2 Draft Regional and Corporate Services Committee - April 9, 2019

83 - 87

5.3 Electoral Area Services Committee - March 12, 2019

88 - 99

5.4 EASC Strategic Planning Session - March 15, 2019

100 - 102

5.5 Draft Electoral Area Services Committee - April 9, 2019

103 - 115

5.6 Draft Fraser Valley Aboriginal Relations Committee - April 11, 2019

116 - 122

6. CORPORATE ADMINISTRATION

6.1 Building Bylaw and BC Building Code Contraventions at 58470 Laidlaw Road, EA B, FVRD, BC (legally described as: Parcel "A" (Ref Plan 13236) South Half District Lot 8 Group 1 Yale Division Yale District (PID 013-082-787))

123 - 140

All/Unweighted

- Corporate report dated April 9, 2019 from Louise Hinton, Bylaw Compliance and Enforcement Officer
- Letter dated March 15, 2019 to Property Owner
- Letter dated November 23, 2018 to Property Owner
- Title Search Report
- Property Report
- Property Information Map

MOTION FOR CONSIDERATION

[EASC-APRIL 2019] THAT the Fraser Valley Regional District Board direct staff to file a Notice in the Land Title Office in accordance with Section 57 of the *Community Charter* due to the contraventions of the Fraser Valley Regional

District Building Bylaw No. 1188, 2013, at 58470 Laidlaw Road Electoral Area B, Fraser Valley Regional District, British Columbia (legally described as: Parcel "A" (Reference Plan 13236) South Half District Lot 8 Group 1 Yale Division Yale District (PID: 013-082-787).

6.2 INDIGENOUS AFFAIRS

[Items brought forward from Fraser Valley Aboriginal Relations Committee Meeting of April 11, 2019]

6.2.1 Cannabis Regulation on-Reserve in BC 141 - 160

FOR INFORMATION ONLY

- Corporate report dated April 11, 2019 from Jessica Morrison, Policy Analyst - Indigenous Relations
- Land Code Cannabis Workshop Poster
- Supply Chain for the Commercial Production and Sale of Cannabis
- Kwaw-Kwaw-Apilt First Nation - Cannabis Bylaw

6.2.2 Changes to the Heritage Conservation Act 161 - 210

FOR INFORMATION ONLY

- Corporate report dated April 11, 2019 from Jessica Morrison, Policy Analyst - Indigenous Relations
- Heritage Conservation Act
- Heritage Conservation Act Summary
- Bill 14 - 2019
- Course Feedback

6.2.3 Recent Consultation and Accommodation Case Law Update 211 - 241

FOR INFORMATION ONLY

- Corporate report dated April 11, 2019 from Jessica Morrison, Policy Analyst - Indigenous Relations
- PBLI Seminar Agenda
- Principles Respecting the Government of Canada's Relationship with Indigenous Peoples

6.2.4 Adoption of Calls to Action 43, 47, and 57 as the Indigenous Relations Program Framework 242 - 268

All/Unweighted

- Corporate report dated April 11, 2019 from Jessica Morrison, Policy Analyst - Indigenous Relations
- Truth and Reconciliation Report
- Draft Principles that Guide the Province of BC Relationship with Indigenous Peoples

MOTION FOR CONSIDERATION

[FVARC-APRIL 2009] THAT staff organize a workshop for the Fraser Valley Regional District Committee of the Whole to explore adopting Calls to Action 43, 47, and 57 of the Final Report of the Truth and Reconciliation Commission (TRC) as the guiding framework of the FVRD Indigenous Relations Program.

6.2.5 Committee Name Change

269 - 273

All/Unweighted

- Corporate report dated April 11, 2019 from Jessica Morrison, Policy Analyst - Indigenous Relations
- FVARC Terms of Reference

MOTION FOR CONSIDERATION

[FVARC-APRIL 2019] THAT the Fraser Valley Regional District Board support the amendment of the Fraser Valley Aboriginal Relations Committee (FVARC) Terms of Reference to reflect a change to the name of the committee to the Regional Indigenous Relations Committee (RIRC).

7. FINANCE

7.1 Board Remuneration – Municipal Officer's Expense Allowance Exemption Elimination

274 - 280

All/Unweighted

- Corporate report dated April 25, 2019 from Mike Veenbaas, Director of Financial Services
- Corporate report dated February 12, 2019 to EASC from Mike Veenbaas, Director of Financial Services

MOTION FOR CONSIDERATION

THAT the Fraser Valley Regional District Board consider selection of one of the following three options pertaining to Board remuneration:

Option 1

THAT the Board direct Staff to adjust remuneration levels for all Board Directors to achieve wage parity with remuneration levels prior to the elimination of the Municipal Officer's Expense Allowance Exemption.

Option 2

THAT the Board consider the recommendation from March EASC:

- a. **THAT** assuming no other changes to the base Board Director remuneration rate, that the remuneration rate for Electoral Director add-on be adjusted so that the total remuneration received by an Electoral Area Director is given wage parity as a result of the elimination of the Municipal Officer's Expense Allowance Exemption;
- b. **AND THAT** the proposed increase to the Electoral Area Director add-on be funded through Electoral Area Administration Budget 102.

Option 3

THAT the Board direct Staff to make no adjustment to remuneration levels as result of the elimination of the Municipal Officer's Expense Allowance Exemption.

8. BYLAWS

8.1 FVRD Parks Regulations, Fees and Other Charges Amendment Bylaw No. 1521, 2019

281 - 286

Motion No. 1: First Reading - All/Weighted

Motion No. 2: Second and Third Reading - All/Weighted

Motion No. 3: Adoption - All/Weighted (2/3 Majority)

- Corporate report dated April 25, 2019 from Christina Vugteveen, Manager of Park Operations
- Draft Bylaw No. 1521, 2019

MOTION FOR CONSIDERATION

MOTION NO. 1: [RACS-APRIL 2019] **THAT** the Fraser Valley Regional District Board consider giving first reading to the bylaw cited as *Fraser Valley Regional District Parks Regulations, Fees and Other Charges Amendment Bylaw No. 1521, 2019*.

MOTION FOR CONSIDERATION

MOTION NO. 2 [RACS-APRIL 2019] **THAT** the Fraser Valley Regional District Board consider giving second and third reading to the bylaw cited as *Fraser Valley Regional District Parks Regulations, Fees and Other Charges Amendment Bylaw No. 1521, 2019*.

MOTION FOR CONSIDERATION

MOTION NO. 3: [RACS-APRIL 2019] THAT the Fraser Valley Regional District Board consider adopting the bylaw cited as *Fraser Valley Regional District Parks Regulations, Fees and Other Charges Amendment Bylaw No. 1521, 2019*.

8.2 FVRD Yale Water System Regulations, Fees and Other Charges Establishment Bylaw No. 1514, 2019, Electoral Area "B" 287 - 295

Motion No. 1: First Reading - All/Weighted

Motion No. 2: Second and Third Reading - All/Weighted

Motion No. 3: Adoption - All/Weighted (2/3 Majority)

- Corporate report dated April 9, 2019 from Mike Veenbaas, Director of Financial Services
- Draft Bylaw No. 1514, 2019

MOTION FOR CONSIDERATION

MOTION NO. 1: [EASC-APRIL 2019] THAT the Fraser Valley Regional District Board consider first reading to the bylaw cited as *Fraser Valley Regional District Yale Water System Regulations, Fees and Other Charges Establishment Bylaw No. 1514, 2019*.

MOTION FOR CONSIDERATION

MOTION NO. 2: [EASC-APRIL 2019] THAT the Fraser Valley Regional District Board consider second and third reading to the bylaw cited as *Fraser Valley Regional District Yale Water System Regulations, Fees and Other Charges Establishment Bylaw No. 1514, 2019*.

MOTION FOR CONSIDERATION

MOTION NO. 3: [EASC-APRIL 2019] THAT the Fraser Valley Regional District Board consider adopting the bylaw cited as *Fraser Valley Regional District Yale Water System Regulations, Fees and Other Charges Establishment Bylaw No. 1514, 2019*.

8.3 FVRD Bylaw No. 1522, 2019 - Hatzic Prairie Water Fees and Charges Amendment, Electoral Area "F" 296 - 300

Motion No. 1: First Reading - All/Weighted

Motion No. 2: Second and Third Reading - All/Weighted

Motion No. 3: Adoption - All/Weighted (2/3 Majority)

- Corporate report dated April 9, 2019 from Sterling Chan, Manager of Engineering and Infrastructure
- Draft Bylaw No. 1522, 2019

MOTION FOR CONSIDERATION

MOTION NO. 1: [EASC-APRIL 2019] THAT the Fraser Valley Regional District Board consider giving first reading to the bylaw cited as *Fraser Valley Regional District Hatzic Prairie Water Supply and Distribution System Fees and Regulations Amendment Bylaw No. 1522, 2019*.

MOTION FOR CONSIDERATION

MOTION NO. 2: [EASC-APRIL 2019] THAT the Fraser Valley Regional District Board consider giving second and third reading to the bylaw cited as *Fraser Valley Regional District Hatzic Prairie Water Supply and Distribution System Fees and Regulations Amendment Bylaw No. 1522, 2019*.

MOTION FOR CONSIDERATION

MOTION NO. 3: [EASC-APRIL 2019] THAT the Fraser Valley Regional District Board consider adopting the bylaw cited as *Fraser Valley Regional District Hatzic Prairie Water Supply and Distribution System Fees and Regulations Amendment Bylaw No. 1522, 2019*.

8.4 FVRD Cultus Lake Integrated Water Supply and Distribution System Service Area Amendment Bylaw No. 1523, 2019, Electoral Area "H"

301 - 306

Motion No. 1: First Reading - All/Unweighted

Motion No. 2: Second and Third Reading - All/Unweighted

- Corporate report dated April 25, 2019 from Sterling Chan, Manager of Engineering and Infrastructure
- Draft Bylaw No. 1523, 2019

MOTION FOR CONSIDERATION

MOTION NO. 1: THAT the Fraser Valley Regional District Board consider giving first reading to the bylaw cited as *Fraser Valley Regional District Cultus Lake Integrated Water Supply and Distribution System Service Area Amendment Bylaw No. 1523, 2019*.

MOTION FOR CONSIDERATION

MOTION NO. 2: THAT the Fraser Valley Regional District Board consider giving second and third reading to the bylaw cited as *Fraser Valley Regional District Cultus Lake Integrated Water Supply and Distribution System Service Area Amendment Bylaw No. 1523, 2019*.

8.5 FVRD Cultus Lake Integrated Water Supply and Distribution System Capital Construction Service Area Amendment Bylaw No. 1524, 2019, Electoral Area "H"

307 - 310

Motion No. 1: First Reading - All/Unweighted

Motion No. 2: Second and Third Reading - All/Unweighted

- Refer to corporate report in item 8.4

- Draft Bylaw No. 1524, 2019

MOTION FOR CONSIDERATION

MOTION NO. 1: THAT the Fraser Valley Regional District Board consider giving first reading to the bylaw cited as *Fraser Valley Regional District Cultus Lake Integrated Water Supply and Distribution System Capital Construction Service Area Amendment Bylaw No. 1524, 2019*.

MOTION FOR CONSIDERATION

MOTION NO. 2: THAT the Fraser Valley Regional District Board consider giving second and third reading to the bylaw cited as *Fraser Valley Regional District Cultus Lake Integrated Water Supply and Distribution System Capital Construction Service Area Amendment Bylaw No. 1524, 2019*.

8.6 FVRD Electoral Area D Zoning Amendment Bylaw No. 1518, 2019 - 10180 Royalwood Boulevard, Electoral Area "D" to facilitate an increase in lot coverage.

311 - 334

Motion No. 1: First Reading - EAs/Unweighted

Motion No. 2: All/Weighted

- Corporate report dated April 9, 2019 from Andrea Antifaeff, Planner I
- Draft Bylaw 1518, 2019
- Zoning Application
- Letters of Support

MOTION FOR CONSIDERATION

MOTION NO. 1: [EASC-APRIL 2019] THAT the Fraser Valley Regional District Board consider giving first reading to the bylaw cited as *Fraser Valley Regional District Electoral Area D Zoning Amendment Bylaw No. 1518, 2019* to rezone the property located at 10180 Royalwood Boulevard from Suburban Residential-2 (SBR-2) to Suburban Residential-3 (SBR-3) to facilitate an increase in lot coverage from 25% (SBR-2) to 40% (SBR-3) for the construction of a single family dwelling and detached garage;

THAT the *Fraser Valley Regional District Electoral Area D Zoning Amendment Bylaw No. 1518, 2019* be forwarded to Public Hearing;

THAT the Fraser Valley Regional District Board delegate the holding of the Public Hearing with respect to proposed *Fraser Valley Regional District Electoral Area D Zoning Amendment Bylaw No. 1518, 2019* to Director Dickey, or his alternate in his absence;

THAT Director Dickey or his alternate in his absence preside over and Chair the Public Hearing with respect to proposed *Bylaw 1518, 2019*;

AND THAT the Chair of the Public Hearing be authorized to establish procedural rules for the conduct of the Public Hearing with respect to proposed

Bylaw 1518, 2019 in accordance with the Local Government Act;

AND FURTHER THAT in the absence of Director Dickey, or his alternate in his absence at the time of Public Hearing with respect to proposed *Bylaw 1518, 2019* the Fraser Valley Regional District Board Chair is delegated the authority to designate who shall preside over and Chair the Public Hearing regarding this matter;

MOTION FOR CONSIDERATION

MOTION NO. 2: [EASC-APRIL 2019] THAT the Fraser Valley Regional District Board authorize its signatories to execute all documents relating to *Bylaw 1518, 2019*.

8.7 Community Sanitary Sewer Servicing in North Cultus, Electoral Area "H"

335 - 339

All/Unweighted

- Corporate report dated April 9, 2019 from Sterling Chan, Manager of Engineering and Infrastructure and David Bennett, Planner II

MOTION FOR CONSIDERATION

[EASC-APRIL 2019] THAT in accordance with the FVRD Development Procedures Bylaw No. 1377, 2016 the Fraser Valley Regional District Board defer consideration of new bylaw amendments and new development applications proposing to connect to the North Cultus Sewer System, until such time that a policy guiding additional sanitary servicing and service expansion in North Cultus is adopted.

9. PERMITS

[OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO BE HEARD]

9.1 Application for Development Variance Permit 2019-02 to vary the rear setback requirement for an accessory structure at 47052 Snowmist Place, Electoral Area "C"

340 - 356

EAs/Unweighted

- Corporate report dated April 25, 2019 from Julie Mundy, Planning Technician
- Draft DVP 2019-02
- DVP Application

MOTION FOR CONSIDERATION

THAT the Fraser Valley Regional District issue Development Variance Permit 2019-02 to vary the rear setback for an accessory building at 47502 Snowmist Place from 5.0 metres to 1.5 metres, subject to consideration of any comments or concerns raised by the public.

9.2 Application for Development Variance Permit 2019-06 to reduce the side setback to permit the reconstruction/addition to an agricultural building at 11180 Popkum Road North, Electoral Area "D"

357 - 372

Motion No. 1: EAs/Unweighted

Motion No. 2: All/Weighted

- Corporate report dated April 9, 2019 from Andrea Antifaeff, Planner I
- DVP Application
- Draft DVP 2019-06

MOTION FOR CONSIDERATION

MOTION NO. 1: [EASC-APRIL 2019] HAT the Fraser Valley Regional District Board issue Development Variance Permit 2019-06 to reduce the side setback from 7.62 metres (25 feet) to 0 metres (0 feet), to facilitate the reconstruction/addition to an agricultural building at 11180 Popkum Road North, Area "D", subject to consideration of any comments or concerns raised by the public.

MOTION FOR CONSIDERATION

MOTION NO. 2: [EASC APRIL 2019] THAT the Fraser Valley Regional District Board authorize its signatories to execute all legal instruments associated with this application, including a Section 219 restrictive covenant tying the sale of either of the two properties to the other to address existing and new construction built across the side lot line and to restrict the use of the building to agricultural storage.

9.3 Application for Development Variance Permit 2019-08 to waive requirements related to exceptions to minimum parcel size to facilitate at two (2) lot subdivision at 54660 Trans Canada Highway, Electoral Area "A"

373 - 393

EAs/Unweighted

- Corporate report dated April 9, 2019 from Andrea Antifaeff, Planner I
- DVP Application
- Draft DVP 2019-08

MOTION FOR CONSIDERATION

[EASC-APRIL 2019] THAT the Fraser Valley Regional District Board issue Development Variance Permit 2019-08 to vary requirements related to exemptions to minimum parcel size to facilitate a two (2) lot subdivision at 54660 TransCanada Highway, Area "A", subject to consideration of any comments or concerns raised by the public.

10. **CONTRACTS, COVENANTS AND OTHER AGREEMENTS**

10.1 Renewal of Glen Valley and Matsqui Trail Regional Parks Operating &

394 - 395

Maintenance Agreement

All/Weighted

- Corporate report dated April 9, 2019 from Christina Vugteveen, Manager of Park Operations

MOTION FOR CONSIDERATION

[RACS-APRIL 2019] THAT the Fraser Valley Regional District Board grant a one (1) year extension to March 31, 2020 to the Glen Valley Regional Park and Matsqui Trail Regional Park Operating and Maintenance Agreement with the City of Abbotsford for the amount of \$527,900.

10.2 Hatzic Prairie Water System Legacy Debt

396 - 398

All/Weighted

- Corporate report dated April 9, 2019 from Paul Gipps, Chief Administrative Officer

MOTION FOR CONSIDERATION

[EASC-APRIL 2019] THAT staff be directed to enter into a Capital Improvement Construction Fee Agreement with the owners of the property located at 11426, 11210 and 11082 Sylvester Road not connecting into the Hatzic Prairie Water System Sylvester Road Extension.

10.3 Northside Transfer Station Hauling Contracts

399 - 400

All/Weighted

- Corporate report dated April 25, 2019 from Carolynn Lane, Engineering and Community Services Technologist

MOTION FOR CONSIDERATION

THAT the Fraser Valley Regional District authorize its signatories to execute a contract with Valley Waste and Recycling the contract to provide bin hauling services for the Sylvester Road, Harrison Mills and Hemlock Valley Transfer Stations.

11. OTHER MATTERS

No Items.

12. CONSENT AGENDA

12.1 CONSENT AGENDA - FULL BOARD

All/Unweighted

All staff reports respecting these items are available in the Directors' Office

and on the FVRD website.

MOTION FOR CONSIDERATION

THAT the following Consent Agenda items 12.1.1 to 12.1.5 be endorsed:

12.1.1 EASC-April 2019

THAT the Fraser Valley Regional District Board approve an allocation of \$15,000 from the Cascade Lower Canyon Community Forest 2018 Dividend to the RiverMonsters Swim Club's campaign to support the installation of replacement diving blocks at the Dan Sharrers Aquatic Centre in Hope.

Reference 7.1 of April 9, 2019 EASC Agenda.

12.1.2 EASC-April 2019

THAT the Fraser Valley Regional District Board approve a grant-in-aid to the Boston Bar North Bend Enhancement Society in the amount of \$2,000 to be funded from the 2019 Electoral Area "A" grant-in-aid budget to assist with the costs of publishing the community newsletter.

Reference item 7.3 of April 9, 2019 EASC Agenda.

12.1.3 EASC-April 2019

THAT the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$3,000 to the Hope River Monsters Swim Club, funded from the 2019 Electoral Area "B" grant-in-aid budget to help offset the costs of wireless adaptors, signage, t-shirts, fins and storage equipment.

Reference item 7.4 of April 9, 2019 EASC Agenda.

12.1.4 EASC-April 2019

THAT the Fraser Valley Regional District Board endorse the application received February 27, 2019 for temporary changes to the liquor licence for the Sasquatch Inn Ltd (46001 Lougheed Highway, Electoral Area C) with the following comments:

The Board has no objection to the planned events and requested changes to the Liquor Licence, subject to the following items being addressed:

1. Temporary provisions for vehicular parking to ensure the requirements identified in the current local *Zoning* for the property are being followed (one parking spot per three

seats provided for patron use), as outlined in the *Zoning Bylaw No. 100, 1979* for Electoral Area C; and

2. Temporary provisions for the existing facilities will be adequate for the proposed increased occupant loads pursuant to the Provincial Sewerage Regulation.

Reference item 9.2 of April 9, 2019 Agenda.

12.1.5 EASC-April 2019

THAT the Fraser Valley Regional District Board approve the Class 1 Special Event Licence No. 2019-02 for the Run for Water Trail Race Event on Sumas Mountain (Electoral Area G) to be held on May 25, 2019, subject to the receipt of all required documentation necessary to complete the application;

AND THAT the Fraser Valley Regional District Board waive the requirement for a security fee;

AND FURTHER THAT the Fraser Valley Regional District Board authorize FVRD signatories to execute all legal instruments associated with the Special Event Licence No. 2019-02.

Reference item 9.3 of April 9, 2019 EASC Agenda.

13. ADDENDA ITEMS/LATE ITEMS

14. REPORTS FROM COMMITTEE MEETINGS - FOR INFORMATION (14.1 - 14.4)

- | | | |
|------|--|-----------|
| 14.1 | <u>Report regarding 'Radon Awareness in the FVRD' - April 2019 RACS</u> | 401 - 402 |
| 14.2 | <u>Report regarding 'Corporate Fleet and Electric Vehicle Suitability Assessment' Revised - April 2019 RACS</u> | 403 - 406 |
| 14.3 | <u>Summary of Legislative Changes to Agricultural Land Reserve Regulation and Agricultural Land Commission Act - April 2019 EASC</u> | 407 - 436 |
| 14.4 | <u>Report regarding 'Canada Day 2019' - April 2019 RCASC</u> | 437 - 438 |

15. ITEMS FOR INFORMATION AND CORRESPONDENCE (15.1 - 15.6)

- | | | |
|------|---|-----------|
| 15.1 | <u>Letter dated April 4, 2019 from Sts'ailes Soccer Tournament Committee dated April 4, 2019 requesting sponsorship of the 18th Annual Sts'ailes Youth Soccer Tournament.</u> | 439 - 439 |
| 15.2 | <u>City of Port Moody Resolution to UBCM regarding 'Greenhouse Gas Limits for New Buildings'.</u> | 440 - 449 |
| 15.3 | <u>Letter dated April 5, 2019 from City of Maple Ridge to UBCM expressing</u> | 450 - 454 |

concern over recent action taken by the Ministry of Municipal Affairs and Housing to undermine jurisdiction granted to municipal governments.

- | | | |
|------|--|-----------|
| 15.4 | <u>Squamish-Lillooet Regional District Update - February 2019</u> | 455 - 457 |
| 15.5 | <u>Letter dated April 18, 2019 from City of Abbotsford to Hon. John Horgan, Premier of British Columbia regarding resolution on 'Criminal Justice Reform in British Columbia'.</u> | 458 - 459 |
| 15.6 | <u>Letter dated April 18, 2019 from City of Abbotsford to Hon. John Horgan, Premier of British Columbia regarding resolution on 'Continued Widening of TransCanada Highway #1, through the Fraser Valley'.</u> | 460 - 461 |

16. REPORTS BY STAFF

17. REPORTS BY BOARD DIRECTORS

18. PUBLIC QUESTION PERIOD FOR ITEMS RELEVANT TO AGENDA

19. RESOLUTION TO CLOSE MEETING

All/Unweighted

MOTION FOR CONSIDERATION

THAT the Meeting be closed to the public, except for Senior Staff and the Executive Assistant, for the purpose of receiving and adopting Closed Meeting Minutes convened in accordance to Section 90 of the *Community Charter* and to consider matters pursuant to:

- Section 90(1)(b) of the *Community Charter* - personal information about an identifiable individual who is being considered for a regional award or honour, or who has offered to provide a gift to the regional district on condition of anonymity;
- Section 90(1)(c) of the *Community Charter* - labour relations or other employee relations;
- Section 90(1)(k) of the *Community Charter* - negotiations and related discussions respecting the proposed provision of a regional district service that are at their preliminary stages and that, in the view of the Committee, could reasonably be expected to harm the interests of the regional district if they were held in public;
- Section 90(2)(b) of the *Community Charter* - the consideration of information received and held in confidence relating to negotiations between the regional district and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party;
- Section 90(1)(a) of the *Community Charter* - personal information about an

identifiable individual who holds or is being considered for a position as an officer, employee or agent of the regional district or another position appointed by the regional district; and

- Section 90(1)(g) of the *Community Charter* - litigation or potential litigation affecting the regional district.

R E C E S S

20. RECONVENE OPEN MEETING

21. RISE AND REPORT OUT OF CLOSED MEETING

22. ADJOURNMENT

All/Unweighted

MOTION FOR CONSIDERATION

THAT the Fraser Valley Regional District Board Open Meeting of April 25, 2019 be adjourned.

To: CAO for the Fraser Valley Regional District Board

Date: 2019-04-25

From: Mike Veenbaas, Director of Financial Services

File No: 1880-25

Subject: 2018 Regional District Financial Statements

RECOMMENDATION

THAT the Fraser Valley Regional District Board approve the 2018 DRAFT Financial Statements for the Fraser Valley Regional District.

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

BACKGROUND

Section 376 of the Local Government Act and Section 167 of the Community Charter require the annual financial statements for the preceding year be presented and approved by the Board. The statements must then be submitted to the Inspector of Municipalities by May 15th.

The financial statements for the Fraser Valley Regional District have been audited by KPMG, the District's auditor. Representatives from KPMG, along with staff, will be presenting the 2018 Financial Statements to the board and reviewing the Audit Findings Report.

DISCUSSION

The audit report received from KPMG states that the 2018 financial statements accurately reflect the financial position of the Regional District at December 31, 2018.

Highlights from the 2018 audit include:

Financial Position

When compared to 2017, the changes in Financial Assets are mostly connected to increases in capital reserves setup for future asset replacement and the resulting increase in funds allocated to cash and

investments as the funds gain investment income until such time as capital project financing requires the funds. In some cases funds are kept in very liquid investment options as project timing requires flexibility to ensure funds are available upon project commencement.

The Regional District's 1/3 ownership share in the Cascade Lower Canyon Community Forest on behalf of the residents in Electoral Area B continues to show financial gain as forestry activities continue, providing funding for initiatives in the local community.

In 2018 the Regional District, through a number of local electoral area based service areas, incurred an increase in debentures used to help finance sewer and water capital improvement projects. While the total debt servicing costs are covered by the properties within those local service areas, the debt is shown as a liability of the Regional District overall.

The significant increase in the Landfill Retirement Costs is a result of an updated landfill closure and post monitoring study completed in 2018 for the Chaumox Landfill located in North Bend, Electoral Area A. Again, the costs of this closure is funded from landfill operations within the service area established in Electoral Area A

Financial Activities

With an increasing number of services delivered in electoral areas, along with expansion of existing service areas, revenues from requisitions and sales of services realized an increase in 2018 over 2017. Changes in Government Grants and Other Revenues were also tied to electoral utility system infrastructure changes and service expansion. In some cases budgets for grant revenues are set based on best estimates with actuals reflecting the actual timing of grant revenue receipts, resulting in expected variances. Lastly, the income noted from government business partnerships reflects FVRD's 1/3 share in the Cascade Lower Canyon Community Forest which as shown in 2017 can be expected to be up and down depending on timing of logging activities.

Overall actual expenses recorded about \$1.5 million above budget estimates for 2018 which is in line with the amortization of tangible capital assets that are reflected in the actuals but not historically included in the budget preparation process. The allocation of expenses among functional areas reveals some variances between budget and actuals beyond just amortization. A significant one was in Protective Services where less expenses were incurred in 2018 resulting from the transition of Fire Dispatch to E-Comm with the actual transition timing occurring in 2019 and therefore spreading costs over two fiscal years.

COST

There are no costs associated with the report's recommendation.

CONCLUSION

The 2018 Financial Statements are being presented to the Regional Board for approval following the completion of a comprehensive audit by KPMG.

COMMENT BY:

Paul Gipps, Chief Administrative Officer

Reviewed and supported.

FRASER VALLEY REGIONAL DISTRICT

CONSOLIDATED FINANCIAL STATEMENTS

December 31, 2018

DRAFT

**Fraser Valley Regional District
Consolidated Financial Statements**

December 31, 2018

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MANAGEMENT'S RESPONSIBILITY FOR THE CONSOLIDATED FINANCIAL STATEMENTS

The accompanying consolidated financial statements of the Fraser Valley Regional District (the "Regional District") are the responsibility of the Regional District's management and have been prepared in compliance with legislation, and in accordance with generally accepted accounting principles established by the Public Sector Accounting Board of the Canadian Institute of Chartered Professional Accountants. A summary of the significant accounting policies are described in the notes to the consolidated financial statements. The preparation of financial statements necessarily involves the use of estimates based on management's judgment, particularly when transactions affecting the current accounting period cannot be finalized with certainty until future periods.

The Regional District's management maintains a system of internal controls designed to provide reasonable assurance that assets are safeguarded, transactions are properly authorized and recorded in compliance with legislative and regulatory requirements, and reliable financial information is available on a timely basis for preparation of the consolidated financial statements. These systems are monitored and evaluated by management.

The Board of Directors meets with management and the external auditors to review the consolidated financial statements and discuss any significant financial reporting or internal control matters.

The consolidated financial statements have been audited by KPMG, LLP independent external auditors appointed by the Regional District. The accompanying Independent Auditors' Report outlines their responsibilities, the scope of their examination and their opinion on the Regional District's consolidated financial statements.

Mike Veenbaas, CPA, CMA
Director of Financial Services/Chief Financial Officer



KPMG LLP
Chartered Professional Accountants
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Canada

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INDEPENDENT AUDITORS' REPORT

To the Board of Directors of Fraser Valley Regional District

Opinion

We have audited the accompanying consolidated financial statements of Fraser Valley Regional District (the "District") which comprise:

- the consolidated statement of financial position as at December 31, 2018
- the consolidated statement of financial activities for the year then ended
- the consolidated statement of changes in net financial assets for the year then ended
- the consolidated statement of cash flows for the year then ended
- and notes to the consolidated financial statements, including a summary of significant accounting policies

(Hereinafter referred to as the "financial statements").

In our opinion, the accompanying financial statements present fairly, in all material respects, the consolidated financial position of the District as at December 31, 2018, and its consolidated results of financial activities, its consolidated changes in net financial assets, and its consolidated cash flows for the year then ended in accordance with Canadian public sector accounting standards.

Basis for Opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the **"Auditors' Responsibilities for the Audit of the Financial Statements"** section of our auditors' report.

We are independent of the District in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada and we have fulfilled our other ethical responsibilities in accordance with these requirements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Responsibilities of Management and Those Charged with Governance for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with Canadian public sector accounting standards and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the District's ability to continue as a going concern, disclosing as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the District or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the District's financial reporting process.

Auditors' Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinion.

Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists.

Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain professional skepticism throughout the audit.

We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion.

The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Entity's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.



- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the District's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditors' report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditors' report. However, future events or conditions may cause the District to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Chartered Professional Accountants

DRAFT

April __, 2019
Chilliwack, Canada

Fraser Valley Regional District
Consolidated Statement of Financial Position

December 31, 2018

	2018	2017
Financial Assets		
Cash and cash equivalents (Note 1)	\$ 6,444,422	\$ 5,019,060
Accounts receivable (Note 2)	4,740,452	4,765,574
Inventories	26,574	26,007
Investments (Note 3)	35,205,598	31,481,601
Investment in government business partnership (Note 4)	530,124	284,343
	<u>46,947,170</u>	<u>41,576,585</u>
Financial Liabilities		
Trade payables and accrued liabilities	4,832,512	4,642,483
Accrued interest	85,193	51,566
Due to Local governments	2,118,380	2,156,741
Landfill retirement costs (Note 5)	490,102	266,793
Municipal Finance Authority equipment financing	24,092	36,826
Municipal Finance Authority debentures (Note 7)	9,691,641	5,900,542
Development levies and deferred revenue (Note 8)	12,350,470	12,134,456
Community Works funds (Note 9)	3,243,102	3,374,481
	<u>32,835,492</u>	<u>28,563,888</u>
Net Financial Assets	<u>14,111,677</u>	<u>13,012,697</u>
Non-Financial Assets		
Prepaid expenses	684,241	295,940
Tangible Capital Assets (Note 10)	43,206,268	40,213,328
Intangible Capital Assets (Note 11)	547,650	578,075
	<u>44,438,160</u>	<u>41,087,343</u>
Accumulated Surplus	<u>\$ 58,549,837</u>	<u>\$ 54,100,040</u>
Commitments (Note 12)		
Contingent Liabilities (Note 13)		

Approved on behalf of the Board:

_____ Chief Financial Officer

Fraser Valley Regional District
Consolidated Statement of Financial Activities

Year Ended December 31, 2018

	Budget 2018 (Note 15)	Actual 2018	Actual 2017
Revenues			
Member requisitions	\$ 15,298,035	\$ 15,274,306	\$ 13,452,754
Government grants	4,565,960	3,746,047	2,970,271
Utility user fees	925,646	831,246	603,832
Sale of services	3,503,908	5,416,680	4,462,651
Other	1,794,660	3,433,909	3,114,511
Interest	66,900	642,226	392,103
Income (loss) from government business partnerships	-	245,781	(78,207)
	<u>26,155,109</u>	<u>29,590,195</u>	<u>24,917,915</u>
Expenses			
General government services	3,864,040	4,342,288	3,414,274
Protective services	6,044,005	5,469,133	5,570,134
Transportation services	3,074,600	3,158,304	2,807,252
Environmental health services	2,011,810	2,723,566	2,170,990
Environmental development services	2,023,340	1,557,598	1,579,899
Recreation and cultural services	5,242,030	5,880,152	4,439,767
Utilities services	1,293,280	2,009,356	2,078,902
	<u>23,553,105</u>	<u>25,140,397</u>	<u>22,061,218</u>
Annual Surplus	2,602,004	4,449,798	2,856,697
Accumulated Surplus, Beginning of Year	54,100,039	54,100,039	51,243,342
Accumulated Surplus , End of Year	<u>\$ 56,702,043</u>	<u>\$ 58,549,837</u>	<u>\$ 54,100,039</u>

Fraser Valley Regional District
Consolidated Statement of Changes in Net Financial Assets

Year Ended December 31, 2018

	2018	2017
Annual surplus	\$ 4,449,798	\$ 2,856,697
Acquisition of tangible capital assets	(4,835,288)	(6,207,223)
Amortization of tangible capital assets	1,828,866	1,613,503
(Gain)/Loss on sale of tangible capital assets	(4,157)	1,629
Proceeds on sale of tangible capital assets	17,639	47,000
Acquisition of intangible capital assets	-	(608,500)
Amortization of intangible capital assets	30,425	30,425
Change in prepaid expenses	(388,303)	(88,179)
Change in Net Financial Assets	1,098,980	(2,354,648)
Net Financial Assets, Beginning of Year	13,012,697	15,367,345
Net Financial Assets, End of Year	\$ 14,111,677	\$ 13,012,697

Fraser Valley Regional District

Consolidated Statement of Cash Flows

Year Ended December 31, 2018

	2018	2017
Operating Activities		
Annual surplus	\$ 4,449,798	\$ 2,856,697
Items not involving cash		
Amortization of tangible capital assets	1,828,866	1,613,503
Gain/(Loss) on sale of tangible capital assets	(4,157)	1,629
Amortization of intangible capital assets	30,425	30,425
Partnership (income) loss	(245,781)	78,207
	6,059,151	4,580,461
Change in non-cash operating items		
Accounts receivable	25,122	(926,422)
Inventories	(567)	(6,049)
Prepaid expenses	(388,301)	(88,179)
Trade payables and accrued liabilities	190,028	2,514,327
Local governments	(38,361)	(109,072)
Accrued interest	33,627	14,718
Landfill retirement costs	223,309	4,980
Development levies and deferred revenue	216,013	11,260,334
Community works fund	(131,378)	(224,506)
	6,188,643	17,020,592
Investing Activities		
Acquisition of tangible capital assets	(4,835,288)	(6,207,223)
Proceeds on sale of tangible capital assets	17,639	47,000
Acquisition of intangible capital assets	-	(608,500)
Increase in portfolio investments	(3,723,997)	(7,856,553)
	(8,541,646)	(14,625,276)
Financing Activities		
Proceeds from debenture debt	4,140,000	2,900,000
Repayment of debenture debt	(361,635)	(463,651)
Repayment of capital leases	-	(20,544)
	3,778,365	2,415,805
Change in Cash	1,425,362	4,811,121
Cash and cash equivalents, Beginning of Year	5,019,060	207,939
Cash and cash equivalents, End of Year	\$ 6,444,422	\$ 5,019,060
Supplementary cash flow information:		
Interest paid	\$ 274,807	\$ 277,539

Fraser Valley Regional District

Notes to the Consolidated Financial Statements

Year ended December 31, 2018

Basis of Presentation	The Fraser Valley Regional District financial statements have been prepared in accordance with the accounting standards of the Public Sector Accounting Board (PSAB) of the Canadian Institute of Chartered Professional Accountants. All material inter-fund transactions have been eliminated.
Basis of Consolidation	<p>The financial statements are presented on a consolidated basis and include the following funds:</p> <p>(a) Operating Fund</p> <p>The operating fund reflects the financial activities associated with the provision of general municipal and utility services during the year.</p> <p>(b) Capital Fund</p> <p>The capital fund reflects the financial activities associated with the acquisition, construction and funding of capital assets.</p> <p>(c) Reserve Fund</p> <p>The reserve fund reflects appropriations of surplus authorized by the Board to be set aside for the funding of future operating or capital expenditures.</p>
Budget Amounts	Budget amounts reflect the statutory annual budget as adopted by the board on February 27, 2018.
Comparative Figures	Certain comparative figures have been reclassified to conform with the financial statement presentation adopted in the current year.
Revenue Recognition	Revenues from member requisitions and grants in lieu of taxes are recognized in the year that they apply. Revenue from sales of services are recognized when the services are provided. Government grants are recognized when they are approved by senior governments and the conditions required to earn the grants have been completed. Development levies are recognized as revenue in the period the funds are expended on a development project. Development levies not expended are recorded as unearned revenue.
Cash and Cash Equivalents	Cash and cash equivalents include cash as well as deposits in term deposits. These investments are highly liquid and are readily convertible to known amounts of cash.
Portfolio Investments	Portfolio investments are recorded at amortized cost plus accrued interest. Discounts or premiums arising on the purchase of portfolio investments are amortized on a straight-line basis over the term of maturity. If it is determined that there is a permanent impairment in the value of the investment, it is written down to net realizable value.

Fraser Valley Regional District

Notes to the Consolidated Financial Statements

Year ended December 31, 2018

Non-Financial Assets

Non-financial assets are not available to discharge existing liabilities and are held for use in the provision of services. They have useful lives extending beyond the current year and are not intended for sale in the ordinary course of operations.

(i) Tangible Capital Assets

Tangible capital assets are recorded at cost, which includes amounts that are directly attributable to acquisition, construction, development or betterment of the asset. The cost, less residual value, of the tangible capital assets, excluding land and landfill sites, are amortized on a straight-line basis over their estimated useful lives as follows:

Asset	Useful Life - Years
Land improvements	3 - 50
Buildings and building improvements	10 - 100
Vehicles	5 - 20
Machinery and equipment	3 - 15
Water and wastewater infrastructure	10 - 100

Landfill sites are amortized using the units of production method based upon capacity used during the year.

Annual amortization is charged in the year of acquisition and in the year of disposal. Assets under construction are not amortized until the assets is available for productive use.

(ii) Intangible Capital Assets

Intangible capital assets are recorded at cost, which includes amounts for the campground license related to the purchase of the Vedder River Campground occupation license. The costs are amortized on a straight-line basis over their estimated useful life as follows:

Asset	Useful Life - Years
Campground license	20

Fraser Valley Regional District

Notes to the Consolidated Financial Statements

Year ended December 31, 2018

Non-Financial Assets (con't)

(iii) Contributions of Tangible Capital Assets

Tangible capital assets received as contributions are recorded at their fair value at the date of receipt and also are recorded as revenue.

(iv) Natural Resources

Natural resources that have not been purchased are not recognized as assets in the financial statements.

(v) Works of Art and Cultural Historic Assets

Works of art and cultural historic assets are not recorded as assets in these financial statements.

Use of Estimates

The preparation of financial statements in conformity with Canadian generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities and at the date of the financial statements, and reported amounts of revenue and expenditures during the reported period. Actual results could differ from those estimates.

Financial Instruments

Financial instruments consist of cash, cash equivalents, accounts receivable, accounts payable, accrued liabilities and other current liabilities. The Regional District classifies its cash and cash equivalents as held-for-trading, accounts receivable as held to maturity and its accounts payable and other current liabilities as other financial liabilities. The Regional District does not currently have any derivative instruments requiring recording on the statement of financial position. The fair values of the Regional District's financial instruments approximate their carrying value unless otherwise noted. It is management's opinion that the Regional District is not exposed to significant interest, currency or credit risk relating to its financial instruments.

Fraser Valley Regional District
Notes to the Consolidated Financial Statements

Year ended December 31, 2018

Liability for Contaminated Sites Contaminated sites are a result of contamination being introduced into air, soil, water or sediment of a chemical, organic or radioactive material or live organism that exceeds an environmental standard. The liability is recorded net of any expected recoveries. A liability for remediation of contaminated sites is recognized when a site is not in productive use and all the following criteria are met:

- (a) an environmental standard exists;
- (b) contamination exceeds the environmental standard;
- (c) the Regional District:
 - (i) is directly responsible; or
 - (ii) accepts responsibility
- (d) it is expected that future economic benefits will be given up; and
- (e) a reasonable estimate of the amount can be made.

The liability is recognized as management's estimate of the cost of post-remediation including operation, maintenance and monitoring that are an integral part of the remediation strategy for a contaminated site.

The Regional District has determined that as of December 31, 2018, no contamination in excess of an environmental standard exists related to land not in productive use for which the Regional District is responsible.

Fraser Valley Regional District
Notes to the Consolidated Financial Statements

Year ended December 31, 2018

1. Cash and cash equivalents

	<u>2018</u>	<u>2017</u>
Cash	\$ 6,444,422	\$ 19,060
Cash Equivalents	<u>-</u>	<u>5,000,000</u>
	<u>\$ 6,444,422</u>	<u>\$ 5,019,060</u>

2. Accounts Receivable

	<u>2018</u>	<u>2017</u>
Accrued interest - investments	\$ 235,567	\$ 254,536
Local government	730,266	768,677
Provincial Government	112,871	1,121,116
MFA Debt Reserve - Cash	1,585,843	1,557,703
Regional Hospital District	102,629	592
Trade Accounts and User Fees	<u>1,973,276</u>	<u>1,062,950</u>
	<u>\$ 4,740,452</u>	<u>\$ 4,765,574</u>

Fraser Valley Regional District

Notes to the Consolidated Financial Statements

Year ended December 31, 2018

3. Investments

The District holds investments in bonds, GICs

Bonds and GICs held at December 31, 2018 are as follows:

		Amount	Effective Interest Rate	Maturity Date
Bonds:	BMO FXD/ FLT	\$ 3,793,000	3.12%	September 19, 2024
	BNS DEP NOTE	1,509,000	1.90%	December 2, 2021
	NTL BK CDA	530,000	2.06%	November 24, 2022
	Premium on purchase of bonds	88,350		
GICs:	CCS GIC	1,000,000	2.75%	August 28, 2019
	LAURENTIAN GIC	996,000	1.44%	April 29, 2019
	CDN WEST BANK GIC	2,000,000	1.61%	April 29, 2019
	CDN IMPERIAL GIC	3,000,000	1.46%	April 29, 2019
	NTL BK	531,240	3.05%	November 16, 2020
	NTL BK	1,300,000	2.23%	March 28, 2019
	SCOTIA BK GIC	4,091,341	2.30%	February 6, 2019
	SCOTIA BK GIC	3,700,000	2.07%	March 28, 2019
	NATL BK GIC	1,333,333	2.06%	May 27, 2019
	CCS GIC	1,000,000	2.80%	February 27, 2020
	NATL BK GIC	1,333,334	2.31%	May 26, 2020
	BMO GIC	4,000,000	1.45%	April 29, 2019
	Envision	<u>5,000,000</u>	2.85%	December 21, 2019
		<u>\$ 35,205,598</u>		

Investments held by the Regional District include securities guaranteed for principal and interest by Canada or by a province, and deposits of chartered banks and credit unions.

Investments at December 31, 2018 have a total carrying value of \$35,441,166 (2017 - \$31,736,137), consisting of amortized cost of \$35,205,598 (2017 - \$31,481,601) and related accrued interest of \$235,567 (2017 - \$254,536). The market value of these investments at December 31, 2018 is approximately \$35,309,800 (2017 - \$31,632,035).

Fraser Valley Regional District

Notes to the Consolidated Financial Statements

Year ended December 31, 2018

4. Investment in Government Business Partnership

- (a) The District owns a 1/3 partnership share in the Cascade Lower Canyon Community Forest LP "CLCCF" or the "Partnership".
- (b) In 2006, the District along with the Yale First Nation and the District of Hope established the CLCCF for the purpose of operating a community forest. The District initially invested \$10,000 for 10,000 units in the Partnership. In 2013, the Partnership acquired a license to forest up to 34,300 cubic meters of timber annually. At this time net revenues are anticipated to remain within the Partnership until such time that the CLCCF Board determines that sufficient reserves exist to fund capital needs related to forestry operations. Should the Partnership cease to exist, the District would be entitled to 1/3 of the accumulated equity.

The Partnership has a March 31 year-end. The condensed results for its year end March 31, 2018 are summarized below.

CLCCF Condensed Financial Statements:

Assets	<u>2018</u>	<u>2017</u>
Cash	\$ 1,019,947	\$ 825,809
Other Current Assets	<u>613,644</u>	<u>27,356</u>
	<u>\$ 1,633,591</u>	<u>\$ 853,165</u>
Liabilities		
Accounts Payable	\$ 49,525	\$ 6,467
Partnership Equity	<u>1,584,066</u>	<u>846,698</u>
	<u>\$ 1,633,591</u>	<u>\$ 853,165</u>
	<u>2018</u>	<u>2017</u>
Total Revenue	\$ 2,557,088	\$ 25,689
Total Expenses	<u>1,804,720</u>	<u>266,640</u>
Net Income (loss)	<u>\$ 752,368</u>	<u>\$ (240,951)</u>

Fraser Valley Regional District

Notes to the Consolidated Financial Statements

Year ended December 31, 2018

5. Landfill Retirement Costs

Asset retirement obligations consist of landfill closing and post closure costs. Progressive closure costs are estimated at \$1,441,062. Landfill closure costs will be met by annual appropriations and accretion expense based on a plan to fully fund the closure costs by the expected closure date. The Regional District has a statutory obligation to maintain and monitor the landfill site after it is closed. As of 2018, post closure costs were estimated at \$640,000. Post closure costs will be met by annual budget appropriation in the years in which they are incurred. As currently engineered, and based on current waste disposal patterns, the landfill has a total life expectancy of 53 years. The interest rate currently being paid by the Fraser Valley Regional District on MFA debt is 3.5%.

Each year, the Fraser Valley Regional District records an accretion amount such that at the time the retirement obligations arise, they will be offset by the total held in reserves. A liability of \$490,102 has been set aside at December 31, 2018.

6. Municipal Finance Authority Debt Fund

- (a) All funds borrowed by the Regional District are upon its credit at large and will, in event of default, constitute an indebtedness of its member municipalities for which they are jointly and severally liable.
- (b) Debenture debt payments (including interest) as at December 31, 2018 are projected for the next five years as follows:

	Member Municipalities	Regional District	Total
2019	\$ 7,805,674	\$ 822,545	\$ 8,628,219
2020	7,608,463	822,545	8,431,008
2021	7,558,285	822,545	8,380,830
2022	7,558,285	822,545	8,380,830
2023	7,540,848	817,339	8,358,187
	<u>\$ 38,071,555</u>	<u>\$ 4,107,519</u>	<u>\$ 42,179,074</u>

Fraser Valley Regional District

Notes to the Consolidated Financial Statements

Year ended December 31, 2018

7. Municipal Finance Authority Debentures

(a) The Regional District has entered into agreements with member municipalities for the purpose of financing municipal undertakings. Under the terms of these agreements, the municipalities are required to provide for and to pay to the Regional District such amounts as are required to discharge their obligations. Any deficiency that may occur shall be a liability of the municipalities.

(b) Municipal Finance Authority debentures are shown net of debt charges recoverable:

	2018	2017
Debentures	\$ 74,618,102	\$ 75,426,455
Debt charges recoverable	(64,926,461)	(69,525,913)
	<u>\$ 9,691,641</u>	<u>\$ 5,900,542</u>

8. Development Levies and Deferred Revenue

Development levies represent amounts received from developers for capital infrastructure expenditures required as a result of their development projects. As these amounts are expended, the deferred revenue will be reduced and the amount expended will be recorded as revenue in the statement of financial activities. The following development levies are restricted for specified purposes.

	2018	2017
West Popkum Drainage	\$ 244,245	\$ 199,747
Lakeside Trail	303,495	240,530
Bell Acres Water	19,372	18,761
Parkview Water	70,391	68,173
Area D Water	76,955	109,067
Deroche Water	133,181	58,984
Area C Parks Cash in Lieu	18,487	17,905
Area D Parks Cash in Lieu	100,522	97,354
Area D Parks VCC	65,226	-
Area F Parks Cash in Lieu	41,231	39,932
Area H Parks Cash in Lieu	<u>26,453</u>	<u>25,619</u>
	<u>\$ 1,099,558</u>	<u>\$ 876,072</u>

Fraser Valley Regional District
Notes to the Consolidated Financial Statements

Year ended December 31, 2018

8. Development Levies and Deferred Revenue (continued)

Deferred Revenues represent amounts received in advance for services which have not yet been provided.

	2018	2017
Deferred Revenue - Utilities	4,105	6,644
Deferred Revenue	308,158	428,192
Deferred Grants - Capital projects	10,500,247	10,820,275
Deferred Revenue - Vedder Campground	11,500	-
Deferred Revenue - Animal Control	309,653	-
Deferred Revenue - Hope Recreation	<u>117,249</u>	<u>3,273</u>
	<u>11,250,912</u>	<u>11,258,384</u>
Total development levies and deferred revenue	<u>12,350,470</u>	<u>12,134,456</u>

9. Community Works Funds

Community Works Fund Agreement funding is provided by the Government of Canada and use of the funding is established by a funding agreement between the Regional District and the Union of British Columbia Municipalities. Community Works Fund Agreement funding may be used towards designated public transit, community energy, water, wastewater, solid waste and capacity building projects, as specified in the funding agreement.

Schedule of Receipts and Disbursements of Community Works Agreement Funds

	2018	2017
Opening balance of unspent funds	\$ 3,374,481	\$ 3,598,987
Add: Amount received during the year	790,069	763,909
Interest earned	109,521	75,176
Less: Amount spent on projects	<u>(1,030,969)</u>	<u>(1,063,591)</u>
	<u>\$ 3,243,102</u>	<u>\$ 3,374,481</u>

Fraser Valley Regional District
Notes to the Consolidated Financial Statements

Year ended December 31, 2018

10. Tangible Capital Assets

Cost	Balance at December 31, 2017	Additions	Transfers and Disposals	Balance at December 31, 2018
Land	\$ 3,651,553	\$ -	\$ -	\$ 3,651,553
Engineering structures	26,731,277	8,066,458	-	34,797,735
Buildings and building improvements	14,516,190	345,295	-	14,861,485
Vehicles, machinery and equipment	10,916,464	782,461	(57,483)	11,641,442
Assets under construction	6,843,849	1,531,077	(5,890,004)	2,484,922
Total	\$ 62,659,333	\$ 10,725,291	\$ (5,947,487)	\$ 67,437,137

Accumulated amortization	Balance at December 31, 2017	Disposals	Amortization expense	Balance at December 31, 2018
Engineering structures	\$ 8,253,234	\$ -	\$ 670,979	\$ 8,924,213
Buildings and building improvements	6,845,199	-	515,959	7,361,158
Vehicles, machinery and equipment	7,347,572	(44,001)	641,927	7,945,498
Total	\$ 22,446,005	\$ (44,001)	\$ 1,828,865	\$ 24,230,869

	Net book value December 31, 2017	Net book value December 31, 2018
Land	\$ 3,651,553	\$ 3,651,553
Engineering structures	18,478,043	25,873,522
Buildings and building improvements	7,670,991	7,500,327
Vehicles, machinery and equipment	3,568,892	3,695,944
Assets under construction	6,843,849	2,484,922
	\$ 40,213,328	\$ 43,206,268

(a) Assets Under Construction

Assets under construction having a value of \$2,484,922 (2017 - \$6,843,849) have not been amortized. Amortization of these assets will commence when the asset is put into service.

Fraser Valley Regional District
Notes to the Consolidated Financial Statements

Year ended December 31, 2018

11. Intangible Capital Assets

The campground license relates to the purchase of the Vedder River Campground occupation license.

Cost	Balance at December 31, 2017	Additions	Transfers and Disposals	Balance at December 31, 2018
Campground license	\$ 608,500	\$ -	\$ -	\$ 608,500
Total	\$ 608,500	\$ -	\$ -	\$ 608,500

Accumulated amortization	Balance at December 31, 2017	Disposals	Amortization expense	Balance at December 31, 2018
Campground license	\$ 30,425	\$ -	\$ 30,425	\$ 60,850
Total	\$ 30,425	\$ -	\$ 30,425	\$ 60,850

	Net book value December 31, 2017	Net book value December 31, 2018
Campground license	\$ 578,075	\$ 547,650
	\$ 578,075	\$ 547,650

Fraser Valley Regional District

Notes to the Consolidated Financial Statements

Year ended December 31, 2018

12. Pension Liability

The Regional District and its employees contribute to the Municipal Pension Plan (a jointly trustee pension plan). The board of trustees, representing plan members and employers, is responsible for administering the plan, including investment of assets and administration of benefits. The plan is a multi-employer defined benefit pension plan. Basic pension benefits are based on a formula. As at December 31, 2018, the plan has about 197,000 active members and approximately 95,000 retired members. Active members include approximately 39,000 contributors from local governments.

Every three years, an actuarial valuation is performed to assess the financial position of the plan and adequacy of plan funding. The actuary determines an appropriate combined employer and member contribution rate to fund the plan. The actuary's calculated contribution rate is based on the entry-age normal cost method, which produces the long-term rate of member and employer contributions sufficient to provide benefits for average future entrants to the plan. This rate may be adjusted for the amortization of any actuarial funding surplus and will be adjusted for the amortization of any unfunded actuarial liability.

The most recent valuation for the Municipal Pension Plan as at December 31, 2015, indicated a \$2,224 million funding surplus for basic pension benefits on a going concern basis. As a result of the 2015 basic account actuarial valuation surplus and pursuant to the joint trustee agreement, \$1,927 million was transferred to the rate stabilization account and \$297 million of the surplus ensured the required contribution rates remained unchanged.

The Regional District paid \$574,839 (2017 - \$476,555) for employer contributions to the plan in fiscal 2018.

The next valuation will be as at December 31, 2018, with results available in 2019.

Employers participating in the plan record their pension expense as the amount of employer contributions made during the fiscal year (defined contribution pension plan accounting). This is because the plan records accrued liabilities and accrued assets for the plan in aggregate, resulting in no consistent and reliable basis for allocating the obligation, assets and cost to individual employers participating in the plan.

Fraser Valley Regional District

Notes to the Consolidated Financial Statements

Year ended December 31, 2018

13. Contingent liabilities

a) Legal Actions

As at December 31, 2018 certain legal actions are pending against the Fraser Valley Regional District, the outcome of which cannot be reasonably determined. These actions will be settled subsequent to year end and are not of determinable amount. When the amount becomes determinable it will be included in the financial statements.

b) Municipal Finance Authority Debt Reserve Fund

With respect to amounts financed through the Authority, the Regional District is required to pay into a debt reserve fund administered by the Authority, an amount equal to one-half the average annual installment of principal and interest relative to any borrowing for its own purposes and on behalf of member municipalities. This amount may be paid either in full or in an amount of cash equal to 1% of the principal amount borrowed together with a non-interest bearing demand note for the balance. If, at any time, the Authority does not have sufficient funds to meet payments of sinking fund contributions due on its obligations, the payments or sinking fund contributions shall be made from the debt reserve fund. The demand notes payable to the Authority and receivable from member municipalities are callable only if there are additional requirements to be met to maintain the level of the debt reserve fund.

c) Municipal Insurance Association of B.C.

The District is a member of the Municipal Insurance Association (MIA) which operates under a reciprocal insurance exchange agreement. The main purpose is to pool the risk of third party liability claims against members in order to allow for stable financial planning related to those broad risk management strategies to reduce accidents occurrences against the District. The District is assessed an annual premium based on population, administrative costs, premium tax, and re-insurance oversights by the Provincial government.

14. Contractual Rights

The Regional District is entitled to the following payments under contract as at December 31, 2018.

	Total
2019	\$ 279,927
2020	212,910
2021	159,362
2022	122,167
2023	24,416
Thereafter	307,565
	<u>1,106,347</u>

Fraser Valley Regional District

Notes to the Consolidated Financial Statements

Year ended December 31, 2018

15. 2018 Plan

The budget data presented in these financial statements was included in the Fraser Valley Regional District 2018 - 2022 Financial Plan, adopted through Bylaw No. 1473, 2018 on February 27, 2018. The following table reconciles the approved budget to the budget figures in these consolidated financial statements.

	<u>2018</u>
Revenues:	
Budget	\$ 37,389,505
Less:	
Internal Recoveries/Debt servicing paid on behalf of municipalities	<u>(11,234,396)</u>
Budgeted revenues per Statement of Operations	<u><u>26,155,109</u></u>
Expenses:	
Budget	31,644,059
Less:	
Internal Recoveries/Debt servicing paid on behalf of municipalities	<u>(8,090,954)</u>
Budgeted expenses per Statement of Operations	<u><u>\$ 23,553,105</u></u>

16. Segmented Information

Segmented information has been identified based upon lines of service provided by the District. District services are provided by departments and their activities are reported by functional area in the body of the financial statements. Certain lines of service that have been separately disclosed in the segmented information, along with the services they provide are as follows:

i) General Government:

General Government includes services and activities responsible for the overall direction and monitoring of regional initiatives. These include, but are not limited to legislative services, Board operations and remuneration, treaty advisory committee, fiscal services, information technology, geographic information systems, feasibility studies and overall organizational administration.

ii) Protective Services:

Protective Services includes those services that provide protection to the region's inhabitants and their property. Services include seven (7) Volunteer Fire Departments, Emergency Management, 911 Emergency Telephone Services, Regional Fire Dispatch, Search & Rescue and Dyking/Flood controls.

iii) Transportation Services:

Transportation Services includes the operation of certain rural transit services, nine (9) Street Lighting Service areas, and the operation of the Hope and District Airport.

iv) Environmental Health Services:

Environmental Health Services includes the delivery of the Regional Air Quality and Solid Waste Management programs, Mosquito control program, Noxious Weeds program, four (4) drainage systems, three (3) refuse/recycling collection systems, and the Boston Bar Landfill.

Fraser Valley Regional District
Notes to the Consolidated Financial Statements

Year ended December 31, 2018

16. Segmented Information (continued)

v) Environmental Development Services:

Environmental Development Services includes the delivery of Regional Planning and Electoral Area Planning as well as the administration of the Electoral Area Soil Deposit and removal sites.

vi) Recreation and Culture Services:

Recreation and Culture services includes the Regional Community Parks system and Library services in the Electoral Areas. Recreation and Cultural Services also includes the Hope and District Recreation Commission, Almer Carlson Pool, Boston Bar bowling alley, Boston Bar Television, Harrison Lake Boat Launch and Area A & B Heritage Conservation.

vii) Utility Services:

Utilities includes the construction and operating of twelve (12) water systems and three (4) sanitary sewer systems.

Fraser Valley Regional District
Notes to the Consolidated Financial Statements

Year ended December 31, 2018

16. Segmented Information (continued)

	General Government	Protective Services	Transportation Services	Environmental Health	Environmental Development	Recreation & Culture	Utility Services	2018	2017
Revenues									
Member requisitions	\$ 2,163,630	\$ 3,614,605	\$ 1,262,830	\$ 1,582,160	\$ 1,535,360	\$ 4,161,619	\$ 954,102	\$ 15,274,306	\$ 13,452,754
Government grants	125,765	332,234	1,125,525	70,763	21,327	315,360	1,755,073	3,746,047	2,970,271
Sales of service	613,541	1,793,910	1,064,381	514,742	83,573	1,215,410	962,369	6,247,926	5,066,483
Other	<u>1,082,922</u>	<u>1,162,439</u>	<u>23,142</u>	<u>153,932</u>	<u>369,421</u>	<u>878,197</u>	<u>651,863</u>	<u>4,321,916</u>	<u>3,428,407</u>
	3,985,858	6,903,188	3,475,878	2,321,597	2,009,681	6,570,586	4,323,407	29,590,195	24,917,915
Expenditures									
Salaries and benefits	3,514,591	1,952,080	28,113	662,497	1,081,163	1,764,489	585,310	9,588,243	9,129,802
Directors expenses	487,268	-	-	-	-	-	-	487,268	388,319
Program support	2,187,920	2,319,650	2,984,721	1,529,345	172,871	2,402,932	517,557	12,114,996	10,467,650
Vehicle, Building and Equipment Expenses	298,841	366,405	19,143	271,276	7,324	1,013,702	203,618	2,180,309	1,365,603
Internal Services	445,750	494,400	105,900	222,450	311,200	429,365	92,400	2,101,465	2,019,500
Recoveries from other functions	(2,971,505)	(27,800)	-	(9,750)	(14,960)	(167,160)	-	(3,191,175)	(2,953,584)
Amortization of tangible capital assets	379,423	364,398	20,427	47,748	-	406,399	610,471	1,828,866	1,613,503
Amortization of intangible capital assets	-	-	-	-	-	30,425	-	30,425	30,425
	<u>4,342,288</u>	<u>5,469,133</u>	<u>3,158,304</u>	<u>2,723,566</u>	<u>1,557,598</u>	<u>5,880,152</u>	<u>2,009,356</u>	<u>25,140,397</u>	<u>22,061,218</u>
	<u>\$ (356,430)</u>	<u>\$ 1,434,055</u>	<u>\$ 317,574</u>	<u>\$ (401,969)</u>	<u>\$ 452,083</u>	<u>\$ 690,434</u>	<u>\$ 2,314,051</u>	<u>\$ 4,449,798</u>	<u>\$ 2,856,697</u>

Fraser Valley Regional District and Hospital District

Audit Findings Report
for the year ended
December 31, 2018

For discussion with Council on April
25, 2019

kpmg.ca/audit



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Executive summary



Purpose of this report*

The purpose of this Audit Findings Report is to assist you, as a member of Council, in your review of the results of our audit of the financial statements of:

- 1) Consolidated financial statements of the Fraser Valley Regional District ("Regional District") as at and for the year ended December 31, 2018, and
- 2) Consolidated financial statements of the Fraser Valley Regional Hospital District ("Hospital District") as at and for the year ended December 31, 2018.



Audit Materiality

FRASER VALLEY REGIONAL DISTRICT

Materiality was determined based on the total expenses of the Regional District. For the year ended December 31, 2018 we determined materiality to be \$610,000.

FRASER VALLEY REGIONAL HOSPITAL DISTRICT

Materiality was determined based on the total revenues of the Hospital District. For the year ended December 31, 2018 we determined materiality to be \$342,000.

See pages 4-5.



Finalizing the audit

As of the date of this report, we have completed the audit of the financial statements, with the exception of certain remaining procedures, which include amongst others:

- Obtaining signed management representation letter;
- Completing our discussions with Council; and
- Obtaining evidence of Council's approval of the financial statements.

We will update Council on significant matters, if any, arising from the completion of the audit, including the completion of the above procedures. Our auditors' report will be dated upon the completion of any remaining procedures.

*This Audit Findings Report should not be used for any other purpose or by anyone other than Council. KPMG shall have no responsibility or liability for loss or damages or claims, if any, to or by any third party as this Audit Findings Report has not been prepared for, and is not intended for, and should not be used by, any third party or for any other purpose.



Executive summary



Areas of focus

We have not identified any significant financial reporting risks. However, as part of the planning process, we identified areas of audit focus including:

FRASER VALLEY REGIONAL DISTRICT

- Investments
- Deferred revenues
- Chaumox Landfill asset retirement obligation
- Presumed fraud risk of management override of controls

FRASER VALLEY REGIONAL HOSPITAL DISTRICT

- Investments

We are satisfied that our audit work has appropriately dealt with these areas of audit focus. See pages 6-11.



Independence

We confirm that we are independent with respect to the Regional and Hospital Districts within the meaning of the relevant rules and related interpretations prescribed by the relevant professional bodies in Canada and any other standards or applicable legislation or regulation from January 1, 2018 to the date of this report.

Executive summary



Adjustments and differences

We did not identify any adjustments that were communicated to management and subsequently corrected in the financial statements.



Control and other observations

We did not identify any control deficiencies that we determined to be significant deficiencies in ICFR.



Significant accounting policies and practices

A new accounting standard regarding Contractual Rights was adopted in the current year.

Materiality – Fraser Valley Regional District

Materiality determination	Comments	Amount
Benchmark	Total expenses per the prior year audited financial statements. The corresponding amount for the prior year's audit was \$19,134,281.	\$20,447,000
Materiality	Determined to plan and perform the audit and to evaluate the effects of identified misstatements on the audit and of any uncorrected misstatements on the financial statements. The corresponding amount for the prior year's audit was \$575,000.	\$610,000
% of Benchmark	The corresponding percentage for the prior year's audit was 3.00%.	2.98%
Audit Misstatement Posting Threshold (AMPT)	Threshold used to accumulate misstatements identified during the audit. The corresponding amount for the previous year's audit was \$28,000.	\$30,500

Materiality represents the level at which we think misstatements will reasonably influence users of the financial statements. It considers both quantitative and qualitative factors.

To respond to aggregation risk, we design our procedures to detect misstatements at a lower level of materiality.

We report to Council:



Corrected audit misstatements



Uncorrected audit misstatements

Materiality – Fraser Valley Regional Hospital District

Materiality determination	Comments	Amount
Benchmark	Total revenues per the prior year audited financial statements. The corresponding amount for the prior year's audit was \$11,460,038.	\$11,483,459
Materiality	Determined to plan and perform the audit and to evaluate the effects of identified misstatements on the audit and of any uncorrected misstatements on the financial statements. The corresponding amount for the prior year's audit was \$342,000.	\$342,000
% of Benchmark	The corresponding percentage for the prior year's audit was 2.98%.	2.98%
Audit Misstatement Posting Threshold (AMPT)	Threshold used to accumulate misstatements identified during the audit. The corresponding amount for the previous year's audit was \$17,000.	\$17,100

Materiality represents the level at which we think misstatements will reasonably influence users of the financial statements. It considers both quantitative and qualitative factors.

To respond to aggregation risk, we design our procedures to detect misstatements at a lower level of materiality.

We report to the Council:



Corrected audit misstatements



Uncorrected audit misstatements



Areas of focus

We highlight our significant findings in respect of significant financial reporting risks as identified in the executive summary.

Significant financial reporting risks

Why is it significant?

Deferred Revenues

REGIONAL DISTRICT

Public Sector Accounting Standards requires that government grants without eligibility criteria, stipulations, or obligations must be recognized as revenue when the transfer is authorized. The Regional District has a material amount of government grants and unearned revenue deposits in 2018. Development levies and deferred revenues are equal to \$12.4 million as at December 31, 2018.

Our response and significant findings

- We confirmed the amount of funding through inspection of the funding agreements.
- We inspected the agreement to confirm appropriateness of the deferral of revenues.
- No issues were noted from our testing results.



Areas of focus (continued)

Significant financial reporting risks

Why is it significant?

Investments

The Regional District has over \$35 million in investments as at December 31, 2018.

REGIONAL DISTRICT

Our response and significant findings

- We confirmed the value of investments at December 31, 2018 with the Regional District's investment advisors at Raymond James and National Bank Financial Wealth Management.
- We performed substantive analytical procedures over investment income.
- No issues were noted from our testing results.



Areas of focus (continued)

Significant financial reporting risks

Why is it significant?

Government Business Partnership

REGIONAL DISTRICT

Public Sector Accounting Standards requires investments in Government Business Partnerships to be accounted for using the modified equity method using the Regional District's share of the partnership.

The Regional District is one of three partners in the Cascade Lower Canyon Community Forest Partnership ("Partnership").

Our response and significant findings

- We obtained the March 31, 2018 audited financial statements of the Partnership and recalculated the value of the District's 1/3 interest and share of net profit.
- No issues were noted from our testing results.



Areas of focus (continued)

Significant financial reporting risks

Chaumox Landfill Liability

REGIONAL DISTRICT

Why is it significant?

Public Sector Accounting Standards requires that financial statements should recognized a liability for closure and post-closure costs for all landfill sites operated by the District.

The Regional District operates the Chaumox Landfill in Boston Bar.

Our response and significant findings

- We obtained and inspected the 2018 engineering report to confirm the estimated current and future closure and post-closure costs.
- We recalculated the liability to confirm the amounts presented on the Consolidated Statement of Financial Position and disclosed in the notes to the consolidated financial statements.
- No issues were noted from our testing results.



Areas of focus (continued)

Significant financial reporting risks

Why is it significant?

Investments

The Hospital District has over \$27 million in investments as at December 31, 2018.

HOSPITAL DISTRICT

Our response and significant findings

- We confirmed the value of investments at December 31, 2018 with the Hospital District's investment advisors at Raymond James and National Bank Financial Wealth Management.
- We performed substantive analytical procedures over investment income.
- No issues were noted from our testing results.



Areas of focus (continued)

Professional requirements

Presumed risk of management override of controls

Why are we focusing here?

Although the level of risk of management override of controls will vary from entity to entity, professional standards presume the risk of management override of controls is present in all entities and requires the performance of specific procedures to address this presumed risk.

Our response and significant findings

- We performed procedures required by professional standards to address the presumed risk of management override of controls including testing of journal entries, performing a retrospective review of estimates, and evaluating the business rationale of significant unusual transactions.
- No issues were noted from our testing results.

Adjustments and differences



Adjustments and differences identified during the audit have been categorized as “Corrected adjustments” or “Uncorrected differences”. These include disclosure adjustments and differences.

Professional standards require that we request of management and the audit committee that all identified adjustments or differences be corrected. We have already made this request of management.

Corrected adjustments

We did not identify any adjustments that were communicated to management and subsequently corrected in the financial statements.

Uncorrected differences

We have not identified any adjustments that remain uncorrected.

Appendices



Appendix 1: Required communications



Appendix 2: Audit Quality and Risk Management

Appendix 1: Required communications



In accordance with professional standards, there are a number of communications that are required during the course of and upon completion of our audit.

These include:



Auditors' Report

The conclusion of our audit is set out in our draft auditors' report attached to the draft financial statements.



Management representation letter

In accordance with professional standards, copies of the management representation letter are provided to Council. The management representation letter is attached.



Independence

In accordance with professional standards, we have confirmed our independence on page 2.

Appendix 2: Audit Quality and Risk Management



KPMG maintains a system of quality control designed to reflect our drive and determination to deliver independent, unbiased advice and opinions, and also meet the requirements of Canadian professional standards.

Quality control is fundamental to our business and is the responsibility of every partner and employee. The following diagram summarizes the six key elements of our quality control system.

Visit our [Audit Quality Resources page](#) for more information including access to our most recent [Audit Quality Report](#).

Other controls include:

- Before the firm issues its audit report, the Engagement Quality Control Reviewer reviews the appropriateness of key elements of publicly listed client audits
- Technical department and specialist resources provide real-time support to audit teams in the field

We conduct regular reviews of engagements and partners. Review teams are independent and the work of every audit partner is reviewed at least once every three years.

We have policies and guidance to ensure that work performed by engagement personnel meets applicable professional standards, regulatory requirements and the firm's standards of quality.

All KPMG partners and staff are required to act with integrity and objectivity and comply with applicable laws, regulations and professional standards at all times.



We do not offer services that would impair our independence.

The processes we employ to help retain and develop people include:

- Assignment based on skills and experience
- Rotation of partners
- Performance evaluation
- Development and training
- Appropriate supervision and coaching

We have policies and procedures for deciding whether to accept or continue a client relationship or to perform a specific engagement for that client.

Existing audit relationships are reviewed annually and evaluated to identify instances where we should discontinue our professional association with the client.



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FRASER VALLEY REGIONAL DISTRICT

BOARD OF DIRECTORS MEETING

OPEN MEETING MINUTES

Wednesday, March 20, 2019
(Immediately following the FVRHD Board Meeting)
FVRD Boardroom, 45950 Cheam Avenue, Chilliwack, BC

Members Present:

Director Pam Alexis, District of Mission
Director Wendy Bales, Electoral Area C
Alternate Director Sandy Blue, City of Abbotsford
Director Henry Braun, City of Abbotsford
Director Kelly Chahal, City of Abbotsford
Director Hugh Davidson, Electoral Area F
Director Bill Dickey, Electoral Area D
Director Taryn Dixon, Electoral Area H
Director Orion Engar, Electoral Area E
Director Leo Facio, Village of Harrison Hot Springs
Director Brenda Falk, City of Abbotsford
Director Carol Hamilton, District of Mission
Alternate Director Walter Kassian, Electoral Area B
Director Chris Kloot, City of Chilliwack
Director Dave Loewen, City of Abbotsford
Director Bud Mercer, City of Chilliwack
Director Ken Popove, City of Chilliwack
Director Terry Raymond, Electoral Area A
Director Peter Robb, District of Hope
Director Patricia Ross, City of Abbotsford, Vice Chair
Alternate Director Jeff Shields, City of Chilliwack
Alternate Director Ross Siemens, City of Abbotsford
Alternate Director Susan Spaeti, District of Kent
Director Al Stobbart, Electoral Area G
Alternate Director Michie Vidal, Village of Harrison Hot Springs

Regrets:

Director Dennis Adamson, Electoral Area B
Director Leo Facio, Village of Harrison Hot Springs
Director Jason Lum, City of Chilliwack, Chair
Director Sylvia Pranger, District of Kent
Director Ross Siemens, City of Abbotsford

Staff Present: Paul Gipps, Chief Administrative Officer
Tareq Islam, Director of Engineering & Community Services
Margaret-Ann Thornton, Director of Planning & Development
Stacey Barker, Director of Regional Services
Jennifer Kinneman, Director of Corporate Affairs
Jaime Reilly, Manager of Corporate Administration
Tyler Davis, Support Analyst
Tina Mooney, Executive Assistant
Maggie Mazurkewich, Executive Assistant to CAO and Board
(Recording Secretary)

There were no members of the public present.

1. CALL TO ORDER

Vice Chair Ross called the meeting to order at 7:07 p.m.

2. APPROVAL OF AGENDA, ADDENDA AND LATE ITEMS

Moved By BLUE
Seconded By POPOVE

THAT the Agenda, Addenda and Late Items for the Fraser Valley Regional District Board Open Meeting of March 20, 2019 be approved;

AND THAT all delegations, reports, correspondence committee and commission minutes, and other information set to the Agenda be received for information.

CARRIED
All/Unweighted

3. DELEGATIONS AND PRESENTATIONS

None.

4. BOARD MINUTES & MATTERS ARISING

4.1 Board Meeting - February 26, 2019

Moved By ROBB
Seconded By KLOOT

THAT the Minutes of the Fraser Valley Regional District Board Open Meeting of February 26, 2019 be adopted.

CARRIED
All/Unweighted

4.2 Committee of the Whole - Budget Review Meeting - February 26, 2019

Moved By RAYMOND

Seconded By LOEWEN

THAT the Minutes of the Committee of the Whole - Budget Review Meeting of February 26, 2019 be adopted.

CARRIED
All/Unweighted

5. COMMITTEE AND COMMISSION MINUTES FOR INFORMATION AND MATTERS ARISING

The following Commission minutes were provided for information:

5.1 Draft Recreation, Culture and Airpark Services Commission - March 5, 2019

6. CORPORATE ADMINISTRATION

6.1 Building Bylaw and BC Building Code Contraventions at 31236 Mary Street, Electoral Area "B" (PID:010-098-283)

Moved By KASSIAN

Seconded By DAVIDSON

THAT the Fraser Valley Regional District Board direct staff to file a Notice in the Land Title Office in accordance with Section 57 of the *Community Charter* due to the contraventions of the *Fraser Valley Regional District Building Bylaw No. 1188, 2013 and the BC Building Code*, at 31236, Mary Street, Electoral Area B, Fraser Valley Regional District, British Columbia (Lot 13 Block 5 Section 14 Township 7 Range 26 West of the 6th Meridian Yale Division Yale District Townsite of Yale (PID: 010-098-283) and Lot 12 Block 5 Section 14 Township 7 Range 26 West of the 6th Meridian Yale Division Yale District Townsite of Yale (PID: 010-098-267).

CARRIED
All/Unweighted

6.2 Building Bylaw and BC Building Code Contraventions at 20568 Edelweiss Drive, Electoral Area "C" legally described as: Lot 19 Dist. Lot 3847 Group 1 New Westminster District Plan 55971 (PID: 005-426-103)

Moved By SHIELDS
Seconded By KLOOT

THAT the Fraser Valley Regional District Board direct staff to file a Notice in the Land Title Office in accordance with Section 57 of the *Community Charter* due to the contraventions of the *Fraser Valley Regional District Building Bylaw No. 1188, 2013 and the BC Building Code*, at 20568 Edelweiss Drive, Fraser Valley Regional District, British Columbia, Electoral Area C, legally described as: Lot 19 District Lot 3847 Group 1 New Westminster District Plan 55971 (PID: 005-426-103).

CARRIED
All/Unweighted

7. FINANCE

7.1 Board Remuneration - Impact of Municipal Officer's Expense Allowance Exemption

Item postponed until April Board meeting.

8. BYLAWS

8.1 FVRD 2019 – 2023 Financial Plan Bylaw No. 1520, 2019

Moved By ALEXIS
Seconded By DIXON

THAT the Fraser Valley Regional District Board give first reading to the bylaw cited as *Fraser Valley Regional District 2019-2023 Financial Plan bylaw No. 1520, 2019*.

CARRIED
All/Weighted

Moved By ROBB
Seconded By GIBSON

THAT the Fraser Valley Regional District Board give second and third reading to the bylaw cited as *Fraser Valley Regional District 2019-2023 Financial Plan bylaw No. 1520, 2019*.

CARRIED
All/Weighted

Moved By MERCER
Seconded By POPOVE

THAT the Fraser Valley Regional District Board adopt the bylaw cited as *Fraser Valley Regional District 2019-2023 Financial Plan bylaw No. 1520, 2019*.

CARRIED
All/Weighted (2/3 Majority)

8.2 FVRD Officers Establishment Amendment Bylaw No. 1516, 2019

Moved By KLOOT
Seconded By DIXON

THAT the Fraser Valley Regional District Board give first reading to the bylaw cited as *Fraser Valley Regional District Officers Establishment Amendment Bylaw No. 1516, 2019*.

CARRIED
All/Unweighted

Moved By KASSIAN
Seconded By VIDAL

THAT the Fraser Valley Regional District Board give second and third reading to the bylaw cited as *Fraser Valley Regional District Officers Establishment Amendment Bylaw No. 1516, 2019*.

CARRIED
All/Unweighted

Moved By POPOVE
Seconded By SHIELDS

THAT the Fraser Valley Regional District Board adopt the bylaw cited as *Fraser Valley Regional District Officers Establishment Amendment Bylaw No. 1516, 2019*.

CARRIED
All/Unweighted (2/3 Majority)

Moved By STOBART
Seconded By KLOOT

THAT the below individuals be appointed and designated as Officers of the Fraser Valley Regional District in the following capacities:

- Paul Gipps, Chief Administrative Officer and Deputy Corporate Officer responsible for Corporate Administration; and
- Jaime Reilly, Manager of Corporate Administration and Corporate Officer responsible for Corporate Administration.

CARRIED
All/Unweighted

8.3 FVRD Electoral Area Open Fire Regulations Bylaw No. 1386, 2016 - Special Resolution

Moved By SHIELDS

Seconded By ENGAR

THAT the Fraser Valley Regional District Board resolve to abstain from any enforcement of the FVRD Electoral Area Open Fire Regulations Bylaw No. 1386, 2016 until further notice.

**CARRIED
All/Unweighted**

Mr. Gipps explained that BC Wildfire Service expressed concerns that the FVRD Electoral Area Open Fire Regulations Bylaw may be in contravention with current regulations. This resolution will allow the Board to put enforcement action on hold while legal counsel reviews the Bylaw for consistency with BC Wildfire Service.

Discussion ensued regarding the enforcement process during the wildfire ban season with BC Wildfire Service.

9. PERMITS

9.1 Form and Character and Development Variance Permit amendments to accommodate double garages on 5 lots of the final phase of the 'Cottages at Cultus Lake' development, Electoral Area "H".

Vice Chair Ross provided an opportunity for public comments. No comments were offered.

Moved By DIXON

Seconded By DAVIDSON

THAT the Fraser Valley Regional District Board issue Development Permit 2019-01 regarding the form and character of detached garages within the final phase of the "Cottages" development at PID 029-380-839 off Columbia Valley Road, Electoral Area "H";

AND THAT the Fraser Valley Regional District Board issue Development Variance Permit 2019-04 regarding the siting and height of detached garages within the final phase of the "Cottages" development at PID 029-380-839 off Columbia Valley Road, Electoral Area "H" subject to consideration of any concerns raised from neighbourhood notification.

**CARRIED
EAs/Unweighted**

9.2 Application for Development Variance Permit 2019-05 to vary the maximum height and area requirements for a garage at 10191 Caryks Road, Electoral Area "D"

Vice Chair Ross provided an opportunity for public comments; none were offered.

Moved By DICKEY
Seconded By RAYMOND

THAT the Fraser Valley Regional District issue Development Variance Permit 2019-05 to increase the maximum permitted height of an accessory building from 5.0 metres to 7.3 metres and to increase the maximum permitted area of an accessory building from 45 square metres to 53.5 square metres, subject to consideration of any comment or concerns raised by the public.

CARRIED
EAs/Unweighted

10. CONTRACTS, COVENANTS AND OTHER AGREEMENTS

10.1 Fraser Valley Food Recovery Project with FoodMesh

Moved By CHAHAL
Seconded By STOBART

THAT the Fraser Valley Regional District Board direct staff to continue the Fraser Valley Food Recovery pilot project with FoodMesh for \$10,000 per year for both 2019 and 2020.

CARRIED
All/Weighted

The Board commended Staff on the success of the Fraser Valley Food Recovery pilot project with FoodMesh.

10.2 New Nuisance Mosquito Control Services Contract for 2019-2021

Moved By POPOVE
Seconded By BRAUN

THAT the Fraser Valley Regional District authorize its signatories to execute a Services Agreement with Morrow BioScience Ltd. For contracted services related to the Nuisance Mosquito Control Program for 2019-2021, for an annual base price of \$140,195 per year.

CARRIED
All/Weighted

Discussion ensued regarding the environmental sensitivity and success of the pest management program.

10.3 Section 219 – Geotechnical Covenant – Proposed two (2) lot subdivision at 54660 Trans Canada Highway, Electoral Area “A”

Moved By RAYMOND
Seconded By FALK

THAT the Fraser Valley Regional District Board authorize staff to execute all documents relating to a two (2) lot subdivision at 54660 Trans Canada Highway, Electoral Area A, including a Section 219 (*Land Title Act*) covenant relating to geotechnical hazards.

CARRIED
All/Weighted

10.4 Letter of Agreement with Deroche Farmers Market Society

Moved By STOBART
Seconded By KASSIAN

THAT the Fraser Valley Regional District Board authorize its signatories to enter into an agreement with the Deroche Farmers Market Society for the period June 1 to September 14, 2019, for rental of space at the FVRD Deroche Community Access at a total cost of \$400.

CARRIED
All/Weighted

10.5 Deroche Community Christian Fellowship Rental of Deroche Community Access Centre

Moved By STOBART
Seconded By BRAUN

THAT the Fraser Valley Regional District Board authorize its signatories to enter into a one year agreement, with the option of a one year renewal, with the Deroche Community Christian Fellowship, for rental space at the FVRD Deroche Community Access Centre at a cost of \$100 per month.

CARRIED
All/Weighted

Discussion ensued regarding the general liability insurance for the rental facilities provided through the Municipal Insurance Association. Although most community groups are covered under the general liability insurance, the Deroche Farmers Market are required are required to provide its own insurance.

10.6 Cultus Lake North Wastewater Treatment Plant Headworks, Filtration and Centrifuge Equipment Supply RFP Results

Moved By DIXON
Seconded By DICKEY

THAT the Fraser Valley Regional District Board authorize its signatories to execute a contract with Veolia Water Technologies Canada Inc. to provide the Headworks Screenings and Grit System equipment for the Cultus Lake North Wastewater Treatment Plant for the sum of \$272,830 plus taxes;

AND THAT the Fraser Valley Regional District Board authorize its signatories to execute a contract with Veolia Water Technologies Canada Inc. to provide the Tertiary Filtration System equipment for the Cultus Lake North Wastewater Treatment Plant for the sum of \$264,500 plus taxes;

AND FURTHER THAT the Fraser Valley Regional District Board authorize its signatories to execute a contract with Alfa Laval Inc. to provide the Sludge Dewatering Centrifuge equipment for the Cultus Lake North Wastewater Treatment Plant for the sum of \$220,970 plus taxes.

CARRIED
All/Weighted

10.7 Vancouver Soaring Association (VSA) Short Term Land Lease

Moved By RAYMOND
Seconded By ENGAR

THAT the Fraser Valley Regional District Board approve renewal of the Fraser Valley Regional District land lease agreement with the Vancouver Soaring Association (VSA) for the period of March 15, 2019 to November 17, 2019 in the amount of \$984.90 excluding GST with an option for annual renewal up to a maximum of five years;

AND THAT the letter of agreement be forwarded to the Fraser Valley Regional District Board for authorization and execution of the agreement.

CARRIED
All/Weighted

10.8 Restrictive Covenant for Property located at 14770 Sylvester Road, EA “F”

Moved By DAVIDSON
Seconded By STOBART

THAT the Fraser Valley Regional District Board approve the attached Restrictive Covenant wording for the property located at 14770 Sylvester Road, EA “F”;

AND FURTHER THAT the Fraser Valley Regional District Board authorize FVRD signatories to execute all legal instruments associated with the Building Permit for 14770 Sylvester Road, EA “F”.

**CARRIED
All/Weighted**

11. OTHER MATTERS

No items.

12. CONSENT AGENDA

12.1 CONSENT AGENDA - FULL BOARD

Moved By KLOOT
Seconded By DIXON

THAT the following Consent Agenda items 12.1.1 to 12.1.6 be endorsed:

12.1.1 THAT the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$2,500 to the Read Right Society, funded from the 2019 Electoral Area “B” grant-in-aid budget to help offset the costs of books and materials to provide literacy programs.

12.1.2 THAT the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$3,000 to the Sunshine Valley Volunteer Fire Department, funded from the Electoral Area “B” grant-in-aid budget, to help purchase wildfire structure sprinkler protection equipment.

12.1.3 THAT the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$1,000 to the District of Hope Ratepayers Association, funded from the 2019 Electoral Area “B” grant-in-aid budget, to help purchase items for their annual Lego Expo. All funds earned at this event will go towards Silver Creek Elementary’s music and library programs as well as making essential repairs to Park St. Manor Senior’s residence.

12.1.4 THAT the Fraser Valley Regional District authorize a grant-in-aid in the amount of \$2,500 to the Fraser Canyon Hospice Society, funded from the 2019 Electoral Area “B” grant-in-aid budget, to offset costs of their 15th annual Camp Skylark.

12.1.5 THAT the Fraser Valley Regional District Board approve a grant-in-aid to the Deroche Farmers Market Society in the amount of \$2,450, to be funded from the 2019 Electoral Area “C” grant-in-aid budget in the amount of \$1,450 and the 2019 Electoral Area “G” grant-in-aid budget in the amount of \$1,000 to help offset the costs associated with advertising, signage repairs, and supplies

12.1.6 THAT the Fraser Valley Regional District Board approve a grant-in-aid to the Sasquatch Lions Club in the amount of \$1,500, to be funded from the 2019 Electoral Area “G” grant-in-aid budget to help offset the costs associated with a “Play Pass” to the Mission Leisure Centre to help low-income persons and or those not eligible for subsidized pass programs.

CARRIED
All/Unweighted

12.2 CONSENT AGENDA - ELECTORAL AREAS

Moved By ENGAR
Seconded By STOBART

THAT the following Consent Agenda items 12.2.1 to 12.2.4 be endorsed:

12.2.1 THAT consideration of requests for capital expenses by the Fraser Valley Regional Library for the Boston Bar and Yale libraries be brought forward at the April 9 EASC Meeting.

12.2.2 THAT the Fraser Valley Regional District Board approve the allocation of the 2019-2022 Electoral Area Community Works Funds based on the following formula:

1. Each Electoral Area receives a base allocation of \$5,000, and
2. The remainder to be allocated on a pro-rata basis, based on the 2016 census populations as certified by the Minister of Municipal Affairs and Housing

12.2.3 THAT the Fraser Valley Regional District Board decline to forward to the Agricultural Land Commission Non-Farm Use Application 3015-20-2016-05 by Larson Farms Inc. for a bulk water filling station at 56555 Chilliwack Lake Road, Electoral Area “E”;

AND THAT the Corporate Report dated 2019-03-12 regarding the proposed bulk water filling station at 56555 Chilliwack Lake Road be forwarded to the Ministry of Forests, Lands, Natural Resource Operations & Rural Development for consideration in conjunction with the application by Larson Farms Inc. for a groundwater license.

12.2.4 THAT the Fraser Valley Regional District Board refuse the Site Specific Exemption application to allow the construction of two cabins at an elevation 1.95m (6.4 feet) lower than the 9.3m flood construction level (FCL) required at Camp Luther Retreat Centre, 9311 Shook Road, Electoral Area "G".

CARRIED
EAs/Unweighted

12.3 CONSENT AGENDA - ELECTORAL AREAS A, B AND HOPE

Moved By KASSIAN
Seconded By ROBB

THAT the following Consent Agenda items 12.3.1 to 12.3.3 be endorsed:

12.3.1 THAT a Recreation, Culture and Airpark Services strategic planning session be held in 2019.

12.3.2 THAT the revised Recreation, Culture and Airpark Services Donation Policy be approved;

AND THAT staff provide quarterly updates of the Community Facility Use Grant to the RCAS Commission.

12.3.3 THAT Staff be directed to create a committee for the Community Better Challenge from May 31 – June 16, 2019;

AND THAT Staff track patron physical activity at the recreation centre during the Challenge.

CARRIED
Areas A, B and Hope/Weighted

13. ADDENDA ITEMS/LATE ITEMS

None.

14. REPORTS FROM COMMITTEE MEETINGS - FOR INFORMATION (14.1 - 14.3)

The following reports were provided for information only:

14.1 Corporate report dated March 12, 2019 regarding 'Ford Mountain Correctional Centre to Provide Temporary Foster Care for FVRD Dogs'.

14.2 Corporate report dated March 12, 2019 regarding 'Chilliwack Area Transit Future Plan Update and Public Engagement Schedule'.

14.3 Corporate report dated March 12, 2019 regarding 'Fraser Valley Regional Library Service - Electoral Areas.

15. ITEMS FOR INFORMATION AND CORRESPONDENCE (15.1 - 15.2)

15.1 Victoria City Council Resolutions - for consideration at Association of Vancouver Island Coastal Communities and UBCM.

15.2 Squamish-Lillooet Regional District Update - January 2019

16. REPORTS BY STAFF

Mr. Gipps reported that Stacey Barker has been promoted to Director of Regional Services and that Jennifer Kinneman has expanded her portfolio to include Indigenous Relations and FVARC.

17. REPORTS BY BOARD DIRECTORS

Director Engar: commented on his community enjoying the mild weather.

Director Mercer: commented on the policy of agenda items brought to the Board. Staff will review and report back on levels of approvals required on items brought to Board.

Director Dickey: discussed the need for more rural police officers in his community. Despite increases in RCMP budget funded by municipalities, rural communities have not received additional policing. He suggested that communities within the FVRD advocate together for a bigger policing budget.

Director Mercer: discussed his challenges as a former RCMP detachment commander in securing adequate resources from the Province. He supported a district-led initiative and meeting with Assistant Commissioner Brenda Butterworth-Carr.

Paul Gipps: reported working with Superintendent Bryon Massie and Inspector Davy Lee on a report to bring to the EASC committee.

Chris Kloot: suggested looking into comparable regional districts, such as the Districts of Nanaimo and Squamish-Lillooet, to understand their rural policing strategy.

Discussion ensued supporting the need for rural policing across the FVRD

18. PUBLIC QUESTION PERIOD FOR ITEMS RELEVANT TO AGENDA

No items.

19. ADJOURNMENT

Moved By DAVIDSON
Seconded By KLOOT

THAT the Fraser Valley Regional District Board Open Meeting of March 20, 2019 be adjourned.

CARRIED
All/Unweighted

The Fraser Valley Regional District Board Meeting adjourned at 7:51 pm.

MINUTES CERTIFIED CORRECT:

.....
Vice Chair Patricia Ross

.....
Corporate Officer / Deputy

**FRASER VALLEY REGIONAL DISTRICT
REGIONAL AND CORPORATE SERVICES COMMITTEE
OPEN MEETING MINUTES**

Tuesday, March 12, 2019

9:00 am

FVRD Boardroom, 45950 Cheam Avenue, Chilliwack, BC

Members Present: Director Patricia Ross, City of Abbotsford, Vice Chair
 Director Pam Alexis, District of Mission (*via teleconference*)
 Director Bill Dickey, Electoral Area D
 Director Orion Engar, Electoral Area E
 Director Ken Popove, City of Chilliwack
 Alt. Director Susan Spaeti, District of Kent
 Director Peter Robb, District of Hope
 Director Al Stobbart, Electoral Area G

Regrets: Director Jason Lum, City of Chilliwack, Chai
 Director Henry Braun, City of Abbotsford
 Director Sylvia Pranger, District of Kent
 Director Leo Facio, Village of Harrison Hot Springs
 Director Terry Raymond, Electoral Area A

Staff Present: Jennifer Kinneman, Director of Corporate Affairs
 Mike Veenbaas, Director of Financial Services
 Stacey Barker, Deputy Director of Regional Programs
 Jaime Reilly, Manager of Corporate Administration
 Alison Stewart, Manager of Strategic Planning
 Christina Vugteveen, Manager of Parks
 Janice Mikuska, Human Resources Manager
 Jamie Benton, Environmental Services Coordinator
 Kristy Hodson, Manager of Financial Operations
 Melissa Geddert, Planning Technician (Strategic Planning)
 Matthew Fang, Network Analyst I
 Maggie Mazurkewich, Executive Assistant to CAO
 Chris Lee, Executive Assistant (Recording Secretary)

1. CALL TO ORDER

Vice Chair Ross called the meeting to order at 9:00 a.m.

2. APPROVAL OF AGENDA, ADDENDA AND LATE ITEMS

Moved By POPOVE

Seconded By STOBART

THAT the Agenda, Addenda and Late Items for the Regional and Corporate Services Committee Open Meeting of March 12, 2019 be approved;

AND THAT all delegations, reports, correspondence and other information set to the Agenda be received for information.

CARRIED

3. DELEGATIONS AND PRESENTATIONS

3.1 Fraser Valley Food Recovery Project with FoodMesh

Jamie Benton, Environmental Services Coordinator gave a presentation, providing an overview of the Fraser Valley Recovery Project with FoodMesh, noting that in December 2017 FVRD entered into a contract with FoodMesh Exchange to create the FVRD Food Recovery pilot project to help divert waste within the region. He noted that FoodMesh matches unsold food to a verified network of businesses and charities.

Some of the highlights of the presentation are as follows:

- The project helps food businesses to reduce spoilage and feeds communities (food banks and other charitable donations);
- FoodMesh was successful in signing Save On Foods to participate in the program;
- The Salvation Army in Chilliwack food bank was selected by Save-On Foods as they have the required cold storage and space;
- This project has increased the amount of food available at the foodbank, and is accessible by any charity signed up as a member of the FoodMesh program;
- FoodMesh worked with partners to create a platform to record all metrics, such as type, quantity and distribution of all food – helped to provide a chain of custody;
- Pilot project results: FVRD Users: 61, food weight diverted: 99,173 kgs, meals created: 165, 288 meals; value: \$397,780.
- Based on its success, the project has been nominated for a Recycling Council of British Columbia award.

Positive feedback on this initiative was received and interest to have this presentation provided at Council meetings was expressed by some Committee members. Staff was also commended for their work on this project.

Moved By POPOVE
Seconded By ENGAR

THAT the Fraser Valley Regional District Board direct staff to continue the Fraser Valley Food Recovery pilot project with FoodMesh for \$10,000 per year for both 2019 and 2020.

CARRIED

4. MINUTES/MATTERS ARISING

4.1 Minutes of the Regional and Corporate Services Committee Open Meeting - February 12, 2019

Moved By ROBB
Seconded By DICKEY

THAT the Minutes of the Regional and Corporate Services Committee Open Meeting of February 12, 2018 be adopted.

CARRIED

5. CORPORATE ADMINISTRATION

5.1 Proposed Amendment to the Fraser Valley Regional District Officers Establishment Amendment Bylaw No. 1406, 2016

Moved By STOBART
Seconded By ENGAR

THAT the Fraser Valley Regional District Board consider giving three readings and adoption to the bylaw cited as *Fraser Valley Regional District Officers Establishment Amendment Bylaw No. 1516, 2019*;

AND THAT the below individuals be appointed and designated as Officers of the Fraser Valley Regional District in the following capacities:

- Paul Gipps, Chief Administrative Officer and Deputy Corporate Officer responsible for Corporate Administration; and
- Jaime Reilly, Manager of Corporate Administration and Corporate Officer responsible for Corporate Administration.

CARRIED

6. FINANCE

No items.

7. REGIONAL PROGRAMS AND SERVICES

7.1 ENVIRONMENTAL SERVICES

7.1.1 New Nuisance Mosquito Control Services Contract for 2019-2021

In response to a question raised regarding concerns with the treatment used for mosquito control impacting wildlife, staff reported that the treatment method used has been well researched and does not affect

wildlife. It was also noted that the mosquito control treatment is not carried out on private lands.

Moved By POPOVE
Seconded By SPAETI

THAT the Fraser Valley Regional District Board authorize its signatories to execute a Services Agreement with Morrow BioScience Ltd. for contracted services related to the Nuisance Mosquito Control Program for 2019-2021, for an annual base price of \$140,195 per year.

CARRIED

7.1.2 Ford Mountain Correctional Centre to Provide Temporary Foster Care for FVRD Dogs

Staff noted that they will be monitoring this partnership with Ford Mountain Correctional Centre to provide temporary foster care for FVRD dogs and do follow-up. It was noted that inmates for this program will be selected so that both the inmates and the dogs will benefit from the interaction.

7.2 REGIONAL PARKS

No items.

7.3 STRATEGIC PLANNING AND INITIATIVES

7.3.1 Chilliwack Area Transit Future Plan Update and Public Engagement Schedule

The report dated March 12, 2019 from the Planning Technician (Strategic Planning) provided the Chilliwack Area Transit Future Plan and Public Engagement Schedule was provide for information.

In response to ridership data, staff reported that this will be available at the upcoming Open Houses.

7.4 OUTDOOR RECREATION AND PLANNING

No items.

8. ADDENDA ITEMS/LATE ITEMS

No items.

9. REPORTS BY STAFF

None

10. REPORTS BY DIRECTORS

None

11. PUBLIC QUESTION PERIOD FOR ITEMS RELEVANT TO AGENDA

None

12. ADJOURNMENT

Moved By POPOVE
Seconded By ROBB

THAT the Regional and Corporate Services Committee Open Meeting of March 12, 2019 be adjourned.

CARRIED

The Regional and Corporate Services Committee Meeting adjourned at 9:3 a.m.

MINUTES CERTIFIED CORRECT:


.....
Director Patricia Ross, Vice Chair

FRASER VALLEY REGIONAL DISTRICT REGIONAL AND CORPORATE SERVICES COMMITTEE OPEN MEETING MINUTES

Tuesday, April 9, 2019

9:00 am

FVRD Boardroom, 45950 Cheam Avenue, Chilliwack, BC

Members Present:

Director Jason Lum, City of Chilliwack, Chair
Director Patricia Ross, City of Abbotsford, Vice Chair
Director Pam Alexis, District of Mission
Director Henry Braun, City of Abbotsford
Director Bill Dickey, Electoral Area D
Director Orion Engar, Electoral Area E
Director Leo Facio, Village of Harrison Hot Springs
Director Ken Popove, City of Chilliwack
Director Sylvia Pranger, District of Kent
Director Terry Raymond, Electoral Area A
Director Peter Robb, District of Hope
Director Al Stobbart, Electoral Area G

Staff Present:

Paul Gipps, Chief Administrative Officer
Mike Veenbaas, Director of Financial Services
Jennifer Kinneman, Director of Corporate Affairs
Stacey Barker, Director of Regional Services
Jaime Reilly, Manager of Corporate Administration
Christina Vugteveen, Manager of Parks
David Urban, Manager of Outdoor Recreation Planning
Trina Douglas, Manager of Contracted Services
Marina Richter, Policy Analyst – Environmental Services
Kristy Hodson, Manager of Financial Operations
Matthew Fang, Network Analyst I
Tina Mooney, Executive Assistant to CAO
Chris Lee, Executive Assistant (Recording Secretary)

1. CALL TO ORDER

Chair Lum called the meeting to order at 9:00 a.m. and acknowledged the anniversary of the Battle of Vimy Ridge. He also wished Director Popove a Happy Birthday.

2. APPROVAL OF AGENDA, ADDENDA AND LATE ITEMS

Moved By FACIO
Seconded By ENGAR

THAT the Agenda, Addenda and Late Items for the Regional and Corporate Services Committee Open Meeting of April 9, 2019 be approved;

AND THAT all delegations, reports, correspondence and other information set to the Agenda be received for information.

CARRIED

3. DELEGATIONS AND PRESENTATIONS

None

4. MINUTES/MATTERS ARISING

4.1 Minutes of the Regional and Corporate Services Committee Open Meeting - March 12, 2019

Moved By STOBART
Seconded By PRANGER

THAT the Minutes of the Regional and Corporate Services Committee Open Meeting of March 12, 2019 be adopted.

CARRIED

5. CORPORATE ADMINISTRATION

No items.

6. FINANCE

No items.

7. REGIONAL PROGRAMS AND SERVICES

7.1 ENVIRONMENTAL SERVICES

7.1.1 Radon Awareness in the FVRD

The report dated April 9, 2019 from the Environmental Policy Analyst pertaining to concerns associated with radon exposure within the Fraser Valley was provided for information.

Questions arose with respect to the location of the specific areas identified to have elevated radon exposure, standard practices for home construction and testing mechanisms for homeowners. It was noted that having good ventilation in an existing home can help prevent exposure to

radon. It was reported that the City of Abbotsford has amended their building bylaw to deal with the radon exposure problem.

7.1.2 Corporate Fleet and Electric Vehicle Suitability Assessment

The report dated April 9, 2019 from the Environmental Policy Analyst with respect to the Corporate Fleet and Electric Vehicle Suitability Assessment was provided for information.

Query arose regarding the usage of general fleet gas vehicles. It was also noted that EVs were used more than gasoline vehicles by staff.

7.2 REGIONAL PARKS

7.2.1 Renewal of Glen Valley and Matsqui Trail Regional Parks Operating and Maintenance Agreement

Moved By FACIO
Seconded By BRAUN

THAT the Fraser Valley Regional District Board grant a one (1) year extension to March 31, 2020 to the Glen Valley Regional Park and Matsqui Trail Regional Park Operating and Maintenance Agreement with the City of Abbotsford for the amount of \$527,900.

CARRIED

7.2.2 FVRD Parks Regulations, Fees and Other Charges Amendment Bylaw No. 1520, 2019

Moved By ROSS
Seconded By POPOVE

THAT the Fraser Valley Regional District Board consider giving three readings and adoption to the bylaw cited as *Fraser Valley Regional District Parks Regulations, Fees and Other Charges Amendment Bylaw No. 1520, 2019*.

CARRIED

7.3 STRATEGIC PLANNING AND INITIATIVES

No items.

7.4 OUTDOOR RECREATION AND PLANNING

No items.

8. ADDENDA ITEMS/LATE ITEMS

No items.

9. REPORTS BY STAFF

None

10. REPORTS BY DIRECTORS

None

11. PUBLIC QUESTION PERIOD FOR ITEMS RELEVANT TO AGENDA

None

12. RESOLUTION TO CLOSE MEETING

Moved By FACIO

Seconded By DICKEY

THAT the meeting be closed to the public, except for Senior Staff and the Executive Assistant, for the purpose of receiving and adopting Closed Meeting Minutes convened in accordance with Section 90 of the *Community Charter* and to consider matters pursuant to:

- Section 90(1)(c) of the *Community Charter* – labour relations or other employee relations;
- Section 90(1)(k) of the *Community Charter* - negotiations and related discussions respecting the proposed provision of a regional district service that are at their preliminary stages and that, in the view of the Committee, could reasonably be expected to harm the interests of the regional district if they were held in public; and
- Section 90(2)(b) of the *Community Charter* - the consideration of information received and held in confidence relating to negotiations between the regional district and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

CARRIED

The Open Meeting recessed at 9:15 a.m.

13. RECONVENE OPEN MEETING

The Open Meeting reconvened at 9:17 a.m.

14. RISE AND REPORT OUT OF CLOSED MEETING

None

15. ADJOURNMENT

Moved By PRANGER
Seconded By STOBART

THAT the Regional and Corporate Services Committee Open Meeting of April 9, 2019 be adjourned.

CARRIED

The Regional and Corporate Services Committee Open Meeting adjourned at 9:17 a.m.

MINUTES CERTIFIED CORRECT

.....

Director Jason Lum, Chair

**FRASER VALLEY REGIONAL DISTRICT
ELECTORAL AREA SERVICES COMMITTEE
OPEN MEETING MINUTES**

Tuesday, March 12, 2019

1:30 pm

FVRD Boardroom, 45950 Cheam Avenue, Chilliwack, BC

Members Present: Director Bill Dickey, Electoral Area D, Chair
Director Dennis Adamson, Electoral Area B
Director Wendy Bales, Electoral Area C
Director Orion Engar, Electoral Area E
Director Hugh Davidson, Electoral Area F
Director Al Stobbart, Electoral Area G
Director Taryn Dixon, Electoral Area H
Alternate Director Diane Johnson, Electoral Area A

Regrets: Director Terry Raymond, Electoral Area A

Staff Present: Mike Veenbaas, Director of Financial Services
Tareq Islam, Director of Engineering & Community Services
Margaret-Ann Thornton, Director of Planning & Development
Jennifer Kinneman, Director of Corporate Affairs
Graham Daneluz, Deputy Director of Planning & Development
Milly Marshall, Director EA Special Projects
Jaime Reilly, Manager of Corporate Administration
Janice Mikuska, Human Resources Manager
Kristy Hodson, Manager of Financial Operations
Sterling Chan, Manager of Engineering & Infrastructure
Louise Hinton, Bylaw Compliance and Enforcement Officer
Andrea Antifaeff, Planner I
Tracey Heron, Planning Assistant
Matthew Fang, Network Analyst I
Maggie Mazurkewich, Executive Assistant to CAO
Chris Lee, Executive Assistant (Recording Secretary)

Also Present: Scott Hargrove, FVRL
Nancy Gomerich, FVRL
Nicole Glentworth, FVRL

Suzy Coulter, Chilliwack River Valley Waterkeepers
Molly Armstrong, Chilliwack River Waterkeepers
Edna Hobbs, Chilliwack River Waterkeepers

1. CALL TO ORDER

Chair Dickey called the meeting to order at 1:30 p.m. and welcomed Alternate Director Diane Johnson to the meeting.

2. APPROVAL OF AGENDA, ADDENDA AND LATE ITEMS

Moved By DAVIDSON
Seconded By ENGAR

THAT the Agenda, Addenda and Late Items for the Electoral Area Services Committee Open Meeting of March 12, 2019 be approved;

AND THAT all delegations, reports, correspondence and other information set to the Agenda be received for information.

CARRIED

3. SHOW CAUSE HEARING(S)

3.1 Building Bylaw and BC Building Code Contraventions at 31236 Mary Street, Electoral Area "B" (PID:010-098-283)

Louise Hinton provided a PowerPoint presentation outlining the historic and current property bylaw infractions with respect to the property located at 31236 Mary Street, Electoral Area B, and the efforts of staff to encourage voluntary compliance by the property owner.

Moved By ADAMSON
Seconded By ENGAR

THAT the Fraser Valley Regional District Board direct staff to file a Notice in the Land Title Office in accordance with Section 57 of the *Community Charter* due to the contraventions of the *Fraser Valley Regional District Building Bylaw No. 1188, 2013* and the *BC Building Code*, at 31236, Mary Street, Electoral Area B, Fraser Valley Regional District, British Columbia (Lot 13 Block 5 Section 14 Township 7 Range 26 West of the 6th Meridian Yale Division Yale District

Townsite of Yale (PID: 010-098-283) and Lot 12 Block 5 Section 14 Township 7 Range 26 West of the 6th Meridian Yale Division Yale District Townsite of Yale (PID: 010-098-267).

CARRIED

No comments were offered from the public.

3.2 Building Bylaw and BC Building Code Contraventions at 20568 Edelweiss Drive, Electoral Area "C" legally described as: Lot 19 Dist. Lot 3847 Group 1 New Westminster District Plan 55971 (PID: 005-426-103)

Louise Hinton provided a PowerPoint presentation outlining the historic and current property bylaw infractions with respect to the property located at 20568 Edelweiss Drive, Electoral Area C, and the efforts of staff to encourage voluntary compliance by the property owner.

Moved By BALES

Seconded By STOBART

THAT the Fraser Valley Regional District Board direct staff to file a Notice in the Land Title Office in accordance with Section 57 of the *Community Charter* due to the contraventions of the *Fraser Valley Regional District Building Bylaw No. 1188, 2013* and the *BC Building Code*, at 20568 Edelweiss Drive, Fraser Valley Regional District, British Columbia, Electoral Area C, legally described as: Lot 19 District Lot 3847 Group 1 New Westminster District Plan 55971 (PID: 005-426-103).

CARRIED

No comments were offered from the public.

4. DELEGATIONS AND PRESENTATIONS

4.1 Scott Hargrove, Nancy Gomerich, Heather Scoular and Nicole Glentworth - Fraser Valley Regional Library

Scott Hargrove, FVRL Chief Executive Officer gave a presentation, providing an overview of Fraser Valley Regional Library (FVRL) services and the FVRL Strategic Plan, noting that FVRL is the largest public library in BC. He also spoke to 'The FVRL Advantage' and the 'Playground at FVRL' which features lending collections and in-library experience.

Nancy Gomerich, FVRL Director of Finance spoke to the 2019 budget and capital proposals for improvements to the Boston Bar and Yale libraries. She provided information on the three proposed options. It was noted that the FVRL is an essential destination connecting people living, working or studying in our

communities in a friendly environment focused on knowledge, creativity and experiences that transforms lives.

Chair Dickey thanked the delegation for the presentation. .

4.2 Suzy Coulter, Edna Hobbs and Molly Armstrong - The Chilliwack River Valley Waterkeepers

Suzy Coulter of the Chilliwack River Valley Waterkeepers provided a presentation on the community response to the proposed non-farm use application for a bulk water filling station at 56555 Chilliwack Lake Road in Electoral Area E. She noted that there were 110 people in attendance at the public meeting held by the proponent on February 21, 2019, noting that there was unified opposition to the bulk water extraction proposal due to:

- Lack of public confidence (lack of data – no comprehensive study);
- Climate crisis (reference was made to the 2017 NHC Study which states decline in snowmelt and glacier melt);
- Consequences (approval could set a precedent for more commercial water extraction, tanker truck traffic resulting in pollution, road wear, safety), water sovereignty risk; and
- Stewardship – CRV OCP Community Vision (*strong connection to the natural environment and desire to protect*) and Residents Association Constitution (*“Protect the Valley for Future Generations”*).

Ms. Coulter noted that there has been an outpouring of emails and letters to the FVRD opposing the proposed application and urged the FVRD to reject the proposed application.

Ms. Molly Armstrong read out two letters of opposition to the proposed application from two residents in the Valley.

5. MINUTES/MATTERS ARISING

5.1 Minutes of the Electoral Area Services Committee Meeting - February 12, 2019

Moved By STOBART

Seconded By DIXON

THAT the Minutes of the Electoral Area Services Committee Open Meeting of February 12, 2019 be adopted.

CARRIED

6. CORPORATE ADMINISTRATION

6.1 Letter of Agreement with Deroche Farmers Market Society

Moved By BALES
Seconded By STOBART

THAT the Fraser Valley Regional District Board authorize its signatories to enter into an agreement with the Deroche Farmers Market Society for the period June 1 to September 14, 2019, for rental of space at the FVRD Deroche Community Access at a total cost of \$400.

CARRIED

6.2 Deroche Community Christian Fellowship Rental of Deroche Community Access Centre

Moved By STOBART
Seconded By DIXON

THAT the Fraser Valley Regional District Board authorize its signatories to enter into a one year agreement, with the option of a one year renewal, with the Deroche Community Christian Fellowship, for rental space at the FVRD Deroche Community Access Centre at a cost of \$100 per month.

CARRIED

7. FINANCE

7.1 Fraser Valley Regional Library Service – Electoral Areas

Discussion ensued regarding capital expenses for the Yale and Boston Bar libraries. It was proposed that the 2019 budget proposal for the Boston Bar library be brought to the April EASC Meeting for consideration as Director Raymond was absent at today's meeting.

Moved By BALES
Seconded By JOHNSON

THAT consideration of requests for capital expenses by the Fraser Valley Regional Library for the Boston Bar and Yale libraries be brought forward at the April 9 EASC Meeting.

CARRIED

7.2 Community Works Fund – Electoral Area Allocation Model for 2019 - 2022

Moved By DAVIDSON

Seconded By ENGAR

THAT the Fraser Valley Regional District Board approve the allocation of the 2019-2022 Electoral Area Community Works Funds based on the following formula:

1. Each Electoral Area receives a base allocation of \$5,000, and
2. The remainder to be allocated on a pro-rata basis, based on the 2016 census populations as certified by the Minister of Municipal Affairs and Housing.

CARRIED

7.3 Grant-In-Aid Request – Read Right Society, Electoral Area “B”

Moved By ADAMSON

Seconded By DIXON

THAT the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$2,500 to the Read Right Society, funded from the 2019 Electoral Area “B” grant-in-aid budget to help offset the costs of books and materials to provide literacy programs.

CARRIED

7.4 Grant-in-Aid Request - Sunshine Valley Volunteer Fire Department, Electoral Area “B”

Moved By ADAMSON

Seconded By ENGAR

THAT the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$3,000 to the Sunshine Valley Volunteer Fire Department, funded from the Electoral Area “B” grant-in-aid budget, to help purchase wildfire structure sprinkler protection equipment.

CARRIED

7.5 Grant-In-Aid Request – District of Hope Ratepayers Association, Electoral Area “B”

Moved By ADAMSON
Seconded By BALES

THAT the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$1,000 to the District of Hope Ratepayers Association, funded from the 2019 Electoral Area “B” grant-in-aid budget, to help purchase items for their annual Lego Expo. All funds earned at this event will go towards Silver Creek Elementary’ s music and library programs as well as making essential repairs to Park St. Manor Senior’s residence.

CARRIED

7.6 Grant-In-Aid Request – Fraser Canyon Hospice Society, Electoral Area “B”

Moved By ADAMSON
Seconded By DIXON

THAT the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$2,500 to the Fraser Canyon Hospice Society, funded from the 2019 Electoral Area “B” grant-in-aid budget, to offset costs of their 15th annual Camp Skylark.

CARRIED

7.7 Grant-In-Aid Request – Deroche Farmers Market, Electoral Areas “C” and “G”

Moved By STOBART
Seconded By DAVIDSON

THAT the Fraser Valley Regional District Board approve a grant-in-aid to the Deroche Farmers Market Society in the amount of \$2,450, to be funded from the 2019 Electoral Area “C” grant-in-aid budget in the amount of \$1,450 and the 2019 Electoral Area “G” grant-in-aid budget in the amount of \$1,000 to help offset the costs associated with advertising, signage repairs, and supplies.

CARRIED

7.8 Grant-In-Aid Request – Sasquatch Lions Club, Electoral Area “G”

Moved By STOBART

Seconded By BALES

THAT the Fraser Valley Regional District Board approve a grant-in-aid to the Sasquatch Lions Club in the amount of \$1,500, to be funded from the 2019 Electoral Area “G” grant-in-aid budget to help offset the costs associated with a “Play Pass” to the Mission Leisure Centre to help low-income persons and or those not eligible for subsidized pass programs.

CARRIED

8. ENGINEERING & UTILITIES

No Items.

9. PLANNING, BUILDING INSPECTION AND BYLAW ENFORCEMENT

9.1 Non-Farm Use Application - Bulk Water Filling Station, 56555 Chilliwack Lk Rd, Area “E” (Larson Farm)

Moved By ENGAR

Seconded By DIXON

THAT the Fraser Valley Regional District Board decline to forward to the Agricultural Land Commission Non-Farm Use Application 3015-20-2016-05 by Larson Farms Inc. for a bulk water filling station at 56555 Chilliwack Lake Road, Electoral Area “E”;

AND THAT the Corporate Report dated 2019-03-12 regarding the proposed bulk water filling station at 56555 Chilliwack Lake Road be forwarded to the Ministry of Forests, Lands, Natural Resource Operations & Rural Development for consideration in conjunction with the application by Larson Farms Inc. for a groundwater license.

CARRIED

It was also proposed that the PowerPoint presentation from the Chilliwack River Valley Waterkeepers be sent along to the Province together with the corporate report from Staff.

9.2 Site-Specific Exemption Application 2019-02 for the construction of two cabins at Camp Luther Retreat Centre, 9311 Shook Road, Area "G"

Moved By STOBART
Seconded By DAVIDSON

THAT the Fraser Valley Regional District Board refuse the Site Specific Exemption application to allow the construction of two cabins at an elevation 1.95 m (6.4 feet) lower than the 9.3m flood construction level (FCL) required at Camp Luther Retreat Centre, 9311 Shook Road, Electoral Area "G".

CARRIED

9.3 Form and Character and Development Variance Permit amendments to accommodate double garages on 5 lots of the final phase of the 'Cottages at Cultus Lake' development, Electoral Area "H"

Moved By DIXON
Seconded By ENGAR

THAT the Fraser Valley Regional District Board issue Development Permit 2019-01 regarding the form and character of detached garages within the final phase of the "Cottages" development at PID 029-380-839 off Columbia Valley Road, Electoral Area "H";

AND THAT the Fraser Valley Regional District Board issue Development Variance Permit 2019-04 regarding the siting and height of detached garages within the final phase of the "Cottages" development at PID 029-380-839 off Columbia Valley Road, Electoral Area "H" subject to consideration of any concerns raised from neighbourhood notification.

CARRIED

9.4 Application for Development Variance Permit 2019-05 to vary the maximum height and area requirements for a garage at 10191 Caryks Road, Electoral Area "D"

Moved By ADAMSON
Seconded By DIXON

THAT the Fraser Valley Regional District issue Development Variance Permit 2019-05 to increase the maximum permitted height of an accessory building from 5.0 metres to 7.3 metres and to increase the maximum permitted area of an accessory building from 45 square metres to 53.5 square metres, subject to consideration of any comment or concerns raised by the public.

CARRIED

10. ELECTORAL AREA EMERGENCY SERVICES

No items.

11. ADDENDA ITEMS/LATE ITEMS

11.1 Board Remuneration - Impact of Municipal Officer's Expense Allowance Exemption

Staff provided information on how other member municipalities were dealing with the impact of Municipal Officer's expense allowance exemption, noting that some municipalities have increased their remuneration rates. Discussion ensued regarding the wage parity between Municipal and Electoral Area directors, resulting in the following motion being brought forward.

Moved by ENGAR

Seconded by STOBART

THAT assuming no other changes to the base Board Director remuneration rate, that the remuneration rate for Electoral Area Director add-on be adjusted so that the total remuneration received by an Electoral Area Director is given wage parity as a result of the elimination of the Municipal Officer's Expense Allowance Exemption;

AND THAT the proposed increase to the Electoral Area Director add-on be funded through Electoral Area Administration Budget 102.

CARRIED

Directors Adamson, Dickey and Dixon Opposed

12. ADDENDA ITEMS/LATE ITEMS

No items.

13. REPORTS BY STAFF

None

14. REPORTS BY ELECTORAL AREA DIRECTORS

Director Engar reported on the Residents Association AGM and that the SXTA will be coming out to make a presentation to the community. Looking forward to the homeless

camp workshop noted that the City of Chilliwack has provided tipping fees to volunteers that are picking up garbage in the Valley.

Director Dixon reported on the meetings with Aquadel Development regarding revising the landscaping plan and an upcoming meeting on how to manage the goose population.

Director Adamson reported on the Hope Ratepayers Association event that will be held on April 16 at the Silver Creek School.

Director Stobbart reported on the Volunteer Appreciation Day held last Saturday.

Director Johnson reported that she will update Director Raymond on the Boston Bar 2019 budget proposal provided by FVRL.

Director Davidson thanked the CAO and staff for their participation at the public water meetings held a couple of weeks ago and reported of an upcoming meeting with Community Living BC.

Director Bales reported on her attendance at the agreement signing between the Province and Sts'ailes First Nation at Hemlock Valley.

Director Dickey reported that the Electoral Area D OCP is moving along.

15. PUBLIC QUESTION PERIOD FOR ITEMS RELEVANT TO AGENDA

None

16. ADJOURNMENT

Moved By DAVIDSON

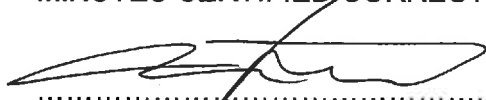
Seconded By JOHNSON

THAT the Electoral Area Services Committee Open Meeting of March 12, 2019 be adjourned.

CARRIED

The Electoral Area Services Committee Meeting adjourned at 3:27 p.m.

MINUTES CERTIFIED CORRECT



Director Bill Dickey, Chair

FRASER VALLEY REGIONAL DISTRICT
ELECTORAL AREA SERVICES COMMITTEE
OPEN MEETING MINUTES

Friday, March 15, 2019
12:00 pm
Pacific Region Training Centre
1100-45337 Calais Crescent, Chilliwack, BC V2R 0N6

Members Present: Director Bill Dickey, Electoral Area D, Chair
Director Terry Raymond, Electoral Area A
Director Dennis Adamson, Electoral Area B
Director Wendy Bales, Electoral Area C
Director Orion Engar, Electoral Area E
Director Hugh Davidson, Electoral Area F
Director Al Stobbart, Electoral Area G
Director Taryn Dixon, Electoral Area H

Staff Present: Paul Gipps, Chief Administrative Officer
Mike Veenbaas, Director of Financial Services
Tareq Islam, Director of Engineering & Community Services
Margaret-Ann Thornton, Director of Planning & Development
Jennifer Kinneman, Director of Corporate Affairs
Graham Daneluz, Deputy Director of Planning & Development
Stacey Barker, Deputy Director of Regional Programs (part)
Milly Marshall, Director of Electoral Area Special Projects
Barry Penner
Reg Dyck, Manager of Electoral Area Emergency Services
Kristy Hodson, Manager of Financial Operations
Sterling Chan, Manager of Engineering & Infrastructure
Dave Roblin, Manager of Operations
Maggie Mazurkewich, Executive Assistant to CAO
Amanda Molloy, Executive Assistant to CAO

Also present: Brian Carruthers, BD Carruthers and Associates

1. CALL TO ORDER

The meeting was called to order at 12:42 p.m.

2. APPROVAL OF AGENDA, ADDENDA AND LATE ITEMS

Moved By RAYMOND

Seconded By ADAMSON

THAT the Agenda, Addenda and Late Items for the Electoral Area Services Committee Strategic Planning Session of March 15, 2019 be approved;

AND THAT all reports, correspondence and other information set to the Agenda be received for information.

CARRIED

3. RESOLUTION TO CLOSE MEETING

Moved By ENGAR

Seconded By DAVIDSON

THAT the meeting be closed to the public, except for Senior Staff and the Executive Assistant to consider matters pursuant to:

- Section 90(1)(l) of the *Community Charter* - discussions with regional district officers and employees respecting regional objectives, measures and progress reports for the purpose of preparing an Annual Report under section 98 [annual regional district report].

CARRIED

4. ADJOURNMENT

Moved By ENGAR

Seconded By RAYMOND

THAT the Electoral Area Services Committee Strategic Committee Open Session of March 15, 2019 be adjourned.

CARRIED

The Electoral Area Services Committee Strategic Planning Session Open Meeting adjourned at 7:12 p.m.

MINUTES CERTIFIED CORRECT:

.....
Director Bill Dickey, Chair

FRASER VALLEY REGIONAL DISTRICT

ELECTORAL AREA SERVICES COMMITTEE

OPEN MEETING MINUTES

Tuesday, April 9, 2019

1:30 pm

FVRD Boardroom, 45950 Cheam Avenue, Chilliwack, BC

Members Present: Director Bill Dickey, Electoral Area D, Chair
Director Terry Raymond, Electoral Area A
Director Dennis Adamson, Electoral Area B
Director Wendy Bales, Electoral Area C
Director Orion Engar, Electoral Area E
Director Hugh Davidson, Electoral Area F
Director Al Stobbart, Electoral Area G
Director Taryn Dixon, Electoral Area H

Staff Present: Paul Gipps, Chief Administrative Officer
Mike Veenbaas, Director of Financial Services
Tareq Islam, Director of Engineering & Community Services
Margaret-Ann Thornton, Director of Planning & Development
Jennifer Kinneman, Director of Corporate Affairs
Milly Marshall, Director of EA Special Projects
Graham Daneluz, Deputy Director of Planning & Development
Jaime Reilly, Manager of Corporate Administration
Sterling Chan, Manager of Engineering and Infrastructure
Janice Mikuska, Human Resources Manager (part)
Louise Hinton, Bylaw Compliance and Enforcement Officer
David Bennett, Planner II
Andrea Antifaeff, Planner I
Katelyn Hipwell, Planner I
Christine Cookson, Building and Bylaw Clerk
Matthew Fang, Network Analyst I
Tina Mooney, Executive Assistant to CAO and Board
Chris Lee, Executive Assistant (Recording Secretary)

Also Present: Alternate Director Diane Johnson, Electoral Area A
Director Jason Lum, Chair FVRD (part)
Director Ken Popove, City of Chilliwack (part)
Director Bud Mercer, City of Chilliwack (part)

Director Carol Hamilton, District of Mission (part)
Director Peter Robb, District of Hope (part)

Superintendent Bryon Massie – Upper Fraser Valley Regional
Detachment (*as per item 4.1*)
Inspector Annette Fellner, Mission RCMP detachment (*as per item 4.1*)
Sergeant Steve Crawford, Mission RCMP detachment (*as per item 4.1*)

Jai Birdie, Director, Regional Operations, Community Living BC
(*as per item 4.2*)
Sharon Rose, Regional Manager, Community Living BC
(*as per item 4.1*)

There were fourteen members of the public present.

1. CALL TO ORDER

Chair Dickey called the meeting to order at 1:33 p.m.

2. APPROVAL OF AGENDA, ADDENDA AND LATE ITEMS

Moved By ADAMSON
Seconded By STOBART

THAT the Agenda, Addenda and Late Items for the Electoral Area Services Committee Open Meeting of April 9, 2019 be approved;

AND THAT all delegations, reports, correspondence and other information set to the Agenda be received for information.

CARRIED

3. SHOW CAUSE HEARING(S)

3.1 Building Bylaw and BC Building Code Contraventions at 58470 Laidlaw Road, EA B, FVRD, BC (legally described as: Parcel "A" (Ref Plan 13236) South Half District Lot 8 Group 1 Yale Division Yale District (PID 013-082-787)

Louise Hinton provided a PowerPoint presentation outlining the historic and current property bylaw infractions with respect to the property located at 58470 Laidlaw Road, Electoral Area B, and the efforts of staff to encourage voluntary compliance by the property owner.

No comments were offered from the public.

Moved By ADAMSON

Seconded By ENGAR

THAT the Fraser Valley Regional District Board direct staff to file a Notice in the Land Title Office in accordance with Section 57 of the *Community Charter* due to the contraventions of the Fraser Valley Regional District Building Bylaw No. 1188, 2013, at 58470 Laidlaw Road Electoral Area B, Fraser Valley Regional District, British Columbia (legally described as: Parcel "A" (Reference Plan 13236) South Half District Lot 8 Group 1 Yale Division Yale District (PID: 013-082-787).

CARRIED

4. DELEGATIONS AND PRESENTATIONS

4.1 Superintendent Bryon Massie - Upper Fraser Valley Regional Detachment

Superintendent Bryon Massie from the Upper Fraser Valley Regional Detachment (UFVRD) acknowledged the presence of Inspector Annette Fellner and Sergeant Steve Crawford from the Mission RCMP detachment.

Superintendent Bryon Massie spoke to the resources for Provincial funding for RCMP and municipal policing and the challenges faced by the RCMP. He reported that the UFVRD covers Chilliwack, District of Kent, Harrison Hot Springs, District of Hope and Boston Bar. He presented the statistics for Chilliwack, Kent, Hope and Boston Bar for the period 2000 – 2019, and indicated that there has not been that great an increase in provincial funding and that municipalities have stepped up and have been supportive. He reported that a business case has been submitted to the Province last fall requesting for additional resources and noted that a strategy has to be developed to get the Province's attention.

Inspector Fellner from the Mission RCMP detachment reported that Mission has similar concerns and has also submitted a business case to the Province requesting for additional resources and are waiting to hear back. She indicated that Mission has not had an increase in provincial resources since 2007 and that the District of Mission has lent support by increasing its municipal policing resources. Inspector Fellner reported that with the increase of visitors coming to the area for recreation, it has been a challenge to manage provincial areas, such as camp grounds.

Discussion ensued and It was noted that current policing resources is not sustainable.

Electoral Area Directors brought up concerns and questions regarding policing in their respective areas.

Chair Dickey thanked the delegation for their presentation.

4.2 Jai Birdi, Regional Operations and Sharon Rose, Regional Manager - Community Living BC

Jai Birdi, Director, Regional Operations of Community Living BC (CLBC) thanked the Committee for the opportunity to present at the meeting. He also acknowledged Randy Schmidt, CLBC Director of Communications who was present at the meeting.

Sharon Rose, CLBC Regional Manager spoke to CLBC's vision and eligibility criteria for clients and their key services. She reported that CLBC works with individuals and families to understand interests and goals for adulthood. Support needs are assessed and where needed CLBC works with experts to have in place effective behavioural support and safety plans. If required, CLBC also collaborates with health agencies, police and other community professionals to ensure successful integration. Ms. Rose noted that CLBC seeks to ensure homes are well-maintained and that residents are good neighbours and when neighbours have concerns or questions, CLBC communicates directly with them.

The Committee brought up concerns regarding the handling of complex situations, resources for aging parents with children in disabilities program, public safety and the need for CLBC engagement with the community.

5. MINUTES/MATTERS ARISING

5.1 Draft Minutes of the Electoral Area Services Committee Meeting - March 12, 2019

Moved By RAYMOND

Seconded By STOBART

THAT the Minutes of the Electoral Area Services Committee Open Meeting of March 12, 2019 be adopted.

CARRIED

5.2 Draft EASC Strategic Planning Session Minutes - March 15, 2019

A concern was raised regarding attendance of staff members at the EASC Strategic Planning Session. Comments were offered regarding a typograph error in the minutes.

Moved By RAYMOND

Seconded By DAVIDSON

THAT the EASC Strategic Planning Session Minutes of March 15, 2019 be adopted.

CARRIED

6. CORPORATE ADMINISTRATION

No items.

7. FINANCE

7.1 Community Forest Funding Application from Hope River Monsters Swim Club

Moved By ADAMSON

Seconded By ENGAR

THAT the Fraser Valley Regional District Board approve an allocation of \$15,000 from the Cascade Lower Canyon Community Forest 2018 Dividend to the River Monsters Swim Club's campaign to support the installation of replacement diving blocks at the Dan Sharrers Aquatic Centre in Hope.

CARRIED

7.2 Yale Water System - User Fee Update, Electoral Area "B"

Moved By STOBART

Seconded By ADAMSON

THAT the Fraser Valley Regional District Board consider giving three readings and adoption to the bylaw cited as *Fraser Valley Regional District Yale Water System Regulations, Fees and Other Charges Establishment Bylaw No. 1514, 2019*.

CARRIED

7.3 Grant-In-Aid Request – Boston Bar North Bend Enhancement Society, Electoral Area “A”

Moved By RAYMOND
Seconded By DAVIDSON

THAT the Fraser Valley Regional District Board approve a grant-in-aid to the Boston Bar North Bend Enhancement Society in the amount of \$2,000 to be funded from the 2019 Electoral Area “A” grant-in-aid budget to assist with the costs of publishing the community newsletter.

CARRIED

7.4 Grant-In-Aid Request – Hope River Monsters Swim Club, Electoral Area “B”

Moved By ADAMSON
Seconded By BALES

THAT the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$3,000 to the Hope River Monsters Swim Club, funded from the 2019 Electoral Area “B” grant-in-aid budget to help offset the costs of wireless adaptors, signage, t-shirts, fins and storage equipment.

CARRIED

8. ENGINEERING & UTILITIES

8.1 Community Sanitary Sewer Servicing in North Cultus, Electoral Area "H"

Moved By DIXON
Seconded By ENGAR

THAT in accordance with the FVRD Development Procedures Bylaw No. 1377, 2016 the Fraser Valley Regional District Board defer consideration of new bylaw amendments and new development applications proposing to connect to the North Cultus Sewer System, until such time that a policy guiding additional sanitary servicing and service expansion in North Cultus is adopted.

CARRIED

8.2 FVRD Bylaw No. 1522, 2019 - Hatzic Prairie Water Fees and Charges Amendment, Electoral Area "F"

A comment was offered regarding mailout radiuses for bylaws. Staff offered clarification on this issue.

Moved By DAVIDSON
Seconded By RAYMOND

THAT the Fraser Valley Regional District Board consider giving three readings and adoption to the bylaw cited as “*Fraser Valley Regional District Hatzic Prairie Water Supply and Distribution System Fees and Regulations Amendment Bylaw No. 1522, 2019*”.

CARRIED

9. PLANNING, BUILDING INSPECTION AND BYLAW ENFORCEMENT

9.1 Cannabis Regulations

Margaret-Ann Thornton, Director of Planning and Development provided a brief presentation on ‘*Cannabis – Land Use Regulations for Electoral Area*’, noting that the purpose of the presentation is to obtain feedback and direction from EA Directors with respect to cannabis production in their areas. Staff will then review input from EA Directors to draft a policy for consideration.

Highlights of the presentation are:

- Cannabis is legal: Medical, Recreational and Retail Sales;
- Federal, Provincial and ALR legislation are changing and evolving;
- Cannabis industry is changing – large facilities, micro-grows, variety of products, including edibles;
- Currently there are existing legal and unauthorized facilities;
- In 2014 Medical Marihuana grow operation defined and permitted in some zones and subsequently zoning bylaw amendments were made to the 8 zoning bylaws for Electoral Areas;
- In 2018 Federal legislation permits both Medical and Recreational Cannabis;
- In 2018 Province regulates retail sales of cannabis; and
- In 2018 ALC limits production to exterior and soil-based buildings only.

Cannabis land use considerations:

- zoning: where permitted and conditions (size, setbacks);
- nuisances: odours, light-spill, building design (rural aesthetic), use of buildings if cease use, security;
- building permit requirements;
- enforcement of illegal operations and building permit requirements; and
- coordination with Federal and Provincial requirements.

Electoral Area Directors provided feedback and indicated that more information is required before decision can be made.

9.2 Temporary changes to liquor licensing at Sasquatch Inn, Electoral Area "C"

Moved By BALES

Seconded By STOBART

THAT the Fraser Valley Regional District Board endorse the application received February 27, 2019 for temporary changes to the liquor licence for the Sasquatch Inn Ltd (46001 Lougheed Highway, Electoral Area C) with the following comments:

The Board has no objection to the planned events and requested changes to the Liquor Licence, subject to the following items being addressed:

1. Temporary provisions for vehicular parking to ensure the requirements identified in the current local *Zoning* for the property are being followed (one parking spot per three seats provided for patron use), as outlined in the *Zoning Bylaw No. 100, 1979* for Electoral Area C; and
2. Temporary provisions for the existing facilities will be adequate for the proposed increased occupant loads pursuant to the Provincial Sewerage Regulation.

CARRIED

9.3 Special Event – Run for Water Trail Race Event on Sumas Mountain, Electoral Area "G"

Moved By STOBART

Seconded By DAVIDSON

THAT the Fraser Valley Regional District Board approve the Class 1 Special Event Licence No. 2019-02 for the Run for Water Trail Race Event on Sumas Mountain (Electoral Area G) to be held on May 25, 2019, subject to the receipt of all required documentation necessary to complete the application;

AND THAT the Fraser Valley Regional District Board waive the requirement for a security fee;

AND FURTHER THAT the Fraser Valley Regional District Board authorize FVRD signatories to execute all legal instruments associated with the Special Event Licence No. 2019-02.

CARRIED

9.4 Application for Development Variance Permit 2019-06 to reduce the side setback to permit the reconstruction/addition to an agricultural building at 11180 Popkum Road North, Electoral Area "D"

Moved By STOBART
Seconded By RAYMOND

THAT the Fraser Valley Regional District Board issue Development Variance Permit 2019-06 to reduce the side setback from 7.62 metres (25 feet) to 0 metres (0 feet), to facilitate the reconstruction/addition to an agricultural building at 11180 Popkum Road North, Area "D", subject to consideration of any comments or concerns raised by the public;

AND THAT the Fraser Valley Regional District Board authorize its signatories to execute all legal instruments associated with this application, including a Section 219 restrictive covenant tying the sale of either of the two properties to the other to address existing and new construction built across the side lot line and to restrict the use of the building to agricultural storage.

CARRIED

9.5 Application for Development Variance Permit 2019-08 to waive requirements related to exceptions to minimum parcel size to facilitate at two (2) lot subdivision at 54660 Trans Canada Highway, Electoral Area "A"

Moved By RAYMOND
Seconded By ADAMSON

THAT the Fraser Valley Regional District Board issue Development Variance Permit 2019-08 to vary requirements related to exemptions to minimum parcel size to facilitate a two (2) lot subdivision at 54660 TransCanada Highway, Area "A", subject to consideration of any comments or concerns raised by the public.

CARRIED

9.6 Rezoning amendment application for 10180 Royalwood Boulevard, Electoral Area "D" to facilitate an increase in lot coverage.

Moved By ADAMSON
Seconded By DIXON

THAT the Fraser Valley Regional District Board consider giving first reading to the bylaw cited as *Fraser Valley Regional District Electoral Area D Zoning Amendment Bylaw No. 1518, 2019* to rezone the property located at 10180 Royalwood Boulevard from Suburban Residential-2 (SBR-2) to Suburban

Residential-3 (SBR-3) to facilitate an increase in lot coverage from 25% (SBR-2) to 40% (SBR-3) for the construction of a single family dwelling and detached garage;

THAT the *Fraser Valley Regional District Electoral Area D Zoning Amendment Bylaw No. 1518, 2019* be forwarded to Public Hearing;

THAT the Fraser Valley Regional District Board delegate the holding of the Public Hearing with respect to proposed *Fraser Valley Regional District Electoral Area D Zoning Amendment Bylaw No. 1518, 2019* to Director Dickey, or his alternate in his absence;

THAT Director Dickey or his alternate in his absence preside over and Chair the Public Hearing with respect to proposed *Bylaw 1518, 2019*;

AND THAT the Chair of the Public Hearing be authorized to establish procedural rules for the conduct of the Public Hearing with respect to proposed *Bylaw 1518, 2019* in accordance with the Local Government Act;

AND FURTHER THAT in the absence of Director Dickey, or his alternate in his absence at the time of Public Hearing with respect to proposed *Bylaw 1518, 2019* the Fraser Valley Regional District Board Chair is delegated the authority to designate who shall preside over and Chair the Public Hearing regarding this matter;

AND FINALLY THAT the Fraser Valley Regional District Board authorize its signatories to execute all documents relating to *Bylaw 1518, 2019*.

CARRIED

9.7 Summary of Legislative Changes to the Agricultural Land Reserve Regulation and the Agricultural Land Commission Act

Information on the Summary of Legislative Changes to the Agricultural Land Reserve Regulation and the Agricultural Land Commission Act was provided for information.

10. ELECTORAL AREA EMERGENCY SERVICES

No items.

11. ADDENDA ITEMS/LATE ITEMS

11.1 Hatzic Prairie Water System Legacy Debt

Moved By DAVIDSON
Seconded By STOBART

THAT staff be directed to enter into a Capital Improvement Construction Fee Agreement with the owners of the property located at 11426, 11210 and 11082 Sylvester Road not connecting into the Hatzic Prairie Water System Sylvester Road Extension.

CARRIED

Staff was acknowledged for coming up with a solution to resolve this complex issue.

12. REPORTS BY STAFF

None

13. REPORTS BY ELECTORAL AREA DIRECTORS

Director Engar reported on his attendance at the Residents Association meeting.

Director Dixon reported goose management update, concerns with emergency response time in Columbia Valley and noted that she will be meeting with BC Ambulance, Fire Department and Reg Dyck next week.

Director Adamson reported that a grant in aid was provided to the Sunshine Valley Fire Department for the purchase of home sprinklers for fire protection.

Director Stobart reported on a dialogue with the community regarding a pilot project with Fraser Health regarding Naloxone kits, and noted high numbers of opioid overdoses.

Director Raymond reported on a recent well-attended community meeting where maintenance of highways and policing issues were discussed.

Director Davidson reported on a recent incident on Spratt Road.

Director Bales reported on a recent emergency preparedness meeting in her area, and requested that emergency evacuation notices be issued with a date. She noted a lack of cell coverage in her area, and noted plans for an upcoming meeting on this topic.

Director Dickey thanked staff for work on developments in Area D.

14. PUBLIC QUESTION PERIOD FOR ITEMS RELEVANT TO AGENDA

Virginia Vale of Spratt Road in Electoral Area F asked a question regarding CLBC's presentation. It was noted that there will be further discussions with CLBC.

15. RESOLUTION TO CLOSE MEETING

Moved By RAYMOND

Seconded By BALES

THAT the meeting be closed to the public, except for Senior Staff and the Executive Assistant, for the purpose of receiving and adopting Closed Meeting minutes convened in accordance with Section 90 of the *Community Charter* and to consider matters pursuant to:

- Section 90(1)(g) of the *Community Charter* - litigation or potential litigation affecting the regional district.

CARRIED

The Open Meeting recessed at 3:39 p.m.

16. RECONVENE OPEN MEETING

The Open Meeting reconvened at 4:15 p.m.

17. RISE AND REPORT OUT OF CLOSED MEETING

None

18. ADJOURNMENT

Moved By RAYMOND

Seconded By DIXON

THAT the Electoral Area Services Committee Open Meeting of April 9, 2019 be adjourned.

CARRIED

The Electoral Area Services Committee Open Meeting adjourned at 4:15 p.m.

MINUTES CERTIFIED CORRECT:

.....

Director Bill Dickey, Chair

DRAFT

FRASER VALLEY ABORIGINAL RELATIONS COMMITTEE

OPEN MEETING MINUTES

Thursday, April 11, 2019
10:00 am
FVRD Boardroom, 45950 Cheam Avenue, Chilliwack, BC

Members Present:

Director Al Stobbart, Electoral Area G, Chair
Director Brenda Falk, City of Abbotsford, Vice Chair
Director Ken Popove, City of Chilliwack
Councillor Susan Spaeti, District of Kent
Councillor Michie Vidal, Village of Harrison Hot Springs
Director Peter Robb, District of Hope
Director Taryn Dixon, Electoral Area H

Chris Crosman, Deputy CAO, City of Chilliwack
Barclay Pitkethly, Deputy CAO, District of Masson
Commissioner David Renwick, Cultus Lake Park Board
Councillor Bonita Zarrillo, MVARC Observer Member

Regrets:

Director Carol Hamilton, District of Mission
Director Terry Raymond, Electoral Area A

Madeline McDonald, CAO, Village of Harrison Hot Springs
Wallace Mah, CAO, District of Kent
John Fortoloczky, CAO, District of Hope
Katherine Treloar, GM, ISIR, City of Abbotsford
Bonny Bryant, CAO, Cultus Lake Park Board
Agnes Rosicki, Metro Vancouver

Staff Present:

Jennifer Kinneman, Director of Corporate Affairs
Jaime Reilly, Manager of Corporate Administration
Alison Stewart, Manager of Strategic Planning
Jessica Morrison, Policy Analyst – Indigenous Relations
Tina Mooney, Executive Assistant to CAO
Chris Lee, Executive Assistant (Recording Secretary)

Also Present:

Valerie Sam, Manager of Fraser Valley Support Services, First Nations Lands Advisory Board Resource Centre (*as per item 3.1*)

1. CALL TO ORDER

Chair Stobbart called the meeting to order at 10:00 a.m.

2. APPROVAL OF AGENDA, ADDENDA AND LATE ITEMS

Moved By POPOVE

Seconded By ROBB

THAT the Agenda, Addenda and Late Items for the Fraser Valley Aboriginal Relations Committee Open Meeting of April 11, 2019 be approved;

AND THAT all delegations, reports, correspondence and other information set to the Agenda be received for information.

CARRIED

3. DELEGATIONS AND PRESENTATIONS

3.1 Valerie Sam, Manager of Fraser Valley Support Services, First Nations Lands Advisory Board Resource Centre (FNLABRC)

Valerie Sam, Manager of Fraser Valley Support Services, First Nations Lands Advisory Board Resource Centre (FNLABRC) provided a presentation on '*Introduction to the Framework Agreement on First Nation Land Management*'.

Highlights of the presentation are:

- The Framework Agreement is a historic government-to-government agreement signed in 1996 by 14 First Nations and Canada;
- Purpose of the Agreement is to enable First Nations to resume control over their lands and resources without Canada's interference;
- Sets out FN powers: to manage lands and resources and to make, administer and enforce laws;
- Framework Agreement to shed legacy of the *Indian Act* land provisions and replace with First Nation Governing Jurisdiction;
- *First Nation Land Management Act* which was enacted by Parliament in 1999 cannot be unilaterally amended by Canada without First Nations first amending the Framework Agreement;
- Land Code sets out the First Nations powers and obligations for reserve land governance;
- Land Code removes the authority of the Minister of Indian Affairs over reserve lands and resources and puts decision making back into the hands of the community and its members.

Ms. Sam reported that in BC there are 47 operational First Nations and 24 are developing land codes.

Discussion took place on topics around consultation process for major developments, and the Federal process for applications by individual First Nations.

4. MINUTES/MATTERS ARISING

4.1 Minutes of the Fraser Valley Aboriginal Relations Committee Open Meeting - February 14, 2019

Moved By ROBB

Seconded By DIXON

THAT the Minutes of the Fraser Valley Aboriginal Relations Committee Open Meeting of February 14, 2019 be adopted.

CARRIED

5. NEW BUSINESS

5.1 Cannabis Regulation on-Reserve in BC

Jessica Morrison, Policy Analyst – Indigenous Relations provided highlights of a workshop she attended on cannabis and First Nations land code held on November 14 and 15, 2018 which was co-hosted by Sema:th and Tzeachten First nations, noting that the workshop provided a great deal of clarity regarding the application of cannabis laws and regulation on-reserve.

Some points of note are as follows:

- Currently, cannabis cannot be sold legally without a provincial license, and this includes on-reserve sales;
- All reserve lands are subject to federal and provincial licensing processes for cultivation, processing and sales of cannabis;
- First Nations who are operational under Land Code may introduce their own regulations which meet or exceed provincial and federal standards;
- First Nation jurisdiction through Land Code applies only to reserve lands, while municipal and regional district bylaws apply off-reserve;
- Land Code First Nations can also regulate sale on-reserve;
- In Chilliwack there were two on-reserve cannabis retail outlets in operation before the October 17, 2018 legalization date – The Kure and Indigenous Bloom;
- A First Nation can apply for a retail licence as an organization;
- First Nations feel they need to have access to the cannabis excise tax in order to create an equalization model for their communities.

5.2 Changes to the Heritage Conservation Act

Ms. Morrison provided an overview of Bill 14-2019, which is currently before the BC Legislature, concerning amendments to the *Heritage Conservation Act* (1996). She noted that the report provided is to broaden the awareness and understanding of laws and regulations concerning archaeological and cultural heritage in BC. Ms. Morrison provided key concepts on the changes to the Act, noting that the Act protects recorded and unrecorded archaeological sites.

Ms. Morrison reported that in anticipation of the changes to the Act, organizationally staff have conducted archaeological training sessions and

training in the use of Remote Access to Archaeological Data (RAAD). It was also noted that Corporate Affairs are currently working with FVRD departments to develop department-specific archaeological best management practices.

5.3 Recent Consultation and Accommodation Case Law Update

Ms. Morrison provided highlights of a seminar which staff attended on *Consultation and Accommodation Case Law Updates* on February 28 – March 1, 2019. A few sample case laws were reviewed.

Staff reported that they will continue to monitor developments and trends in emerging case law with relevance to the FVRD and its member municipalities and report back to the Committee as appropriate.

5.4 Adoption of Calls to Action 43, 47, and 57 as the Indigenous Relations Program Framework

Ms. Morrison reported that the FVRD Indigenous Relations program is predicated on the core values of Relationships, Collaboration and Learning. The Truth and Reconciliation Commission (TRC) issued its final report of findings in late 2015, containing 94 Calls to Action for various parties, including instructions specific to local governments. It was felt that the time was appropriate for FVRD to formalize its program framework and to incorporate a guiding framework both in accordance with federal and provincial Principles in response to calls to action from the Truth and Reconciliation Commission.

Staff noted that it would be beneficial to conduct a workshop to explore and identify exactly what this would mean for local government.

Moved By FALK
Seconded By POPOVE

THAT staff organize a workshop for the Fraser Valley Regional District Committee of the Whole to explore adopting Calls to Action 43, 47, and 57 of the Final Report of the Truth and Reconciliation Commission (TRC) as the guiding framework of the FVRD Indigenous Relations Program.

CARRIED

5.5 Committee Name Change

Staff reported that in the October 2017 FVRD Board visioning session, Board members requested staff to present a number of options for the name change of the Fraser Valley Aboriginal Relations Committee for consideration to keep up with evolving language. It was also reported that one of the recommendations made earlier for improving First Nations relationship was to include membership to First Nations in the FVARC Committee. Staff are reaching out to First Nations now to get their response and will report back to the Committee on this.

Moved By DIXON
Seconded By POPOVE

THAT the Fraser Valley Regional District Board support the amendment of the Fraser Valley Aboriginal Relations Committee (FVARC) Terms of Reference to reflect a change to the name of the Committee to the Regional Indigenous Relations Committee (RIRC).

5.6 FVRD Shift of Indigenous Relations into Corporate Affairs

Jennifer Kinneman, Director of Corporate Affairs reported that the Indigenous Relations portfolio has now been incorporated into Corporate Affairs as it deals with intergovernmental relations.

5.7 Sts'ailes Election results March 21, Ralph Leon Acclaimed as Chief

It was reported that on March 21, 2019 Ralph Leon has been acclaimed as Chief of Sts'ailes First Nation. It was requested that a congratulatory letter be sent to Chief Leon.

5.8 Treaty Loan Forgiveness - Federal Budget 2019

Staff reported that the Treaty Loan Forgiveness for First Nations has been provided in the Federal Budget 2019. This would help offset legal and other costs incurred with treaty negotiations for First Nations.

5.9 People of the River Referrals Office (PRRO) - Changes to Signatory Communities

Staff reported on the changes to signatories communities for the River Referrals Office (PRRO), noting that two communities have left and are seeking alternative arrangements. Yale First Nation has now signed on with PRRO.

6. ADDENDA ITEMS/LATE ITEMS

None

7. ITEMS FOR INFORMATION AND CORRESPONDENCE

The following items were provided for information:

7.1 Principals' Accord on Transforming Treaty Negotiations in British Columbia

7.2 Letter dated March 5, 2019 from Metro Vancouver regarding Appointment of Director Brenda Falk as FVRD's Non-Voting Member to MVARC

8. REPORTS BY STAFF

None

9. REPORT BY DIRECTORS

None

10. PUBLIC QUESTION PERIOD FOR ITEMS RELEVANT TO AGENDA

None

11. RESOLUTION TO CLOSE MEETING

Moved By DIXON

Seconded By ROBB

THAT the FVARC meeting be closed to the public except for senior staff and Executive Assistant, for the purpose of receiving and adopting Closed Meeting Minutes convened in accordance with Section 90 of the *Community Charter* and to consider matters pursuant to:

- Section 90(2)(b) of the *Community Charter* - the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

CARRIED

The Fraser Valley Aboriginal Relations Committee Open Meeting recessed at 11:18 a.m.

12. RECONVENE OPEN MEETING

The Fraser Valley Aboriginal Relations Committee Open Meeting reconvened at 11:38 a.m.

13. RISE AND REPORT OUT OF CLOSED MEETING

None

14. ADJOURNMENT

Moved By MICHAL
Seconded By DIXON

THAT the Fraser Valley Aboriginal Relations Committee Open Meeting of April 11, 2019
be adjourned.

CARRIED

The Fraser Valley Aboriginal Relations Committee Open Meeting adjourned at 11:38 a.m.

MINUTES CERTIFIED CORRECT:

.....

Director Al Stobbart, Chair

To: CAO for the Electoral Area Services Committee

Date: 2019-04-09

From: Louise Hinton, Bylaw Compliance and Enforcement Officer

File No: B00088.000/2

Subject: Building Bylaw, and BC Building Code Contraventions at 58470 Laidlaw Road Electoral Area B, Fraser Valley Regional District, British Columbia (legally described as: Parcel "A" (Reference Plan 13236) South Half District Lot 8 Group 1 Yale Division Yale Dis

RECOMMENDATION

THAT the Fraser Valley Regional District Board direct staff to file a Notice in the Land Title Office in accordance with Section 57 of the *Community Charter* due to the contraventions of the Fraser Valley Regional District Building Bylaw No. 1188, 2013, at 58470 Laidlaw Road Electoral Area B, Fraser Valley Regional District, British Columbia (legally described as: Parcel "A" (Reference Plan 13236) South Half District Lot 8 Group 1 Yale Division Yale District (PID: 013-082-787).

STRATEGIC AREA(S) OF FOCUS

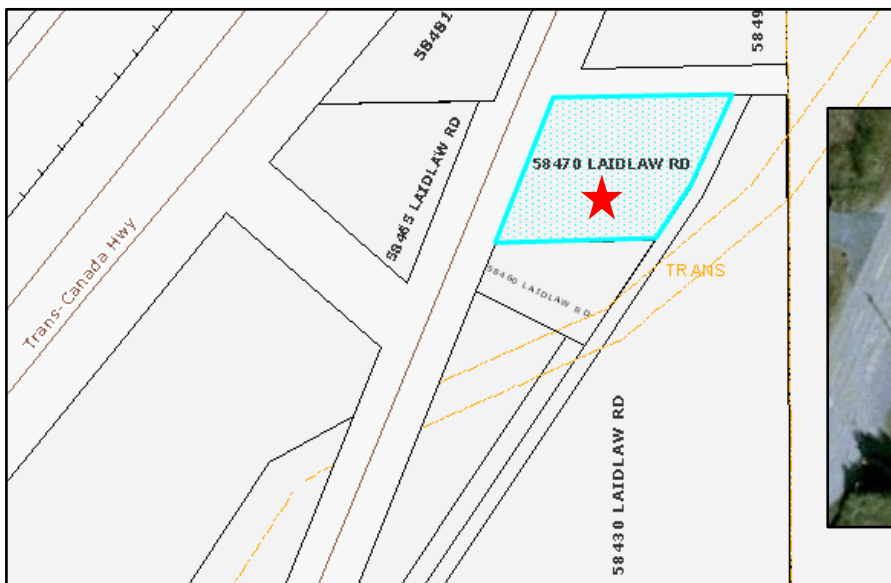
Support Healthy & Sustainable Community

Provide Responsive & Effective Public Services

BACKGROUND

Feb. 22, 2005

Bylaw Complaint received by FVRD of construction without a permit at 58470 Laidlaw Road. Part of the house has been removed and is covered by a tarp.



Feb. 23, 2005	Building Inspector conducts a site visit – several pre-construction slabs are present, new foundation for existing dwelling is in progress of being constructed and new septic. Foundation and slab work works are all posted with Stop Work and No Occupancy Notices. Owner is not on site – 6 unpermitted tenants living on site.
Feb. 24, 2005	Building Inspector speaks to Owner at FVRD Counter - discusses that work started without permits and gives the Owner a Building Permit Application.
March 21, 2005	Owner makes Building Permit Application to FVRD for a foundation upgrade works to the single family home.
Jan. 5, 2006	Building Inspector conducts site inspection – unpermitted laundry and washroom facilities installed without permits for tenants that are residing on the property.
March 31, 2006	Building Department Letter is mailed to the Owner advising that the Building Permit cannot be issued due to existing and proposed land uses contrary to zoning regulations.
Nov. 5, 2007	Bylaw Officer received notice that BP010873 has lapsed and referred back to Bylaw Department for follow-up.
Nov. 7, 2007	Building Inspector and Bylaw Officer conduct a site visit – construction has continued despite posted orders. Pony wall has been created instead of concrete foundation. Numerous people are still living on site (5 or 6). All people use laundry facilities. Property is very unsightly condition – derelict vehicles, rubbish, and debris present.
Nov. 14, 2007	Bylaw Letter mailed to Owner with deadline to respond to FVRD of <u>Dec. 9, 2007</u> .
Nov. 30, 2007	Bylaw Officer receives letter from Notaries Public who are assisting Owner with permit paperwork.
Jan. 30, 2008	Enquiry by listing agent at FVRD counter – Owner plans on listing the property for sale.
Aug. 20 2013	Bylaw Officer spoke with owner at FVRD Counter, the following was discussed: (1) complaints of refuse on property and excess shipping containers, and derelict vehicles have continued; and (2) Bylaw Officer expressed concern that unauthorized people that are living on the property.
Oct. 11 2013	Bylaw Officer conducts drive by site visit - property remains in unsightly condition. Derelict vehicles displayed for sale, detached semi-trailers, shipping containers, rubbish, debris, and refuse on site. Possible flea market use occurring on the property – not permitted under the Zoning Bylaw. No new Building Permit Application has been submitted to the FVRD.
March 17, 2014	Bylaw Letter mailed to Owner, deadline for owner to comply is <u>April 17, 2014</u> .
April 7, 2014	Bylaw Officer has a meeting with the Owner – the following was discussed: (1) Owner promises to continue clean-up efforts; (2) five tenants total on the property within the two cabins, and three living in RV's; and (3) owner has not re-applied for a building permit.

June 10, 2014	Bylaw Officer conducts a site inspection – significant progress on clean-up efforts; and a number of tenants have moved out.
Aug. 13, 2014	Bylaw Officer conducts a drive-by inspection; a few RV's have been removed. Bylaw Officer checks FVRD records – still no Building Permit for the outstanding foundation works.
July 20, 2016	Bylaw Officers conduct a drive-by site inspection; property remains in unsightly condition. Bylaw Officer checks FVRD records – still no Building Permit for the outstanding foundation works.
Oct. 30, 2018	Bylaw Officer conducts site visit – property remains in unsightly condition. Bylaw Officer checks FVRD records – still no Building Permit for the outstanding foundation works.
Nov. 23, 2018	Bylaw Letter mailed to property Owner regarding the following: (1) historic outstanding building permit for foundation upgrade; (2) the unsightly condition of the property; and (3) unauthorized residential suites and camping. Deadline for response to the FVRD is <u>Jan. 28, 2019</u> .
Jan. 15, 2019	Bylaw, Building, and management staff met with Owner at FVRD Office and discussed all outstanding bylaw enforcement matters as follows: (1) The Building Permit for foundation to house was never completed; (2) Owner confirmed works were done by a licenced contractor, but was unaware he still needed a building permit; (3) Owner confirmed a number of tenants were still living on the property; (4) Owner has health concerns and financial restraints and is unable to complete permit at this time; and (5) Owner agreed that notice on title was the best course of action at this time, subject to a discussion with this solicitor.
March 15, 2019	Bylaw Staff sent a letter by mail to owner notifying him of the show cause hearing to place a notice on the title of his property, scheduled for April 9, 2019.

INSPECTION PHOTOS

February 2005 and January 2006



November 2007



DISCUSSION

Section 57 of the *Community Charter* allows a Building Inspector to recommend a resolution to place a Notice on the Title of a property if a contravention of a bylaw or another enactment that related to the construction or safety of a building is observed. A Notice on Title serves as notice to anyone searching the title that the property may be in breach of local government bylaws or other enactments; provide disclosure to future owners; and protects against potential claims with regard to the contraventions.

Staff requests that the Electoral Services Committee consider the following information:

Building Bylaw

Staff is authorized to regulate minimum construction standards within Electoral Areas via the *Fraser Valley Regional District Building Bylaw No. 1188, 2013* (Building Bylaw) for health, safety and the protection of persons and property. The bylaw provides that no person shall commence any construction, alternation, reconstruction, demolition, removal, relocation or change the occupancy of any building.

The construction work to upgrade the foundation on the single family dwelling was first discovered in 2005, was finished to completion in 2007, and was done without a required building permit.

A Building Permit is required for the foundation works undertaken by the property owner; or a demolition Building Permit is required to remove the construction completed without a building permit.

Zoning Bylaw

This property is in Electoral Area B, and is zoned *Core Commercial (C-1)* of *Zoning Bylaw No. 90, 1977 for Electoral Area B of the Regional District of the Fraser Cheam* (Bylaw 90). The primary purpose of this zone is to identify land which by reason of adequate drainage, sufficient supply of potable water, adequate sewage disposal system, assurance from flooding or erosion and soil instability, and is best suited for rural living.

It has been confirmed by the property owner that the subject property has several unauthorized suites on the property and recreational vehicles are being used for residential purposes. Only one-family residential use is permitted in the Core Commercial Zone.

The property is located with the Agricultural Land Reserve (ALR). Additional approvals from the ALC are required to permit the additional residential uses.

An application and approval from the ALC, and a successful re-zoning of the property is required to authorize the unpermitted residential uses on the property.

COST

Land Titles Office filing fee of approximately \$55.

The owner will be required to pay a removal fee of \$500 in accordance with the *Fraser Valley Regional Building Bylaw 1188, 2013*, after the unpermitted construction work to the single family dwelling is either:

1. Demolished with a Building Permit issued by the FVRD with successful final inspection; or
2. A fully completed Building Permit for the construction work to the existing single family dwelling structure is issued by the FVRD and receives a successful final inspection; after authorization from the ALC and the successful rezoning of the property to permit the additional residential uses.

CONCLUSION

It is the opinion of the Bylaw Compliance and Enforcement Officer/Appointed Building Inspector that the extensive unauthorized renovation works to the Single Family Dwelling, that was done without a Building Permit and the construction works that were done without violate multiple *Regional District Bylaws*, and the *British Columbia Building Code*. Staff further notes that full compliance will only be achieved with the successful completion of a fully completed Building Permit.

Regrettably, but in the interest of full public disclosure and as incentive to achieving voluntary compliance, I, as an Appointed Building Inspector, believe that the filing of Notice is appropriate in this instance and submit the above recommendation in accordance with Section 57 of the *Community Charter*.

Electoral Area Services Committee (EASC) approval and Regional District Board resolution is required to assess Section 57 notices.

The process of filing a Section 57 notice on property title is conducted in accordance with the *Community Charter* and the *Local Government Act*.

Regional District requirements for Building Permit works are being administered in accordance with related *Fraser Valley Regional District Bylaws*, Policies, and the *BC Building Code*.

COMMENTS BY:

Margaret-Ann Thornton, Director of Planning & Development

Reviewed and supported.

Mike Veenbaas, Director of Financial Services

No further financial comment.

Paul Gipps, Chief Administrative Officer

Reviewed and supported

March 15, 2019

REGISTERED MAIL

Mr. Jean-Paul Leguerrier
58470 Laidlaw Road
Hope BC V0X 1L2

FILE: 4010-20- B00088.000/2

CIVIC: 58470 Laidlaw Road

PID: 013-082-787

LEGAL: Parcel "A" (Reference Plan 13236) South Half District Lot 8 Group 1 Yale Division Yale District.

Dear Mr. Leguerrier:

**Re: SHOW CAUSE HEARING SCHEDULED – Section 57 Notice on Title
Contraventions of Building Bylaw No. 1188, 2013 - Construction without a Building without a
Permit – 58470 Laidlaw Road**

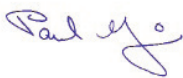
Further to our previous correspondence dated November 23, 2018 that was sent to you on the same day, please be advised you are hereby notified that your opportunity to be heard by the Regional District Electoral Area Services Committee is scheduled. The meeting is to show cause why the Regional District Board of Directors should not direct staff to file a Notice against the title of your property at 58470 Laidlaw Road in relation to the outstanding contraventions of the *Fraser Valley Regional District Building Bylaw No. 1133, 2018* and *BC Building Code* pursuant to Section 57 of the *Community Charter*.

The **show cause** hearing is scheduled for **April 9, 2019 at 1:30pm**, in the Boardroom on the fourth floor of the Regional District Office at 45950 Cheam Avenue, Chilliwack, British Columbia.

The Electoral Area Services Committee will consider registration of the Section 57 Notice on the title of your property at 58470 Laidlaw Road whether or not you are in attendance. For your convenience, I have attached relevant extracts from the *Community Charter* and a copy of the staff report which will be considered by the Committee.

If you require further information or clarification on this matter please contact the Louise Hinton, with our Bylaw Enforcement Department at 604-702-5015 or lhinton@fvrd.ca in advance of this meeting.

Sincerely,



Paul Gipps
Chief Administrative Officer

cc: Dennis Adamson, Electoral Area (B)
Margaret-Ann Thornton, Director of Planning & Development
Greg Price, Building Inspector / Bylaw Compliance Coordinator
Louise Hinton, Bylaw Compliance and Enforcement Officer

Attach: April 9, 2019 Staff Report from Bylaw and Appointed Building Inspector
November 23, 2018, Copy of Bylaw Enforcement Letter to Property Owner
February 14, 2019 Land Title Search Results
February 14, 2019 Property Information Report
February 14, 2019 Property Information Map
Notice on Title Information Sheet Including Community Charter, Section 57 and 58

November 23, 2018

Mr. Jean-Paul Leguerrier
PO BOX 69
Hope BC V0X 1L0

FILE: **4010-20 B00088.0003**
CIVIC: 58470 Laidlaw Road
PID: 013-082-787
LEGAL: DL 8, DISTRICT LOT 8, PARCEL A, PART S 1/2, GROUP 1, REF PL 13236.

Dear Mr. Leguerrier:

RE: Bylaw Contraventions at 58470 Laidlaw Road (Area B)

Further to our previous correspondence dated March 17, 2014 and November 14, 2007 Fraser Valley Regional District staff confirmed during our most recent site inspection on October 30, 2018 that your property at 58470 Laidlaw Road (the "property") remains in breach of the following Regional District bylaws despite our prior requests for compliance. We understand that it has been some time since our last contact on these outstanding bylaw enforcement matters; however the lapse in time in no way negates the requirements for compliance.

1) Construction without a Building Permit – Foundation Upgrade

Staff has verified the unauthorized construction works of a foundation upgrade that was completed on the single family dwelling structure was done without the benefit of obtaining a building permit. (see enclosed photos).

Photo taken in 2005



Photo taken in 2007



The construction work on the foundation upgrade to the single family dwelling structure that began in 2005 and appeared to be completed in 2007 was done without an approved building permit as is required and detailed below in section 6.1 of the *Fraser Valley Regional District's Building Bylaw No. 1188, 2013*.

Section 6 Prohibition

No person shall commence or continue any construction, alteration, reconstruction, demolition, removal, relocation or change the occupancy of any building or structure, including excavation or other work related to construction until a building official has issued a valid and subsisting permit for the work.

It is required that you submit a fully completed Building Permit Application for the unauthorized foundation upgrade on the single family dwelling structure to the Regional District office by **Monday January 28, 2019**. The completed applications must include:

- Detailed drawings for the structure; including floor plans for use of all areas;
- Detailed site plan; and
- An initial application fee in the amount of \$150.00

Following the receipt of your application, the Building Department will advise you on any additional information needed. Should you have any questions with regard to your application, please contact one of our Building Inspectors at 604-702-5000. Building Permit Application forms are available online for your convenience on the Regional District's website at: <http://www.fvrd.ca/EN/main/services/building-permits-inspection/forms.html>

2) Unsightly Condition of Property

The property at 58470 Laidlaw Road (the "property") is still in an unsightly and untidy condition due to an accumulation of rubbish, debris, construction materials, commercial containers, and a large number of unlicensed and/or derelict vehicles. Please see enclosed photographs from October 30, 2018 site inspection below:



The Fraser Valley Regional District's *Unsightly Premises and Unwholesome Matter Bylaw No. 0037, 1996* (Bylaw No. 0037), defines Unsightly as:

UNSIGHTLY as the accumulation or storage of any building material, whether new or used, on any site or premises, other than a building material storage yard, where the owner or occupier of the premises is not in possession of a valid building permit issued by the Regional District;

and Section 3 of Bylaw 0037 states:

- a) No owner or occupier of real property, or premises on the real property, shall allow the property or premises owned or occupied by him to become or remain unsightly.*
- d) No owner or occupier of real property shall permit or allow a derelict vehicle to remain on that real property unless the derelict vehicle is wholly within an enclosed building or structure except where expressly permitted in the current zoning regulations for the property"*

Section 4, of Bylaw 0037 in part, states that the owner or occupier of real property, or their agents is required to:

- (a) *remove from the real property or premises any unsightly accumulation of filth, discarded materials, or rubbish.*

It is required that you please remove the rubbish, debris, construction materials, commercial containers, and the large number of unlicensed and/or derelict vehicles from your property by **Monday January 28, 2019.**

3) Land Use – Unauthorized Camping

The Regional District is aware that your property continues to be used for unauthorized temporary occupancy in various recreational vehicles and or travel trailers on an ongoing basis. See enclosed photos below:



Your property is currently zoned as Core Commercial (C-1) of the *Fraser Cheam Consolidated Zoning Bylaw No. 90 for Electoral Area B*. Bylaw 90 provides for a list of permitted uses in the C-1 zone as outlined in Division Eleven. Campground Use, as defined in part below is not listed as a permitted use on your property and therefore is considered unlawful or a prohibited use.

Division One – Definitions

CAMPGROUND means any lot or parcel consisting of two or more recreational camping sites operated and occupied overnight or for part of the year only as temporary accommodation for campers in motor homes, tents, travel trailers or truck campers, but not in park model trailers;

The Regional District wishes to work with you to bring your property into compliance with the *BC Building Code* and *Regional District Bylaws*. However, if you do not meet the above outlined requirements for compliance by the above stated deadline of **Monday January 28, 2019** then you will be subject to fines of \$500 per occurrence and or additional enforcement action on behalf of the Regional District. We also encourage you to read the *Occupiers Liability Act*, regarding property safety and negligence, available online at: http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96337_01

Your Electoral Area Director has been copied on this letter to provide information and background on any compliant from the public and any received comments.

We look forward to your anticipated cooperation in the quick resolution of this matter. If you have any questions or wish to discuss this matter further, you may contact me by calling toll-free at 1-800-528-0061, directly at 604-702-5015 or by email at lhinton@fvrd.ca. Our office hours are Monday through Friday from 8:30am to 4:30pm.

Respectfully,



Digitally signed
by Louise Hinton
Date: 2018.11.23
09:02:24 -08'00'

Louise Hinton
Bylaw, Compliance and Enforcement Officer

Attach: Copy of Letter dated March 17, 2014
Copy of Letter dated November 14, 2007

cc: Dennis Adamson, Director of Electoral Area B
Margaret-Ann Thornton, Director of Planning & Development
Greg Price, Building & Bylaw Compliance Coordinator



FRASER VALLEY REGIONAL DISTRICT

45950 Cheam Avenue, Chilliwack, British Columbia V2P 1N6

Phone: 604-702-5000

Toll Free: 1-800-528-0061 (BC only)

Fax: 604-792-9684

website: www.fvrd.bc.ca

e-mail: info@fvrd.bc.ca

March 17, 2014

COPY

File Number: 4010-20-B00088.000/3

Jean-Paul Leguerrier
PO Box 69
Hope, BC V0X 1L0

Dear Mr. Leguerrier:

Re Contravention of the Zoning Bylaw at 58470 LAIDLAW RD; Legally Described as Parcel "A" (Reference Plan 13236) South Half of District Lot 8 Group 1 Yale Division Yale District; Parcel Identifier: 013-082-787

The Regional District has received a complaint of unpermitted uses at the above noted property. On October 11, 2013, an inspection of your property confirmed the placement of numerous occupied trailers and the sale of commercial automobiles. The property is zoned Local Commercial (C-1). After reviewing the Zoning Bylaw for Electoral Area "C", 1977 of the Regional District of Fraser-Cheam, it appears that the noted uses may be in contravention of this bylaw. More information regarding permitted uses may be found at:

<http://www.fvrd.bc.ca/InsidetheFVRD/Bylaws/LandUsePlanningandDevelopmentBylaws/Pages/ZoningBylaws.aspx>

In addition to the above matter, a second complaint has been received that the property is in an unsightly condition and contains unwholesome matter. The collection of appliances, piles of construction debris, and derelict vehicles was noted during the site inspection. The accumulation of this material is in violation of Fraser Valley Regional District Unsightly Premises and Unwholesome Matter Bylaw No. 0037, 1996. This bylaw prohibits a property from becoming unsightly, restricts the gathering of unwholesome matter, and forbids littering. A copy of this bylaw may be found at: <http://www.fvrd.bc.ca/InsidetheFVRD/Bylaws/RegulatoryBylaws/Pages/BylawEnforcement.aspx>

The Regional District wishes to work with you to enable you to bring your property into compliance with all current bylaws. In order to accomplish this, we ask that you remove the derelict vehicles and all unsightly and unwholesome matter no later than **April 17, 2014**. Should you fail to comply with this request, you may be subject to ticketing and your file may be referred to the Regional Board for their consideration and recommendation regarding further bylaw enforcement.

You may contact me Monday through Friday, 8:30am to 4:30pm at the toll-free number listed above, directly at 604-702-5056, or by email at jwells@fvrd.bc.ca to discuss this issue further. Thank you in advance for your co-operation.

Yours truly,

Jennifer Wells
Bylaw, Permits and Licenses Technician

cc: Dennis Adamson, Director of Electoral Area B
Margaret Thornton, Director of Planning & Development Services



FRASER VALLEY REGIONAL DISTRICT

45950 Cheam Avenue, Chilliwack, British Columbia V2P 1N6

Phone: 604-702-5000

Toll Free: 1-800-528-0061 (BC only)

Fax: 604-792-9684

website: www.fvrd.bc.ca

November 14, 2007

File Number: 4010-20-B00088.000/2

Jean Paul Leguerrier
58470 Laidlaw Road
Hope, B.C.
V0X 1L2

Dear Mr. Leguerrier:

Re: Construction Without a Building Permit, Unsightly Premises, Derelict Vehicles, Zoning Contraventions at 58470 Laidlaw Road Legally Known as Parcel "A" (Reference Plan 13236) South Half District Lot 8, Group 1, Yale Division, Yale District

The Regional District has received a complaint of building without a permit at the above noted address. On November 7th, 2007, an inspection of your property confirmed the presence of a recently constructed foundation support, as well as a shed. Our records do not indicate that a building permit has been issued for such work. Building permits are required by Fraser Valley Regional District Building Bylaw No. 0034, 1996 to encourage property owners to comply with the minimum standards established by the British Columbia Building Code as well as other enactments which relate to health, safety, and use of land.

In addition to the above matter, a second complaint has been received that the property is in an unsightly condition and contains unwholesome matter. The collection of construction debris, assorted rubbish, appliances and derelict vehicles was noted during the site inspection. The accumulation of this material is in violation of Fraser Valley Regional District Unsightly Premises and Unwholesome Matter Bylaw No. 0037, 1996. This bylaw prohibits an address from becoming unsightly, restricts the gathering of unwholesome matter, and forbids littering.

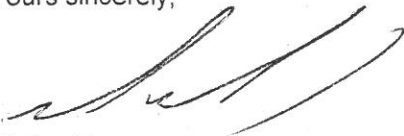
The property is zoned Core Commercial (C-1). After reviewing Bylaw No. 90 Zoning Bylaw for Electoral Area B, it appears that the placement and use of your 5 trailers is in contravention of this zoning bylaw. Please remove all the trailers on your property being utilized as storage facilities no later than **December 9th, 2007**. Further, the zoning of your property does not permit camping on the property. Please ensure that no recreational vehicles or tow trailers are being occupied by anyone on your property, as this would be further contravention of the zoning bylaw.

The Regional District wishes to work with you to enable you to bring your property into compliance with all current bylaws. In order to accomplish this, we ask that you submit the enclosed building permit application for the illegal construction identified above. Furthermore, please remove the derelict vehicles and all unsightly and unwholesome matter no later than **December 9th, 2007**. Should you fail to comply with this request, you may be subject to ticketing and your file may be referred to the Regional Board for their consideration and recommendation regarding further bylaw enforcement.

You should be aware that a new By-Law Enforcement Notice System is now in effect in the Fraser Valley Regional District. Failure to comply with our request may result in you, the property owner, being liable to substantial fines.

You may contact me at the toll-free number above or directly at 604-702-5056, 8:30am to 4:30pm, Monday through Friday to discuss this issue further. Thank you in advance for your co-operation.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Michael Lane', written in a cursive style.

Michael Lane
Bylaw, Permits, and Licences Technician

cc: Frank Kelly, MCIOB, Manager of Inspection Services
Arne J. Zabell, Director of Electoral Area B

TITLE SEARCH PRINT

File Reference:

Declared Value \$265000

2019-02-14, 07:10:10

Requestor: Louise Hinton

****CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN****

Land Title District Land Title Office	NEW WESTMINSTER NEW WESTMINSTER
Title Number From Title Number	BX413438 T2126E
Application Received	2005-02-18
Application Entered	2005-02-23
Registered Owner in Fee Simple Registered Owner/Mailing Address:	JEAN-PAUL LEGUERRIER, RETIRED 58470 LAIDLAW ROAD HOPE, BC V0X 1L2
Taxation Authority	New Westminster Assessment District
Description of Land Parcel Identifier: Legal Description:	013-082-787 PARCEL "A" (REFERENCE PLAN 13236) SOUTH HALF DISTRICT LOT 8 GROUP 1 YALE DIVISION YALE DISTRICT
Legal Notations	THIS CERTIFICATE OF TITLE MAY BE AFFECTED BY THE AGRICULTURAL LAND COMMISSION ACT, SEE AGRICULTURAL LAND RESERVE PLAN NO. 56 DEPOSITED 11/09/1974
Charges, Liens and Interests	NONE
Duplicate Indefeasible Title	NONE OUTSTANDING
Transfers	NONE
Pending Applications	NONE

Folio: 732.00088.000
Civic: 58470 LAIDLAW RD
Size: 1.26 ACRES

Pid: 013-082-787

Legal: PARCEL A, PART S1/2, DISTRICT LOT 8, GROUP 1, YALE
 DIV OF YALE LAND DISTRICT, REF PL 13236

Owner: LEGUERRIER, JEAN-PAUL
 PO BOX 69
 HOPE BC V0X 1L0
 (BX413438)

2019 Actual Assessments

00 - FULLY TAXABLE LAND, STRUCTURES
 00 - FULLY TAXABLE LAND, STRUCTURES

Land Class

1 - Res
 6 - Bus/Oth

Land

272000
 90900

Impr Class

1 - Res
 6 - Bus/Oth

Impr

93700
 25100

Lto Number

BX413438
 T2126E
 473866E

Sales Price

265,000.00
 82,000.00
 0.00

Date

Feb 18, 2005
 Jan 15, 1981
 Dec 15, 1972

Description

IMPROVED SINGLE PROPERTY
 IMPROVED SINGLE PROPERTY
 REJECT - NOT SUITABLE FOR SALES ANALYSIS

Attribute

ACTUAL USE
 ELECTORAL AREA
 MANUAL CLASS
 NEIGHBOURHOOD
 SCHOOL DISTRICT
 SERVICE
 TENURE TYPE

Value

202
 B
 D353
 130
 78
 0245CN
 01

Description

STORE(S) & LIVING QUARTERS
 ELECTORAL AREA B
 RETAIL STORE
 FRASER CASCADE
 CROWN GRANTED

Classification

BYLAW ENFORCEM

Start Date

Nov 26, 1997

Stop Date

Dec 31, 1997

Comment

See bylaw enforcement staff for details.B.00088.000

BYLAW ENFORCEM Feb 22, 2005

See bylaw enforcement staff for details.B00088.000/2

Prop.Charge

O/657

Type

GEOTECH REPORTS

Sub Type

OVERVIEW

Project

Discharged

Text

P/666

GEOTECH REPORTS

PRIMARY

Comprehensive Review
 of Fraser River at Hope
 Flood Hydrology and
 Flows - Scoping Study
 Site Specific Hazaed
 Assessment for the
 Property at 58470
 Laidlaw Road

Property Information Report

Civic Address:	58470 LAIDLAW RD	Lot Size:	1.26 ACRES
Folio Number:	732.00088.000	Electoral Area:	B
PID:	013-082-787	Map Scale:	1:1162
Legal Description:	PARCEL A, PART S1/2, DISTRICT LOT 8, GROUP 1, YALE DIV OF YALE LAND DISTRICT, REF PL 13236		



Land-use Information

Zoning Designation:	Contact Planning Department	Zoning Bylaw:	Contact Planning Department
OCP Designation:	Contact Planning Department	OCP Bylaw:	Contact Planning Department
DPA Designation:	Contact Planning Department	ALR:	Contact Planning Department
In Mapped Floodplain:	Contact Planning Department	Watercourse:	Contact Planning Department

Utility Information

Local Service Area:	Contact Planning Department
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To: Fraser Valley Aboriginal Relations Committee
From: Jessica Morrison, Policy Analyst – Indigenous Relations

Date: 2018-04-11
File No: 3400-01

Subject: Cannabis Regulation on-Reserve in BC

INTENT

This report is intended to advise the Fraser Valley Aboriginal Relations Committee of the highlights of a workshop on cannabis and First Nations land code recently attended by staff. Staff are not looking for a recommendation at this time, and forward this information should members want more clarification to discuss the item further.

STRATEGIC AREA(S) OF FOCUS

Support Environmental Stewardship
Foster a Strong & Diverse Economy
Support Healthy & Sustainable Community
Provide Responsive & Effective Public Services

BACKGROUND

On November 14th and 15th, 2018, FVRD staff attended a workshop regarding Land Code and cannabis legalization on-reserve in BC. The event was co-hosted by Semá:th and Tzeachten First Nations at Tzeachten community hall in Chilliwack.

The event was well-attended by approximately 100 attendees, who included First Nation leadership and lands managers from across the region and Vancouver Island, various government officials and the RCMP.

The discussion about how cannabis is regulated on-reserve is a timely one, and it is important for everyone to understand the distinctions between how cannabis can be regulated differently on-reserve versus off-reserve in BC.

Speakers at the workshop included local First Nation lands managers, lawyers, RCMP, Health Canada, provincial regulators, and representatives of tribes from across the border in Washington State.

DISCUSSION

Applicability of Laws

The workshop provided a great deal of clarity regarding the application of cannabis laws and regulation on-reserve.

There is functionally no difference in application of laws or allotments of excise tax between Indian Act bands under Land Code, and Treaty First Nations.

Cultivation and sale of cannabis most likely would not meet the legal test to be considered a protected Aboriginal right. Meeting the test would involve demonstrating a cultural history of the practice of use, trade, or cultivation. Some First Nations have expressed an interest in co-licensing regimes, and this dialogue is happening on a case-by-case basis, and as requested by First Nations.

Currently, cannabis cannot be sold legally without a provincial license, and this includes on-reserve sales. All reserve lands are subject to federal and provincial licensing processes for cultivation, processing and sales of cannabis. First Nations cannot legalize growing, processing, sale, or use on-reserve that is otherwise illegal or unlicensed under federal or provincial law.

As long as First Nations comply with federal and provincial laws, they may cultivate, process, sell and allow use of cannabis on-reserve. First Nations who are operational under Land Code may introduce their own regulations which meet or exceed provincial and federal standards. However, First Nations may not ease regulations.

For example, the off-reserve regulation stipulates allowances as follows:

- 4 cannabis plants per household unit
- Household cannabis plants may not be visible from a public place
- Personal possession up to 30 grams

All First Nations must adhere to these regulations at minimum on-reserve, while those who are operational under Land Code may further limit the personal amount, or limit where or how much household growing can happen, through laws passed under Land Code. Through the same process, First Nations may regulate aspects of commercial growing (where, how, and if) they allow growing through zoning processes. It will remain legal to grow only those seeds supplied by the provincial government, and any commercial grow operation must be licensed federally and provincially.

Individual First Nations may regulate extensively on-reserve, as described above, but First Nation jurisdiction through Land Code applies only to reserve lands, while municipal and regional district bylaws apply off-reserve.

Land Code First Nations can also further regulate sale on-reserve, therefore BC has committed not to authorize and license sales on-reserve without First Nation approval obtained through a referrals

process. First Nations can regulate whether any licenses for sales are available on-reserve, in which areas, under what conditions, and the process for obtaining their license.

In Chilliwack, there were two on-reserve cannabis retail outlets in operation before the October 17, 2018 legalization date.

1. **The Kure** at Skwah reserve – made the decision to close in good faith before October 17, 2018, and pursue a licensing pathway through the new legal process. Skwah is not a Land Code First Nation, and as such, they must adhere to provincial and federal law regarding cannabis on-reserve, and do not currently have the ability to more closely manage or regulate on their reserve.
2. **Indigenous Bloom** at Kwaw'Kwaw'Apilt reserve – made the decision to remain open beyond the legalization date, and have no plans to pursue a provincial license to operate. Kwaw'Kwaw'Apilt First Nation has established Land Code and implemented a cannabis law (2019). The band asserts that it does not recognize provincial authority to regulate, and that its own law is the only one that applies.

It is worth noting that laws of general application regarding health (driving, licensing for distribution of products, etc.) are under provincial jurisdiction, even on-reserve. Therefore it would seem that the Kwaw'Kwaw'Apilt cannabis law cannot stand alone or replace provincial jurisdiction, and that operating Indigenous Bloom without a provincial license will continue to be considered illegal. By contrast, on-reserve activities pertaining to land (zoning, use, subdivision, development, etc.) are not considered provincial jurisdiction.

As the number of licensed retailers increases, the RCMP caution that we can expect to see an increased amount of enforcement for those retailers who are in violation, or are unlicensed.

A First Nation can apply for a retail license as an organization. The band does not need to be registered as a business, or partnered with a business to get a retail cannabis license. The Liquor and Cannabis Regulation Branch (LCRB) reviews all applications from First Nations individually, as unique situations.

BC will not be consulting with neighbouring municipalities, or other nearby First Nations, regarding on-reserve applications for licenses. Communities have expressed concern that this approach is inadequate, but this remains an outstanding issue.

The BC retailer application fee is \$7500 and the license fee is \$1500. None of those fees are shared with First Nations, but First Nations have notified BC that they are interested in sharing a portion of those fees.

Section 119 of the Cannabis Licensing and Control Act speaks to procedures for grievances between Indigenous Nations and BC. The Province may enter into agreements with individual First Nations that supersede the Act. While some have engaged the Province on this provision, no communities have yet formally entered into this process.

Enforcement

Cannabis laws are considered laws of general application (they apply both on and off-reserve), just like the Liquor Control and Licensing Act.

The RCMP will continue to pursue shutdowns for producers not licensed by Health Canada, and for retailers who are either unlicensed by BC, or those retailers selling products from unlicensed producers, including those on-reserve. Penalties for violations are much more severe under the new Act than they were before the Act was in place (i.e. fines jumped from about \$2,000 to \$50,000).

The RCMP will not be targeting users or clientele when they are investigating or enforcing violations of the Act through raids or shutdowns of those storefronts or retail outlets currently operating without licenses, or selling product from unlicensed producers.

The RCMP is actively communicating with band councils about unlicensed businesses and ensuring that they are aware of when and where violations are occurring. These are friendly collaborative conversations. They are not threatening, but just informing and ensuring that communities know that shut downs will be happening.

Taxation

First Nations were not invited to participate in the drafting and creation of cannabis legislation in Canada. As such, First Nations are now proposing recognition as equivalents to provincial governments in the legislation. This would require an amendment to how excise tax is distributed.

Other types of excise taxes (e.g. gas tax) typically come back to municipalities through funding programs, so that municipalities can invest in their local priorities, as they see fit. However, in First Nations communities, excise taxes on things like gasoline and others are returned to Indigenous and Northern Affairs Canada (INAC), and not to the communities themselves. In this way, First Nations do not have the same opportunities as municipalities for investment back into community infrastructure. Speakers stressed that when First Nation communities are deprived of tax revenues, they remain in a dependent state, and on-reserve infrastructure is not properly funded. First Nations feel they need to have access to the cannabis excise tax in order to create an equalization model for their communities.

It was noted that American tribes typically see about 50% of their resource taxes return to the state, and there is no other model where 100% of excise returned to the state (75% to BC and 25% to Canada) like the Canadian cannabis framework.

In the discussion regarding excise tax, the Canadian senate recommended a 12-month consultation period with First Nations, and those consultations are happening now. However, communities are left in a grey area regarding amendments to the legislation in the interim. Without clarity, Indigenous businesses feel that they are in an uncertain position, and subsequently at a disadvantage in the market.

First Nation Cannabis Laws in Place or in Development

The following First Nations in the Fraser Valley region are currently developing, or already have in place, laws concerning cannabis:

COMMUNITY	PROVISION HIGHLIGHTS	STATUS OF LAW
Tzeachten	<ul style="list-style-type: none"> only 1 retail outlet will be allowed in the community retail outlet may not be within 500m of a school, daycare, or band facility Initial application fee (\$5,000), annual business permit fee (\$50,000), will apply. Fees necessary to fund related increase in security and enforcement needs 	[draft] mid 2019 anticipated implementation
Semá:th	<ul style="list-style-type: none"> Law will be subject to community ratification 	[draft] community engagement
Cheam	<ul style="list-style-type: none"> No draft yet available 	community engagement
Kwaw'Kwaw'Apilt	<ul style="list-style-type: none"> See attachment No household cultivation permitted No consumption in a public place where consuming tobacco is prohibited No household consumption in the presence of a person under 19 years of age Provisions focus on retail outlet regulation Initial application fee (\$5,000), annual business permit fee (\$5,000) 	[Enacted] Jan 2019
Shxw'ow'hamel	<ul style="list-style-type: none"> No use or consumption in a public park, school, highway or sidewalk, areas frequented by minors, SFN buildings or facilities 2 plants per household limit only 1 retail outlet will be allowed in the community New zoning regulation on reserve for commercial cannabis production (General Commercial, Natural Resource, or Future Development are the only acceptable zones, 300m away from schools, parks or SFN buildings or facilities) No sale of cannabis and alcohol together in the same location Consumption lounges, delivery services, festivals and events are prohibited 	[draft] Second reading

COST

The cost of the workshop was \$125.

CONCLUSION

This report is presented for information, and intended to broaden the understanding and clarify uncertainty of jurisdictional issues regarding cannabis regulation in BC. Staff will continue to monitor and inform the committee of developments with regard to cannabis regulation on-reserve.

COMMENTS BY:

Jennifer Kinneman, Director of Corporate Affairs:	Reviewed and supported.
Mike Veenbaas, Director of Financial Services:	No further financial comments.
Paul Gipps, Chief Administrative Officer:	Reviewed and supported

Attachments:

1. Land Code and Cannabis workshop agenda
2. Supply Chain for the Commercial production and Sale of Cannabis
3. Kwaw'Kwaw'Apilt First Nation Cannabis Law (2019)



Land Code & Cannabis

Capacity Building workshop for Legalization On-reserve in BC

**November 14th & 15th, 8am-4pm. Tzeachten Community Hall.
45855 Promontory Rd, Chilliwack BC**

Co-hosted by Semá:th First Nation & Tzeachten First Nation.

Capacity Building and Knowledge Sharing

Discussion led by Murray Browne

Cannabis Control Laws - Stephen McGlenn & Deanna Honeyman
Shxw'ōwhámél Ventures - Alfred James, CEO
Other Guest Speakers to be confirmed



Keynote Address: First Nation Cannabis Tax

C.T. (Manny) Jules, Chief Commissioner, First Nations Tax Commission

The federal government introduced the Cannabis Act (Bill C-45) in March 2017. First Nation tax and regulatory jurisdiction was not considered. This means lost revenue for First Nations.



Health, Safety & Enforcement

Guest presentations and discussions

Health Canada, Canada Border Services Agency (to be confirmed)
Dr. Ingrid Tyler, Medical Health Officer, FNHA
Royal Canadian Mounted Police - Drug Enforcement
Ministry of Public Safety & Solicitor General



Network!

Connect with Vendors and Experts.
Gather ideas.
Explore Possibilities.
Share your community's perspective and stories.



Why are we gathering?

Bill C-45: the *Cannabis Act*, legalizes the production, processing, sales and consumption of Cannabis. BC has introduced the *Cannabis Distribution Act* and the *Cannabis Control and Licensing Act*, which establishes a wholesale Cannabis distribution monopoly. While there has been inadequate consultation and a lack of resources to help Operational Nations prepare, plan for and regulate recreational Cannabis, indigenous communities continue to demonstrate leadership through collaboration, knowledge sharing and capacity building. Join us for this exciting and timely event!

Community leaders, staff, and professionals will gather to:

- ★ **Understand** Cannabis and the transition towards a legal, recreational Cannabis Industry.
- ★ **Explore** the uncertainties, challenges and opportunities for First Nations.
- ★ **Share** how your community is utilizing Land Code to respond to Legalized Cannabis.

Who should attend?

Chiefs & Councillors
Lands & Health Managers/Directors, Taxation & Housing Administrators
Lands/Family Advisory Committee and Community members
Government officials & Law Enforcement Agencies

Register now at: www.surveymonkey.com/r/J2PYKYG

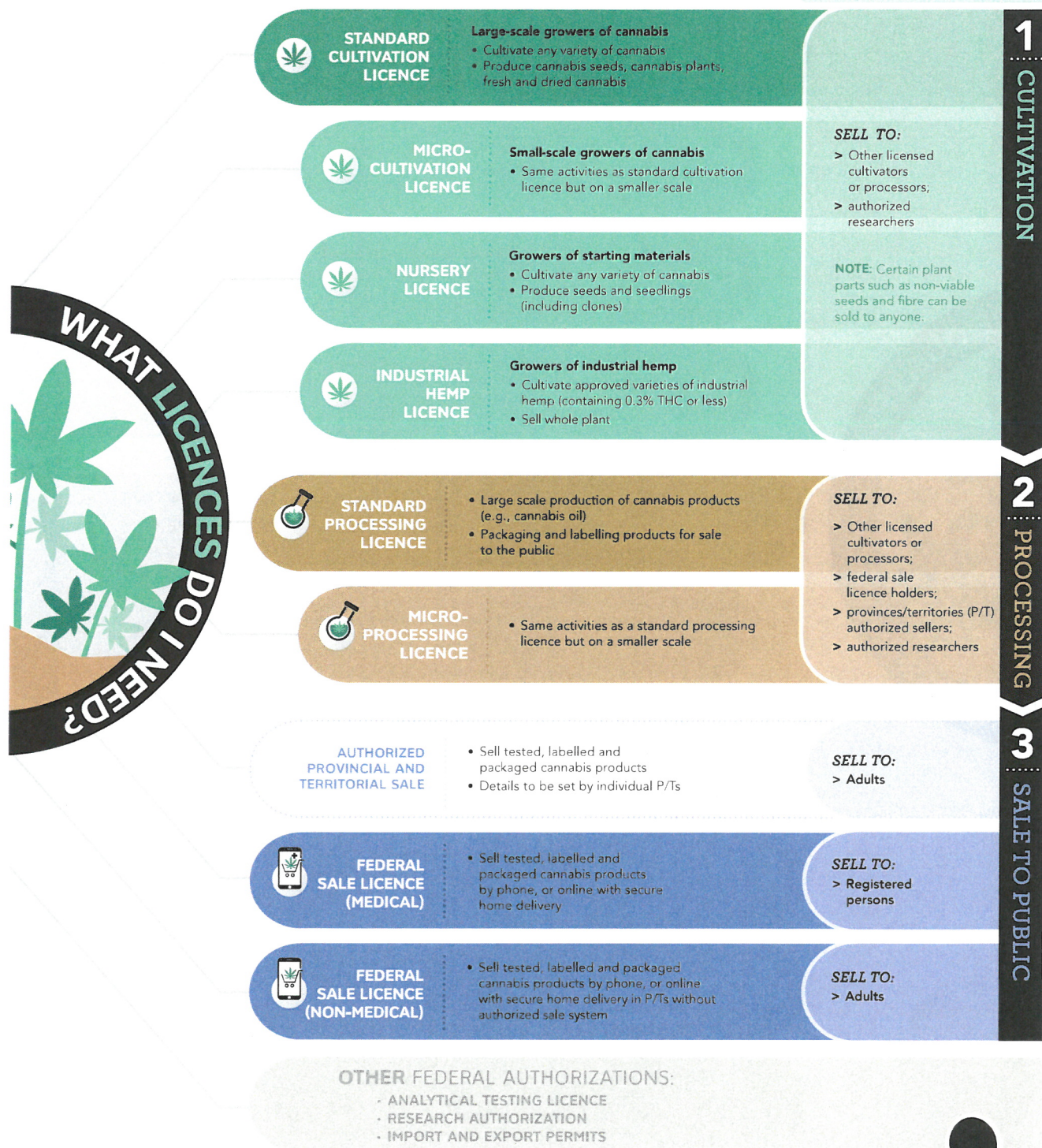
Registration fee: \$125

Please Note - We regretfully cannot offer travel assistance or reimbursement. This fee will go towards hall facility expenses, catering, and speaker travel costs.

Registration Deadline: October 25th, 2018 Breakfast & Lunch will be provided.

SUPPLY CHAIN FOR THE COMMERCIAL PRODUCTION AND SALE OF CANNABIS

Federal Licences



ADDITIONAL NOTES:

ALL FEDERAL LICENCE HOLDERS CAN CONDUCT RELATED ACTIVITIES SUCH AS:

- possession, transportation, storage, destruction, and intra-industry sales

INDIVIDUALS OR ORGANIZATIONS MAY HOLD ONE OR MULTIPLE CLASSES OF LICENCES, WITH SOME EXCEPTIONS:

- A federal licence is required to obtain an import/export permit for scientific or medical purposes, or in respect of industrial hemp;

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KWAW-KWAW-APILT FIRST NATION

CANNABIS LAW

JANUARY, 2019

REGISTERED ON

-01- 30 2019

NO. 4030522



SYUWÁ:LELH - Stó:lō Laws

"S'ólh Térméxw te ikw'elo. Xolhmet te mekw'stam it kwelat"

This is Our Land, we have to take care of everything that belongs to us

"Xaxastexw te mekw'stam"

Respect all Things

"Ewe chexw qelqelit te mekw'stam loy qw' esli hokwex yexw lamexw ku:t"

Don't waste, ruin or destroy everything; only take what you need

"T'xwelátse"

Do things in a good way; respect each other

WHEREAS:

- A. Kwaw-Kwaw-Apilt First Nation ("Kwaw-Kwaw-Apilt") has an inherent right to self-government which emanates from our people, culture and land and which is recognized and affirmed by section 35 of the *Constitution Act, 1982*;
- B. As an aspect of our inherent right of self-government, Kwaw-Kwaw-Apilt has the jurisdiction to address issues such as the right to cultivate or sell plants and medicines on our Lands, and this inherent right has not been extinguished;
- C. Kwaw-Kwaw-Apilt has also taken back control over management of our Kwaw-Kwaw-Apilt Lands under the *First Nations Land Management Act*, S.C. 1999, c. 24 by voting on our own *Land Code* and entering into the Individual Agreement on First Nation First Nation Land Management between Kwaw-Kwaw-Apilt and Her Majesty the Queen in Right of Canada;
- D. Under Part 3 of the *Kwaw-Kwaw-Apilt First Nation Land Code*, the Kwaw-Kwaw-Apilt Council is authorized to pass various laws including laws relating to the regulation, control, authorization and prohibition of access of Kwaw-Kwaw-Apilt Lands and public and private nuisance;
- E. Council wishes to implement a law to regulate key aspects of Cannabis cultivation, propagation, use and sale on Kwaw-Kwaw-Apilt Lands to protect the health and safety of Kwaw-Kwaw-Apilt Members;
- F. Council passed an initial Cannabis Law on July 12, 2018 and now wishes to update that law by repealing it and replacing it with this one;
- G. Council has the authority under subsection 3.8 of the *Land Code* to pass laws on an emergency basis if such laws are urgently required to protect Kwaw-Kwaw-Apilt Members or lands but such laws only last for a maximum of 120 days before they must be passed under the regular process; and
- H. Based on recent events, Council believes this Law is urgently required to protect Kwaw Kwaw Apilt Lands or Members within the meaning of section 3.8 of the *Land Code*; and

NOW THEREFORE this *Kwaw-Kwaw-Apilt First Nation Cannabis Law* is hereby enacted at a duly convened Council meeting as a Law of the Kwaw-Kwaw-Apilt First Nation.

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PART 1. INTRODUCTORY PROVISIONS

Short title

1.1 This Law may be cited as the *Kwaw-Kwaw-Apilt Cannabis Law*.

Purpose

1.2 The purpose of this Law is to regulate key aspects of Cannabis cultivation, propagation, use and sale on Kwaw-Kwaw-Apilt Lands to protect the health and safety of Kwaw-Kwaw-Apilt Members.

Repeal and Replacement

1.3 This Law repeals and replaces the *Kwaw-Kwaw-Apilt Cannabis Law* dated July 12, 2018.

Definitions

1.4 For the purposes of this Law, terms have the same definitions as in the *Kwaw-Kwaw-Apilt Land Code*, the *Canada Cannabis Act*.

In addition, the following definitions apply:

- (a) **"Business"** means carrying on, or the entity that carries on, a commercial or industrial undertaking of any kind or nature, or the provision of professional,

personal or other services for the purpose of gain or profit and includes the activities set out in PART 5 to PART 9 of this Law;

- (b) **“Cannabis Business Permit”** means a Cannabis Business Permit as provided for in PART 5 of this Law;
- (c) **“Dwelling unit”** means any house, townhome, apartment unit, condominium unit or other similar secure structure or unit thereof that is primarily used as a residence;
- (d) **“Liability”** means the obligation to pay a judgment, settlement, claim, damages, loss, penalty, or fine, or reasonable expenses incurred with respect to a proceeding; and
- (e) **“Proceeding”** means any threatened, pending, or completed action, suit or proceeding, whether civil, criminal, administrative, or investigative and whether formal or informal.

PART 2. PROHIBITIONS AGAINST BUSINESS EXCEPT AS AUTHORIZED UNDER ALL LAWS

- 2.1 No person may carry on cannabis-related business on Kwaw-Kwaw-Apilt Lands unless that person has:
 - (a) applied to the Kwaw-Kwaw-Apilt Lands Office to carry out the business in an area where such business is permitted under this Law, the Kwaw-Kwaw-Apilt Zoning and other laws;
 - (b) applied for and received a valid and subsisting development permit, if necessary, under the Kwaw-Kwaw-Apilt *Subdivision, Development and Servicing Law*;
 - (c) applied for and received a valid and subsisting Cannabis Business Permit for cannabis-related businesses issued by Kwaw-Kwaw-Apilt under this law or another Kwaw-Kwaw-Apilt Law; and
 - (d) if required by Council, applied for and received valid and subsisting authorizations under the Canada *Cannabis Act*, and any other applicable federal legislation, as appropriate.

PART 3. PROHIBITIONS AGAINST UNAUTHORIZED USE OF CANNABIS ON KWAU-KWAU-APILT LANDS

- 3.1 No person may use, consume, smoke or vape cannabis in any area or place:
 - (a) where that person is prohibited from smoking tobacco under provincial law or any Kwaw-Kwaw-Apilt Law; or
 - (b) in social housing, rental housing or other Kwaw-Kwaw-Apilt-owned homes, within the presence of a person younger than nineteen (19) years or age except in areas prescribed by Council.

PART 4. REQUIREMENTS FOR PERSONAL POSSESSION, PRODUCTION AND CONSUMPTION OF CANNABIS ON KWAU-KWAU-APILT LAND

- 4.1 No Person is allowed to grow, cultivate, propagate or produce cannabis permitted in any dwelling units, rental housing, social housing or other homes on Kwaw-Kwaw-Apilt Lands.

- 4.2 No uses of cannabis shall cause odors, smoke, heat, glare or light that is detectable by a reasonable person beyond the property line of the lot upon which the use is being conducted, or in an adjacent dwelling unit or public area.

PART 5. CANNABIS BUSINESS PERMITS REQUIRED FOR CANNABIS-RELATED BUSINESSES

- 5.1 A person must not carry on cannabis-related business on Kwaw-Kwaw-Apilt Lands unless, in addition to any other authorizations or permits required under this or other laws, the person holds valid Cannabis Business Permit issued under the provisions of this Law or the Kwaw-Kwaw-Apilt *Business Permit Law*.
- 5.2 A person applying for the issuance or renewal of a Cannabis Business Permit to carry on a cannabis-related business where cannabis is kept or present on the premises must:
- (a) make application to the Lands Office in the form provided for that purpose;
 - (b) pay to the Kwaw-Kwaw-Apilt Lands Office the applicable permit fee as set out in Schedule 'A' or otherwise prescribed by Council;
 - (c) provide a security plan for the premises that describes adequate security measures to mitigate risk of theft or tampering at the premises;
 - (d) provide proof of a security alarm contract that includes regular monitoring at all times during the period for which the license is being sought;
 - (e) if requested by the Lands Governance Director, provide an odor impact assessment and odor control plan;
 - (f) provide proof of ownership or legal possession of the premises, or a process that is under way; and
 - (g) provide a current police information check for:
 - (i) each on-site manager; and
 - (ii) any other individuals involved in the business if required by Council.
- 5.3 Each Cannabis Business Permit shall include, at a minimum:
- (a) the premises authorized under the permit and the exact area and site and structures in which the business may be carried out;
 - (b) the name or names of the approved business operators, including the name of any incorporated entities and the name of the owner or manager responsible for the operations of the business;
 - (c) the contact information for the owner or manager including 24-hour emergency contact information;
 - (d) the estimated number of plants projected to be cultivated per month or the estimated number of grams of product estimated to be stored and to be sold at the premises per month;
 - (e) the security measures required for the business;
 - (f) the contact information for the third party provider of security alarm and fire alarm services;
 - (g) the signage requirements;
 - (h) the measures required to prevent sales to minors;
 - (i) the insurance requirements;
 - (j) the method by which sales will be tracked and reported to the Kwaw-Kwaw-Apilt Lands Office or Taxation Office on a monthly basis;
 - (k) an acknowledgement that Kwaw-Kwaw-Apilt officials and enforcement officials have a right of entry to monitor and enforce this Law;
 - (l) a release and indemnity to save Kwaw-Kwaw-Apilt and all Kwaw-Kwaw-Apilt

- Councillors, board members, committee members, staff, agents, and contractors harmless from any and all claims, losses, damages, and other liabilities of any kind; and
- (m) any other information or requirements prescribed by regulation.

5.4 The application fees and annual permit fees are set out in the attached Fee Schedule.

PART 6. REQUIREMENTS FOR ALL CANNABIS-RELATED BUSINESSES

- 6.1 A person carrying on a cannabis-related business must not:
- (a) allow a person under the age of nineteen (19) on the premises;
 - (b) advertise or promote the use of a cannabis to a person under the age of nineteen (19);
 - (c) allow a person to smoke, vape, consume or otherwise ingest cannabis or products containing cannabis on the premises; or
 - (d) display any advertising or sign that is visible from outside of the premises except for a maximum of two signs which display no images, other than the business logo, and contain only:
 - (i) alpha-numeric characters;
 - (ii) the business name; and
 - (iii) is in a size as permitted under any Kwaw-Kwaw-Apilt Sign Law or Bylaw or as permitted by the Lands Governance Director.

PART 7. REQUIREMENTS FOR BUSINESSES THAT KEEP CANNABIS ON THE PREMISES

- 7.1 In addition to the requirements of PART 5 and PART 6, a person carrying on a business where cannabis is kept or present on the premises must:
- (a) install high quality video surveillance cameras that monitor all entrances and exits and the interior of the business premises at all times;
 - (b) retain video camera data for at least sixty (60) days after it is gathered;
 - (c) install a security and fire alarm system that is, at all times, monitored;;
 - (d) not allow cannabis, products containing cannabis or other valuables to remain on the premises when the business is not open to the public, unless the cannabis, products and other valuables are securely locked in a safe on the premises;
 - (e) for businesses involved in growing or production of cannabis, install and maintain an air filtration system that effectively minimizes odour impacts on neighbouring properties;
 - (f) provide contact information to Kwaw-Kwaw-Apilt to ensure 24/7 communication;
 - (g) allow for inspections by the Kwaw-Kwaw-Apilt Lands Department, or any designated Enforcement Official; and
 - (h) meet any other requirements prescribed by Kwaw-Kwaw-Apilt regulation.

PART 8. REQUIREMENTS FOR STOREFRONT CANNABIS RETAILERS

- 8.1 In addition to the requirements set out in PART 5, PART 6 and PART 7, a person carrying on the business of a storefront cannabis retailer or dispensary must:
- (a) only conduct the business on Kwaw-Kwaw-Apilt Lands currently zoned commercial or designated by regulation or Council Resolution;
 - (b) prominently display a sign on the premises indicating that no persons under nineteen (19) years of age are permitted on the premises;
 - (c) ensure that two employees are present on the premises at all times when the

- business is open to the public, including one manager;
- (d) not use the premises to carry on business other than the cannabis-related business and accessory uses;
- (e) ensure that all products are tested before being sold by a licensed laboratory that follows quality assurance testing protocols at least as restrictive as federal law;
- (f) allow for Kwaw-Kwaw-Apilt members to use their Indian Status cards as identification;
- (g) not allow for the sale of more than thirty (30) grams of dried cannabis flower or equivalent to an individual, or otherwise exceed the maximum possession amounts established by federal law;
- (h) not be open for business between the hours of 9:00 p.m. and 7:00 a.m. the next day;
- (i) promptly bring to the attention of the Lands Governance Director or General Manager
 - the name of any new on-site manager,
 - and
- (j) meet any other requirements prescribed by Kwaw-Kwaw-Apilt regulation.

PART 9. REQUIREMENTS FOR CANNABIS PRODUCTION FACILITIES

- 9.1 In addition to the requirements set out in PART 5, PART 6 and PART 7, a person carrying on the business of a cannabis production facility must:
- (a) be located on industrial-zoned lands and in areas designated by regulation or Council Resolution;
 - (b) comply with the *Kwaw-Kwaw-Apilt Subdivision, Development and Servicing Law*;
 - (c) a lot larger than 1 acre;
 - (d) not conduct the business within 500 meters of the property line of any residence, existing and operational daycare, school or future school, park, office or other community facility unless otherwise permitted by a Council Resolution;
 - (e) ensure detailed record-keeping and have records of all production and all procedures available for inspection by Kwaw-Kwaw-Apilt upon forty-eight (48) hours written request;
 - (f) ensure adequate security features, video cameras, intrusion detection systems, etc.;
 - (g) ensure that no minors are permitted on the premises;
 - (h) ensure that no consumption of cannabis takes place on the premises;
 - (i) provide air filtration requirements to control odour and, if required the Kwaw-Kwaw-Apilt Lands Office, provide and odour impact assessment and control plan;
 - (j) ensure an adequate supply of water for cultivation and fire suppression in accordance with a servicing agreement approved by Kwaw-Kwaw-Apilt;
 - (k) not use any growth medium, fertilizer, nutrients, hydroponic chemicals, or other chemicals or potentially hazardous materials unless specifically approved within their permit;
 - (l) provide a waste management plan and ensure chemicals, nutrients, waste soil and other potential contaminants are disposed of in accordance with a waste management plan approved by Kwaw-Kwaw-Apilt; and
 - (m) meet other requirements prescribed by Regulation or set out in their permit.
- 9.2 For greater clarity, Cannabis production facilities may be located indoor or outdoors,

provided that the required security, odour control and all other regulatory matters are addressed.

- 9.3 Copies of any and all federal inspection reports must be provided to the Lands Governance Director.

PART 10. LANDS MANAGER'S AUTHORITY TO REFUSE, REVOKE OR SUSPEND A PERMIT

- 10.1 The Lands Governance Director or his or her delegate may suspend revoke, or refuse to issue or renew a license for a business where cannabis is kept on the premises if:
- (a) the applicant or permittee, or a shareholder, officer, director or on-site manager of the applicant or permittee seriously breaches the permit or the law or was convicted, found guilty of, or liable for any contravention or offence relating to the conduct of a business similar to that to which the license relates;
 - (b) was convicted, found guilty of, or liable for any contravention or offence against this Law or against any law or bylaw authorizing the issuance of a business license or regulating the conduct of a business; or
 - (c) was guilty of misrepresentation, nondisclosure or concealment of any material fact, relating to the subject matter of the license or required to be stated in, the application.
- 10.2 A decision of the Lands Governance Director under subsection 10.1 may be appealed to Council by submitting a request in writing to the Lands Governance Director within 30 days of the decision.

PART 11. PENALTIES AND STOP-WORK ORDERS

- 11.1 Any person who violates any provision of this Law is guilty of an offence and liable upon summary conviction to a fine of up to ten thousand (\$10,000) dollars.
- 11.2 In addition to the fine set out in subsection 11.1, any person who carries on a cannabis-related business without a Cannabis Business Permit, is liable to a fine of double the annual Cannabis Business Permit fee set out in Schedule 'A'.
- 11.3 In addition to any other applicable fine, penalty or remedy, Council, the Lands Governance Director, or a designated official or Enforcement Officer may:
- (a) issue a Stop Work Order to order any Person, who has not received full and proper authorization under this Law, to cease carrying out any activity, use or business listed under PART 5 to PART 9 of this Law or any related activity or use; or
 - (b) order any structures, works or installations carried out in violation of this Law to be removed within 30 days, failing which Council may order them to be removed at the expense of the CP-holder or the Person who constructed or installed the structures, works or installations without proper authorization.
- 11.4 A Stop Work Order imposed under subsection 11.3 may be registered in court and enforced as a court order and continues in force until the condition that led to it is remedied or until the activity that is the subject of the Stop Work Order receives a permit or authorization under this Law.

PART 12. OFFENCES

- 12.1 A person commits an offence and is subject to the penalties imposed by this Law, the Enforcement and Ticketing Law if that person
- (a) contravenes a provision of this Law,
 - (b) consents to, allows, or permits an act or thing to be done contrary to this Law, or
 - (c) neglects or refrains from doing anything required by a provision of this Law.
- 12.2 Each day that a contravention of a provision of this Law continues is a separate offence.

PART 13. LEGAL

- 13.1 Each section of this Law shall be severable. If any provision of this Law 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 the Law.
- 13.2 No action lies and no proceeding may be brought against Kwaw-Kwaw-Apilt, Kwaw-Kwaw-Apilt Council members, board members, committee members, managers, employees, or contractors because of any role carried out or decision or non-decision made under this Law against all claims, losses, damages, lawsuits or personal liability of any kind:
- (a) for any act in relation to this Law;
 - (b) for anything said or done or omitted to be said or done by that person in the performance or intended performance of the person's duty under this Law;
 - (c) for the exercise of the person's authority under this Law, including providing advice, making recommendations, or the failure to provide advice or make recommendations under this Law; or
 - (d) for any alleged neglect or default in the performance or intended performance of the person's duty or the exercise of the person's authority under this Law.
- 13.3 Each applicant, permittee, user, grower, and seller releases and indemnifies all Kwaw-Kwaw-Apilt Council members, board members, committee members, managers, employees, and contractors made party to any proceeding because of any role carried out or decision or non-decision made under this Law against all claims, losses, damages, lawsuits or personal liability of any kind if:
- (a) the individual acted in his or her official capacity;
 - (b) the individual acted in good faith;
 - (c) the individual believed his or her conduct was in the best interests of Kwaw-Kwaw-Apilt; and
 - (d) the individual acted in accordance with the laws, regulations, and policies of Kwaw-Kwaw-Apilt.
- 13.4 This Law is without prejudice and will not abrogate, derogate from, diminish or suspend any of Kwaw-Kwaw-Apilt's aboriginal rights or title.
- 13.5 Where any federal Act or regulation or provincial Act or regulation or any other Kwaw-Kwaw-Apilt Law or Law may apply to any matter covered by this Law, compliance with this Law will not relieve the person from also complying with the provisions of the other applicable Act, regulation, bylaw or law.

- 13.6 The headings given to the sections and paragraphs in this Law are for convenience of reference only. They do not form part of this Law and will not be used in the interpretation of this Law.

PART 14. REGULATIONS

14.1 Council may make regulations it considers necessary or advisable for purposes of implementing or administering this Law.

14.2 Without prejudice to the generality of subsection 14.1, Council may make regulations:

- (a) for any purpose in relation to which regulations are provided for in this Law,
- (b) prescribing any matter or thing referred to in this Law as prescribed or to be prescribed,
- (c) defining words and expressions that are used but not defined in this Law,
- (d) setting or clarifying permit requirements,
- (e) setting or clarifying requirements for applications,
- (f) approving forms, fees or processes,
- (g) prescribing areas where specified activities can or cannot take place under this Law;
- (h) setting or clarifying penalties, and
- (i) generally for the purpose of giving effect to this Law.

PART 15. COMING INTO FORCE

Date Law Comes into Force

15.1 This Law shall come into force and effect on the date it is passed by Council Resolution.

BE IT KNOWN that this Law entitled the *Kwaw-Kwaw-Apilt Cannabis Law* is hereby enacted by a quorum of Council at a duly convened Council of the Kwaw-Kwaw-Apilt First Nation held on January 30, 2019.

(A quorum is 2)


.....
(Chief Betty Henry)


.....
(Councillor Gilbert Joe)


.....
(Councillor Sandra Joe)

**KWAW-KWAW-APILT
CANNABIS LAW**

**SCHEDULE 'A'
Fee Schedule (January, 2019)**

TYPE OF APPLICATION OR PERMIT	APPLICATION FEE	+ ANNUAL PERMIT FEE
1. Cannabis Business Permit for business with cannabis kept on the premises, including dispensaries	\$5000	\$5,000
2. Cannabis Business Permit for sale of medicinal cannabis, cannabis oil or related products in accordance with federal laws and regulations	\$ 5000	\$5,000
3. Cannabis Business Permit for commercial cannabis production	\$5000	\$5,000

To: Fraser Valley Aboriginal Relations Committee
From: Jessica Morrison, Policy Analyst – Indigenous Relations

Date: 2018-04-11

File No: 3400-01

Subject: Changes to the Heritage Conservation Act

INTENT

This report is intended to advise the Fraser Valley Aboriginal Relations Committee of Bill 14-2019 currently before the BC Legislature, concerning amendments to the Heritage Conservation Act (1996). Staff are not looking for a recommendation at this time, and forward this information should members want more clarification to discuss the item further.

STRATEGIC AREA(S) OF FOCUS

Support Environmental Stewardship
Foster a Strong & Diverse Economy
Support Healthy & Sustainable Community
Provide Responsive & Effective Public Services

BACKGROUND

On March 6, 2019, the Province introduced amendments to the Heritage Conservation Act (HCA) - Attachment 1 to this report. The HCA has not been updated since its introduction in 1996. The intention is to make the Act more effective in its conservation and management of heritage, and archaeological sites and objects.

There are currently over 54,000 registered archaeological sites in BC, and approximately 1300 of those are within the FVRD.

The Heritage Conservation Act applies equally to Crown and private land. The only exception to application of the law is federal lands, which includes reserve lands. Archaeological protections on federal lands are provided through federal statutes. A more fulsome summary of the considerations in the HCA (1996) are included as Attachment 2 to this report.

The amendments are proposed through Bill 14-2019 - Attachment 3 to this report - which received second reading on March 25, 2019.

DISCUSSION

The key functional concepts embodied in the 2019 Amendment Act are as follows:

- People will now be legally required to report discoveries of archaeological sites or objects
- A person may now be required to obtain and pay for a heritage inspection or investigation prior to obtaining a permit to alter a heritage site in some circumstances. For example, if a person wants to alter a site to develop land, they may be required to complete archeological studies
- The ministry will have enhanced powers to refuse, amend, suspend and cancel permits
- Compliance and enforcement tools are improved

Uncertainties that have been common critiques of the effectiveness of the 1996 Act were its lack of enforcement mechanisms, and its lack of ability to compel the proactive protection of both documented and undocumented archaeological sites.

The current Act defines protection for both documented and undocumented archaeological resources. However, the Act only compels archaeological investigation in reactive situations. In other words, archaeological investigations are only legally required where previously documented archaeological resources are at immediate risk of disturbance by land-altering activities. This has historically left a grey area of protections where properties with pending developments, or land-alerting proposals, have a high potential to contain yet-undocumented archaeological resources.

The amended Act would contain provisions for the Province to compel a party, by ministerial order, to conduct proactive archaeological investigation where potential for previously unrecorded archaeological remains is considered significant.

These provisions may come into play where a party disregards archaeological best practice, or recommendations from a professional archaeologist. The provisions would also apply in circumstances where consultation with a First Nation has brought forward justification for archaeological concerns with proposed land alterations.

The mechanism of ministerial order to compel proactive archaeological investigation is passive. As such, it would likely only be put to use in a circumstance where a conflict of opinions on a management approach could not otherwise be resolved.

It is important to note that it has always been a professional archaeological best management approach to recommend and conduct proactive archaeological research on proposed development properties where potential for previously unrecorded archaeological remains is considered significant. The 2019 Amendment Act provisions will simply introduce a legal mechanism by which the Province may compel a developer, property owner, or resource proponent to follow that best management approach.

There are implications for the pending amendments to the HCA for the FVRD and member municipalities. These implications are pertinent in two business areas:

1. Situations where the FVRD or a municipality is the proponent of a development, land alteration, or the owner of a property
2. Information and guidance provided to residents, land owners, developers and businesses

Corporate Affairs staff are currently working together with FVRD departments to develop department-specific archaeological best management practices, and to incorporate them into standard workflows and project plans, in anticipation of passage Bill 14-2019. This work will ensure that the FVRD is in compliance with existing and anticipated legislation regarding the protection and management of archaeological and cultural heritage sites.

A number of archaeological training sessions for staff have already begun through the FVRD Learns program. In January 2019, the FVRD collaborated with the Archaeology Team from the Stó:lō Research and Resource Management Centre (SRRMC) to provide two, two-hour sessions on archaeological chance find procedures. These sessions were targeted to FVRD outdoor workers and managers. SRRMC archaeologists led staff through a series of hands-on stations where they learned about a wide variety of archaeological materials and site types, including artifact identification, and Stó:lō material cultural considerations. Attachment 4 to this report presents course feedback from staff, gathered through an anonymous survey.

FVRD project planners and managers were also provided with two, two-hour training sessions in February 2019 on using and interpreting data in the provincial Remote Access to Archaeological Data (RAAD) database. The RAAD database has historically been accessible to a very limited audience, namely professional archaeologists, First Nation organizations, and other vetted government users. The nature of archaeological data is sensitive, and cannot be made public without putting the integrity of those sites at risk.

The Archaeology Branch has recently invited local government planners to join RAAD, and to apply the tool in planning, project management, strategic planning, and land management. The FVRD Learns RAAD Training sessions were provided to staff in order to inform and support the development of organizational, department-specific policies, as appropriate, regarding the use and applications of the tool.

An interactive digital version of Bill 14-2019 containing explanatory notes can be viewed at:

<https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/41st-parliament/4th-session/bills/progress-of-bills>

COST

N/A

CONCLUSION

This report is presented for information, and intended to broaden the awareness and understanding of laws and regulations concerning archaeological and cultural heritage in BC. Staff will continue to monitor and inform the committee of developments with respect to archaeological and cultural heritage conservation.

COMMENTS BY:

Jennifer Kinneman, Director of Corporate Affairs

Reviewed and supported.

Mike Veenbaas, Director of Financial Services

No further financial comments.

Paul Gipps, Chief Administrative Officer

Reviewed and supported

Attachments:

1. Heritage Conservation Act (1996)
2. Heritage Conservation Act (1996) Summary
3. Bill 14-2019, Heritage Conservation Amendment Act, 2019
4. Staff feedback on Archaeological Chance Find Procedure Training sessions

This Act is current to December 12, 2018

See the [Tables of Legislative Changes](#) for this Act's legislative history, including any changes not in force.

HERITAGE CONSERVATION ACT

[RSBC 1996] CHAPTER 187

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Part 1 — Introduction

Definitions

1 In this Act:

"alter" means to change in any manner and, without limiting this, includes

- (a) the making of an improvement, as defined in the *Builders Lien Act*, and
- (b) any action that detracts from the heritage value of a heritage site or a heritage object;

"conservation" includes any activity undertaken to protect, preserve or enhance the heritage value of heritage property;

"designate" means to designate under section 9;

"first nation" means, as the context requires, an aboriginal people sharing a common traditional territory and having a common traditional language, culture and laws, or the duly mandated governing body of one or more such people;

"heritage inspection" means a physical examination and other research necessary

- (a) to identify the heritage value of property or a portion of it, and
- (b) to establish, if the property is a heritage site or heritage object,
 - (i) the need for protection and conservation, or
 - (ii) conformance with heritage protection requirements;

"heritage investigation" means an archaeological or other systematic study of heritage property to reveal its history, and may include the recording, removal and analysis of artifacts, features and other material necessary for the purpose of the heritage investigation;

"heritage object" means, whether designated or not, personal property that has heritage value to British Columbia, a community or an aboriginal people;

"heritage site" means, whether designated or not, land, including land covered by water, that has heritage value to British Columbia, a community or an aboriginal people;

"heritage value" means the historical, cultural, aesthetic, scientific or educational worth or usefulness of a site or object;

"heritage wreck" means the remains of a wrecked vessel or aircraft if

- (a) 2 or more years have passed from the date that the vessel or aircraft sank, was washed ashore or crashed, or
- (b) the vessel or aircraft has been abandoned by its owner and the government has agreed to accept the abandonment for the purposes of this Act;

"local government" includes the council of a municipality, the board of a regional district, and the Trust Council and a local trust committee established under the [Islands Trust Act](#);

"Provincial heritage object" means a heritage object designated under section 9;

"Provincial heritage site" means a heritage site designated under section 9 or a Provincial heritage property established under section 23.

Purpose of Act

- 2** The purpose of this Act is to encourage and facilitate the protection and conservation of heritage property in British Columbia.

Provincial heritage register

- 3** (1) The minister must establish and maintain one or more registers, to be known collectively as the Provincial heritage register, for the recording of the following:
- (a) Provincial heritage sites;
 - (b) Provincial heritage objects;
 - (c) heritage sites and heritage objects that are included in a schedule under section 4 (4) (a);
 - (d) other known heritage sites and heritage objects that are, in the opinion of the minister, protected under section 13;
 - (e) buildings, structures and sites for which the minister has received notice from a local government under section 595 (1) of the [Local Government Act](#) or section 602 (1) of the [Vancouver Charter](#);
 - (f) other prescribed heritage property.
- (2) Subject to subsections (3) and (4), information in the Provincial heritage register must be available for inspection by any person during regular business hours.
- (3) Despite the [Freedom of Information and Protection of Privacy Act](#), the minister may refuse to disclose information in the Provincial heritage register, information in the digital archives under the [Information Management Act](#) and

other information obtained in the administration of this Act or the *Museum Act* if any of the following apply:

- (a) disclosure of the information could, in the opinion of the minister, result in damage to or interfere with the conservation of a heritage site or heritage object;
 - (b) disclosure of the information would violate an agreement made under section 4;
 - (c) anthropological information that is of traditional social, spiritual or other cultural importance to a living community
 - (i) was obtained under conditions of confidentiality, or
 - (ii) is confidential at the request of representatives of the community whose heritage is represented by the information.
- (4) The inspection of information in the Provincial heritage register is subject to reasonable conditions the minister may impose.
- (5) Without limiting subsection (4), the minister may require payment of a prescribed fee to inspect the information in the Provincial heritage register.
- (6) Protection of a heritage site or heritage object is not affected by an error or omission in the Provincial heritage register or, except for a Provincial heritage site or Provincial heritage object, by a failure to register property in the Provincial heritage register.

Agreements with first nations

- 4** (1) The Province may enter into a formal agreement with a first nation with respect to the conservation and protection of heritage sites and heritage objects that represent the cultural heritage of the aboriginal people who are represented by that first nation.
- (2) An agreement under subsection (1) must be in writing and must be approved by the Lieutenant Governor in Council.
- (3) Subsection (2) does not apply to an agreement that is entered into under section 20 (1) (b).
- (4) Without limiting subsection (1), an agreement made under this section may include one or more of the following:
- (a) a schedule of heritage sites and heritage objects that are of particular spiritual, ceremonial or other cultural value to the aboriginal people for the purpose of protection under section 13 (2) (h);
 - (b) a schedule of heritage sites and heritage objects of cultural value to the aboriginal people that are not included in a schedule under paragraph (a);
 - (c) circumstances under which the requirements of sections 13 (1) and (2) and 14 (1) do not apply with respect to heritage sites and

heritage objects, or to types of heritage sites and heritage objects, for which the first nation administers its own heritage protection;

- (d) policies or procedures that will apply to the issuance of or refusal to issue a permit under section 12 or 14 with respect to
 - (i) sites and objects identified in a schedule under paragraph (a) or (b), or
 - (ii) other sites and objects or types of sites and objects identified in the agreement;
- (e) provisions with regard to the delegation of ministerial authority under sections 12 and 14 (4);
- (f) any other provisions the parties agree on.

(5) For the purpose of section 13 (2), if an agreement includes a schedule under subsection (4) (a), the agreement must identify actions which would constitute a desecration or which would detract from the heritage value of scheduled sites and objects, and different actions may be identified for different sites or objects or for different classes of sites or objects.

Act is binding on the government

- 5** Despite section 14 (2) of the *Interpretation Act*, this Act and the regulations and orders made under it are binding on the government.

Act prevails over conflicting legislation

- 6** If, with respect to any matter affecting the conservation of a heritage site or heritage object referred to in section 13 (2), there is a conflict between this Act and any other Act, this Act prevails.

Provincial heritage policies

- 7** (1) The minister may, with the approval of the Lieutenant Governor in Council, establish policies and standards for the identification, conservation, management and disposition of any heritage site or heritage object owned or managed by the government.
- (2) Despite subsection (1), policies and standards established by the Haida Gwaii Management Council under section 7 (2) of the *Haida Gwaii Reconciliation Act* for the identification and conservation of heritage sites within the management area, as defined in section 1 (1) of that Act, must be given effect in that management area as if they were policies and standards established under subsection (1) of this section.

No derogation of aboriginal and treaty rights

- 8** For greater certainty, no provision of this Act and no provision in an agreement entered into under section 4 abrogates or derogates from the aboriginal and treaty rights of a first nation or of any aboriginal peoples.

Application of Act to treaty lands

- 8.1** If a treaty first nation, in accordance with its final agreement, makes laws for the conservation and protection of, and access to, heritage sites and heritage objects on its treaty lands, sections 9, 12, 13, 14, 16, 18 and 20 (1) (a) do not apply in relation to those treaty lands.

Part 2 — Provincial Heritage Conservation

Heritage designation

- 9** (1) The Lieutenant Governor in Council may
- (a) designate land as a Provincial heritage site, or
 - (b) designate an object as a Provincial heritage object.
- (2) A designation under subsection (1) (a) may apply to land that does not have heritage value if, in the opinion of the Lieutenant Governor in Council, designation is necessary or desirable for the conservation of heritage property that is
- (a) designated under this section,
 - (b) protected under section 13 (2),
 - (c) protected heritage property under the *Local Government Act* or the *Vancouver Charter*, or
 - (d) established under section 23.
- (3) A designation made under this section may do one or more of the following:
- (a) apply to a single property or to part of a property;
 - (b) apply to more than one property including properties owned by different persons;
 - (c) establish policies or procedures regarding the provision of financial or other support for the conservation of a heritage site or heritage object;
 - (d) specify types of alterations to the property which may be made without a permit under section 12;
 - (e) specify policies or procedures concerning the issuing of permits under section 12 with respect to a property.

Designation procedure

- 10** (1) Before a designation is made under section 9, the minister must serve notice of the proposed designation on the following persons:
- (a) in the case of land,
 - (i) all persons who, according to the records of the land title office, have a registered interest in the land to be designated,

- (ii) the local government or local governments having jurisdiction over the land to be designated, and
 - (iii) the first nation or first nations within whose traditional territory the land to be designated lies;
 - (b) in the case of objects,
 - (i) the person who has possession of the object,
 - (ii) all parties who, according to the records of the personal property registry established under the *Personal Property Security Act*, have a registered interest in the object, and
 - (iii) any other person or party who, in the opinion of the minister, is or may be the owner of the object or has or may have a proprietary interest in the object;
 - (c) any other prescribed person.
- (2) A person or party served with notice under subsection (1) may serve the minister with a notice of objection to the proposed designation within 30 days after receiving the notice of the proposed designation.
- (3) On receiving a notice of objection, the minister must review the objection and may then amend or cancel the proposed designation as the minister considers appropriate.
- (4) Before a designation is made, the minister must advise the Lieutenant Governor in Council if any notice of objection to the proposed designation has been received and, if so received, provide the Lieutenant Governor in Council with a copy of each notice of objection received, the results of the review of the notice or notices of objection and the terms and conditions of any amendment to the proposed designation.
- (5) Within 30 days after
- (a) the minister cancels a proposed designation,
 - (b) the Lieutenant Governor in Council makes a designation, or
 - (c) the Lieutenant Governor in Council decides not to make a designation,
- the minister must serve notice on the persons entitled to notice under subsection (1) that a designation has or has not been made.
- (6) Within 30 days after a designation is made, the minister must register a description of the designated property in the Provincial heritage register established under section 3 (1) and,
- (a) in the case of land, file a notice of the designation in the land title office in the manner provided under section 32, or
 - (b) in the case of personal property, file a notice of the designation in the personal property registry under the *Miscellaneous Registrations Act, 1992*.

- (7) No designation is invalid because of inadvertent and minor non-compliance with this section.

Compensation for heritage designation

- 11** (1) If a designation under section 9 causes, or will cause at the time of designation, a reduction in the market value of the designated property, the government must compensate an owner of the designated property who makes an application under subsection (2), and the compensation must be in an amount or in a form the minister and the owner agree on or, failing an agreement, in an amount or in a form determined by binding arbitration under subsection (4).
- (2) The owner of a designated property may apply to the minister for compensation for the reduction in the market value of the designated property.
- (3) An application under subsection (2)
- (a) must be made, in order for the owner to be entitled to compensation under this section, no later than one year after the designation under section 9, and
 - (b) may be made before the designation under section 9.
- (4) If the minister and the owner are unable to agree
- (a) that the owner is entitled to compensation under subsection (1), or
 - (b) on the amount or form of compensation,
- then either the minister or the owner may refer the matter to binding arbitration under the [Arbitration Act](#).
- (5) An arbitration under this section must be by a single arbitrator unless the minister and the owner agree to the appointment of an arbitration panel.
- (6) The arbitrator or arbitration panel, in determining whether the owner is entitled to compensation and the amount or form of compensation, must consider
- (a) eligibility for financial and other support for conservation of the heritage site or heritage object, and
 - (b) any other benefits that are available because of the designation of the property.
- (7) Compensation must not be paid, and an arbitration must not continue, if
- (a) the minister cancels the proposed designation, or
 - (b) the Lieutenant Governor in Council does not make the designation.
- (8) Nothing in this section authorizes the government to give any financial or other benefit to an owner except that which is commensurate with the reduction in market value of the designated property as caused by that designation.
- (9) This section does not apply to property that, immediately before its designation under section 9, is

- (a) designated as a Provincial heritage site,
- (b) designated as a heritage object,
- (c) protected under section 13 (2), or
- (d) designated under section 611 of the *Local Government Act* or section 593 of the *Vancouver Charter*.

Permits

- 12** (1) In this section, except subsection (6), and in sections 3 (4), 13 (4), 14 (2) and (4) and 32, "**minister**" includes a person authorized in writing by the minister for the purposes of the section.
- (2) The minister may
- (a) issue a permit authorizing an action referred to in section 13, or
 - (b) refuse to issue a permit for an action that, in the opinion of the minister, would be inconsistent with the purpose of the heritage protection of the property.
- (3) A permit issued under subsection (2) (a) may include requirements, specifications and conditions that the minister considers appropriate and, without limiting the generality of this, the permit may
- (a) be limited to a specified period of time or to a specified location,
 - (b) require the holder of the permit to consult with or obtain the consent of one or more parties whose heritage the property represents or may represent,
 - (c) require the holder of the permit to provide the minister with reports satisfactory to the minister, and
 - (d) specify a repository for heritage objects that are removed from the heritage property.
- (4) Despite any other enactment, a permit issued under subsection (2) (a) may specify the siting, dimensions, form, exterior design and finish of new construction or renovations to a building or structure.
- (5) The minister may, with the concurrence of the holder of the permit, amend, suspend or cancel a permit issued under subsection (2) (a).
- (6) The minister may, by order, without the concurrence of the holder of the permit,
- (a) amend or suspend a permit issued under subsection (2) (a) if the minister has information that was not considered when the permit was issued respecting the heritage value of heritage property that would be materially affected by an action authorized by the permit, or
 - (b) cancel a permit issued under subsection (2) (a) if the minister has reasonable and probable grounds to believe that

- (i) the application for the permit included information that was false or misleading with respect to a material fact, or that omitted to state a material fact the omission of which makes information in the application false or misleading,
 - (ii) the holder has contravened or is in default of a requirement or condition of the permit, whether or not the holder is charged with an offence under this Act, or
 - (iii) the holder has contravened a provision of this Act, whether or not the holder is charged with an offence under this Act.
- (7) A permit does not authorize the holder of the permit to enter property, or to make any alteration to property, without the permission of the owner or occupier.

Heritage protection

- 13** (1) Except as authorized by a permit issued under section 12 or 14, a person must not remove, or attempt to remove, from British Columbia a heritage object that is protected under subsection (2) or which has been removed from a site protected under subsection (2).
- (2) Except as authorized by a permit issued under section 12 or 14, or an order issued under section 14, a person must not do any of the following:
- (a) damage, desecrate or alter a Provincial heritage site or a Provincial heritage object or remove from a Provincial heritage site or Provincial heritage object any heritage object or material that constitutes part of the site or object;
 - (b) damage, desecrate or alter a burial place that has historical or archaeological value or remove human remains or any heritage object from a burial place that has historical or archaeological value;
 - (c) damage, alter, cover or move an aboriginal rock painting or aboriginal rock carving that has historical or archaeological value;
 - (d) damage, excavate, dig in or alter, or remove any heritage object from, a site that contains artifacts, features, materials or other physical evidence of human habitation or use before 1846;
 - (e) damage or alter a heritage wreck or remove any heritage object from a heritage wreck;
 - (f) damage, excavate, dig in or alter, or remove any heritage object from, an archaeological site not otherwise protected under this section for which identification standards have been established by regulation;
 - (g) damage, excavate, dig in or alter, or remove any heritage object from, a site that contains artifacts, features, materials or other physical evidence of unknown origin if the site may be protected under paragraphs (b) to (f);

- (h) damage, desecrate or alter a site or object that is identified in a schedule under section 4 (4) (a);
 - (i) damage, excavate or alter, or remove any heritage object from, a property that is subject to an order under section 14 (4) or 16.
- (3) The Lieutenant Governor in Council may make regulations respecting the following:
- (a) defining the extent of types of sites protected under subsection (2), except heritage sites or objects protected under subsection (2) (h);
 - (b) identifying types of features, material or evidence for which the requirements of subsection (2) (d) and (g) do not apply, and these may be different for different types of sites;
 - (c) establishing identification standards for archaeological sites to be protected under subsection (2) (f);
 - (d) identifying actions that shall be deemed to derogate from the heritage value of a site or object, or class of sites or objects, protected under subsection (2), except with respect to sites protected under subsection (2) (h).
- (4) The minister may, after providing an opportunity for consultation with the first nation whose heritage site or object would be affected,
- (a) define the extent of a site protected under subsection (2), or
 - (b) exempt a site or object from subsection (2) on any terms and conditions the minister considers appropriate if the minister considers that the site or object lacks sufficient heritage value to justify its conservation.
- (5) Subsection (4) does not apply to a site or object protected under subsection (2) (h).
- (6) Except as authorized by a permit issued under section 12, a person must not damage, alter or remove
- (a) a notice erected under section 17, or
 - (b) a plaque or marker installed under section 18.

Heritage inspection and heritage investigation

- 14** (1) A person must not excavate or otherwise alter land for the purpose of archaeological research or searching for artifacts of aboriginal origin except under a permit or order issued under this section.
- (2) The minister may, by permit, authorize a heritage inspection or heritage investigation of any property.
- (3) A permit issued under subsection (2) does not authorize entry onto land or into a building without the permission of the owner or occupier.

- (4) The minister may order that a heritage inspection or heritage investigation be conducted if the minister considers that any one or more of the following apply:
- (a) land may contain a heritage site or heritage object protected under section 13;
 - (b) land that may have heritage value, or that may include a heritage site or heritage object, may be subject to subdivision;
 - (c) the property may be subject to alienation from government ownership;
 - (d) property that may have heritage value, or land that may include heritage property, may be subject to alteration by natural or human causes;
 - (e) an object that may have heritage value may be subject to removal from British Columbia.
- (5) The provisions of section 12 (2), (2.1), (2.2), (3), (5) and (6) apply to permits and orders under this section.
- (6) A heritage inspection or heritage investigation ordered under subsection (4)
- (a) must state the purpose of the heritage inspection or heritage investigation,
 - (b) must specify how long the order is to remain in effect,
 - (c) must require that the heritage inspection or heritage investigation be carried out in an expeditious manner,
 - (d) may provide that property covered by the order is subject to protection under section 13 while the order remains in effect,
 - (e) may require the owner to undertake actions to preserve the integrity and condition of property covered by the order while the order remains in effect, and
 - (f) may include any terms, conditions or specifications that the minister considers appropriate for the purpose of the heritage investigation.
- (7) If an order for a heritage inspection or heritage investigation made under subsection (4) relates to
- (a) alienation of government owned property,
 - (b) a public work authorized to be undertaken under an Act,
 - (c) the extraction or harvesting of resources from land,
 - (d) the subdivision of land, or
 - (e) changes in use or development of land,
- the minister may require the person purchasing, subdividing, developing or using the property to undertake or pay for the heritage inspection or heritage investigation.

- (8) A person must not interfere with a heritage inspection or heritage investigation ordered under subsection (4).
- (9) A person whose property is damaged during the course of a heritage inspection or heritage investigation ordered under subsection (4) is entitled to have the damage repaired at the expense of the government or, if the damage cannot be repaired, to compensation from the government.

Entry authority for heritage inspection and heritage investigation orders

- 15** (1) An order made under section 14 (4) authorizes the person or persons conducting the heritage inspection or heritage investigation to enter land identified in the order at any reasonable time for the purposes of the heritage inspection or heritage investigation.
- (2) Before entering or when entering land under subsection (1), the person conducting the heritage inspection or heritage investigation must make a reasonable attempt to notify the owner or occupier of the land and, if requested, present proof of his or her authorization.
- (3) Except as provided in subsection (4), nothing in this section or in an order made under section 14 (4) authorizes entry into a building without the permission of the owner or occupier.
- (4) A justice may issue a warrant authorizing a person to enter land or a building to conduct a heritage inspection or heritage investigation ordered under section 14 (4) if the justice is satisfied that
- (a) there are reasonable grounds to believe that entry is required to achieve the purposes of the order, and
 - (b) there are reasonable grounds to believe that
 - (i) an emergency exists,
 - (ii) the person conducting the heritage inspection or heritage investigation has been unable to notify the owner or occupier after making a reasonable attempt to do so,
 - (iii) the admission has been refused or refusal is anticipated, or
 - (iv) the notification may defeat the object of the entry.
- (5) A warrant issued under subsection (4) continues in force until the purpose for which the entry is required has been satisfied.
- (6) If a heritage inspection or heritage investigation conducted under the authority of a warrant under subsection (4) requires entry into a building, the person conducting the heritage inspection or heritage investigation must be accompanied by a peace officer.
- (7) On completion of a heritage inspection or heritage investigation ordered under section 14 (4), if the owner of land was not notified under subsection (2), the person undertaking the heritage inspection or heritage investigation must mail a notice informing the owner that a heritage inspection or heritage investigation has been conducted.

Temporary protection orders

- 16** If the minister considers that property has or may have heritage value and is likely to be altered for any reason, the minister may issue, to a person or class of persons, a stop work order that prohibits any alteration of the property for a period of up to 120 days, subject to any requirements and conditions the minister considers appropriate.

Notices and immunity

- 17** The minister may erect and maintain a notice referring to this Act, or an order made under this Part, on or near a Provincial heritage site, and an action for loss, damage or trespass must not be brought for anything done or omitted in good faith under this section.

Promotion of heritage value

- 18** The minister may acknowledge the heritage value of any heritage site or heritage object by issuing a certificate or, with the permission of the owner, by installing a commemorative plaque or marker.

Unclaimed objects in heritage collections

- 19** (1) A public museum, archive or other heritage conservation organization that has possession of an object that it does not own, or is uncertain as to whether it owns, may apply to the Supreme Court for an order vesting ownership of the object in the museum, archive or organization if one of the following applies:
- (a) a reasonable attempt has been made to locate the owner of the object and
 - (i) at least 25 years have passed since the making of a written agreement with the owner of the object for custody of the object, or
 - (ii) at least 10 years have passed since the making of an oral agreement with the owner of the object for custody of the object and there is no known written custody agreement;
 - (b) at least 2 years have passed since the museum, archive or organization gave to the owner of the object a notice of the termination of a custody agreement with respect to the object;
 - (c) the owner of the object cannot be identified or the circumstances of the acquisition of the object are not known;
 - (d) the object was acquired from a person who may not have been the true owner.
- (2) On application under subsection (1), the court may, with respect to the object that is the subject of the application, make an order vesting ownership of the object in
- (a) the museum, archive or organization that made the application, or

- (b) any other party the court considers is the most appropriate to own the object having regard to any heritage value the object may possess.
- (3) Before making an order under subsection (2), the court must be satisfied that
 - (a) a requirement of subsection (1) has been met,
 - (b) the limitation in subsection (6) does not apply,
 - (c) a reasonable attempt has been made to notify any other parties who may have an interest in the application, and
 - (d) all parties the court considers to have an interest in the application have been given a reasonable opportunity to be heard.
- (4) An order under subsection (2) may include any terms or conditions that the court considers appropriate.
- (5) If an order vesting ownership is made under this section, the previous owner has no further claim to ownership of the object or to compensation for the object.
- (6) This section does not apply to an object that has cultural heritage value to an aboriginal people.

Powers of the minister

20 (1) To further the objects of this Act, the minister may do one or more of the following:

- (a) acquire, manage and conserve property or acquire an interest in property;
- (b) enter into agreements with a person, organization, local government, first nation or the government of Canada or of a province;
- (c) conduct and arrange exhibits or activities to inform and stimulate the interest of the public in any matter related to the purposes of this Act;
- (d) subject to a trust or agreement under which a property was obtained, dispose of the property and execute instruments required to effect the disposal;
- (e) receive, by donation, public subscription, devise, bequest or otherwise, money or property;
- (f) assist in or undertake research, study or publication respecting heritage conservation;
- (g) provide grants, advice and services to other parties having aims and objectives consistent with the purposes of this Act;
- (h) establish and maintain one or more inventories of heritage sites and heritage objects, including a list of heritage buildings for which the

Alternate Compliance Methods of the British Columbia Building Code may apply.

- (2) Property acquired by the minister under this Act is the property of the government and title to the property may vest in the name of the government.
- (3) Despite the [Land Act](#), property acquired by the minister under this Act may be dealt with by the minister under this Act.

Preservation intervention

- 21** (1) If the minister considers that property protected under section 13 (2) is subject to damage or deterioration, the minister may order the owner, on terms and conditions that the minister considers appropriate, to preserve the property at the expenses of the government.
- (2) If the minister considers that property protected under section 13 (2) is subject to damage or deterioration and is being unreasonable neglected by the owner, the minister may order the owner, on terms and conditions and to specifications that the minister considers appropriate, to preserve the property at the expense of the owner or at the expense of the owner and the government on a cost sharing basis.

Advisory committees

- 22** (1) The minister may establish or authorize one or more committees to act in an advisory capacity on matters relating to this Act or to the conservation of heritage sites, heritage objects and other heritage resources.
- (2) The minister may appoint, or provide for the manner of appointment of, the members of any committee established under this section and may set the terms of reference for the committee.
- (3) The members of any committee established or authorized under this section must be paid reasonable and necessary travelling and incidental expenses incurred in the discharge of their duties under this Act, and may be paid remuneration for services in an amount determined by the Lieutenant Governor in Council.

Provincial heritage properties

- 23** (1) The Lieutenant Governor in Council may, by order, designate a heritage site on Crown land as a Provincial heritage property and the Provincial heritage property includes the collection of accessioned artifacts associated with that heritage site.
- (2) The Lieutenant Governor in Council may, by regulation, provide that any provision of the [Park Act](#) applies to a Provincial heritage property designated under subsection (1), and all authorities, rights, duties and other matters under these provisions will apply in relation to
- (a) the minister as though he or she were the minister under the [Park Act](#),

- (b) any branch or agency assigned by the minister to administer a Provincial heritage property as though it were the Parks Branch under the *Park Act*,
 - (c) the director and staff of a branch or agency referred to in paragraph (b) as though they were the directors and officers respectively of the Parks Branch, and
 - (d) the Provincial heritage property as though it were a Class A park under the *Park Act*.
- (3) If a park use permit applies in respect of land when that land is established as a Provincial heritage property under subsection (1), that permit is deemed to have been issued under this section by the minister, and subsection (2) applies for the purpose of interpretation of that permit.

Part 3

Repealed

24-31 [Repealed 2003-15-13.]

Part 4 — General Provisions

Notice of heritage status on land title

- 32** (1) The minister must file a written notice in the land title office with respect to land that is designated under section 9.
- (2) The minister may file a written notice in the land title office with respect to land
- (a) for which a notice has been given under section 10 (1),
 - (b) that, in the opinion of the minister, is protected under section 13 (2),
 - (c) for which an order is in effect under section 14, 16 or 21, or
 - (d) that, in the opinion of the minister, has been altered in contravention of section 13 (2).
- (3) On receipt of a notice under subsection (1) or (2) in which the affected land is described sufficiently to be identified in the records of the land title office, the registrar must make a note of the filing on the title of the land.
- (4) If the basis on which notice was filed under subsection (1) or (2) no longer applies to the land, the minister must notify the land title office.
- (5) On receipt of a notice under subsection (4), the registrar must cancel the note made under subsection (1) or (2).
- (6) Notification to the land title office under subsections (1), (2) or (4) must be made in a form satisfactory to the registrar of the land title district.

- (7) The protection of property under this Act is not affected by
- (a) an error or omission in a notice given by the minister to the registrar,
 - (b) an error or omission in a note made by the registrar under this section, or
 - (c) a failure by the registrar to make or cancel a note on a land title.
- (8) In the event of any omission, mistake or misfeasance by the registrar or the staff of the registrar in relation to the making or cancelling of a note under this section,
- (a) the registrar is not liable and neither the government nor the Land Title and Survey Authority of British Columbia is vicariously liable,
 - (a.1) the assurance fund or the Land Title and Survey Authority of British Columbia as a nominal defendant is not liable under Part 19.1 of the *Land Title Act*, and
 - (b) the assurance fund or the minister charged with the administration of the *Land Title Act* as a nominal defendant is not liable under Part 20 of the *Land Title Act*.

Notice of heritage status in relation to treaty lands

- 32.1** (1) If a treaty first nation, under its own laws, designates a parcel of its treaty lands, the indefeasible title to which is registered under the *Land Title Act*, for the purpose of conserving and protecting heritage sites and heritage objects, the treaty first nation must file a written notice in the land title office.
- (2) If the basis on which a notice was filed under subsection (1) no longer applies to the land, the treaty first nation must notify the land title office.
- (3) Section 32 (3) and (5) to (8) applies as if a notice given under subsection (1) or (2) of this section were given under section 32 (1) or (4).

Service of documents

- 33** (1) Where this Act requires service of a document on a person, other than service in relation to a court application under section 19, the document is sufficiently served on a person if
- (a) it is served personally on the person,
 - (b) it is sent by registered mail, or a method of delivery that provides proof of delivery, to the person's actual or last known address, or
 - (c) in the circumstances described in subsection (2), it is published in accordance with that subsection.
- (2) If a document cannot be served personally on a person and the person's actual or last known address cannot be determined after reasonable steps for the purpose have been taken, the document may be served by publishing a notice in the prescribed form in 2 issues, at least one week apart, of a newspaper having general circulation

- (a) in the area where the person to be served was last known to reside or carry on business according to the information available to the person serving the document, or
 - (b) in the area in which the land is situated if the document relates to land owned by the person to be served.
- (3) A document served under subsection (1) (b) is deemed to be received on the earlier of
 - (a) the date the person to whom it is sent actually receives the document, and
 - (b) the expiry of 10 days after the date on which the document was sent.

Civil remedies respecting contraventions

34 (1) The minister may apply to the Supreme Court for an injunction restraining a person from committing, or continuing to commit, a contravention of this Act or the regulations.

- (2) The minister may apply to the Supreme Court for a restoration or compliance order if a person
 - (a) fails to comply with or contravenes the requirements or conditions of a permit issued under section 12 or 14,
 - (b) fails to comply with or contravenes an order made under section 14 or 21,
 - (c) removes property, or attempts to remove property, from British Columbia in contravention of section 13 (1),
 - (d) moves, removes, damages, desecrates, alters, excavates or digs in property, or removes objects from property in contravention of section 13 (2), or
 - (e) contravenes a regulation made under section 23 (2) or 37 (2) (e).

- (3) An order of the court in respect of an application under subsection (2) may include one or more of the following:
 - (a) a requirement that the person restore the property to which the matter relates to its condition before the contravention on terms and conditions the court specifies;
 - (b) a requirement that the person undertake, as the court considers appropriate, compensatory conservation work on the property that was affected or on other heritage property, or that conservation work be performed by others at the expense of that person;
 - (c) an authorization that the minister may undertake conservation work at the expense of the person;
 - (d) any other requirements the court considers advisable.

- (4) This section applies whether or not a person is charged with an offence under this Act.

Immunity

- 35** (1) Except as provided in section 11 or 14 (9), no compensation is payable to a person for any loss or damage, or for any reduction in the value of property, that results from the operation of this Act, the performance in good faith of any duty under this Act or the exercise in good faith of any power under this Act.
- (2) An action for damages must not be brought against the minister, an employee of the government, a member of a committee established or authorized under section 22 or a person who is subject to the direction of the minister, because of anything done or omitted to be done in good faith in the performance or intended performance of a duty or in the exercise or intended exercise of a power under this Act.
- (3) Subsection (2) does not absolve the government from vicarious liability for an act or omission of a person referred to in that subsection for which act or omission the government would be vicariously liable if the subsection were not in force.

Offence and penalty

- 36** (1) A person who does any of the following commits an offence:
- (a) contravenes section 13 (6), 14 (1) or (8) or a provision of the [Park Act](#) referred to in section 23 (2) as it applies to a Provincial heritage property;
 - (b) fails to comply with or contravenes a requirement or condition of an order or permit under section 12 (2) (a), 14 (2) or (4), 16, 19 (2), 23 (2) or 34 (3);
 - (c) contravenes a regulation made under section 23 (2) or 37 (2) (e);
 - (d) contravenes section 13 (1) or (2).
- (2) A person convicted of an offence under subsection (1) (a) to (c) is liable to a fine of not more than \$2 000 or to imprisonment for a term of not more than 6 months or to both.
- (3) A person convicted of an offence under subsection (1) (d) is liable,
- (a) if the person is an individual, to a fine of not more than \$50 000 or to imprisonment for a term of not more than 2 years or to both, or
 - (b) if the person is a corporation, to a fine of not more than \$1 000 000.
- (4) If a corporation commits an offence under this Act, an employee, officer, director or agent of the corporation who authorized, permitted or acquiesced in the offence also commits the offence and is liable,

- (a) if it is an offence under subsection (1) (a) to (c), to the penalty set out in subsection (2), or
 - (b) if it is an offence under subsection (1) (d), to the penalty set out in subsection (3) (a).
- (5) Section 5 of the *Offence Act* does not apply to this Act or the regulations.
- (6) The time limit for laying an information respecting an offence under this Act is 2 years after the facts on which the information is based first came to the knowledge of
- (a) a police officer, police constable, constable or other person employed for the preservation and maintenance of the public peace, or
 - (b) an official designated in writing by the minister.
- (7) A document purporting to have been issued by the official designated under subsection (6) (b) certifying the day on which he or she became aware of the facts on which an information is based, is admissible without proof of the signature of the official appearing to have signed the document, and in the absence of evidence to the contrary, is proof of the matter certified.

Power to make regulations

- 37** (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.
- (2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:
- (a) respecting the form, content and manner of giving notice in relation to this Act;
 - (b) respecting the form, content and manner of giving information for registration in the Provincial heritage register under section 3;
 - (c) respecting the administration and conservation of Provincial heritage properties;
 - (d) prescribing fees for a service, or for use of or admission to a facility, under this Act;
 - (e) respecting the maintenance of order at Provincial heritage properties;
 - (f) respecting heritage property that may be recorded in the Provincial heritage register under section 3 (1) (f);
 - (g) prescribing persons entitled to notice under section 10 (1) (c);
 - (h) prescribing the manner in which a notice of designation under section 10 (6) (b) is to be filed in the personal property registry;
 - (i) respecting the conduct of a heritage inspection or heritage investigation under section 14.

Continuation of former designations

38 (1) In this section, "**former Act**" means

- (a) the *Archaeological and Historic Sites Protection Act*, S.B.C. 1972, c. 4,
- (b) the *Archaeological and Historic Sites Protection Act*, R.S.B.C. 1960, c. 15, or
- (c) the *Historic Objects Preservation Act*, R.S.B.C. 1948, c. 145.

- (2) All heritage designations made under a former Act that have not been rescinded are continued as if they were designated by the Lieutenant Governor in Council under section 9, but a continuance under this subsection does not entitle any person to compensation under section 11.

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HERITAGE CONSERVATION ACT

SUMMARY

- ☐ The Province maintains the official registry of Heritage Sites
- ☐ The Province may delegate authority and management of these sites to First Nations
- ☐ The Act applies to all lands except Treaty Settlement Lands and Federal Crown land (i.e. reserves)
- ☐ If new site designation devalues a property, the property owner may apply for compensation within one year of the designation
- ☐ The Minister may issue a permit to a property owner to impact an Archaeological Site (**Section 12** permit)
- ☐ No one can damage, desecrate, excavate, dig in, alter, cover, or move an archaeological site (unless they have a permit under **Section 12** or **14**)
- ☐ Protected archaeological sites include:
 - Burial places of an archaeological nature
 - Aboriginal rock paintings or carvings
 - Objects, features, materials or other physical evidence of human habitation that pre-date 1846
 - Shipwrecks
- ☐ Archaeological research which involves ground disturbance requires a permit (**Section 14**)
- ☐ The province may require work under a **Section 14** Permit in the following circumstances, and costs related to the work are the responsibility of the person purchasing, subdividing, developing or using the property:
 - Alienation of property by government ownership
 - Public works
 - Excavation or harvesting of resources from the land
 - Subdivision of land
 - Changes in use or development of land
- ☐ The Province may issue a Stop Work order for up to 120 days as a temporary protection measure
- ☐ Unless you are designated as a museum, you cannot maintain possession of objects protected under the Act, except in special circumstances outlined in Section 19
- ☐ The Minister has a number of options available to facilitate management and protection of Archaeological Sites including acquiring and dispossessing properties, entering into trust agreements, grants, public engagement, etc. (Section 20)
- ☐ The Minister may compel a property owner to preserve an archaeological site, at their own expense, if that site is subject to damage as a result of neglect by the property owner
- ☐ The Minister must register new Heritage Site designations on land title

- ☐ Penalties for individuals and corporations contravening the Act are laid out in Section 36, which includes maximum fines and imprisonment
- ☐ The statute of limitations on reporting offenses under the Act is 2 years

**2019 Legislative Session: 4th Session, 41st Parliament
FIRST READING**

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**HONOURABLE DOUG DONALDSON
MINISTER OF FORESTS, LANDS, NATURAL RESOURCE
OPERATIONS AND RURAL DEVELOPMENT**

**BILL 14 – 2019
HERITAGE CONSERVATION AMENDMENT ACT, 2019**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Explanatory Note

1 Section 1 of the Heritage Conservation Act, R.S.B.C. 1996, c. 187, is amended

(a) by adding the following definition:

"authorized official" means a person or class of persons

- (a) employed in any ministry of the government, and
- (b) authorized by the minister in writing to be an official for the purposes of a provision of this Act or the regulations; ,

(b) by repealing the definition of "designate", and

(c) in the definition of "Provincial heritage site" by striking out "established under section 23" and substituting "designated under section 11.1".

Explanatory Note

2 Section 3 (1) (d) is amended by striking out "section 13" and substituting "section 12.1".

3 Section 4 is amended

(a) in subsection (4) (a) by striking out "section 13 (2) (h)" and substituting "section 12.1 (2) (h)",

(b) in subsection (4) (c) by striking out "sections 13 (1) and (2) and 14 (1)" and substituting "sections 12.1 (1) and (2) and 12.2 (1)",

(c) in subsection (4) (d) by striking out "section 12 or 14" and substituting "section 12.2 or 12.4",

(d) in subsection (4) (e) by striking out "sections 12 and 14 (4)" and substituting "section 20.1", and

(e) in subsection (5) by striking out "section 13 (2)" and substituting "section 12.1 (2)".

4 Section 6 is amended by striking out "section 13 (2)" and substituting "section 12.1 (2)".

5 Section 8.1 is amended by striking out "sections 9, 12, 13, 14, 16, 18 and 20 (1) (a)" and substituting "sections 9, 12.1 to 12.8, 16.1, 18 and 20 (1) (a)".

6 Section 8.1 is amended by striking out "sections 9," and substituting "sections 8.2, 9,".

Explanatory Note

7 The following section is added to Part 1:

Duty to report discovery

8 . 2 (1) A person who discovers a prescribed site or object that may have heritage value must report the discovery to the minister within a prescribed time period.

(2) If, for the purposes of subsection (1), the minister authorizes the form and manner for the reporting of a discovery, a person who reports a discovery under that subsection must do so in the form and manner authorized by the minister and the report must include the information specified by the minister.

(3) The Lieutenant Governor in Council or the minister, as applicable, may make regulations exempting a person or class of persons from the application of subsection (1).

Explanatory Note

8 Part 2 is amended by adding the following heading before section 9:

Division 1 – Designation .

Explanatory Note

9 Section 9 is amended

(a) in subsection (2) (b) by striking out "section 13 (2)" and substituting "section 12.1 (2)",

(b) in subsection (2) (d) by striking out "established under section 23" and substituting "designated under section 11.1", and

(c) in subsection (3) (d) and (e) by striking out "section 12" and substituting "section 12.4".

Explanatory Note

10 Section 11 (9) is repealed and the following substituted:

(9) Compensation under this section only applies to property that is designated as a Provincial heritage site or a Provincial heritage object under section 9 and does not apply in the case of property that, immediately before a designation under section 9, is

- (a) already designated as a Provincial heritage site under section 9 or a Provincial heritage property under section 11.1,
- (b) already designated as a Provincial heritage object under section 9,
- (c) protected under section 12.1 (2), or
- (d) designated under section 611 of the *Local Government Act* or section 593 of the *Vancouver Charter*.

Explanatory Note

11 The following section is added:

Provincial heritage properties

11.1 (1) The Lieutenant Governor in Council may, by order, designate a heritage site on Crown land as a Provincial heritage property and the Provincial heritage property includes the collection of accessioned artifacts associated with that heritage site.

(2) The Lieutenant Governor in Council may, by regulation, provide that any provision of the *Park Act* applies to a Provincial heritage property designated under subsection (1), and all authorities, rights, duties and other matters under those provisions apply in relation to the following:

- (a) the minister as though the minister was the minister under the *Park Act*;
- (b) directors or officers assigned by the minister to administer a Provincial heritage property as though they were directors or officers under the *Park Act*;
- (c) the Provincial heritage property as though it were a Class A park under the *Park Act*.

(3) If a park use permit applies in respect of land when that land is designated as a Provincial heritage property under subsection (1), the permit is deemed to have been issued under this section by the minister and subsection (2) applies for the purposes of interpretation of that permit.

Explanatory Note

12 The following heading is added after section 11.1:

Division 2 – Permits .

Explanatory Note

13 Section 12 is repealed.

Explanatory Note

14 The following sections are added:

Heritage protection

12.1 (1) Except as authorized by a permit issued under section 12.2 or 12.4, a person must not remove, or attempt to remove, from British Columbia a heritage object that

(a) is protected under subsection (2), or

(b) has been removed from a site protected under subsection (2).

(2) Except as authorized by a permit issued under section 12.2 or 12.4 or an order issued under section 12.3, a person must not do any of the following:

(a) damage, desecrate or alter a Provincial heritage site or a Provincial heritage object or remove from a Provincial heritage site or Provincial heritage object any heritage object or material that constitutes part of the site or object;

(b) damage, desecrate or alter a burial place that has historical or archaeological value or remove human remains or any heritage object from a burial place that has historical or archaeological value;

(c) damage, alter, cover or move an aboriginal rock painting or aboriginal rock carving that has historical or archaeological value;

(d) damage, excavate, dig in or alter, or remove any heritage object from, a site that contains artifacts, features, materials or other physical evidence of human habitation or use before 1846;

(e) damage or alter a heritage wreck or remove any heritage object from a heritage wreck;

(f) damage, excavate, dig in or alter, or remove any heritage object from, an archaeological site not otherwise protected under this section for which identification standards have been established by regulation;

(g) damage, excavate, dig in or alter, or remove any heritage object from, a site that contains artifacts, features, materials or other physical evidence of unknown origin if the site may be protected under paragraphs (b) to (f);

(h) damage, desecrate or alter a site or object that is identified in a schedule under section 4 (4) (a);

(i) damage, excavate or alter, or remove any heritage object from, a property that is subject to an order under section 12.3 (1) or 16.1.

(3) The Lieutenant Governor in Council may make regulations respecting the following:

(a) defining the extent of types of sites protected under subsection (2), except heritage sites or objects protected under subsection (2) (h);

(b) identifying types of features, material or evidence for which the requirements of subsection (2) (d) and (g) do not apply, which may be different for different types of sites;

(c) establishing identification standards for archaeological sites to be protected under subsection (2) (f);

(d) identifying actions that are deemed to derogate from the heritage value of a site or object, or classes of sites or objects, protected under subsection (2), except with respect to sites protected under subsection (2) (h).

(4) The minister may, after providing an opportunity for consultation with the first nation whose heritage site or object would be affected,

(a) define the extent of a site protected under subsection (2), or

(b) exempt a site or object from subsection (2) on any terms and conditions the minister considers appropriate if the minister considers that the site or object lacks sufficient heritage value to justify its conservation.

(5) Subsection (4) does not apply to a site or object protected under subsection (2) (h).

(6) Except as authorized by a permit issued under section 12.4, a person must not damage, alter or remove

(a) a notice erected under section 17, or

(b) a plaque or marker installed under section 18.

Heritage inspection and heritage investigation by permit

12.2 (1) A person must not excavate or otherwise alter land for the purposes of archaeological research or searching for artifacts of aboriginal origin except under a permit issued under this section or an order issued under section 12.3.

(2) The minister may, by permit, authorize a heritage inspection or heritage investigation of any property.

(3) The person named as a proponent in an application for a permit under subsection (2) is liable to pay for a heritage inspection or heritage investigation authorized by the permit.

(4) A permit issued under subsection (2) does not authorize entry onto land or into a building without the permission of the owner or occupier.

(5) Sections 12.4 to 12.8, except sections 12.4 (3) (c), 12.5 (2) and (3) and 12.6 (3), apply to permits authorized under this section.

Heritage inspection and heritage investigation by ministerial order

12.3 (1) The minister may order that a heritage inspection or heritage investigation be conducted if the minister considers that one or more of the following apply:

(a) land may contain a heritage site or heritage object protected under section 12.1;

(b) land that may have heritage value, or that may include a heritage site or heritage object, may be subject to subdivision;

- (c) property may be subject to alienation from government ownership;
 - (d) property that may have heritage value, or land that may include heritage property, may be subject to alteration by natural or human causes;
 - (e) an object that may have heritage value may be subject to removal from British Columbia.
- (2) A heritage inspection or heritage investigation order made under subsection (1)
- (a) must state the purpose of the heritage inspection or heritage investigation,
 - (b) must specify how long the order is to remain in effect,
 - (c) must require that the heritage inspection or heritage investigation be carried out expeditiously,
 - (d) may provide that property covered by the order is subject to protection under section 12.1 while the order remains in effect, and
 - (e) may require that the owner take actions to preserve the integrity and condition of property covered by the order while the order remains in effect.
- (3) If an order for a heritage inspection or heritage investigation made under subsection (1) relates to
- (a) alienation of government-owned property,
 - (b) a public work authorized to be undertaken under an Act,
 - (c) the extraction or harvesting of resources from land,
 - (d) the subdivision of land, or
 - (e) changes in use or development of land,
- the minister may require the person purchasing, subdividing, developing or using the property to undertake or pay for the heritage inspection or heritage investigation.
- (4) A person must not interfere with a heritage inspection or heritage investigation ordered under subsection (1).
- (5) A person whose property is damaged during the course of a heritage inspection or heritage investigation ordered under subsection (1) is entitled to have the damage repaired at the expense of the government or, if the damage cannot be repaired, to compensation from the government.
- (6) Section 12.5 (1) applies to orders made under this section.

Power to issue or amend permits

- 12.4** (1) To carry out an action referred to in section 12.1, a person must apply for a permit or for a permit to be amended, as applicable, and the minister may

- (a) issue the permit,
 - (b) amend the permit, or
 - (c) refuse to issue or amend the permit.
- (2) An application submitted to the minister under this section must be
- (a) in the form and manner required by the minister, and
 - (b) accompanied by any information and content specified by the minister.
- (3) The minister may refuse to issue or amend a permit under this section if the minister considers that
- (a) the action to be authorized under the permit would unreasonably compromise the heritage protection of the property,
 - (b) the information provided in the application is insufficient to determine if the action to be authorized under the permit would unreasonably compromise the heritage protection of the property,
 - (c) a heritage inspection or heritage investigation would be required to remedy the insufficiency of information provided in the application to determine if the action to be authorized under the permit would unreasonably compromise the heritage protection of the property, or
 - (d) any other prescribed consideration applies.
- (4) Considerations that may be prescribed under subsection (3) (d) include considerations relating to any of the following:
- (a) the application for the permit;
 - (b) the permit;
 - (c) the applicant for the permit;
 - (d) the permit holder.

Permit requirements, specifications and conditions

12.5 (1) A permit issued under section 12.4 (1) may include requirements, specifications and conditions that the minister considers appropriate, including

- (a) being limited to a period of time or location,
 - (b) requiring the permit holder to consult with or obtain the consent of one or more parties whose heritage the property represents or may represent,
 - (c) requiring the permit holder to provide the minister with reports satisfactory to the minister, and
 - (d) specifying a repository for heritage objects that are removed from the heritage property.
- (2) Despite any other enactment, a permit issued under section 12.4 (1) may specify the siting, dimensions, form, exterior design and finish of new

construction or renovations to a building or structure.

(3) A permit does not authorize the permit holder to enter property, or to make any alteration to property, without the permission of the owner or occupier.

**Amending, suspending or cancelling permits –
new information available to minister**

12.6 (1) The minister may, in accordance with subsection (2), do the following in respect of a permit issued under section 12.4 (1):

- (a) amend the requirements, specifications and conditions of the permit;
- (b) suspend the permit;
- (c) cancel the permit.

(2) The minister may take any action under subsection (1) if the minister

- (a) has new information respecting the heritage value of a property that was not considered when the permit was issued or amended, and
- (b) considers that
 - (i) the action authorized under the permit would unreasonably compromise the heritage protection of the property,
 - (ii) the information submitted when the permit was issued or amended is no longer sufficient to determine if the action to be authorized under the permit would unreasonably compromise the heritage protection of the property, or
 - (iii) any other prescribed consideration applies.

(3) The minister may suspend a permit under subsection (1) (b) if the minister

- (a) has new information respecting the heritage value of a property that was not considered when the permit was issued or amended, and
- (b) considers that a heritage inspection or heritage investigation is required to determine if the action authorized under the permit would unreasonably compromise the heritage protection of the property.

(4) Considerations that may be prescribed under subsection (2) (b) (iii) include considerations relating to either of the following:

- (a) the permit;
- (b) the permit holder.

**Amending, suspending or cancelling permits –
enforcement**

12.7 (1) The minister may, in accordance with subsection (2), do the following in respect of a permit issued under section 12.4 (1):

- (a) amend the requirements, specifications and conditions of the permit;

(b) suspend the permit;

(c) cancel the permit.

(2) The minister may take any action under subsection (1) if the minister has reasonable and probable grounds to believe any of the following:

(a) the application for the permit included false or misleading information with respect to a material fact;

(b) the application for the permit omitted to state a material fact, the omission of which makes information in the application false or misleading;

(c) the permit holder has contravened or is in default of a requirement, specification or condition of the permit, whether or not the permit holder is charged with an offence under this Act;

(d) the permit holder has contravened a provision of this Act or the regulations, whether or not the permit holder is charged with an offence under this Act;

(e) a prescribed circumstance has occurred in respect of the permit, the application for the permit or the permit holder.

Subsequent amendment, suspension or cancellation of permit

12.8 For certainty, if the minister amends or suspends a permit under section 12.6 (2) or (3) or 12.7, the minister may subsequently amend, suspend or cancel the permit in accordance with section 12.6 (2) or (3) or 12.7, as applicable.

Explanatory Note

15 Sections 13 and 14 are repealed.

Explanatory Note

16 The following heading is added before section 15:

Division 3 – Administration and Enforcement .

Explanatory Note

17 Section 15 is amended

(a) in subsections (1), (3), (4) and (7) by striking out "section 14 (4)" and substituting "section 12.3", and

(b) in subsection (4) (iv) by striking out "object" and substituting "purpose".

Explanatory Note

18 The following sections are added:

Entry and inspection

15.1 (1) In subsections (2) and (4), "**dwelling**" means

- (a) a structure occupied as a private residence, and
- (b) if only part of a structure is occupied as a private residence, that part of the structure.

(2) For any purposes related to the administration or enforcement of the Act, the regulations, a permit, an order, an agreement or an application for a permit, an authorized official may enter, at any reasonable time, on land or premises, other than a dwelling, if the authorized official has reasonable grounds to believe that

- (a) the land or premises contains a site or object that has or may have heritage value,
- (b) activities are being, have been or will be carried out by a person who, under this Act, is required to hold a permit, an order or an agreement to carry out that activity, or
- (c) records concerning the activities referred to in paragraph (b) are being kept on the land or premises.

(3) An authorized official who enters land or premises under this section may do any of the following:

- (a) inspect anything or any activity that is reasonably related to the purpose of the inspection;
- (b) take samples and carry out tests and examinations;
- (c) require, for the purposes of inspection or copying, production of
 - (i) a permit, order or agreement that is required for the activity, and
 - (ii) a record required to be kept under the Act, regulations or requirements, specifications and conditions of a permit, order or agreement;
- (d) require, for the purposes of inspection, production of proof of identity by any of the following persons:
 - (i) a person who is in possession or apparent possession of the land or premises;
 - (ii) a person who has custody or control, or apparent custody or control of the records being inspected;
 - (iii) a person who has custody or control, or apparent custody or control of the property being inspected;
 - (iv) a person who is in charge of or conducting the activity being inspected;

(e) make inquiries the authorized official considers necessary.

(4) Nothing in this section authorizes entry into a dwelling without the permission of the owner or occupier.

(5) An authorized official may be accompanied by a peace officer.

(6) An authorized official must provide proof of identity if requested by a person described in subsection (3) (d).

Warrant to search and seize evidence

15.2 (1) A justice of the peace may issue a warrant under section 21 or 22 of the *Offence Act* to an authorized official to enter premises and search for and seize evidence of a contravention of this Act or the regulations.

(2) Sections 23 to 24.2 of the *Offence Act* apply to the search and seizure of evidence described in subsection (1) of this section.

Obligation of person inspected

15.3 A person who is required by an authorized official to produce

- (a) a permit, order or agreement under section 15.1 (3) (c) (i),
- (b) a record under section 15.1 (3) (c) (ii), or
- (c) proof of identity under section 15.1 (3) (d)

must produce, if and as required by the authorized official, the requested permit, order, agreement, record or identification.

Explanatory Note

19 Section 16 is repealed.

Explanatory Note

20 The following section is added:

Stop work orders

16.1 (1) If the minister considers that a property

- (a) has or may have heritage value, and
- (b) for any reason, is likely to be altered, is being altered or has been altered,

the minister may issue, to a person or class of persons, a stop work order that prohibits any alteration of the property for a period of up to 120 days.

(2) The minister may include in the stop work order any requirements, specifications or conditions the minister considers appropriate.

(3) In prescribed circumstances, if any, the minister may extend, for a prescribed period of time, the following stop work orders:

- (a) a stop work order issued for a period of 120 days;
- (b) consecutive stop work orders that total a period of 120 days;
- (c) a stop work order that has been extended under this subsection.

Explanatory Note

21 The following heading is added after section 17:

Division 4 – General .

Explanatory Note

22 Section 20 (1) is amended by striking out "objects of this Act" and substituting "purposes of this Act".

Explanatory Note

23 The following section is added:

Ministerial delegation and subdelegation

- 20.1** (1) Subject to subsection (3), the minister may delegate the minister's powers and duties under this Act to a person or class of persons employed in any ministry of the government.
- (2) A delegation in respect of an authority under section 17, 18, or 20 (1) (c) and (f) may be subdelegated to a person or class of persons employed in any ministry of the government.
- (3) The minister may not delegate the authority in section 22.
- (4) A delegation under subsection (1) or subdelegation under subsection (2)
- (a) must be in writing, and
 - (b) may contain any conditions or restrictions the minister, or the person performing the subdelegation, considers appropriate.
- (5) If a power or duty has been delegated under subsection (1) or subdelegated under subsection (2), a reference to the minister in relation to that power or duty includes the delegate or subdelegate, as applicable.
- (6) This section does not restrict or limit the authority in section 23 of the *Interpretation Act*.

Explanatory Note

24 Section 21 is repealed and the following substituted:

Preservation intervention

- 21** (1) If the minister considers that property protected under section 12.1 (2) is subject to damage or deterioration, the minister may order the owner, subject to requirements, specifications and conditions that the minister considers appropriate, to preserve the property at the expense of the government.
- (2) If the minister considers that property protected under section 12.1 (2) is subject to damage or deterioration and is being unreasonably neglected by the owner, the minister may order the owner, subject to requirements, specifications and conditions that the minister considers appropriate, to preserve the property
- (a) at the expense of the owner, or

(b) at the expense of the owner and the government on a cost-sharing basis.

Explanatory Note

25 Section 23 is repealed.

Explanatory Note

26 Section 32 (2) is amended

(a) in paragraph (b) by striking out "section 13 (2)" and substituting "section 12.1 (2)",

(b) in paragraph (c) by striking out "section 14, 16 or 21" and substituting "section 12.3, 16.1 or 21", and

(c) in paragraph (d) by striking out "section 13 (2)" and substituting "section 12.1 (2)".

27 Section 34 is amended

(a) in subsection (2) (a) by striking out "the requirements or conditions of a permit issued under section 12 or 14" and substituting "the requirements, specifications or conditions of a permit issued under section 12.2 or 12.4",

(b) in subsection (2) (b) by striking out "section 14 or 21" and substituting "section 12.3 or 21",

(c) in subsection (2) (c) by striking out "section 13 (1)" and substituting "section 12.1 (1)",

(d) in subsection (2) (d) by striking out "section 13 (2)" and substituting "section 12.1 (2)",

(e) in subsection (2) (e) by striking out "section 23 (2)" and substituting "section 11.1 (2)", and

(f) in subsection (3) (a) by striking out "terms and conditions" and substituting "requirements, specifications and conditions".

28 Section 35 is amended by striking out "section 11 or 14 (9)" and substituting "section 11 or 12.3 (5)".

Explanatory Note

29 Section 36 is amended

(a) by repealing subsection (1) and substituting the following:

(1) A person who does any of the following commits an offence:

(a) contravenes section 12.1 (6), 12.2 (1), 12.3 (4) or 15.3 or a provision of the *Park Act* referred to in section 11.1 (2) of this Act as it applies to a Provincial heritage property;

(b) fails to comply with or contravenes a requirement, specification or condition of an order or permit under section 11.1 (2), 12.2 (2), 12.3 (1), 12.4 (1) (a) or (b), 16.1, 19 (2), 21 or 34 (3);

(c) contravenes a regulation made under section 11.1 (2) or 37 (2) (e);

(d) contravenes section 12.1 (1) or (2);

(e) hinders, obstructs, impedes or otherwise interferes with an authorized official in the performance of the authorized official's duties or the exercise of the authorized official's powers under this Act or the regulations. ,

(b) by adding the following subsections:

(1.1) If a contravention or failure continues for more than one day, the person is guilty of a separate offence for each day on which the contravention or failure continues.

(1.2) A proceeding, conviction or penalty for an offence under this Act does not relieve a person from any other liability. ,

(c) in subsections (2) and (4) (a) by adding "or (e)" after "subsection (1) (a) to (c)",

(d) in subsection (6) by striking out "2 years" and substituting "3 years",

(e) by repealing subsection (6) (b) and substituting the following:

(b) an authorized official. , **and**

(f) in subsection (7) by striking out "by the official designated under subsection (6) (b) certifying the day on which he or she became aware" and substituting "by the authorized official referred to in subsection (6) (b) certifying the day on which the authorized official became aware".

Explanatory Note

30 Section 36 (1) (a) is amended by striking out "section 12.1 (6)" and substituting "section 8.2, 12.1 (6)".

Explanatory Note

31 Section 37 is amended

(a) in subsection (2) (i) by striking out "section 14" and substituting "sections 12.2 and 12.3",

(b) in subsection (2) by adding the following paragraphs:

(j) prescribing reasons to refuse an application to issue or amend a permit for the purposes of section 12.4 (3) (d);

(k) prescribing circumstances to amend, suspend or cancel a permit for the purposes of section 12.6 (2) (b) (iii);

(l) prescribing circumstances to amend, suspend or cancel a permit for the purposes of section 12.7 (e);

(m) prescribing the circumstances or the period of time for the extension of a stop work order for the purposes of section 16.1 (3). ,
and

(c) by adding the following subsection:

(3) In making a regulation under this Act, the Lieutenant Governor in Council may

(a) define classes of properties, persons, sites, objects, circumstances or areas, including, for the purposes of section 3 (1) (f), classes of heritage properties, and

(b) establish different regulations for different classes of properties, persons, sites, objects, circumstances or areas, including, for the purposes of section 3 (1) (f), different classes of heritage properties.

Explanatory Note

32 Section 37 is amended

(a) in subsection (2) by adding the following paragraphs:

(f.1) prescribing sites or objects or classes of sites or objects for the purposes of section 8.2 (1);

(f.2) prescribing the time period for the purposes of section 8.2 (1);

(f.3) exempting a person or classes of persons for the purposes of section 8.2 (3); ,

(b) by repealing subsection (3) and substituting the following:

(3) Without limiting subsection (1), the Lieutenant Governor in Council or the minister may make regulations as follows:

(a) prescribing sites or objects or classes of sites or objects for the purposes of section 8.2 (1);

(b) prescribing the time period for the purposes of section 8.2 (1);

(c) exempting a person or classes of persons for the purposes of section 8.2 (3). , **and**

(c) by adding the following subsection:

(4) In making a regulation under this Act, the Lieutenant Governor in Council or the minister, as applicable, may do one or more of the following:

(a) define classes of properties, persons, sites, objects, circumstances or areas, including, for the purposes of section 3 (1) (f), classes of heritage properties;

(b) establish different regulations for different classes of properties, persons, sites, objects, circumstances or areas, including, for the purposes of section 3 (1) (f), different classes of heritage properties.

Consequential and Related Amendments

Energy, Mines and Petroleum Resources Statutes Amendment Act, 2018

Explanatory Note

33 Section 1 of the Energy, Mines and Petroleum Resources Statutes Amendment Act, 2018, S.B.C. 2018, c. 15, is amended

(a) by striking out "section 12 [permits]" and substituting "sections 12.4 to 12.8 [permit authorizing certain actions]", and

(b) by striking out "section 14 [heritage inspection and heritage investigation]" and substituting "sections 12.2 and 12.3 [heritage inspection and heritage investigation permits and orders]".

Local Government Act

Explanatory Note

34 Section 1 of the Schedule to the Local Government Act, R.S.B.C. 2015, c. 1, is amended in paragraph (a) of the definition of "protected heritage property" by striking out "section 13 (2)" and substituting "section 12.1 (2)".

Mineral Tenure Act

Explanatory Note

35 Section 1 of the Mineral Tenure Act, R.S.B.C. 1996, c. 292, is amended in paragraph (a) of the definition of "protected heritage property" by striking out "section 13" and substituting "section 12.1".

Explanatory Note

36 Section 21 is amended by striking out "section 23" and substituting "section 11.1".

Oil and Gas Activities Act

Explanatory Note

37 Section 1 (2) of the Oil and Gas Activities Act, S.B.C. 2008, c. 36, is amended in paragraph (c) of the definition of "specified provision" by striking out "section 12 [permit authorizing certain actions]" and substituting "sections 12.4 to 12.8 [permit authorizing certain actions]".

38 Section 23 (5) (a) is amended by striking out "section 13" and substituting "section 12.1".

Vancouver Charter

Explanatory Note

39 Section 2 of the Vancouver Charter, S.B.C. 1953, c. 55, is amended in paragraph (a) of the definition of "protected heritage property" by striking out "section 13 (2)" and substituting "section 12.1 (2)".

Commencement

40 The provisions of this Act referred to in column 1 of the following table come into force as set out in column 2 of the table:

Item	Column 1 Provisions of Act	Column 2 Commencement
1	Anything not elsewhere covered by this table	The date of Royal Assent
2	Sections 6 and 7	By regulation of the Lieutenant Governor in Council
3	Section 30	By regulation of the Lieutenant Governor in Council
4	Section 32	By regulation of the Lieutenant Governor in Council

Explanatory Notes

SECTION 1: **[Heritage Conservation Act, section 1]** adds the definition of "authorized official", repeals a definition and replaces a cross-reference, consequential to the amendments made by this Bill to the Act.

SECTIONS 2 TO 6: **[Heritage Conservation Act, sections 3, 4, 6 and 8.1]** are consequential to the amendments made by this Bill to the Act.

SECTION 7: **[Heritage Conservation Act, section 8.2]**

- establishes an obligation to report to the minister a site or object that a person discovers and may have heritage value;
- allows the minister to specify the report's form and manner and the information required when reporting a discovery.

SECTION 8: **[Heritage Conservation Act, heading to Division 1 of Part 2]** adds a heading.

SECTION 9: **[Heritage Conservation Act, section 9]** is consequential to the amendments made by this Bill to the Act.

SECTION 10: **[Heritage Conservation Act, section 11]** makes a housekeeping amendment and is consequential to the amendments made by this Bill to the Act.

SECTION 11: **[Heritage Conservation Act, section 11.1]**

- moves the existing section 23 of the Act to the new Division 1 that deals with designation;

- updates the reference in existing section 23 (2) (a) to a gender-neutral reference to the minister;
- updates the references to directors and officers.

SECTION 12: **[Heritage Conservation Act, heading to Division 2 of Part 2]** adds a heading.

SECTION 13: **[Heritage Conservation Act, section 12]** repeals section 12, consequential to the amendments made by this Bill to the Act.

SECTION 14: **[Heritage Conservation Act, sections 12.1 to 12.8]**

- moves the existing section 13 to the new section 12.1 and is consequential to the amendments made by this Bill to the Act;
- moves the existing section 14 to the new section 12.2, provides certainty as to the party liable for the work conducted under a heritage inspection or heritage investigation, and is consequential to the amendments made by this Bill to the Act;
- moves the existing section 12 to the new section 12.3, provides for matters relating to decisions about permits, and is consequential to the amendments made by this Bill to the Act;
- sets out the contents of a permit;
- allows the minister to amend, suspend or cancel a permit in certain circumstances if there is new information available to the minister;
- allows the minister to amend, suspend or cancel a permit in certain circumstances for enforcement purposes.

SECTION 15: **[Heritage Conservation Act, sections 13 and 14]** repeals sections 13 and 14, as those provisions are moved to sections 12.1 and 12.2.

SECTION 16: **[Heritage Conservation Act, heading to Division 3 of Part 2]** adds a heading.

SECTION 17: **[Heritage Conservation Act, section 15]** is consequential to the amendments made by this Bill to the Act and makes a housekeeping amendment for clarity and consistency.

SECTION 18: **[Heritage Conservation Act, sections 15.1 to 15.3]**

- allows an authorized official to enter land, other than a dwelling, for the administration and enforcement of the Act;
- provides authority for the authorized official to inspect, take samples, request identification and make necessary inquiries;
- allows the authorized official to request accompaniment by a peace officer;
- requires that the authorized official must provide identification if requested by certain people;
- allows for a warrant to be issued to search the premises and seize certain evidence;
- places obligations on a person to provide certain documents or identification if requested by an authorized official.

SECTION 19: **[Heritage Conservation Act, section 16]** repeals section 16.

SECTION 20: **[Heritage Conservation Act, section 16.1]** adds a section on stop work orders that ensures any prospective, existing or past alterations are included and allows for a stop work order to be extended in prescribed circumstances.

SECTION 21: **[Heritage Conservation Act, heading to Division 4 of Part 2]** adds a heading.

SECTION 22: **[Heritage Conservation Act, section 20]** makes housekeeping amendments.

SECTION 23: **[Heritage Conservation Act, section 20.1]** adds a new section that provides for matters relating to the delegation and subdelegation of certain powers and duties.

SECTION 24: **[Heritage Conservation Act, section 21]** makes a housekeeping amendment and is consequential to the amendments made by this Bill to the Act.

SECTION 25: **[Heritage Conservation Act, section 23]** repeals section 23, as that provision is moved to section 11.1, and is consequential to the amendments made by this Bill to the Act.

SECTIONS 26 TO 28: **[Heritage Conservation Act, sections 32, 34 and 35]** are consequential to the amendments made by this Bill to the Act.

SECTION 29: **[Heritage Conservation Act, section 36]**

- repeals subsection (1);
- substitutes a similar provision that adds failing to report a discovery and hindering an authorized official to the list of offences;
- is consequential to the amendments made by this Bill to the Act;
- changes the limitation period for laying an information.

SECTION 30: **[Heritage Conservation Act, section 36]** amends section 36 to include a new offence.

SECTION 31: **[Heritage Conservation Act, section 37]** adds and amends regulation-making powers consequential to the amendments made by this Bill to the Act.

SECTION 32: **[Heritage Conservation Act, section 37]** adds regulation-making powers consequential to the amendments made by this Bill to the Act.

SECTION 33: **[Energy, Mines and Petroleum Resources Statutes Amendment Act, 2018, section 1]** is consequential to the amendments made by this Bill to the *Heritage Conservation Act*.

SECTION 34: **[Local Government Act, section 1 of the Schedule]** amends the definition of "protected heritage property" consequential to the amendments made by this Bill to the *Heritage Conservation Act*.

SECTION 35: **[Mineral Tenure Act, section 1]** amends the definition of "protected heritage property" consequential to the amendments made by this Bill to the *Heritage Conservation Act*.

SECTION 36: **[Mineral Tenure Act, section 21]** is consequential to the amendments made by this Bill to the *Heritage Conservation Act*.

SECTIONS 37 AND 38: **[Oil and Gas Activities Act, sections 1 and 23]** amend the definitions of "specified provision" and "protected heritage property", consequential to amendments made by this Bill to the *Heritage Conservation Act*.

SECTION 39: **[Vancouver Charter, section 2]** amends the definition of "protected heritage property" consequential to the amendments made by this Bill to the *Heritage Conservation Act*.

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COURSE FEEDBACK

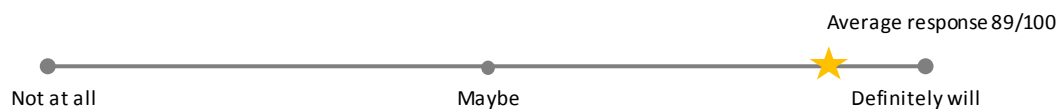
CHANCE FIND PROCEDURE TRAINING JANUARY 2019 – SRRMC

Q1. How would you rate the session you attended?

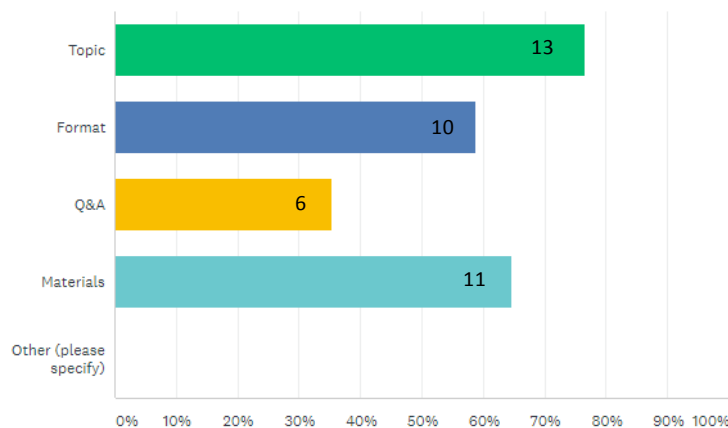


4.35/5 Average response

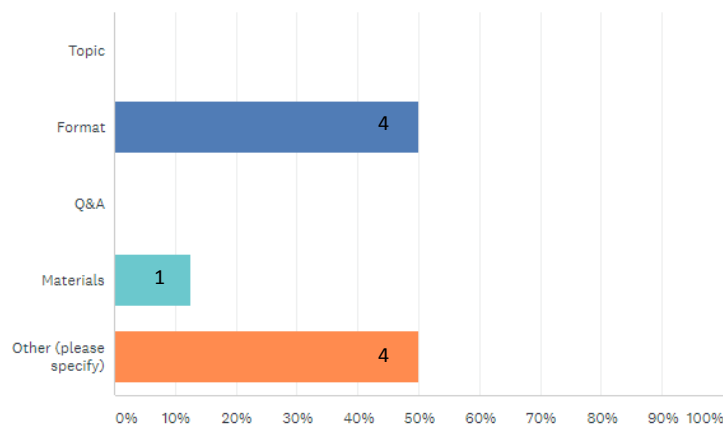
Q2. How likely would you be to recommend this session to a colleague?



Q3. What did you like best about the session?



Q4. Was there anything you disliked about the session?



'Other' Responses:

- ☐ limited time
- ☐ would have been valuable to get a better sense of the policy and our role as gov staff in following the proper procedures
- ☐ I just wish I could have spent more time at the plant medicine station!
- ☐ Sessions were of varying length and because of that not all sessions were able to finish (i.e. flora uses by indigenous people)

Q5. Is there anything else you would like to say about the session?

- ☐ Enjoyed it very much and the presenters were knowledgeable and shared in an engaging manner.
- ☐ very informative
- ☐ Well done.
- ☐ Enjoyed it, learned a lot
- ☐ I would benefit from a more detailed procedural session. Also, insight on how to prevent chance finds would be helpful. Ex. When pre-project permits, tests, reports, etc. are needed? Maybe you could arrange for a follow up detailed session? Thanks!
- ☐ Great job, thanks for putting it together.
- ☐ Great learning experience
- ☐ Very informative for the short amount of time we had. In the future a longer, more in depth session may be beneficial.

To: Fraser Valley Aboriginal Relations Committee
From: Jessica Morrison, Policy Analyst – Indigenous Relations

Date: 2019-04-11
File No: 3400-01

Subject: Recent Consultation and Accommodation Case Law Update

INTENT

This report is intended to advise the Fraser Valley Aboriginal Relations Committee of the highlights of a seminar on Consultation and Accommodation Case Law Updates recently attended by staff. This report is not providing legal advice. Staff are not looking for a recommendation at this time, and forward this information should members want more clarification, or to discuss the item further.

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services
Foster a Strong & Diverse Economy
Support Healthy & Sustainable Community
Support Environmental Stewardship

BACKGROUND

On February 28 – March 1, 2019, FVRD staff attended a seminar reviewing recent development in consultation and accommodation case law. The event was produced by the Pacific Business and Law Institute (PBLI). These annual PBLI seminars provide important insights into evolving legal frameworks for First Nation consultation and accommodation. Seminar presenters are legal counsel with expert local experience, and in some cases, direct involvement, in the important cases that have been argued. The perspectives provided through the seminar are detailed and nuanced, and invaluable in understanding the current and shifting legal landscape.

Recent cases of interest which were discussed in the seminar included:

Tsleil-Waututh Nation v. Canada, 2018 FCA 153

Challenge to Trans Mountain Pipeline NEB Approval, on the basis that the Crown had not met its duty to consult.

Ahousaht Indian Band and Nation v Canada, 2018 BCSC 633

Challenge to justification for infringement of proven fishing rights by Canada's regulation of the fishing industry.

Mikisew Cree First Nation v. Canada, 2018 SCC 40

Challenge to adverse impacts to treaty rights to hunt, trap and fish, resulting from omnibus legislative changes to the Canadian Environmental Assessment Act (CEAA), Fisheries Act, Species at Risk Act, and the Navigable Waters Protection Act.

Gamlaxyełtxw (Gitanyow Nation) v British Columbia, 2018 BCSC 440

Challenge to how the Crown manages conflict between Treaty-established rights and asserted, unproven rights. The Nisga'a Nation has entered into a modern treaty and the Gitanyow Nation has asserted Aboriginal rights. The case arose over differing opinions on the management of a wildlife harvest area.

Eabametoong First Nation v Landore & MNDM, 2018 ONSC 4316

Challenge to the issuance of a permit to conduct exploration drilling, on the basis that the Crown had not met its duty to consult.

Taseko Mines v Canada, 2017 FC 1100

Taseko Mines challenged the procedural fairness of the Canadian Environmental Assessment Act (CEAA) rejection of their proposed New Prosperity open pit gold-copper mine project, on the basis that they were not provided an opportunity to respond to panel submissions by First Nations.

Some of the key takeaways from these recent cases about how local governments should be thinking about consultation and accommodation include:

Substance matters

- The substance, not just the structure, of consultation matters.
- The days of “tick box” consultation are over.
- Building a legal defense is not a consultation strategy.
- Aiming for the minimum to get over the bar is not ‘real intention’, as it does not seek to build a relationship.
- Consultation is not for First Nations to “blow off steam” before the government or a proponent carries on with its plans. Consultation is a meaningful two-way dialogue, and meaningful two-way dialogue involves being prepared to amend policy proposals in light of information received, and providing feedback.
- Many problems are easily resolved by proponents just asking basic questions to the First Nations community.

Procedural aspects of the duty to consult are clarified

- The duty to consult trumps the duty of procedural fairness in decision-making.
- Expectations about timeline of outcomes must not be set unilaterally, and may even have to be set aside entirely.
- A negotiating party must send representatives who have the authority to negotiate the terms being discussed. Consultation must be conducted by someone who has the ear of the decision-maker.
- The duty to consult does not apply in the law-making process.

- Where there is conflict between a treaty-protected right and a claimed Aboriginal right, the treaty-established right supersedes.

DISCUSSION

Discussion is presented in two sections. This first section contains commentary by seminar presenters regarding specific recent cases. The second section contains commentary by seminar presenters on the general direction of the law around a range of generally recurring themes in Indigenous consultation law.

Case Reviews

Tsleil-Waututh/Trans Mountain – Substance matters

Commentary provided by
 Matthew Kirchner, Ratcliff & Company LLP
 Paul Seaman, Gowling
 Scott Smith, Gowling
 Jennifer Griffith, Donovan & Company
 Rosanne Kyle, Mandell Pinder LLP

At issue: Six First Nations, two municipalities, and two environmental organizations challenged the National Energy Board (NEB) approval of the Trans Mountain pipeline expansion.

Finding : The court ruled in favour of the First Nations, on the grounds that Canada had:

- failed to engage, dialogue meaningfully, and grapple with real concerns of Indigenous applicants;
- failed to explore possible accommodations for the concerns of Indigenous applicant; and
- made unreasonable and unjustified exclusion of marine shipping from consideration or discussion during consultation.

Discussion: The court found that the structure of consultation had been sufficient, but the content of discussions was inadequate (i.e. listening and note-taking is not a meaningful two-way dialogue). It found the consultation also “unreasonably excluded” marine shipping from consideration or discussion, without justification. Consultation is not for Indigenous peoples to “blow off steam” before the government goes ahead with whatever it would like to do. Consultation is not to simply “receive the concerns of First Nations”. It is meant to be a meaningful, two-way dialogue.

The court looked beyond the massive record of “consultation fluff” and looked at the substance of the engagement. In other words, logging dates and times of phone messages, noting when someone bumped into a Chief over coffee, records of letters mailed, etc., is an empty approach. The volume of interactions is not to be interpreted as substance.

The court noted that the execution of the process was “unacceptably flawed” and “fell well short of the mark”. The court criticized the Crown for sending note-takers to conduct the consultation. It clarified that consultation must be conducted by someone who has the ear of the decision-maker (i.e. cabinet, in this case). It is not considered adequate to send a consultant or low-level staff to conduct consultation.

Ahousaht – Procedural aspects of the duty to consult are clarified
Commentary provided by
Matthew Kirchner, Ratcliff & Company LLP

At issue: Five First Nations challenged the justification for infringement of proven (2009) fishing rights by Canada's regulation of the fishing industry.

Finding: The court ruled in favour of the First Nations. A party who comes to a negotiation table with no mandate or ability to negotiate is not negotiating at all, and cannot be said to be acting in good faith, even if the Crown's representatives on the ground are well meaning.

Discussion: The court found that the First Nations had previously established (2009) the right to catch and sell fish, and that those rights had been infringed. The question of whether there was justification for the infringement was deferred, pending discussion between Canada and the First Nations. Those negotiations did occur, but no agreement could be reached between the parties.

The Crown was found to have "stymied" and "stonewalled" attempts to negotiate the framework by which the rights-based fishery would co-exist alongside The Department of Fisheries and Oceans' (DFO's) regulation of the fishery, and thus the Crown did not act honourably.

The court clarified that proper consultation entails testing and being prepared to amend policy proposals in light of information received, and providing feedback. None of that can occur if representatives of a party at the table do not have the ability to substantially address concerns or obtain consent.

This decision is now under appeal.

Mikisew Cree - Procedural aspects of the duty to consult are clarified
Commentary provided by
Matthew Kirchner, Ratcliff & Company LLP
Karey Brooks, JFK Law

At issue: The Mikisew Cree First Nation argued that the duty to consult was triggered when, in 2012, Canada introduced two omnibus bills which affected their protected Aboriginal rights to hunt, trap, and fish.

Finding: The court found in favour of Canada. The development and passing of legislation does not trigger the duty to consult.

Discussion: This challenge pertained to omnibus changes to a number of federal statutes under two omnibus bills introduced between 2006 and 2016:

- Canadian Environmental Assessment Act (CEAA)
- Fisheries Act
- Species at Risk Act
- Navigable Waters Protection Act

The court noted that parliamentary sovereignty must be maintained and not be subject to judicial review. First Nations should instead lobby government or seek to be heard by parliamentary committees, when they feel their protected Aboriginal rights may be infringed.

There are practical concerns with imposing the duty to consult on passing legislation, which would introduce dysfunction to the law-making process. Additionally, passing legislation is not 'Crown conduct' (which is the trigger for the duty to consult). 'Crown conduct' refers only to executive function. However, the duty to consult may be triggered by subordinate legislation. While the duty to consult may not be triggered in the legislative process, the 'honour of the Crown' still underlies processes.

There are two constitutional principles which underlie this discussion; the separation of powers and parliamentary sovereignty. These principles make it inappropriate for courts to scrutinize the law-making process. Extending the duty to consult to the legislative process would oblige the judiciary to exceed its institutional role and upset the balance of powers between the three branches of government.

There were dissenting opinions from the justices on this matter, but the ramifications of finding a duty to consult in respect of drafting and passing legislation are abstract and potentially far-reaching. This may have been a factor in the majority's conclusion.

Gitanyow Nation – Procedural aspects of the duty to consult are clarified

Commentary provided by

Matthew Kirchner, Ratcliff & Company LLP

At issue: This case explores what impact a modern day treaty has on the assertion by Aboriginal peoples, who are not a party to that treaty, of their Aboriginal title and rights over parts of the same land and resources to which the treaty applies. The Gitanyow Nation argued that their Aboriginal right to harvest moose has priority over the Nisga'a moose allocation. They also argued that the Nisga'a allocation of the total allowable harvest should be reduced.

Finding: The court found that it was obligated to honour an established treaty right over an asserted, unestablished right.

Discussion: The Nisga'a Treaty establishes a wildlife harvest area. Each year, the Nisga'a recommend to the Minister a total allowable harvest for moose within that area. The Minister can accept or reject that recommendation. As well, each year the Nisga'a propose to the Minister an annual management plan that will apply to harvesting by Nisga'a members. The Minister must approve an annual management plan if it is consistent with the Treaty.

The court felt that the Minister had a duty to consult the Gitanyow on the annual allowable harvest. Consultation with the Gitanyow would not impact Nisga'a Treaty rights. Consultation on the adequate level of moose population is an issue on which Gitanyow's input could benefit the Minister's decision, and nothing in the Treaty precluded this discussion.

However, the court found there was no duty to consult on the Province's decision on the annual management plan. The annual management plans are implemented, monitored and enforced solely by the Nisga'a and applied only to Nisga'a citizens – they are an element of the Nisga'a's internal governance and are not an issue that can be consulted on between the Crown and the Gitanyow.

Although the Minister had a duty to consult on the total allowable harvest, the court noted that the Gitanyow do not have a right to be accommodated in a way that would interfere with the Treaty. Consultation between the Gitanyow and the Crown cannot result in a modification of the Nisga'a Treaty rights or allotments provided for under the treaty. As such, deep consultation might be precluded by the inability to accommodate.

There is concern that this decision is inconsistent with the principle that Aboriginal rights are pre-existing and not created by section 35 or a court declaration. The case is under appeal.

Landore - Substance matters, Procedural aspects of the duty to consult are clarified
Commentary provided by
Morgan Camley, Miller Thompson

At Issue: The Eabametoong First Nation challenged the decision to issue of a permit to Landore, a junior mining company, to conduct exploration drilling. The basis of the challenge was that the Crown had not met its duty to consult.

Finding: The court found in favour of the First Nation, that consultation efforts had been insufficient. While the duty to consult was the responsibility of the Crown, it had relied in this case, on the delegated procedural aspects of consultation carried out by the company. The company was found to have failed to engage in a full consultation. The court clarified that consultation is not an afterthought. It is about listening intently, and "real intention of talking together for mutual understanding" must be demonstrated.

Discussion: In this case, three days after requesting engagement on their intention to pursue an exploration permit, the proponent requested that the First Nation sign an MOU with the company. The proponent then sent the First Nation a re-cycled, draft MOU that it had signed with another First Nation.

The company had its first meeting with the First Nation two months later. The First Nation viewed the meeting as the start of a consultation process, and as such, made no comments on the project in the meeting.

Four days later, the company submitted its permit application to the Province, stating that it had conducted consultation, and that no concerns were raised by the First Nation.

A second face-to-face meeting happened between the company and the First Nation six months later. The First Nation expressed anger about the environmental damage done by previous mining activities.

After another six months had passed, the Province notified the First Nation that it intended to make a decision on the permit. The First Nation immediately communicated its concerns to the Province, previously raised to the company.

The Province then drafted a list of conditions under which it would issue the permit. The First Nation was not engaged in the drafting of these terms, and the company did not meet again, or sign an MOU, with the First Nation, citing that "enough time had passed." The First Nation responded to the terms proposed by the Province, explaining why they were insufficient to address their concerns.

This decision demonstrates that it is necessary to look beyond form to substance. While the company and the Crown in this case took procedural steps toward a consultative effort, the substance of consultation was lacking considerably. The desire of the Crown and the proponent to terminate consultation due to the length of time that had passed (2 years total), was not sufficient grounds to move ahead with issuing the permit in the face of unresolved concerns raised by the First Nation.

Taseko - Procedural aspects of the duty to consult are clarified
Commentary provided by
Morgan Camley, Miller Thompson

At Issue: Taseko Mines alleged that there were breaches to procedural fairness in the finding that its proposed open pit gold-copper mine would cause significant adverse environmental impacts.

Finding: The company was owed a duty of procedural fairness in aspects of the process, but it was not owed a high degree of procedural fairness at the Ministerial decision stage.

Discussion: The decision-maker's duty to consult requires balancing meaningful consultation with the principle of fairness to each participant, which produces a tension between competing "good principles."

In this case, the proponent felt it should have been given the opportunity to respond to issues raised by First Nations to the panel during the Crown's consultations. However, a proponent does not have a *right* to take part in the consultations between the Crown and a First Nation. This is not to say that a proponent may never have a *role* in consultations between the Crown and a First Nation.

Presenter Commentary on Generally Common Legal Issues

Notes on Accommodation in Practice
Commentary provided by
Aaron Bruce, Ratcliff & Company LLP

Accommodation is *consultation geared towards reconciliation*, where actions are taken which minimize impacts on Aboriginal interests. These interests must be balanced in a negotiation, and are not suited to templates or "cookie-cutter" approaches. Accommodations are project and context-specific and are therefore not universally applicable.

Sometimes how a community seeks compensation may not seem to make sense to a proponent, but may speak best to the needs to the community (i.e. a wellness centre might meet a community's needs best, rather than project-related jobs set aside).

Direct award or sole source contracts as compensation are usually smaller. Competitive bid processes are becoming more desirable to First Nations because they are thinking on a larger scale. These types of accommodations take some finessing, as First Nations often cannot contribute significant capital to a project to be able to partner in traditional ways.

Establishing cultural use areas or cultural lease areas is easier than transfer of land ownership. There are lots of creative options, such as waiving taxes and fees.

Many opportunities are lost simply because papers get buried on someone's desk, or are just never implemented.

Building Indigenous Capacity for Consultation

Commentary provided by

Raf De Guevara, Westbank First Nation

Erin Hanson, Tsleil-Waututh Nation

The Westbank First Nation demonstrated how it initially used Forest Consultation and Revenue Sharing Agreements (FRCRSA) funding to set up a Title and Rights department, and then establish a referral review process. The referral review process is now using archaeological consulting revenue to fund ongoing referral review through the department.

Westbank says that they are finding it refreshing now that government staff seem to understand the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the 10 principles respecting the Government of Canada's relationship with Indigenous Peoples (see attachment), and title and rights recognition. While Westbank previously found that just one government representative at a meeting or negotiating table might have understood this context and the principles, they are pleased to now find that most representatives coming to the table seem to have a good grasp on the concepts. Westbank feels they can work with knowledgeable staff. They see that massive shift in understanding is taking place and are encouraged. They note that where they do encounter old attitudes, they will respond with old attitudes in return.

Westbank say that they have decided that they will no longer support 30 year terms on any type of lease or permit. Representatives note that local government MOUs are important, but they need to be actually used, not just signed and forgotten about.

The Tsleil-Waututh Stewardship policy was developed to address interests through a defined process with timelines, standard information requirements, and a fee schedule for proponents to help cover the basic administrative costs of reviewing and responding to referrals.

The Haida (2004) decision that said First Nations have an obligation to come to the table in the consultation process, but no court has clarified how that involvement was supposed to be funded. In the absence of an answer, First Nation organizations have had to design creative solutions.

Regardless, Tsleil-Waututh say it is still not possible for them to respond to every request that they receive, as they receive approximately 400 annually.

Tsleil-Waututh notes that they see huge opportunities to work more closely with municipalities going forward.

Justifiable Infringement Claims

Commentary provided by

Bruce McIvor, First Peoples Law

We are at the end of the era of consultation and accommodation, moving toward a rights recognition framework. The duty to consult frustrates everyone. The process typically devolves into notes taking, record keeping, and rarely gets to the heart of a matter, or resolve issues. Consultation means nothing if you can't accommodate. Therefore, sending note-takers to conduct consultation is clearly a frustration of the process.

Consultation is a procedural right, not a substantive right. It doesn't have to be perfect. Claiming there is not a trigger for consultation is no longer a reasonable defense on which to rely.

Many parties think that they want clarity on the process, but the outcome is typically unpalatable. This is because that clarity results in a procedural roadmap to do more consultation. If you simply do it meaningfully the first time, you won't need to seek clarity.

The presenter cautioned that Consultation is a serious constitutional obligation. If you don't do it right, authorizations should be quashed without a "do-over". The Crown and proponent should not be able to undershoot the minimum, and then wait to see if a First Nation can afford to litigate. The way consultation is approached now (as in the Trans Mountain pipeline expansion), if you are challenged and lose, you are permitted to conduct more consultation until you nudge over the bar that is considered the minimum standard. The courts are showing that consultation is a constitutional obligation that must be respected. A bare minimum approach is not considered honourable.

All parties should be seeking consent as a standard consultative outcome. The Crown and proponents should not be able to claim justification for infringement to Aboriginal rights unless consent was sought from the outset. It is not necessary that consent is achieved, but it is necessary to demonstrate that you attempted, honourably, to attain it.

Establishing a justification to infringe Aboriginal rights is a very difficult test to meet. A project should never be approached from the position that justifiable infringement is the expectation from the start. Infringement is almost never justified.

Intra-Indigenous Issues – Shared Territories

Commentary provided by
Mark Smith, BC Treaty Commission
Jean Teillet, Pape Salter Teillet LLP

Governments perceive shared territory as a problem, but what if this complexity was simply interpreted as "the land was rich"? All stated rights are valid, whether the First Nations in question are in the treaty negotiation process or not. Government organizations and proponents must adjust their positions and proceed on the basis of rights recognition, not denial.

The Crown being involved in intra-Indigenous conversations can sometimes make a situation worse. Crown law is often inappropriate to address the matters at hand, or the law that is available is not applied (i.e. Heritage Conversation Act has rarely been enforced or implemented in its full effect).

Consultation on Cumulative Effects

Commentary provided by

Robert J. M. Janes, Q.C. , JFK Law Corporation

The courts have recognized that it is impossible to parse cumulative effects in consultation, but give no instruction on how to marry the two. Cumulative effects are at odds for proponents and decision makers, because previous or nearby projects may belong to other businesses or entities not parties to the project being reviewed.

From the perspective of First Nations, their way of life is at a tipping point. It is critical to see the big picture. It is currently an impossible situation to balance the needs and interests of First Nations with the impacts of cumulative effects in their territories in the current approvals framework.

There are simply no clear road maps yet, and no best practice. It will take time to figure out what works to address concerns around cumulative effects.

Beyond Consultation: Towards Co-management

Commentary provided by
Maxime Faille, Gowling WLG

Resource co-management regimes offer alternatives to traditional resource management regimes. They present the opportunity to reduce conflict and promote sustainable, responsible resource development that will benefit all stakeholders.

There has been a great deal of discussion about consent as described in UNDRIP, and the Free, Prior and Informed Consent (FPIC) concept. FPIC is often erroneously portrayed as an Indigenous 'veto' on economic development. But the concept of a 'veto' presupposes that Indigenous communities are not legitimately part of the decision-making the process to begin with. It is offensive to characterize consent as a veto, but at the same time, we must recognize that consent does embody the right to say no as an outcome of the engagement.

When two or more parties' approval is required for something to occur, we speak in terms of mutual consent –not that each holds a 'veto.' It should be recognized that when we seek to exclude parties from having a role in decision-making, the natural reflex is for them to oppose. Conversely, involving parties in complex, multi-faceted decisions is more likely to lead to good decisions and approvals. The parallel with consent in interpersonal relationships makes these arrangements obvious.

The questions organizations should ask themselves, together with First Nations, are:

- What is the most effective way to implement free, prior, and informed consent?
- What kinds of mechanisms are available to us?
- How do we work to de-escalate confrontational rhetoric and institutionalize mutual decision-making?

Co-management is an institutional arrangement where jurisdiction for the management of natural resources and the environment is shared between governments, including local Indigenous governments, and resource users. Co-management boards make joint recommendations or decisions as to the use, protection, and development of natural resources.

These models exist in a variety of forms in a number of geographical regions, but are particularly prevalent in the modern treaty context in the north. The Sahtu Dene Metis Comprehensive Land Claim Agreement is a good example of a co-management regime.

Co-management agreements may be negotiated in response to specific circumstances, including as a means of crisis resolution, in response to an unresolved land claim, or a contested resource development project.

The presenter noted that co-management is not something to fear. In fact, you are more likely to get to yes through a co-management regime. First Nations are not anti-development. What they need is for development to be in sync with community needs and values. In practice, this is not difficult to understand and work with.

COST

The cost of the seminar was \$1044.75.

CONCLUSION

Staff will continue to monitor developments and trends in emerging case law with relevance to the FVRD and its member municipalities, reporting back to this committee as appropriate.

COMMENTS BY:

Jennifer Kinneman, Director of Corporate Affairs

Reviewed and supported.

Mike Veenbaas, Director of Financial Services

No further financial comments.

Paul Gipps, Chief Administrative Officer

Reviewed and supported

Attachments:

1. PBLI Seminar Agenda
2. Principles Respecting the Government of Canada's Relationship with Indigenous Peoples

The Agenda

February 28th, 2019

- 9:00 a.m. Welcome and Introduction by PBLI**
- 9:05 a.m. Chair's Welcome and Introduction**
Maxime Faille
Gowling WLG
- 9:10 a.m. Recent Caselaw Developments in Consultation and Accommodation**
F. Matthew Kirchner
Ratcliff & Company LLP
- 10:10 a.m. Questions and Discussion**
- 10:20 a.m. Refreshment Adjournment**
- 10:35 a.m. Tsleil-Wauthuth/The Trans Mountain Expansion FCA Decision**
Paul Seaman **Scott A. Smith**
Gowling WLG Gowling WLG
- 11:25 a.m. Questions and Discussion**
- 11:35 a.m. Consultation on Legislation: The SCC decision in *Mikisew Cree***
Karey Brooks
JFK Law Corporation
- 12:20 p.m. Questions and Discussion**
- 12:30 p.m. Networking Lunch**
- 1:30 p.m. The Role of Proponents in Consultation**
Morgan Camley
Miller Thomson LLP
- 2:20 p.m. Questions and Discussion**
- 2:30 p.m. Refreshment Adjournment**
- 2:45 p.m. Accommodation in Practice**
Aaron Bruce
Ratcliff & Company LLP
- 3:35 p.m. Questions and Discussion**
- 3:45 p.m. Building Indigenous Capacity for Consultation**
Raf De Guevara **Erin Hanson**
Westbank First Nation Tsleil-Waututh Nation
- 4:35 p.m. Questions and Discussion**
- 4:45 p.m. Chair's Closing Remarks**
- 4:50 p.m. Forum Concludes for Day One**

The Agenda

March 1st, 2019

- 9:00 a.m. Welcome & Reflections on Day One**
Maxime Faille
Gowling WLG
- 9:10 a.m. Strategic Infringement Claims**
Dr. Bruce McIvor
First Peoples Law
- 10:10 a.m. Questions and Discussion**
- 10:20 a.m. Refreshment Adjournment**
- 10:35 a.m. Intra-Indigenous Issues**
Mark Smith
BC Treaty Commission
- Jean Teillet**
Pape Salter Teillet LLP
- 11:25 a.m. Questions and Discussion**
- 11:35 a.m. Consultation and the Regulatory Approval Process**
Jennifer Griffith
Donovan & Company
- Virginia Mathers**
Mandell Pinder LLP
- 12:25 p.m. Questions and Discussion**
- 12:35 p.m. Networking Lunch**
- 1:35 p.m. Consultation on Cumulative Effects**
Robert J. M. Janes, Q.C.
JFK Law Corporation
- 2:25 p.m. Questions and Discussion**
- 2:35 p.m. Refreshment Adjournment**
- 2:50 p.m. Beyond Consultation: Towards Co-management**
Maxime Faille
Gowling WLG
- 3:40 p.m. Questions and Discussion**
- 3:50 p.m. Chair's Closing Remarks**
- 3:55 p.m. Forum Concludes**



PRINCIPLES

Respecting the Government
of Canada's Relationship with
Indigenous Peoples



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The Government of Canada is committed to achieving reconciliation with Indigenous peoples through a renewed, nation-to-nation, government-to-government, and Inuit-Crown relationship based on recognition of rights, respect, co-operation, and partnership as the foundation for transformative change.

Indigenous peoples have a special constitutional relationship with the Crown. This relationship, including existing Aboriginal and treaty rights, is recognized and affirmed in section 35 of the *Constitution Act, 1982*. Section 35 contains a full

box of rights, and holds the promise that Indigenous nations will become partners in Confederation on the basis of a fair and just reconciliation between Indigenous peoples and the Crown.

The Government recognizes that Indigenous self-government and laws are critical to Canada's future, and that Indigenous perspectives and rights must be incorporated in all aspects of this relationship. In doing so, we will continue the process of decolonization and hasten the end of its legacy wherever it remains in our laws and policies.

[These Principles] reflect a commitment to good faith, the rule of law, democracy, equality, non-discrimination, and respect for human rights.

The implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) requires transformative change in the Government's relationship with Indigenous peoples. The UN Declaration is a statement of the collective and individual rights that are necessary for the survival, dignity and well-being of Indigenous peoples around the world, and the Government must take an active role in enabling these rights to be exercised. The Government will fulfil its commitment to implementing the UN Declaration through the review of laws and policies, as well as other collaborative initiatives and actions. This approach aligns with the UN Declaration itself, which contemplates that it may be implemented by States through various measures.

This review of laws and policies will be guided by Principles respecting the Government of Canada's Relationship with Indigenous peoples. These Principles are rooted in section 35, guided by the UN Declaration, and informed by the Report of the Royal Commission on Aboriginal Peoples (RCAP) and the Truth and Reconciliation Commission (TRC)'s Calls to Action. In addition, they reflect a commitment to good faith, the rule of law, democracy, equality, non-discrimination, and respect for human rights. They will guide the work required to fulfill the Government's commitment to renewed nation-to-nation, government-to-government, and Inuit-Crown relationships.

These Principles are a starting point to support efforts to end the denial of Indigenous rights that led to disempowerment and assimilationist policies and practices. They seek to turn the page in an often troubled relationship by advancing fundamental change whereby Indigenous peoples increasingly live in strong and healthy communities with thriving cultures. To achieve this change, it is recognized that Indigenous nations are self-determining, self-governing, increasingly self-sufficient, and rightfully aspire to no longer be marginalized, regulated, and administered under the Indian Act and similar instruments. The Government of Canada acknowledges that strong Indigenous cultural traditions and customs, including languages, are fundamental to rebuilding Indigenous nations. As part of this rebuilding, the diverse needs and experiences of Indigenous women and girls must be considered as part of this work, to ensure a future where non-discrimination, equality and justice are achieved. The rights of Indigenous peoples, wherever they live, shall be upheld.

These Principles are to be read holistically and with their supporting commentary. The Government of Canada acknowledges that the understandings and applications of these Principles in relationships with First Nations, the Métis Nation, and Inuit will be diverse, and their use will necessarily be contextual. These Principles are a necessary starting point for the Crown to engage in partnership, and a significant move away from the status quo to a fundamental change in the relationship with Indigenous peoples. The work of shifting to, and implementing, recognition-based relationships is a process that will take dynamic and innovative action by the federal government and Indigenous peoples. These Principles are a step to building meaning into a renewed relationship.



01

The Government of Canada recognizes that all relations with Indigenous peoples need to be based on the recognition and implementation of their right to self-determination, including the inherent right of self-government.

This opening Principle affirms the priority of recognition in renewed nation-to-nation, government-to-government, and Inuit-Crown relationships. As set out by the courts, an Indigenous nation or rights-holding group is a group of Indigenous people sharing critical features such as language, customs, traditions, and historical experience at key moments in time like first contact, assertion of Crown sovereignty, or effective control. The Royal Commission on Aboriginal Peoples estimated that there are between 60 and 80 historical nations in Canada.

The Government of Canada's recognition of the ongoing presence and inherent rights of Indigenous peoples as a defining feature of Canada is grounded in the promise of section 35 of the *Constitution Act, 1982*, in addition to reflecting articles 3 and 4 of the UN Declaration. The promise mandates the reconciliation of the prior existence of Indigenous peoples and the assertion of Crown sovereignty, as well as the fulfilment of historic treaty relationships.

This principle reflects the UN Declaration's call to respect and promote the inherent rights of Indigenous peoples. This includes the rights that derive from their political, economic, and social structures and from their cultures, spiritual traditions, histories, laws, and philosophies, especially their rights to their lands, territories and resources.



Canada's constitutional and legal order recognizes the reality that Indigenous peoples' ancestors owned and governed the lands which now constitute Canada prior to the Crown's assertion of sovereignty. All of Canada's relationships with Indigenous peoples are based on recognition of this fact and supported by the recognition of Indigenous title and rights, as well as the negotiation and implementation of pre-Confederation, historic, and modern treaties.

It is the mutual responsibility of all governments to shift their relationships and arrangements

with Indigenous peoples so that they are based on recognition and respect for the right to self-determination, including the inherent right of self-government for Indigenous nations. For the federal government, this responsibility includes changes in the operating practices and processes of the federal government. For Indigenous peoples, this responsibility includes how they define and govern themselves as nations and governments and the parameters of their relationships with other orders of government.

02

The Government of Canada recognizes that reconciliation is a fundamental purpose of section 35 of the *Constitution Act, 1982*.

Reconciliation is an ongoing process through which Indigenous peoples and the Crown work cooperatively to establish and maintain a mutually respectful framework for living together, with a view to fostering strong, healthy, and sustainable Indigenous nations within a strong Canada. As we build a new future, reconciliation requires recognition of rights and that we all acknowledge the wrongs of the past, know our true history, and work together to implement Indigenous rights.

This transformative process involves reconciling the pre-existence of Indigenous peoples and their rights and the assertion of sovereignty of the Crown, including inherent rights, title, and jurisdiction. Reconciliation, based on recognition, will require hard work, changes in perspectives and actions, and compromise and good faith, by all.

Reconciliation frames the Crown's actions in relation to Aboriginal and treaty rights and informs the Crown's broader relationship with Indigenous peoples. The Government of Canada's approach to reconciliation is guided by the UN Declaration, the TRCs Calls to Action, constitutional values, and collaboration with Indigenous peoples as well as provincial and territorial governments.



03

The Government of Canada recognizes that the honour of the Crown guides the conduct of the Crown in all of its dealings with Indigenous peoples.

The Government of Canada recognizes that it must uphold the honour of the Crown, which requires the federal government and its departments, agencies, and officials to act with honour, integrity, good faith, and fairness in all of its dealings with Indigenous peoples. The honour of the Crown gives rise to different legal duties in different circumstances, including fiduciary obligations and diligence. The overarching aim is to ensure that Indigenous peoples are treated with respect and as full partners in Confederation.



04

The Government of Canada recognizes that Indigenous self-government is part of Canada's evolving system of cooperative federalism and distinct orders of government.

This Principle affirms the inherent right of self-government as an existing Aboriginal right within section 35. Recognition of the inherent jurisdiction and legal orders of Indigenous nations is therefore the starting point of discussions aimed at interactions between federal, provincial, territorial, and Indigenous jurisdictions and laws.

As informed by the UN Declaration, Indigenous peoples have a unique connection to and constitutionally protected interest in their lands, including decision-making, governance, jurisdiction, legal traditions, and fiscal relations associated with those lands.

Nation-to-nation, government-to-government, and Inuit-Crown relationships, including treaty relationships, therefore include:

developing mechanisms and designing processes which recognize that Indigenous peoples are foundational to Canada's constitutional framework;
involving Indigenous peoples in the effective decision-making and governance of our shared home;
putting in place effective mechanisms to support the transition away from colonial systems of administration and governance, including, where it currently applies, governance and administration under the *Indian Act*; and
ensuring, based on recognition of rights, the space for the operation of Indigenous jurisdictions and laws.



05

The Government of Canada recognizes that treaties, agreements, and other constructive arrangements between Indigenous peoples and the Crown have been and are intended to be acts of reconciliation based on mutual recognition and respect.

This Principle recognizes that Indigenous peoples have diverse interests and aspirations and that reconciliation can be achieved in different ways with different nations, groups, and communities.

This principle honours historic treaties as frameworks for living together, including the modern expression of these relationships. In accordance with the Royal Proclamation of 1763, many Indigenous nations and the Crown historically relied on treaties for mutual recognition and respect to frame their relationships. Across much of Canada, the treaty relationship between the Indigenous nations and Crown is a foundation for ongoing cooperation and partnership with Indigenous peoples.

The Government of Canada recognizes the role that treaty-making has played in building Canada and the contemporary importance of treaties, both historic and those negotiated after 1973, as foundations for ongoing efforts at reconciliation. The spirit and intent of both Indigenous and Crown parties to treaties, as reflected in oral and written histories, must inform constructive partnerships, based on the recognition of rights, that support full and timely treaty implementation.



In accordance with section 35, all Indigenous peoples in Canada should have the choice and opportunity to enter into treaties, agreements, and other constructive arrangements with the Crown as acts of reconciliation that form the foundation for ongoing relations. The Government of Canada prefers no one mechanism of reconciliation to another. It is prepared to enter into innovative and flexible arrangements with Indigenous peoples that will ensure that the relationship accords with the aspirations, needs, and circumstances of the Indigenous-Crown relationship. The Government also acknowledges that the existence of Indigenous rights is not dependent on an agreement and, where agreements are formed, they should be based on the recognition and implementation of rights and not their extinguishment, modification, or surrender.

Accordingly, this Principle recognizes and affirms the importance that Indigenous peoples determine and develop their own priorities and strategies for organization and advancement. The Government of Canada recognizes Indigenous peoples' right to self-determination, including the right to freely pursue their economic, political, social, and cultural development.

06

The Government of Canada recognizes that meaningful engagement with Indigenous peoples aims to secure their free, prior, and informed consent when Canada proposes to take actions which impact them and their rights, including their lands, territories and resources.

This Principle acknowledges the Government of Canada's commitment to new nation-to-nation, government-to-government, and Inuit-Crown relationships that builds on and goes beyond the legal duty to consult. In delivering on this commitment, the Government recognizes the right of Indigenous peoples to participate in decision-making in matters that affect their rights through their own representative institutions and the need to consult and cooperate in good faith with the aim of securing their free, prior, and informed consent.

The Supreme Court of Canada has clarified that the standard to secure consent of Indigenous peoples is strongest in the case of Aboriginal title lands. The Supreme Court of Canada has confirmed that Aboriginal title gives the holder the right to use, control, and manage the land and the right to the economic benefits of the land and its resources. The Indigenous nation, as proper title holder, decides how to use and manage its lands for both traditional activities and modern purposes, subject to the limit that the land cannot be developed in a way that would deprive future generations of the benefit of the land.

The importance of free, prior, and informed consent, as identified in the UN Declaration, extends beyond title lands.



To this end, the Government of Canada will look for opportunities to build processes and approaches aimed at securing consent, as well as creative and innovative mechanisms that will help build deeper collaboration, consensus, and new ways of working together. It will ensure that Indigenous peoples and their governments have a role in public decision-making as part of Canada's constitutional framework and ensure that Indigenous rights, interests, and aspirations are recognized in decision-making.

07

The Government of Canada recognizes that respecting and implementing rights is essential and that any infringement of section 35 rights must by law meet a high threshold of justification which includes Indigenous perspectives and satisfies the Crown's fiduciary obligations.

This Principle reaffirms the central importance of working in partnership to recognize and implement rights and, as such, that any infringement of Aboriginal or treaty rights requires justification in accordance with the highest standards established by the Canadian courts and must be attained in a manner consistent with the honour of the Crown and the objective of reconciliation.

This requirement flows from Canada's constitutional arrangements. Meaningful engagement with Indigenous peoples is therefore mandated whenever the Government may seek to infringe a section 35 right.



08

The Government of Canada recognizes that reconciliation and self-government require a renewed fiscal relationship, developed in collaboration with Indigenous nations, that promotes a mutually supportive climate for economic partnership and resource development.

The Government of Canada recognizes that the rights, interests, perspectives, and governance role of Indigenous peoples are central to securing a new fiscal relationship. It also recognizes the importance of strong Indigenous governments in achieving political, social, economic, and cultural development and improved quality of life.

This Principle recognizes that a renewed economic and fiscal relationship must ensure that Indigenous nations have the fiscal capacity, as well as access to land and resources, in order to govern effectively and to provide programs and services to those for whom they are responsible.

The renewed fiscal relationship will also enable Indigenous peoples to have fair and ongoing access to their lands, territories, and resources to support their traditional economies and to share in the wealth generated from those lands and resources as part of the broader Canadian economy.

A fairer fiscal relationship with Indigenous nations can be achieved through a number of mechanisms such as new tax arrangements, new approaches to calculating fiscal transfers, and the negotiation of resource revenue sharing agreements.



09

The Government of Canada recognizes that reconciliation is an ongoing process that occurs in the context of evolving Indigenous-Crown relationships.

This Principle recognizes that reconciliation processes, including processes for negotiation and implementation of treaties, agreements and other constructive arrangements, will need to be innovative and flexible and build over time in the context of evolving Indigenous-Crown relationships. These relationships are to be guided by the recognition and implementation of rights.

Treaties, agreements, and other constructive arrangements should be capable of evolution over time. Moreover, they should provide predictability for the future as to how provisions may be changed or implemented and in what circumstances. Canada is open to flexibility, innovation, and diversity in the nature, form, and content of agreements and arrangements.

The Government of Canada also recognizes that it has an active role and responsibility in ensuring the cultural survival of Indigenous peoples as well as in protecting Aboriginal and treaty rights.

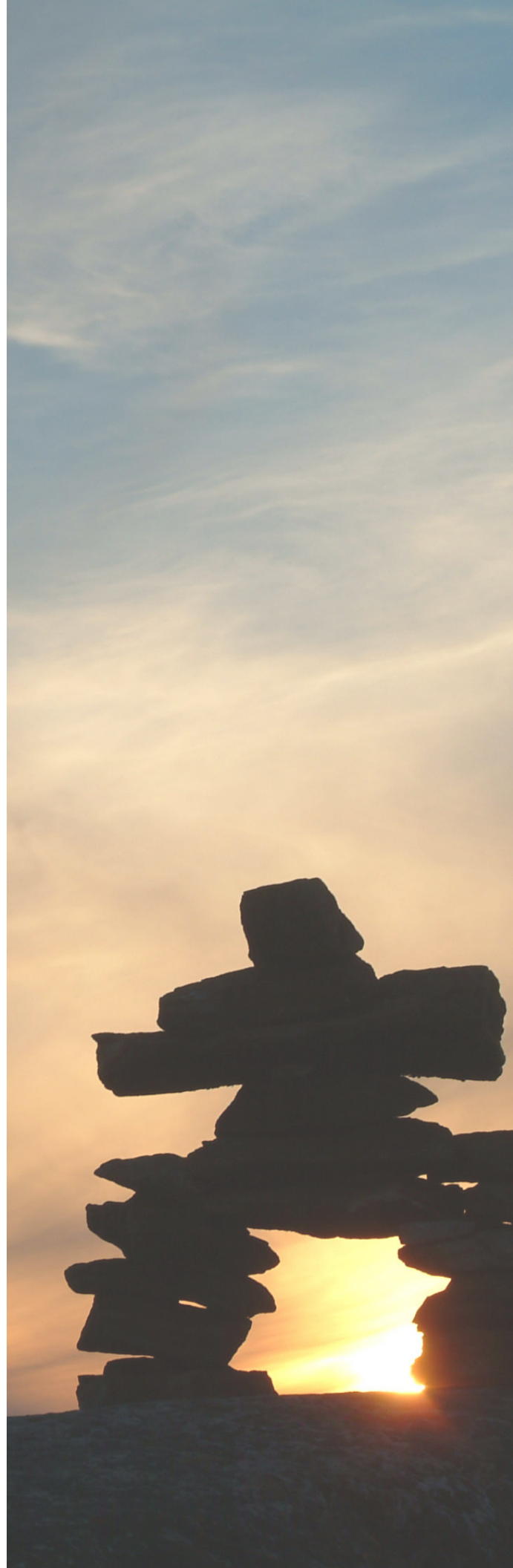
The Government of Canada will continue to collaborate with Indigenous peoples on changes to federal laws, regulations, and policies to realize the unfulfilled constitutional promise of s.35 of the *Constitution Act, 1982*.



10

The Government of Canada recognizes that a distinctions-based approach is needed to ensure that the unique rights, interests and circumstances of the First Nations, the Métis Nation and Inuit are acknowledged, affirmed, and implemented.

The Government of Canada recognizes First Nations, the Métis Nation, and Inuit as the Indigenous peoples of Canada, consisting of distinct, rights-bearing communities with their own histories, including with the Crown. The work of forming renewed relationships based on the recognition of rights, respect, co-operation, and partnership must reflect the unique interests, priorities and circumstances of each People.



IN SUMMARY

THE GOVERNMENT OF CANADA RECOGNIZES THAT

01

All relations with Indigenous peoples need to be based on the recognition and implementation of their right to self-determination, including the inherent right of self-government.

06

Meaningful engagement with Indigenous peoples aims to secure their free, prior, and informed consent when Canada proposes to take actions which impact them and their rights, including their lands, territories and resources.

02

Reconciliation is a fundamental purpose of section 35 of the *Constitution Act, 1982*.

07

Respecting and implementing rights is essential and that any infringement of section 35 rights must by law meet a high threshold of justification which includes Indigenous perspectives and satisfies the Crown's fiduciary obligations.

03

The honour of the Crown guides the conduct of the Crown in all of its dealings with Indigenous peoples.

08

Reconciliation and self-government require renewed fiscal relationship, developed in collaboration with Indigenous nations, that promotes a mutually supportive climate for economic partnership and resource development.

04

Indigenous self-government is part of Canada's evolving system of cooperative federalism and distinct orders of government.

09

Reconciliation is an ongoing process that occurs in the context of evolving Indigenous-Crown relationships.

05

Treaties, agreements, and other constructive arrangements between Indigenous peoples and the Crown have been and are intended to be acts of reconciliation based on mutual recognition and respect.

10

Distinctions-based approach is needed to ensure that the unique rights, interests and circumstances of the First Nations, the Métis Nation and Inuit are acknowledged, affirmed, and implemented.

To: Fraser Valley Aboriginal Relations Committee

Date: 2018-04-11

From: Jessica Morrison, Policy Analyst – Indigenous Relations

File No: 3400-01

Subject: Adoption of Calls to Action 43, 47, and 57 as the Indigenous Relations Program Framework

RECOMMENDATION

THAT staff organize a workshop for the Fraser Valley Regional District Committee of the Whole to explore adopting Calls to Action 43, 47, and 57 of the Final Report of the Truth and Reconciliation Commission (TRC) as the guiding framework of the FVRD Indigenous Relations Program.

STRATEGIC AREA(S) OF FOCUS

Support Environmental Stewardship

Foster a Strong & Diverse Economy

Support Healthy & Sustainable Community

Provide Responsive & Effective Public Services

BACKGROUND

The FVRD Indigenous Relations program is predicated on the core values of Relationships, Collaboration and Learning. The program framework links strategic objectives to specific goals, with progress toward goals tracked and reported to the Fraser Valley Aboriginal Relations Committee (FVARC). Those core values and strategic objectives were developed to guide the development of the new program following its introduction in 2015.

DISCUSSION

As the FVRD Indigenous Relations program has been built-out over the past 3.5 years, it is a relevant time to review the core values, and provide a guiding context for the work.

Since beginning the work of constructing the FVRD program, the federal and provincial governments have begun providing a roadmap for this work. Grounding the FVRD program, policies and objectives in accordance with that guidance is an important next step.

Critically, the Truth and Reconciliation Commission (TRC) issued its final report¹ of findings in late 2015. That report contained 94 Calls to Action (attachment 1) for various parties, including instructions specific to local governments.

While several of the Calls to Action can be supported, and issues advanced, by local governments in absence of being named specifically, the three Calls to Action in which local governments are directly called to action are as follows:

- 43. *We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation*
- 47. *We call upon federal, provincial, territorial, and municipal governments to repudiate concepts used to justify European sovereignty over Indigenous peoples and lands, such as the Doctrine of Discovery and terra nullius, and to reform those laws, government policies, and litigation strategies that continue to rely on such concepts*
- 57. *We call upon federal, provincial, territorial, and municipal governments to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism*

These three Calls to Action, while largely informing the development of the FVRD Indigenous Relations Program, have not yet been formally incorporated into a guiding statement, or the organizational strategic direction for the FVRD.



The 5 Strategic Objectives of the FVRD Indigenous Relations Program

¹ The full Final Report of the TRC can be read online at <http://nctr.ca/reports.php>, and hard copies of the summary report are available in the FVRD #IndigenousReads Library in the Chilliwack office

In the meantime, the Government of Canada issued *10 Principles Respecting the Government of Canada's Relationship with Indigenous Peoples* (attachment 2 to the earlier report on this agenda regarding Recent Consultation and Accommodation Case Law Updates) in 2017. The *10 Principles* document is an example of how the government has taken the Calls to Action and developed them into a guiding framework for its programs. The 10 federal Principles are summarized as:

1. Recognition of the right to self-determination
2. Reconciliation is the fundamental purpose of section 35 of the Constitution
3. The honour of the Crown guides its conduct
4. Indigenous self-government is a part of Canada's evolving cooperative federalism
5. Treaties and agreements are acts of reconciliation based on mutual respect
6. Meaningful engagement is to seek free, prior, and informed consent (FPIC)
7. Any infringement of rights must meet a high threshold of justification
8. Reconciliation and self-government require a renewed fiscal relationship
9. Reconciliation is an on-going process
10. The recognition of rights will reflect the uniqueness of interests, priorities and circumstances of First Nations, Inuit and Métis Peoples and communities.

British Columbia has introduced its *Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples* (attachment 2) in 2018. BC has closely modeled these draft Principles on the federal Principles, as above.

The Province notes that the Principles are intended to be "a tool to guide the BC Public Service in their work to adopt and implement the UN declaration and the calls to action. The principles reflect the inherent rights of Indigenous peoples described in the declaration, and mirror the actions related to a shift in relationships called for by the Truth and Reconciliation Commission."

COST

N/A

CONCLUSION

It is now a sensible time for the FVRD to formalize its program framework and follow the direction of higher orders of government. Incorporating a guiding framework both in accordance with federal and provincial Principles, and in response to direct calls to action from the Truth and Reconciliation Commission, is a next logical step.

COMMENTS BY:

Jennifer Kinneman, Director of Corporate Affairs

Reviewed and supported.

Mike Veenbaas, Director of Financial Services

No further financial comments.

Paul Gipps, Chief Administrative Officer

Reviewed and supported

Attachments:

1. TRC Report 94 Calls to Action
2. Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples



Truth and
Reconciliation
Commission of Canada

Truth and Reconciliation Commission of Canada: Calls to Action

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2015

Truth and Reconciliation Commission of Canada, 2012

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Calls to Action

In order to redress the legacy of residential schools and advance the process of Canadian reconciliation, the Truth and Reconciliation Commission makes the following calls to action.

Legacy

CHILD WELFARE

1. We call upon the federal, provincial, territorial, and Aboriginal governments to commit to reducing the number of Aboriginal children in care by:
 - i. Monitoring and assessing neglect investigations.
 - ii. Providing adequate resources to enable Aboriginal communities and child-welfare organizations to keep Aboriginal families together where it is safe to do so, and to keep children in culturally appropriate environments, regardless of where they reside.
 - iii. Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the history and impacts of residential schools.
 - iv. Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the potential for Aboriginal communities and families to provide more appropriate solutions to family healing.
 - v. Requiring that all child-welfare decision makers consider the impact of the residential school experience on children and their caregivers.
2. We call upon the federal government, in collaboration with the provinces and territories, to prepare and

publish annual reports on the number of Aboriginal children (First Nations, Inuit, and Métis) who are in care, compared with non-Aboriginal children, as well as the reasons for apprehension, the total spending on preventive and care services by child-welfare agencies, and the effectiveness of various interventions.

3. We call upon all levels of government to fully implement Jordan's Principle.
4. We call upon the federal government to enact Aboriginal child-welfare legislation that establishes national standards for Aboriginal child apprehension and custody cases and includes principles that:
 - i. Affirm the right of Aboriginal governments to establish and maintain their own child-welfare agencies.
 - ii. Require all child-welfare agencies and courts to take the residential school legacy into account in their decision making.
 - iii. Establish, as an important priority, a requirement that placements of Aboriginal children into temporary and permanent care be culturally appropriate.
5. We call upon the federal, provincial, territorial, and Aboriginal governments to develop culturally appropriate parenting programs for Aboriginal families.

EDUCATION

6. We call upon the Government of Canada to repeal Section 43 of the *Criminal Code of Canada*.
7. We call upon the federal government to develop with Aboriginal groups a joint strategy to eliminate

educational and employment gaps between Aboriginal and non-Aboriginal Canadians.

8. We call upon the federal government to eliminate the discrepancy in federal education funding for First Nations children being educated on reserves and those First Nations children being educated off reserves.
9. We call upon the federal government to prepare and publish annual reports comparing funding for the education of First Nations children on and off reserves, as well as educational and income attainments of Aboriginal peoples in Canada compared with non-Aboriginal people.
10. We call on the federal government to draft new Aboriginal education legislation with the full participation and informed consent of Aboriginal peoples. The new legislation would include a commitment to sufficient funding and would incorporate the following principles:
 - i. Providing sufficient funding to close identified educational achievement gaps within one generation.
 - ii. Improving education attainment levels and success rates.
 - iii. Developing culturally appropriate curricula.
 - iv. Protecting the right to Aboriginal languages, including the teaching of Aboriginal languages as credit courses.
 - v. Enabling parental and community responsibility, control, and accountability, similar to what parents enjoy in public school systems.
 - vi. Enabling parents to fully participate in the education of their children.
 - vii. Respecting and honouring Treaty relationships.
11. We call upon the federal government to provide adequate funding to end the backlog of First Nations students seeking a post-secondary education.
12. We call upon the federal, provincial, territorial, and Aboriginal governments to develop culturally appropriate early childhood education programs for Aboriginal families.

LANGUAGE AND CULTURE

13. We call upon the federal government to acknowledge that Aboriginal rights include Aboriginal language rights.

14. We call upon the federal government to enact an Aboriginal Languages Act that incorporates the following principles:
 - i. Aboriginal languages are a fundamental and valued element of Canadian culture and society, and there is an urgency to preserve them.
 - ii. Aboriginal language rights are reinforced by the Treaties.
 - iii. The federal government has a responsibility to provide sufficient funds for Aboriginal-language revitalization and preservation.
 - iv. The preservation, revitalization, and strengthening of Aboriginal languages and cultures are best managed by Aboriginal people and communities.
 - v. Funding for Aboriginal language initiatives must reflect the diversity of Aboriginal languages.
15. We call upon the federal government to appoint, in consultation with Aboriginal groups, an Aboriginal Languages Commissioner. The commissioner should help promote Aboriginal languages and report on the adequacy of federal funding of Aboriginal-languages initiatives.
16. We call upon post-secondary institutions to create university and college degree and diploma programs in Aboriginal languages.
17. We call upon all levels of government to enable residential school Survivors and their families to reclaim names changed by the residential school system by waiving administrative costs for a period of five years for the name-change process and the revision of official identity documents, such as birth certificates, passports, driver's licenses, health cards, status cards, and social insurance numbers.

HEALTH

18. We call upon the federal, provincial, territorial, and Aboriginal governments to acknowledge that the current state of Aboriginal health in Canada is a direct result of previous Canadian government policies, including residential schools, and to recognize and implement the health-care rights of Aboriginal people as identified in international law, constitutional law, and under the Treaties.
19. We call upon the federal government, in consultation with Aboriginal peoples, to establish measurable goals to identify and close the gaps in health outcomes

between Aboriginal and non-Aboriginal communities, and to publish annual progress reports and assess long-term trends. Such efforts would focus on indicators such as: infant mortality, maternal health, suicide, mental health, addictions, life expectancy, birth rates, infant and child health issues, chronic diseases, illness and injury incidence, and the availability of appropriate health services.

20. In order to address the jurisdictional disputes concerning Aboriginal people who do not reside on reserves, we call upon the federal government to recognize, respect, and address the distinct health needs of the Métis, Inuit, and off-reserve Aboriginal peoples.
21. We call upon the federal government to provide sustainable funding for existing and new Aboriginal healing centres to address the physical, mental, emotional, and spiritual harms caused by residential schools, and to ensure that the funding of healing centres in Nunavut and the Northwest Territories is a priority.
22. We call upon those who can effect change within the Canadian health-care system to recognize the value of Aboriginal healing practices and use them in the treatment of Aboriginal patients in collaboration with Aboriginal healers and Elders where requested by Aboriginal patients.
23. We call upon all levels of government to:
 - i. Increase the number of Aboriginal professionals working in the health-care field.
 - ii. Ensure the retention of Aboriginal health-care providers in Aboriginal communities.
 - iii. Provide cultural competency training for all health-care professionals.
24. We call upon medical and nursing schools in Canada to require all students to take a course dealing with Aboriginal health issues, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, and Indigenous teachings and practices. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

JUSTICE

25. We call upon the federal government to establish a written policy that reaffirms the independence of the

Royal Canadian Mounted Police to investigate crimes in which the government has its own interest as a potential or real party in civil litigation.

26. We call upon the federal, provincial, and territorial governments to review and amend their respective statutes of limitations to ensure that they conform to the principle that governments and other entities cannot rely on limitation defences to defend legal actions of historical abuse brought by Aboriginal people.
27. We call upon the Federation of Law Societies of Canada to ensure that lawyers receive appropriate cultural competency training, which includes the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.
28. We call upon law schools in Canada to require all law students to take a course in Aboriginal people and the law, which includes the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.
29. We call upon the parties and, in particular, the federal government, to work collaboratively with plaintiffs not included in the Indian Residential Schools Settlement Agreement to have disputed legal issues determined expeditiously on an agreed set of facts.
30. We call upon federal, provincial, and territorial governments to commit to eliminating the overrepresentation of Aboriginal people in custody over the next decade, and to issue detailed annual reports that monitor and evaluate progress in doing so.
31. We call upon the federal, provincial, and territorial governments to provide sufficient and stable funding to implement and evaluate community sanctions that will provide realistic alternatives to imprisonment for Aboriginal offenders and respond to the underlying causes of offending.
32. We call upon the federal government to amend the Criminal Code to allow trial judges, upon giving reasons, to depart from mandatory minimum sentences and restrictions on the use of conditional sentences.

33. We call upon the federal, provincial, and territorial governments to recognize as a high priority the need to address and prevent Fetal Alcohol Spectrum Disorder (FASD), and to develop, in collaboration with Aboriginal people, FASD preventive programs that can be delivered in a culturally appropriate manner.
34. We call upon the governments of Canada, the provinces, and territories to undertake reforms to the criminal justice system to better address the needs of offenders with Fetal Alcohol Spectrum Disorder (FASD), including:
 - i. Providing increased community resources and powers for courts to ensure that FASD is properly diagnosed, and that appropriate community supports are in place for those with FASD.
 - ii. Enacting statutory exemptions from mandatory minimum sentences of imprisonment for offenders affected by FASD.
 - iii. Providing community, correctional, and parole resources to maximize the ability of people with FASD to live in the community.
 - iv. Adopting appropriate evaluation mechanisms to measure the effectiveness of such programs and ensure community safety.
35. We call upon the federal government to eliminate barriers to the creation of additional Aboriginal healing lodges within the federal correctional system.
36. We call upon the federal, provincial, and territorial governments to work with Aboriginal communities to provide culturally relevant services to inmates on issues such as substance abuse, family and domestic violence, and overcoming the experience of having been sexually abused.
37. We call upon the federal government to provide more supports for Aboriginal programming in halfway houses and parole services.
38. We call upon the federal, provincial, territorial, and Aboriginal governments to commit to eliminating the overrepresentation of Aboriginal youth in custody over the next decade.
39. We call upon the federal government to develop a national plan to collect and publish data on the criminal victimization of Aboriginal people, including data related to homicide and family violence victimization.

40. We call on all levels of government, in collaboration with Aboriginal people, to create adequately funded and accessible Aboriginal-specific victim programs and services with appropriate evaluation mechanisms.
41. We call upon the federal government, in consultation with Aboriginal organizations, to appoint a public inquiry into the causes of, and remedies for, the disproportionate victimization of Aboriginal women and girls. The inquiry's mandate would include:
 - i. Investigation into missing and murdered Aboriginal women and girls.
 - ii. Links to the intergenerational legacy of residential schools.
42. We call upon the federal, provincial, and territorial governments to commit to the recognition and implementation of Aboriginal justice systems in a manner consistent with the Treaty and Aboriginal rights of Aboriginal peoples, the *Constitution Act, 1982*, and the *United Nations Declaration on the Rights of Indigenous Peoples*, endorsed by Canada in November 2012.

Reconciliation

CANADIAN GOVERNMENTS AND THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLE

43. We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples* as the framework for reconciliation.
44. We call upon the Government of Canada to develop a national action plan, strategies, and other concrete measures to achieve the goals of the *United Nations Declaration on the Rights of Indigenous Peoples*.

ROYAL PROCLAMATION AND COVENANT OF RECONCILIATION

45. We call upon the Government of Canada, on behalf of all Canadians, to jointly develop with Aboriginal peoples a Royal Proclamation of Reconciliation to be issued by the Crown. The proclamation would build on the Royal Proclamation of 1763 and the Treaty of Niagara of 1764, and reaffirm the nation-to-nation relationship between Aboriginal peoples and the Crown. The proclamation would include, but not be limited to, the following commitments:

- i. Repudiate concepts used to justify European sovereignty over Indigenous lands and peoples such as the Doctrine of Discovery and *terra nullius*.
 - ii. Adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples* as the framework for reconciliation.
 - iii. Renew or establish Treaty relationships based on principles of mutual recognition, mutual respect, and shared responsibility for maintaining those relationships into the future.
 - iv. Reconcile Aboriginal and Crown constitutional and legal orders to ensure that Aboriginal peoples are full partners in Confederation, including the recognition and integration of Indigenous laws and legal traditions in negotiation and implementation processes involving Treaties, land claims, and other constructive agreements.
46. We call upon the parties to the Indian Residential Schools Settlement Agreement to develop and sign a Covenant of Reconciliation that would identify principles for working collaboratively to advance reconciliation in Canadian society, and that would include, but not be limited to:
- i. Reaffirmation of the parties' commitment to reconciliation.
 - ii. Repudiation of concepts used to justify European sovereignty over Indigenous lands and peoples, such as the Doctrine of Discovery and *terra nullius*, and the reformation of laws, governance structures, and policies within their respective institutions that continue to rely on such concepts.
 - iii. Full adoption and implementation of the *United Nations Declaration on the Rights of Indigenous Peoples* as the framework for reconciliation.
 - iv. Support for the renewal or establishment of Treaty relationships based on principles of mutual recognition, mutual respect, and shared responsibility for maintaining those relationships into the future.
 - v. Enabling those excluded from the Settlement Agreement to sign onto the Covenant of Reconciliation.
 - vi. Enabling additional parties to sign onto the Covenant of Reconciliation.

47. We call upon federal, provincial, territorial, and municipal governments to repudiate concepts used to justify European sovereignty over Indigenous peoples and lands, such as the Doctrine of Discovery and *terra nullius*, and to reform those laws, government policies, and litigation strategies that continue to rely on such concepts.

SETTLEMENT AGREEMENT PARTIES AND THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

48. We call upon the church parties to the Settlement Agreement, and all other faith groups and interfaith social justice groups in Canada who have not already done so, to formally adopt and comply with the principles, norms, and standards of the *United Nations Declaration on the Rights of Indigenous Peoples* as a framework for reconciliation. This would include, but not be limited to, the following commitments:
- i. Ensuring that their institutions, policies, programs, and practices comply with the *United Nations Declaration on the Rights of Indigenous Peoples*.
 - ii. Respecting Indigenous peoples' right to self-determination in spiritual matters, including the right to practise, develop, and teach their own spiritual and religious traditions, customs, and ceremonies, consistent with Article 12:1 of the *United Nations Declaration on the Rights of Indigenous Peoples*.
 - iii. Engaging in ongoing public dialogue and actions to support the *United Nations Declaration on the Rights of Indigenous Peoples*.
 - iv. Issuing a statement no later than March 31, 2016, from all religious denominations and faith groups, as to how they will implement the *United Nations Declaration on the Rights of Indigenous Peoples*.
49. We call upon all religious denominations and faith groups who have not already done so to repudiate concepts used to justify European sovereignty over Indigenous lands and peoples, such as the Doctrine of Discovery and *terra nullius*.

EQUITY FOR ABORIGINAL PEOPLE IN THE LEGAL SYSTEM

50. In keeping with the *United Nations Declaration on the Rights of Indigenous Peoples*, we call upon the federal government, in collaboration with Aboriginal organizations, to fund the establishment of Indigenous law institutes for the development, use, and

understanding of Indigenous laws and access to justice in accordance with the unique cultures of Aboriginal peoples in Canada.

51. We call upon the Government of Canada, as an obligation of its fiduciary responsibility, to develop a policy of transparency by publishing legal opinions it develops and upon which it acts or intends to act, in regard to the scope and extent of Aboriginal and Treaty rights.
52. We call upon the Government of Canada, provincial and territorial governments, and the courts to adopt the following legal principles:
 - i. Aboriginal title claims are accepted once the Aboriginal claimant has established occupation over a particular territory at a particular point in time.
 - ii. Once Aboriginal title has been established, the burden of proving any limitation on any rights arising from the existence of that title shifts to the party asserting such a limitation.

NATIONAL COUNCIL FOR RECONCILIATION

53. We call upon the Parliament of Canada, in consultation and collaboration with Aboriginal peoples, to enact legislation to establish a National Council for Reconciliation. The legislation would establish the council as an independent, national, oversight body with membership jointly appointed by the Government of Canada and national Aboriginal organizations, and consisting of Aboriginal and non-Aboriginal members. Its mandate would include, but not be limited to, the following:
 - i. Monitor, evaluate, and report annually to Parliament and the people of Canada on the Government of Canada's post-apology progress on reconciliation to ensure that government accountability for reconciling the relationship between Aboriginal peoples and the Crown is maintained in the coming years.
 - ii. Monitor, evaluate, and report to Parliament and the people of Canada on reconciliation progress across all levels and sectors of Canadian society, including the implementation of the Truth and Reconciliation Commission of Canada's Calls to Action.
 - iii. Develop and implement a multi-year National Action Plan for Reconciliation, which includes research and policy development, public education programs, and resources.

- iv. Promote public dialogue, public/private partnerships, and public initiatives for reconciliation.

54. We call upon the Government of Canada to provide multi-year funding for the National Council for Reconciliation to ensure that it has the financial, human, and technical resources required to conduct its work, including the endowment of a National Reconciliation Trust to advance the cause of reconciliation.
55. We call upon all levels of government to provide annual reports or any current data requested by the National Council for Reconciliation so that it can report on the progress towards reconciliation. The reports or data would include, but not be limited to:
 - i. The number of Aboriginal children—including Métis and Inuit children—in care, compared with non-Aboriginal children, the reasons for apprehension, and the total spending on preventive and care services by child-welfare agencies.
 - ii. Comparative funding for the education of First Nations children on and off reserves.
 - iii. The educational and income attainments of Aboriginal peoples in Canada compared with non-Aboriginal people.
 - iv. Progress on closing the gaps between Aboriginal and non-Aboriginal communities in a number of health indicators such as: infant mortality, maternal health, suicide, mental health, addictions, life expectancy, birth rates, infant and child health issues, chronic diseases, illness and injury incidence, and the availability of appropriate health services.
 - v. Progress on eliminating the overrepresentation of Aboriginal children in youth custody over the next decade.
 - vi. Progress on reducing the rate of criminal victimization of Aboriginal people, including data related to homicide and family violence victimization and other crimes.
 - vii. Progress on reducing the overrepresentation of Aboriginal people in the justice and correctional systems.
56. We call upon the prime minister of Canada to formally respond to the report of the National Council for Reconciliation by issuing an annual "State of Aboriginal Peoples" report, which would outline the government's plans for advancing the cause of reconciliation.

PROFESSIONAL DEVELOPMENT AND TRAINING FOR PUBLIC SERVANTS

57. We call upon federal, provincial, territorial, and municipal governments to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

CHURCH APOLOGIES AND RECONCILIATION

58. We call upon the Pope to issue an apology to Survivors, their families, and communities for the Roman Catholic Church's role in the spiritual, cultural, emotional, physical, and sexual abuse of First Nations, Inuit, and Métis children in Catholic-run residential schools. We call for that apology to be similar to the 2010 apology issued to Irish victims of abuse and to occur within one year of the issuing of this Report and to be delivered by the Pope in Canada.
59. We call upon church parties to the Settlement Agreement to develop ongoing education strategies to ensure that their respective congregations learn about their church's role in colonization, the history and legacy of residential schools, and why apologies to former residential school students, their families, and communities were necessary.
60. We call upon leaders of the church parties to the Settlement Agreement and all other faiths, in collaboration with Indigenous spiritual leaders, Survivors, schools of theology, seminaries, and other religious training centres, to develop and teach curriculum for all student clergy, and all clergy and staff who work in Aboriginal communities, on the need to respect Indigenous spirituality in its own right, the history and legacy of residential schools and the roles of the church parties in that system, the history and legacy of religious conflict in Aboriginal families and communities, and the responsibility that churches have to mitigate such conflicts and prevent spiritual violence.
61. We call upon church parties to the Settlement Agreement, in collaboration with Survivors and representatives of Aboriginal organizations, to establish permanent funding to Aboriginal people for:
- i. Community-controlled healing and reconciliation projects.

- ii. Community-controlled culture- and language-revitalization projects.
- iii. Community-controlled education and relationship-building projects.
- iv. Regional dialogues for Indigenous spiritual leaders and youth to discuss Indigenous spirituality, self-determination, and reconciliation.

EDUCATION FOR RECONCILIATION

62. We call upon the federal, provincial, and territorial governments, in consultation and collaboration with Survivors, Aboriginal peoples, and educators, to:
- i. Make age-appropriate curriculum on residential schools, Treaties, and Aboriginal peoples' historical and contemporary contributions to Canada a mandatory education requirement for Kindergarten to Grade Twelve students.
 - ii. Provide the necessary funding to post-secondary institutions to educate teachers on how to integrate Indigenous knowledge and teaching methods into classrooms.
 - iii. Provide the necessary funding to Aboriginal schools to utilize Indigenous knowledge and teaching methods in classrooms.
 - iv. Establish senior-level positions in government at the assistant deputy minister level or higher dedicated to Aboriginal content in education.
63. We call upon the Council of Ministers of Education, Canada to maintain an annual commitment to Aboriginal education issues, including:
- i. Developing and implementing Kindergarten to Grade Twelve curriculum and learning resources on Aboriginal peoples in Canadian history, and the history and legacy of residential schools.
 - ii. Sharing information and best practices on teaching curriculum related to residential schools and Aboriginal history.
 - iii. Building student capacity for intercultural understanding, empathy, and mutual respect.
 - iv. Identifying teacher-training needs relating to the above.
64. We call upon all levels of government that provide public funds to denominational schools to require such schools to provide an education on comparative religious studies, which must include a segment on

Aboriginal spiritual beliefs and practices developed in collaboration with Aboriginal Elders.

65. We call upon the federal government, through the Social Sciences and Humanities Research Council, and in collaboration with Aboriginal peoples, post-secondary institutions and educators, and the National Centre for Truth and Reconciliation and its partner institutions, to establish a national research program with multi-year funding to advance understanding of reconciliation.

YOUTH PROGRAMS

66. We call upon the federal government to establish multi-year funding for community-based youth organizations to deliver programs on reconciliation, and establish a national network to share information and best practices.

MUSEUMS AND ARCHIVES

67. We call upon the federal government to provide funding to the Canadian Museums Association to undertake, in collaboration with Aboriginal peoples, a national review of museum policies and best practices to determine the level of compliance with the *United Nations Declaration on the Rights of Indigenous Peoples* and to make recommendations.
68. We call upon the federal government, in collaboration with Aboriginal peoples, and the Canadian Museums Association to mark the 150th anniversary of Canadian Confederation in 2017 by establishing a dedicated national funding program for commemoration projects on the theme of reconciliation.
69. We call upon Library and Archives Canada to:
 - i. Fully adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples* and the *United Nations Joint-Orontlicher Principles*, as related to Aboriginal peoples' inalienable right to know the truth about what happened and why, with regard to human rights violations committed against them in the residential schools.
 - ii. Ensure that its record holdings related to residential schools are accessible to the public.
 - iii. Commit more resources to its public education materials and programming on residential schools.
70. We call upon the federal government to provide funding to the Canadian Association of Archivists to undertake, in collaboration with Aboriginal peoples, a national review of archival policies and best practices to:

- i. Determine the level of compliance with the *United Nations Declaration on the Rights of Indigenous Peoples* and the *United Nations Joint-Orontlicher Principles*, as related to Aboriginal peoples' inalienable right to know the truth about what happened and why, with regard to human rights violations committed against them in the residential schools.
- ii. Produce a report with recommendations for full implementation of these international mechanisms as a reconciliation framework for Canadian archives.

MISSING CHILDREN AND BURIAL INFORMATION

71. We call upon all chief coroners and provincial vital statistics agencies that have not provided to the Truth and Reconciliation Commission of Canada their records on the deaths of Aboriginal children in the care of residential school authorities to make these documents available to the National Centre for Truth and Reconciliation.
72. We call upon the federal government to allocate sufficient resources to the National Centre for Truth and Reconciliation to allow it to develop and maintain the National Residential School Student Death Register established by the Truth and Reconciliation Commission of Canada.
73. We call upon the federal government to work with churches, Aboriginal communities, and former residential school students to establish and maintain an online registry of residential school cemeteries, including, where possible, plot maps showing the location of deceased residential school children.
74. We call upon the federal government to work with the churches and Aboriginal community leaders to inform the families of children who died at residential schools of the child's burial location, and to respond to families' wishes for appropriate commemoration ceremonies and markers, and reburial in home communities where requested.
75. We call upon the federal government to work with provincial, territorial, and municipal governments, churches, Aboriginal communities, former residential school students, and current landowners to develop and implement strategies and procedures for the ongoing identification, documentation, maintenance, commemoration, and protection of residential school cemeteries or other sites at which residential school children were buried. This is to include the provision of

appropriate memorial ceremonies and commemorative markers to honour the deceased children.

76. We call upon the parties engaged in the work of documenting, maintaining, commemorating, and protecting residential school cemeteries to adopt strategies in accordance with the following principles:
- i. The Aboriginal community most affected shall lead the development of such strategies.
 - ii. Information shall be sought from residential school Survivors and other Knowledge Keepers in the development of such strategies.
 - iii. Aboriginal protocols shall be respected before any potentially invasive technical inspection and investigation of a cemetery site.

NATIONAL CENTRE FOR TRUTH AND RECONCILIATION

77. We call upon provincial, territorial, municipal, and community archives to work collaboratively with the National Centre for Truth and Reconciliation to identify and collect copies of all records relevant to the history and legacy of the residential school system, and to provide these to the National Centre for Truth and Reconciliation.
78. We call upon the Government of Canada to commit to making a funding contribution of \$10 million over seven years to the National Centre for Truth and Reconciliation, plus an additional amount to assist communities to research and produce histories of their own residential school experience and their involvement in truth, healing, and reconciliation.

COMMEMORATION

79. We call upon the federal government, in collaboration with Survivors, Aboriginal organizations, and the arts community, to develop a reconciliation framework for Canadian heritage and commemoration. This would include, but not be limited to:
- i. Amending the Historic Sites and Monuments Act to include First Nations, Inuit, and Métis representation on the Historic Sites and Monuments Board of Canada and its Secretariat.
 - ii. Revising the policies, criteria, and practices of the National Program of Historical Commemoration to integrate Indigenous history, heritage values, and memory practices into Canada's national heritage and history.

- iii. Developing and implementing a national heritage plan and strategy for commemorating residential school sites, the history and legacy of residential schools, and the contributions of Aboriginal peoples to Canada's history.

80. We call upon the federal government, in collaboration with Aboriginal peoples, to establish, as a statutory holiday, a National Day for Truth and Reconciliation to honour Survivors, their families, and communities, and ensure that public commemoration of the history and legacy of residential schools remains a vital component of the reconciliation process.
81. We call upon the federal government, in collaboration with Survivors and their organizations, and other parties to the Settlement Agreement, to commission and install a publicly accessible, highly visible, Residential Schools National Monument in the city of Ottawa to honour Survivors and all the children who were lost to their families and communities.
82. We call upon provincial and territorial governments, in collaboration with Survivors and their organizations, and other parties to the Settlement Agreement, to commission and install a publicly accessible, highly visible, Residential Schools Monument in each capital city to honour Survivors and all the children who were lost to their families and communities.
83. We call upon the Canada Council for the Arts to establish, as a funding priority, a strategy for Indigenous and non-Indigenous artists to undertake collaborative projects and produce works that contribute to the reconciliation process.

MEDIA AND RECONCILIATION

84. We call upon the federal government to restore and increase funding to the CBC/Radio-Canada, to enable Canada's national public broadcaster to support reconciliation, and be properly reflective of the diverse cultures, languages, and perspectives of Aboriginal peoples, including, but not limited to:
- i. Increasing Aboriginal programming, including Aboriginal-language speakers.
 - ii. Increasing equitable access for Aboriginal peoples to jobs, leadership positions, and professional development opportunities within the organization.
 - iii. Continuing to provide dedicated news coverage and online public information resources on issues of concern to Aboriginal peoples and all Canadians,

including the history and legacy of residential schools and the reconciliation process.

85. We call upon the Aboriginal Peoples Television Network, as an independent non-profit broadcaster with programming by, for, and about Aboriginal peoples, to support reconciliation, including but not limited to:
 - i. Continuing to provide leadership in programming and organizational culture that reflects the diverse cultures, languages, and perspectives of Aboriginal peoples.
 - ii. Continuing to develop media initiatives that inform and educate the Canadian public, and connect Aboriginal and non-Aboriginal Canadians.
86. We call upon Canadian journalism programs and media schools to require education for all students on the history of Aboriginal peoples, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations.

SPORTS AND RECONCILIATION

87. We call upon all levels of government, in collaboration with Aboriginal peoples, sports halls of fame, and other relevant organizations, to provide public education that tells the national story of Aboriginal athletes in history.
88. We call upon all levels of government to take action to ensure long-term Aboriginal athlete development and growth, and continued support for the North American Indigenous Games, including funding to host the games and for provincial and territorial team preparation and travel.
89. We call upon the federal government to amend the Physical Activity and Sport Act to support reconciliation by ensuring that policies to promote physical activity as a fundamental element of health and well-being, reduce barriers to sports participation, increase the pursuit of excellence in sport, and build capacity in the Canadian sport system, are inclusive of Aboriginal peoples.
90. We call upon the federal government to ensure that national sports policies, programs, and initiatives are inclusive of Aboriginal peoples, including, but not limited to, establishing:
 - i. In collaboration with provincial and territorial governments, stable funding for, and access to, community sports programs that reflect the diverse

cultures and traditional sporting activities of Aboriginal peoples.

- ii. An elite athlete development program for Aboriginal athletes.
 - iii. Programs for coaches, trainers, and sports officials that are culturally relevant for Aboriginal peoples.
 - iv. Anti-racism awareness and training programs.
91. We call upon the officials and host countries of international sporting events such as the Olympics, Pan Am, and Commonwealth games to ensure that Indigenous peoples' territorial protocols are respected, and local Indigenous communities are engaged in all aspects of planning and participating in such events.

BUSINESS AND RECONCILIATION

92. We call upon the corporate sector in Canada to adopt the *United Nations Declaration on the Rights of Indigenous Peoples* as a reconciliation framework and to apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources. This would include, but not be limited to, the following:
 - i. Commit to meaningful consultation, building respectful relationships, and obtaining the free, prior, and informed consent of Indigenous peoples before proceeding with economic development projects.
 - ii. Ensure that Aboriginal peoples have equitable access to jobs, training, and education opportunities in the corporate sector, and that Aboriginal communities gain long-term sustainable benefits from economic development projects.
 - iii. Provide education for management and staff on the history of Aboriginal peoples, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills based training in intercultural competency, conflict resolution, human rights, and anti-racism.

NEWCOMERS TO CANADA

93. We call upon the federal government, in collaboration with the national Aboriginal organizations, to revise the information kit for newcomers to Canada and its citizenship test to reflect a more inclusive history of the diverse Aboriginal peoples of Canada, including

information about the Treaties and the history of residential schools.

94. We call upon the Government of Canada to replace the Oath of Citizenship with the following:

I swear (or affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Queen of Canada, Her Heirs and Successors, and that I will faithfully observe the laws of Canada including Treaties with Indigenous Peoples, and fulfill my duties as a Canadian citizen.

DRAFT PRINCIPLES
that Guide the
PROVINCE OF BRITISH COLUMBIA'S
Relationship with
INDIGENOUS PEOPLES



DRAFT PRINCIPLES that Guide the PROVINCE OF BRITISH COLUMBIA'S Relationship with INDIGENOUS PEOPLES

The Province wants to renew its relationship with Indigenous peoples in B.C., and affirms its desire to achieve a government-to-government relationship based on respect, recognition and exercise of Aboriginal title and rights and to the reconciliation of Aboriginal and Crown titles and jurisdictions. We agree to work with Indigenous peoples to jointly design, construct and implement principled, pragmatic and organized approaches informed by the Supreme Court of Canada Tsilhqot'in decision and other established law, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Truth and Reconciliation Commission (TRC) Calls to Action.

Indigenous people have a special constitutional relationship with the Crown. This relationship, including existing Aboriginal and treaty rights, is recognized and affirmed in section 35 of the *Constitution Act*, 1982.

The Province's draft reconciliation principles are intended as bold statements to guide this new relationship and end the denial of Indigenous rights that have led to disempowerment and assimilationist policies and practices. The principles will assure the Province conducts itself in a way that reflects a clear shift in an often troubled relationship with Indigenous peoples to a modern government-to-government relationship that is strong, sophisticated and valued. These principles create the space needed to exercise our respective jurisdictions for the benefit of all British Columbians. We will recognize success when we know Indigenous peoples believe themselves to be self-determining, self-governing, self-sufficient and can practise their Indigenous cultural traditions and customs as an important and respected part of B.C. society.

B.C.'s principles are about renewing the Crown-Indigenous relationship. They are an important starting point to move away from the status quo and to empower the Province to fundamentally change its relationship with Indigenous peoples, a process that will take time and will call for innovative thinking and action. This is necessary to ensure a modernized Crown-Indigenous relationship in B.C.

1 The Province of British Columbia recognizes that all relations with Indigenous peoples need to be based on the recognition and implementation of their right to self-determination, including the inherent right of self-government.

This opening principle affirms the priority of recognition in renewed government-to-government relationships. As set out by the courts, an Indigenous nation or rights-holding group is a group of Indigenous people sharing critical features such as language, customs, traditions, and historical experience at key moments in time like first contact, assertion of Crown sovereignty, or effective control. The Royal Commission on Aboriginal Peoples estimated that there are between 60 and 80 historical nations in Canada.

The Province's recognition of the ongoing presence and inherent rights of Indigenous peoples as a defining feature of Canada is grounded in the promise of section 35 of the *Constitution Act*, 1982, in addition to reflecting articles 3 and 4 of UNDRIP. The promise mandates the reconciliation of the prior existence of Indigenous peoples and the assertion of Crown sovereignty, as well as the fulfilment of historic treaty relationships.

This principle reflects UNDRIP's call to respect and promote the inherent rights of Indigenous peoples. This includes the rights that derive from their political, economic, and social structures and from their cultures, spiritual traditions, histories, laws, and philosophies, especially their rights to their lands, territories and resources.

The constitutional and legal order in Canada recognizes the reality that Indigenous peoples' ancestors owned and governed the lands which now constitute Canada prior to the Crown's assertion of sovereignty. All of the Crown's relationships with Indigenous peoples are based on recognition of this fact and supported by the recognition of Indigenous title and rights, as well as the negotiation and implementation of pre-Confederation, historic, and modern treaties.

It is the mutual responsibility of all governments to shift their relationships and arrangements with Indigenous peoples so that they are based on recognition and respect for the right to self-determination, including the inherent right of self-government for Indigenous nations. This responsibility includes changes in the operating practices and processes of the provincial government. For Indigenous peoples, this responsibility includes how they define and govern themselves as nations and governments and the parameters of their relationships with other orders of government.

2 The Province of British Columbia recognizes that reconciliation is a fundamental purpose of section 35 of the *Constitution Act*, 1982.

Reconciliation is an ongoing process through which Indigenous peoples and the Crown work cooperatively to establish and maintain a mutually respectful framework for living together, with a view to fostering strong, healthy, and sustainable Indigenous nations within a strong Canada. As we build a new future, reconciliation requires recognition of rights and that we all acknowledge the wrongs of the past, know our true history, and work together to implement Indigenous rights.

This transformative process involves reconciling the pre-existence of Indigenous peoples and their rights and the assertion of sovereignty of the Crown, including inherent rights, title, and jurisdiction. Reconciliation, based on recognition, will require hard work, changes in perspectives and actions, and compromise and good faith, by all.

Reconciliation frames the Crown's actions in relation to Aboriginal and treaty rights and informs the Crown's broader relationship with Indigenous peoples. The Province's approach to reconciliation is guided by UNDRIP, the TRC Calls to Action, constitutional values, and collaboration with Indigenous peoples as well as the federal and other provincial and territorial governments.

3 The Province of British Columbia recognizes that the honour of the Crown guides the conduct of the Crown in all of its dealings with Indigenous peoples.

The Province recognizes that it must uphold the honour of the Crown, which requires the provincial government and its departments, agencies, and officials to act with honour, integrity, good faith, and fairness in all of its dealings with Indigenous peoples. The honour of the Crown gives rise to different legal duties in different circumstances, including fiduciary obligations and diligence. The overarching aim is to ensure that Indigenous peoples are treated with respect and as full partners in Confederation.

4 The Province of British Columbia recognizes that Indigenous self-government is part of Canada's evolving system of cooperative federalism and distinct orders of government.

This principle affirms the inherent right of self-government as an existing Aboriginal right within section 35 of the *Constitution Act*, 1982. Recognition of the inherent jurisdiction and legal orders of Indigenous nations is therefore the starting point of discussions aimed at interactions between federal, provincial, territorial, and Indigenous jurisdictions and laws.

As informed by UNDRIP, Indigenous peoples have a unique connection to and constitutionally protected interest in their lands, including decision making, governance, jurisdiction, legal traditions, and fiscal relations associated with those lands.

Government-to-government relationships, including treaty relationships, therefore include:

1. developing mechanisms and designing processes which recognize that Indigenous peoples are foundational to Canada's constitutional framework;
2. involving Indigenous peoples in the effective decision making and governance of our shared home;
3. putting in place effective mechanisms to support the transition away from colonial systems of administration and governance; and
4. ensuring, based on recognition of rights, the space for the operation of Indigenous jurisdictions and laws.

5 The Province of British Columbia recognizes that treaties, agreements, and other constructive arrangements between Indigenous peoples and the Crown have been and are intended to be acts of reconciliation based on mutual recognition and respect.

This principle recognizes that Indigenous peoples have diverse interests and aspirations and that reconciliation can be achieved in different ways with different nations, groups, and communities.

This principle honours historic treaties as frameworks for living together, including the modern expression of these relationships. In accordance with the Royal Proclamation of 1763, many Indigenous nations and the Crown historically relied on treaties for mutual recognition and respect to frame their relationships. Across much of Canada, the treaty relationship between the Indigenous nations and Crown is a foundation for ongoing cooperation and partnership with Indigenous peoples.

The Province recognizes the role that treaty making has played in building Canada and the contemporary importance of treaties, both historic and those negotiated after 1973, as foundations for ongoing efforts at reconciliation. The spirit and intent of both Indigenous and Crown parties to treaties, as reflected in oral and written histories, must inform constructive partnerships, based on the recognition of rights, that support full and timely treaty implementation.

In accordance with section 35 of the *Constitution Act*, 1982, all Indigenous peoples in Canada should have the choice and opportunity to enter into treaties, agreements, and other constructive arrangements with the Crown as acts of reconciliation that form the foundation for ongoing relations. The Province prefers no one mechanism of reconciliation to another. It is prepared to enter into innovative and flexible arrangements with Indigenous peoples that will ensure that the relationship accords with the aspirations, needs, and circumstances of the Crown-Indigenous relationship.

The Province also acknowledges that the existence of Indigenous rights is not dependent on an agreement and, where agreements are formed, they should be based on the recognition and implementation of rights and not their extinguishment, modification, or surrender.

Accordingly, this principle recognizes and affirms the importance that Indigenous peoples determine and develop their own priorities and strategies for organization and advancement. The Province recognizes Indigenous peoples' right to self-determination, including the right to freely pursue their economic, political, social, and cultural development.

6 The Province of British Columbia recognizes that meaningful engagement with Indigenous peoples aims to secure their free, prior and informed consent when B.C. proposes to take actions which impact them and their rights, including their lands, territories and resources.

This principle acknowledges the Province's commitment to a new government-to-government relationship that builds on and goes beyond the legal duty to consult. In delivering on this commitment, the Province recognizes the right of Indigenous peoples to participate in decision making in matters that affect their rights through their own representative institutions and the need to consult and cooperate in good faith with the aim of securing their free, prior and informed consent.

The Supreme Court of Canada has clarified that the standard to secure consent of Indigenous peoples is strongest in the case of Aboriginal title lands. The Supreme Court of Canada has confirmed that Aboriginal title gives the holder the right to use, control, and manage the land and the right to the economic benefits of the land and its resources. The Indigenous nation, as proper title holder, decides how to use and manage its lands for both traditional activities and modern purposes, subject to the limit that the land cannot be developed in a way that would deprive future generations of the benefit of the land.

The importance of free, prior and informed consent, as identified in UNDRIP, extends beyond title lands. To this end, British Columbia will look for opportunities to build processes and approaches aimed at securing consent, as well as creative and innovative mechanisms that will help build deeper collaboration, consensus, and new ways of working together. It will ensure that Indigenous peoples and their governments have a role in public decision making as part of Canada's constitutional framework and ensure that Indigenous rights, interests, and aspirations are recognized in decision making.

7 The Province of British Columbia recognizes that respecting and implementing rights is essential and that any infringement of section 35 rights must by law meet a high threshold of justification which includes Indigenous perspectives and satisfies the Crown's fiduciary obligations.

This principle reaffirms the central importance of working in partnership to recognize and implement rights and, as such, that any infringement of Aboriginal or treaty rights requires justification in accordance with the highest standards established by Canada's courts and must be attained in a manner consistent with the honour of the Crown and the objective of reconciliation.

This requirement flows from the constitutional arrangements in Canada. Meaningful engagement with Indigenous peoples is therefore mandated whenever the Province may seek to infringe a section 35 right.

8 The Province of British Columbia recognizes that reconciliation and self-government require a renewed fiscal relationship, developed in collaboration with the federal government and Indigenous nations that promotes a mutually supportive climate for economic partnership and resource development.

The Province recognizes that the rights, interests, perspectives, and governance role of Indigenous peoples are central to securing a new fiscal relationship. It also recognizes the importance of strong Indigenous governments in achieving political, social, economic, and cultural development and improved quality of life. This principle recognizes that a renewed economic and fiscal relationship must ensure that Indigenous nations have the fiscal capacity, as well as access to land and resources, in order to govern effectively and to provide programs and services to those for whom they are responsible.

The renewed fiscal relationship will also enable Indigenous peoples to have fair and ongoing access to their lands, territories, and resources to support their traditional economies and to share in the wealth generated from those lands and resources as part of the broader provincial economy.

A fairer fiscal relationship with Indigenous nations can be achieved by the Province, in concert with the federal government, through a number of mechanisms such as new tax arrangements and the negotiation of revenue-sharing agreements.

9 The Province of British Columbia recognizes that reconciliation is an ongoing process that occurs in the context of evolving Crown-Indigenous relationships.

This principle recognizes that reconciliation processes, including processes for negotiation and implementation of treaties, agreements and other constructive arrangements, will need to be innovative and flexible and build over time in the context of evolving Crown-Indigenous relationships. These relationships are to be guided by the recognition and implementation of rights.

Treaties, agreements, and other constructive arrangements should be capable of evolution over time. Moreover, they should provide predictability for the future as to how provisions may be changed or implemented and in what circumstances. The Province is open to flexibility, innovation, and diversity in the nature, form, and content of agreements and arrangements.

The Province also recognizes that it has an active role and responsibility in ensuring the cultural survival of Indigenous peoples as well as in protecting Aboriginal and treaty rights.

The Province will collaborate with Indigenous peoples on changes to provincial laws, policies and practices.

10 The Province of British Columbia recognizes that a distinctions-based approach is needed to ensure that the unique rights, interests and circumstances of Indigenous peoples in B.C. are acknowledged, affirmed, and implemented.

The Province recognizes First Nations, the Métis Nation, and Inuit as the Indigenous peoples of Canada, consisting of distinct, rights-bearing communities with their own histories, including with the Crown. The work of forming renewed relationships based on the recognition of rights, respect, co-operation, and partnership must reflect the unique interests, priorities and circumstances of each people.



To: Fraser Valley Aboriginal Relations Committee
From: Jessica Morrison, Policy Analyst – Indigenous Relations

Date: 2018-04-11
File No: 3400-01

Subject: Committee Name Change

RECOMMENDATION

THAT the Fraser Valley Regional District Board support the amendment of the Fraser Valley Aboriginal Relations Committee (FVARC) Terms of Reference to reflect a change to the name of the committee to the Regional Indigenous Relations Committee (RIRC).

STRATEGIC AREA(S) OF FOCUS

Support Environmental Stewardship
Foster a Strong & Diverse Economy
Support Healthy & Sustainable Community
Provide Responsive & Effective Public Services

BACKGROUND

FVARC was founded as a Committee in 2012, following on the work of the previous Fraser Valley Treaty Advisory Committee (FVTAC, 1995-2012), and the FVRD's participation in the Lower Mainland Treaty Advisory Committee (LMTAC, 1995-2012).

The name of the committee was contemplated in an October 2017 FVRD Board visioning session for the committee. Board members asked staff to present a number of options for consideration, including retaining the existing name, which were provided through an anonymous survey. The highest ranked option was Regional Indigenous Relations Committee (RIRC).

DISCUSSION

Language and terminology are constantly in flux. This is true in any context, including the field of Indigenous Relations.

The term 'Aboriginal' arose in use in Canada as a collective noun in the 1970s. The use of the term signified an inclusion of First Nations, Inuit, and Métis Peoples. It was enshrined in the language on the Constitution Act (1982), specifically in Section 35, which recognizes and affirms Aboriginal rights. The term then came into even broader use.

Since that time, Canada has joined 147 other states of the United Nations in becoming a signatory to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The shift toward using the internationally recognized collective term in Canada has followed the implementation of UNDRIP, signifying a recognition of the declaration and its terms.

While the term 'Aboriginal' remains in the Canadian Constitution, it has increasingly become limited to use that legal context. The waning usage of the term 'Aboriginal' aside from the constitutional context is not dissimilar to the use of the term 'Indian'. 'Indian' remains a legal definition in the Indian Act (1985), but is no longer in use in popular language, aside from the pejorative.

A name change for FVARC is recommended to ensure that the FVRD:

1. Is using common, contemporary language;
2. Recognizes that the use of the term Aboriginal may have fit with functions of previous committees regarding legal considerations of Aboriginal Rights and Title, but is no longer relevant to the work of the committee, which is shifting toward a collaborative space;
3. Signals a recognition and respect for the principles of relationships provided in guidance documents such as UNDRIP, the 94 Calls to Action of the Truth and Reconciliation Commission (TRC), and the 10 principles respecting the Government of Canada's relationship with Indigenous peoples;
4. Lays a welcoming groundwork for invitations to new membership as the committee evolves and encourages Indigenous governance participation; and
5. Demonstrates leadership and direction to our staff, member municipalities, and to the broader public.

Other government organizations have recently updated their names to reflect the contemporary terminology for the reasons similar to those noted above:

Canada

Aboriginal Affairs and Northern Development Canada (AANDC) updated its name to Indigenous and Northern Affairs Canada (INAC)¹ in 2015

BC

Ministry of Aboriginal Relations and Reconciliation (MARR) updated its name to Ministry of Indigenous Relations and Reconciliation (MIRR) in 2017

¹ In 2017 INAC was split into two new ministries, Crown-Indigenous Relations and Northern Affairs (CIRNA) and Indigenous Services Canada (ISC)

UBCM

First Nations Relations Committee (FNRC) updated its name to Indigenous Relations Committee (IRC) in 2017

As noted, there are compelling reasons to make the change to Regional Indigenous Relations Committee. The consideration is not proposed as a matter of simply 'follow along' with trends, but to make an adjustment that makes sense for the FVRD as an organization.

BC Treaty Commission Chief Commissioner, Celeste Haldane, was a guest at the Metro Vancouver Aboriginal Relations Committee in January 2019. She was asked by committee members to provide her perspective on the names of such committees, and shift toward using the term 'Indigenous'. She communicated that it is always a good idea to keep up with evolving language. She cautioned though, that this should not be a matter for lengthy debate or focus. She feels that there are certainly more critical matters of policy to spend time debating.

COST

N/A

CONCLUSION

Staff recommend that the name of the committee be updated to Regional Indigenous Relations Committee, and that the FVRD Board directs staff to update the FVARC Terms of Reference to reflect the change.

COMMENTS BY:

Jennifer Kinneman, Director of Corporate Affairs:	Reviewed and supported.
Mike Veenbaas, Director of Financial Services:	No further financial comments.
Paul Gipps, Chief Administrative Officer	Reviewed and supported

Attachments:

1. FVARC Terms of Reference (2013)

Terms of Reference**1. Purpose**

The purpose of the Fraser Valley Aboriginal Relations Committee ("FVARC") is to advise the Fraser Valley Regional Board of Directors (the "Board") on treaty negotiations as well as aboriginal relationship issues and opportunities.

2. Objectives

It is recognized that the Fraser Valley Regional District ("FVRD") and aboriginal communities each have distinct governing authorities and responsibilities towards their residents and members. However, the impact of our decisions can be felt across political boundaries. It is therefore in the interest of both parties to work together in the spirit of cooperation to build a common future.

Working relationships will be based on meaningful communication and dialogue. The work of FVARC will foster an understanding of each party's governing structures, traditions, roles and responsibilities. FVARC members will respect the views and authority of each party.

The objectives of the FVARC are two-fold:

- to ensure that the unique and special interests of local government are identified and taken into account by the Province during the treaty negotiation process; and
- to build strong and respectful working relationships with aboriginal communities.

3. Membership Selection

- 3.1.** The selection of the FVARC members shall be in accordance with "Fraser Valley Regional District Board and Committee Procedures Bylaw No. 0433, 2001" and amendments thereto.
- 3.2.** FVARC will be comprised of representatives from jurisdictions represented on the Board, and non-FVRD representatives as may be deemed appropriate by FVARC.
- 3.3.** FVARC Members representing non-FVRD jurisdictions will be granted non-voting "observer status".
- 3.4.** Board determination of FVARC membership will be as follows:

- 3.4.1.** Each FVRD member municipality may appoint two (2) elected representatives, two (2) elected alternates and one (1) staff representative to the FVARC;
- 3.4.2.** The Board Chair shall appoint three (3) Electoral Area Directors and two (2) elected alternates and one (1) staff representative to the FVARC; and
- 3.4.3.** “Observer status” members may be appointed by the Board as non-voting members of the FVARC, one (1) elected representative, one (1) elected alternate, and one (1) staff representative to the FVARC.

3.5. Each FVRD member municipality has two (2) votes.

3.6. Each Electoral Area Services Director appointed by the Board has two (2) votes.

3.7. FVARC staff representatives will act in an advisory capacity only and will be non-voting members.

3.8. Both FVARC “observer status” members and staff representatives are entitled to be present during the FVARC In-Camera sessions.

4. Procedures

4.1. The FVARC shall elect a Chair and Vice-Chair by simple majority vote at the first meeting of the FVARC each year.

4.2. The term of the Chair and Vice-Chair will be one (1) calendar year.

5. Appointments to Negotiating Tables and Other External Committees and Agencies

5.1. The FVARC shall recommend to the Board the appointment of elected and staff representatives to Metro Vancouver Aboriginal Relations Committee, other external committees, agencies and treaty tables.

6. Administration

6.1. FVRD staff will provide administrative support for FVARC.

6.2. An exempt staff member will be appointed as the FVARC Administrator and an exempt administrative assistant will be appointed as FVARC Assistant.

To: CAO for the Fraser Valley Regional District Board

Date: 2019-04-25

From: Mike Veenbaas, Director of Financial Services

File No: 1720-01

Subject: Board Remuneration – Municipal Officer's Expense Allowance Exemption Elimination

RECOMMENDATION

THAT the Fraser Valley Regional District Board consider selection of one of the following three options pertaining to Board remuneration:

Option 1

THAT the Board direct Staff to adjust remuneration levels for all Board Directors to achieve wage parity with remuneration levels prior to the elimination of the Municipal Officer's Expense Allowance Exemption.

Option 2

THAT the Board consider the recommendation from March EASC:

- a. **THAT** assuming no other changes to the base Board Director remuneration rate, that the remuneration rate for Electoral Director add-on be adjusted so that the total remuneration received by an Electoral Area Director is given wage parity as a result of the elimination of the Municipal Officer's Expense Allowance Exemption;
- b. **AND THAT** the proposed increase to the Electoral Area Director add-on be funded through Electoral Area Administration Budget 102.

Option 3

THAT the Board direct Staff to make no adjustment to remuneration levels as result of the elimination of the Municipal Officer's Expense Allowance Exemption.

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

BACKGROUND

At the January EASC meeting Staff were directed to report back to February EASC regarding the impact on Director's remuneration as a result of changes in federal legislation eliminating the 1/3 "expense allowance exemption" for elected officials. At the January Board meeting Staff received direction to bring a report back to both EASC and RACS in February and an information report

providing further financial impact details was included on each meeting's agenda. Both committees held light discussion and noted that the matter would be discussed further at the February Board meeting. In February the Board resolved to refer the subject of EA Director's compensation, separate from the Municipal Director's compensation, to the March EASC meeting. At the March EASC meeting the committee moved support for a remuneration rate adjustment so that the total remuneration received by an Electoral Area Director is given wage parity to the period prior to the exemption being eliminated. Director's Adamson, Dickey and Dixon were opposed. The report from the March EASC agenda is included for reference.

DISCUSSION

Staff completed a high level analysis of the financial impact to elected officials resulting from the changes in federal income tax legislation. Not taking into account income earned outside of the role as a Board Director, the information supports that net remuneration levels are about 90% of that received prior to the change. To allow a Board Director's average 2019 net remuneration to be roughly equal with their 2018 net remuneration, remuneration levels would need to increase an estimated 13-14%. The estimated increase provides for the additional tax impact that would result in a remuneration increase.

At the February Board meeting the discussion seemed to signal limited support for an increase to the base Board Director remuneration level with some support for a review of the Elected Area Director add-on remuneration level. At the March EASC meeting a motion for a remuneration adjustment was moved and is now being brought to Board for consideration.

Additional information presented verbally at the March EASC meeting included how the legislation change was being managed by member municipalities. Findings included:

- Abbotsford – no remuneration increase as a direct result of the change in legislation. A planned remuneration increase for January 1, 2019 was already scheduled and provided for a remuneration level high enough to offset the tax impact.
- Chilliwack – remuneration levels were adjusted effective January 1, 2019 in response to the legislation change. The level for position of Mayor was increased 16% and the level for position of Councillor was increased 9.5%.
- Mission – remunerations levels were adjusted effective January 1, 2019 to compensate for the legislation change. The remuneration adjusted was based on a few factors with the portion attributed to the tax change being around 8-9%
- Kent – remuneration levels for Mayor and Council were adjusted 18% effective January 1, 2019, partially as a result of no increases occurring since 2015 and partially as a result of the legislation changes.

- Harrison & Hope – at last check-in, no change had been made to remuneration levels as a result of the legislation change.

COST

Board remuneration is expensed under two services areas, Regional Administration and Electoral Area Administration. The base Board Director rate is allocated 81% to Regional Administration and 19% to Electoral Administration in keeping with the average allocation of items considered at the Board meeting (Regional vs. Electoral Area specific). The Electoral Area Director add-on rate is 100% allocated to Electoral Area Administration.

This allocation model is important to consider when making decisions regarding remuneration level changes. If a decision is made to move forward with an increase for Electoral Area Director's only, the adjustment will need to be applied to the EA Director add-on to ensure it is fully funded by Electoral Areas and not 81% by Municipal Members.

Option 1 Financial Impact (14% Remuneration Increase for all Board Directors)

	2019 Budget	2019 Budget with 14% Increase	Requisition Increase	Impact per \$100,000 of Assessment
Regional Administration	\$259,800	\$296,200	\$36,400	\$0.04
Electoral Area Administration	\$214,170	\$244,170	\$30,000	\$0.62

Option 2 Financial Impact (14% Remuneration Increase for Electoral Area Directors)

Under Option 2 the full requisition increase is funded from Electoral Area Administration Budget 102.

	2019 Budget	2019 Budget with 14% Increase	Requisition Increase	Impact per \$100,000 of Assessment
Base Rate	\$96,000	\$109,440	\$13,440	\$0.28
Electoral Area Director Add-on	\$214,170	\$244,170	\$30,000	\$0.62

CONCLUSION

As requested by EASC, Staff have prepared information pertaining to the recent income tax changes eliminating the Municipal Officer's Expense Allowance Exemption. The Board has the option to consider changes to remuneration levels in response to the tax legislation change.

COMMENTS BY:

Paul Gipps, Chief Administrative Officer

Reviewed and supported.

To: CAO for the Electoral Area Services Committee
From: Mike Veenbaas, Director of Financial Services

Date: 2019-02-12
File No: 1720-01

Subject: Impact of Municipal Officer's Expense Allowance Exemption Elimination

INTENT

This report is intended to advise the Electoral Area Services Committee of information pertaining to the estimated impact of the elimination of the Municipal Officer's Expense Allowance Exemption. Staff is not looking for a recommendation and has forwarded this information should members want more clarification to discuss the item further.

BACKGROUND

As part of the 2017 Federal Budget, the Federal Government announced that tax exemptions that apply for the non-accountable expense allowances paid to members of provincial and territorial legislative assemblies and to certain municipal office-holders would be eliminated. This change was effective January 1, 2019 and impacted the net remuneration received by FVRD Board and Alternate Directors. Information regarding this change was discussed as part of the Board remuneration review completed in mid-2017.

DISCUSSION

At the January 2019 EASC meeting a motion was passed asking Staff to report back on the impact of the elimination of the Municipal Officer's Expense Allowance Exemption (up to 1/3 tax exemption). While the impact can be estimated based on net remuneration received from FVRD, the actual impact

per Director will vary depending on the Director's total overall income level from all sources and any applicable income tax deductions/exemptions.

In order to understand the impact from the exemption elimination, Staff reviewed the net remuneration level by Director from the last pay period of 2018 to the first pay period of 2019. On average the net remuneration in 2019 is 93.2% of 2018 levels which also includes a 2.6% CPI adjustment for 2019. If no CPI adjustment had been applied, the net remuneration levels for 2019 would be 90.8% of what was received in 2018. The decrease is fully the result of the exemption elimination. The table bellows summarizes the impact on a bi-weekly basis for an average Electoral Area Director and Municipal Director:

	2018 Bi-weekly Net Pay	2019 Bi-weekly Net Pay	2019 over 2018	2019 over 2018 (excluding 2019 CPI adjustment)
Average Municipal Director	\$418	\$392	93.8%	91.4%
Average Electoral Area Director	\$1,101	\$1,019	92.5%	90.2%

When annualized, the reduction in average net remuneration would be \$680 for a Municipal Director and \$2,140 for an Electoral Area Director. The amount of impact varies for Board members that hold additional positions such as Committee or Board Chair/Vice-Chair.

To allow a Board Director's average 2019 net remuneration to be roughly equal with their 2018 net remuneration plus the 2.6% CPI adjustment, remuneration levels would need to increase an estimated 13-14%. The estimated increase also provides for the additional tax impact that would result in a remuneration increase.

COST

Board Director stipends are budgeted in the Regional Administration and Electoral Area Administration service areas. The table below can help the Committee understand the financial impact of a remuneration adjustment:

	2019 Budget	2019 Budget with 14% Increase	Requisition Increase	Impact per \$100,000 of Assessment
Regional Administration	\$259,800	\$296,200	\$36,400	\$0.04
Electoral Area Administration	\$214,170	\$244,170	\$30,000	\$0.62

CONCLUSION

As a result of changes made by the Federal Government to the Income Tax Act, the Municipal Officer's Expense Allowance Exemption was eliminated January 1, 2019. This had the result of removing a tax free allowance for up to 1/3 of a Board Director's stipend and effectively decreased the 2019 average net remuneration level to 90.8% of what was being received in 2018.

COMMENT BY:

Paul Gipps, Chief Administrative Officer

Reviewed and supported

To: CAO for the Regional and Corporate Services Committee

Date: 2019-04-25

From: Christina Vugteveen, Manager of Park Operations

File No: 3920-1520, 2019

Subject: FVRD Parks Regulations, Fees and other Charges Amendment Bylaw No. 1521, 2019

RECOMMENDATION

THAT the Fraser Valley Regional District Board consider giving three readings and adoption to the bylaw cited as *Fraser Valley Regional District Parks Regulations, Fees and Other Charges Amendment Bylaw No. 1521, 2019*.

STRATEGIC AREA(S) OF FOCUS

Support Healthy & Sustainable Community
Provide Responsive & Effective Public Services

PRIORITIES

Priority #4 Tourism
Priority #5 Outdoor Recreation

BACKGROUND

The *Fraser Valley Regional District Parks Regulations, Fees and other Charges Establishment Bylaw No. 1500, 2018* sets forth the rules and fees for all FVRD regional parks, community parks, linear parks, recreation areas, and trails. The bylaw was recently updated in 2018 to reflect the addition of new Electoral Area community parks and the Sub-Regional Parks (West) service area, and to ensure that the practices and terminology were up-to-date to accurately reflect current park operations.

As a second phase of the bylaw update, parks staff have now turned their attention to Schedule A of the bylaw which outlines fees, specifically:

- parking passes at Island 22 Regional Park and Dewdney Regional Park only;
- permits for various activities including, but not limited to special events, picnic shelter use and filming at all locations.

A fee review of the cost of parking passes and park permits was recently completed which included a full assessment of existing fees and a comparison with similar facilities and organizations. Overall, fees were found to be comparable to, or slightly less than, those of similar organizations. As the fees have historically been intended as a method of cost recovery, and not revenue generation, only a few updates are proposed in *Amendment Bylaw No. 1521, 2019* for the Board's consideration.

DISCUSSION

The proposed bylaw amendment includes minor changes for clarification of fee categories, the use of updated terminology, and to allow for greater flexibility and simplification of fee administration.

Parking Passes

Parking passes have been in place at Island 22 Regional Park and Dewdney Regional Park since 2005, and were put in place to offset the costs of having security on site during the busy season. The current fees have been in place since 2007 and are recommended to stay the same. There are no changes recommended to parking pass fees.

Park Permits

Administrative changes to the Parks Permits section of Schedule A are outlined below.

Change	Reason
1. Remove the "Park Permit Application Processing Fee" and include it within the updated "Filming" fee. Also, add "plus liaison wages" to the "Filming" fee.	The application processing fee was only ever applied to "Filming", as all other permits were exempt. Including it within the "Filming" fee allows for easier administration. FVRD staff act as liaisons with the film industry, which often requires providing site access, visits, and being on-site during filming. Charging for liaison wages is common practice to cover costs for filming that requires additional staff time and supervision.
2. Add "Group Event" park permit category and fee options based on group size.	To accommodate park bookings which don't involve the use of specific park infrastructure (like a picnic shelter), but nonetheless require the use of the park (such as a trail race).
3. Remove park permit categories of "Wedding" and "Group Picnic".	These park permit types are redundant, as they are covered by the "Shelter Rental" and "Group Event" categories.
4. Add the "Under 4 hours" option to "Picnic Shelter Rental" allowing the public to rent a picnic shelter for a reduced time period for less cost.	To provide cost-savings and greater flexibility to groups not wanting to book a shelter for the entire day (for example a child's two hour birthday party).
5. Update to "Overnight Security" fee.	To include GST.
6. Remove "Weekday" rental options.	To simplify fee administration, as this option was rarely used and not common practice.
7. Rename "Special Event" permit to "Island 22 Equestrian Area Rental" and add the "cost of security" to this fee.	The title of "Special Event" creates confusion with the <i>FVRD Special Event Bylaw</i> administered through Electoral Area Services and was only ever applied to the rental of the Island 22 Equestrian Area.

	The "cost of security" addition is to reflect the cost of security for groups staying overnight in the park outside of regularly scheduled security coverage.
8. Remove "Commercial Service or Activity".	A commercial service or activity will be managed through a more formal agreement process.

Further waivers or exemptions of park fees, outside of Schedule A, are not recommended. Although the majority of groups using the facilities are not-for-profit (either legally registered or informal community groups), the fees are considered reasonable and comparable, and staff time is required for the administration and preparation of all events. Requests for fee exemptions are not received often, but occasionally they are submitted. As per the bylaw, fee waiver requests will not be granted.

COST

The adoption of Amendment Bylaw No. 1521, 2019 will not result in any significant changes to overall costs or revenue for the Parks Department. The proposed fee changes are minor and there are less than 50 park permits processed annually. Overall, park fees will continue to function as a cost recovery mechanism.

CONCLUSION

Park fees are necessary to offset staff time required to ensure that activities in parks are safe and successful. Park users and permits have been increasing over the past several years, and clarifying and updating park fees will assist staff in making the permitting process more efficient and user-friendly.

COMMENTS BY:

Stacey Barker, Director of Regional Services

Reviewed and supported.

Mike Veenbaas, Director of Financial Services

Reviewed and supported.

Paul Gipps, Chief Administrative Officer

Reviewed and supported

A bylaw to amend the Parks Regulations, Fees and Other Charges Establishment Bylaw

THEREFORE the Board enacts as follows:

This bylaw may be cited as the *Fraser Valley Regional District Parks Regulations, Fees and Other Charges Amendment Bylaw No. 1520, 2019*.

That Fraser Valley Regional District Bylaw No. 1500, 2018 be amended by:

- a. Deleting "Schedule A – Fees and Other Charges" in its entirety and substituting with "Schedule A" attached hereto and forming an integral part of this bylaw.

If a portion of this bylaw is found invalid by a court, it will be severed and the remainder of the bylaw will remain in effect.

READ A FIRST TIME THIS day of

READ A SECOND TIME THIS _____ day of _____

READ A THIRD TIME THIS _____ day of _____

ADOPTED THIS _____ day of _____

Corporate Officer/Deputy

5) CERTIFICATION

I hereby certify that this is a true and correct copy of *Fraser Valley Regional District Parks Regulations, Fees and Other Charges Amendment Bylaw No. 1520, 2019* as adopted by the Board of Directors of the Fraser Valley Regional District on

Dated at Chilliwack, BC this

Corporate Officer/Deputy

FRASER VALLEY REGIONAL DISTRICT BYLAW NO. 1521, 2019.
Schedule A

Parking Passes – Island 22 and Dewdney Regional Parks	Fee – includes taxes
Single Day	
Vehicle	\$ 5
Vehicle Towing a Horse/Boat Trailer	\$ 10
Overnight (includes single day parking pass)	
Single Night	\$ 20
3 Day Weekend	\$ 50
Season	
Vehicle	\$ 25
Vehicle Towing a Boat Trailer	\$ 50
Vehicle Towing a Horse Trailer	\$ 50
Commercial (Guide) – Vehicle Towing a Boat Trailer	\$ 100
Overnight – Vehicle Towing a Boat Trailer	\$ 100
Overnight Commercial (Guide) – Vehicle Towing a Boat Trailer	\$ 200

Park Permits ¹	Fee (per day) – includes taxes
Filming	\$ 250 + liaison wages ²
Group Event (does not include picnic shelter rental)	
30-50 people	\$ 25
50-100 people	\$ 50
150-199 people	\$ 75
199+ people ³	\$ 100
Overnight Security	\$ 21/hr
Picnic Shelter Rental	
Under 4 hours (including setup and takedown)	\$ 50
Over 4 hours	\$ 100
Island 22 Riding Ring Rental	\$ 100
Island 22 Equestrian Area Rental ⁴	\$ 200 + cost of security

¹ Permit fees will not be charged for educational activities or scientific research.

² Liaison wages are the actual cost of FVRD Staff involvement.

³ Group events in electoral areas with more than 199 participants will be subject to FVRD Special Events Bylaw and fees rather than Group Event Fees in this bylaw.

⁴ If booking for two or more days, the fee includes parking in the First Equestrian Parking Lot and overnight stay for participants up to a maximum of 100 camping units. Additional overnight security fees may apply depending on dates.

To: CAO for the Electoral Area Services Committee
From: Mike Veenbaas, Director of Financial Services

Date: 2019-04-09
File No: 3920-1514, 2019

Subject: Yale Water System - user fee update

RECOMMENDATION

THAT the Fraser Valley Regional District Board consider giving three readings and adoption to the bylaw cited as *Fraser Valley Regional District Yale Water System Regulations, Fees and Other Charges Establishment Bylaw No. 1514, 2019*.

STRATEGIC AREA(S) OF FOCUS

Support Healthy & Sustainable Community
Provide Responsive & Effective Public Services

PRIORITIES

Priority #2 Air & Water Quality

BACKGROUND

A regional district service area for the supply of water to the Yale Townsite was first established in 1980. Since then various amendments have occurred to adjust regulations and rates. A further rate review occurred late in 2018 to address a change in the use of the Yale Elementary School facility.

DISCUSSION

In 2010 the Yale and District Community Use Facility began operating within the previously closed Yale Elementary School facility. The monthly water user fee associated with this facility remained at \$108.33, the rate in effect when the facility operated as a school. A review in 2018 confirmed that water consumption by the current occupier is significantly lower than when the facility was a school.

Working with Director Adamson, Staff have determined a more equitable monthly user fee rate of \$25 or \$300 per annum. In order to ensure the water system's user fee revenue was not impacted, all other user fees are proposed to increase by 5%. This would be the first user fee increase since 2004.

While preparing the rate amendment bylaw, it became clear that a better approach would be to put forth a new regulations, fees and other charges bylaw that repealed the original 1981 bylaw and the many amendments since first established. This provides for a clean bylaw moving forward.

COST

There will be no net revenue impact to the Yale Water System as a result of the proposed rate changes as the Community Use Facility rate decrease is offset by a general increase in all other rates.

CONCLUSION

In order to address an inequality in the water rate structure as applied to the Yale & District Community Use Facility, Staff worked with Director Adamson to develop a proposed rate amendment. In addition, Staff are proposing to consolidate 30 years of bylaw amendments into a new regulation and rate establishment bylaw.

COMMENTS BY:

Paul Gipps, Chief Administrative Officer

Reviewed and supported

**FRASER VALLEY REGIONAL DISTRICT
BYLAW NO. 1514, 2019**

**A bylaw to establish regulations, fees and other charges for the
Townsite of Yale Water Supply and Distribution System Service Area**

WHEREAS the Board of Directors of the Fraser Valley Regional District ("the Board") delivers water supply and distribution services pursuant to *Fraser Valley Regional District Townsite of Yale Water Supply and Distribution Local Service Area Conversion and Amendment Bylaw No. 0292, 1999*, as amended;

AND WHEREAS the Board has deemed it advisable to establish certain regulations, fees and other charges associated with the delivery of said services;

THEREFORE the Board enacts as follows:

1) CITATION

This bylaw may be cited as *Fraser Valley Regional District Yale Water System Regulations, Fees and Other Charges Establishment Bylaw No. 1514, 2019*.

2) INTERPRETATION

"Inspector" means any person appointed by the Regional District as Inspector for the purposes of administering and enforcing this bylaw;

"Owner" means any person who is the owner of real property, or any other person authorized in writing by the owner to represent the owner, including, but not limited to, a person, firm or corporation ;

"Person" means any individual, firm, company, association, society, partnership, corporation or group of such number and gender as the context and facts may require."

"Regional District" means the Fraser Valley Regional District;

"Water Connection" means a connection to a main water supply line and extending to the property line of the customer, and may or may not include a water meter and shut-off valve which shall be the property of the Regional District"

"Water System" means the Townsite of Yale Water Supply and Distribution System

3) RESPONSIBILITIES

- 3.1 The Regional District shall administer and determine all water fees and other charges for all premises which are connected to the Water System, according to the provisions of this bylaw.
- 3.2 The Regional District shall be responsible for the charge and control of all properties and works in connection with the Water System.
- 3.3 The Regional District shall have charge and control of the inspections of all properties and works in connection with the Water System.
- 3.4 No person shall obstruct or prevent a duly authorized Inspector from carrying out any or all of the provisions of this bylaw, nor shall any person refuse to grant the Inspector permission to inspect any waterworks at any reasonable time.

4) PROHIBITIONS

- 4.1 No person other than an authorized employee or agent of the Regional District shall tap into or make any connections whatsoever to any of the public or private water pipes forming part of the Water System. The Regional District reserves the right to refuse such connections where winter frost conditions are evident.
- 4.2 No person shall alter or tamper with any of the Water System works and services, including hydrants, within any street or land or within the system's rights-of-way or property, or with any water meter belonging to the Regional District or turn on or off any stop or gate valve unless authorization is obtained in advance from the Regional District.
- 4.3 No pump, booster or other device shall be employed by any person without permission in writing from the Regional District for the purpose of, or having the effect of, increasing water pressure in service lines to a higher pressure than the normal water pressure in said service lines, and the Regional District may, without notice, discontinue service to any person employing such pump, booster or other device.

5) CONDITIONS OF SERVICE

- 5.1 The Regional District shall have the right to limit the number of connections to the Water System.
- 5.2 Each Owner of land and/or premises shall be responsible for the construction, repair and maintenance of all pipes and fixtures between the property line and his premises.
- 5.3 Each installation under Section 5.2 shall be covered by a minimum of 1.4 metres of earth fill.
- 5.4 Inspectors of the Regional District are authorized to inspect all buildings and premises which are connected to the Water System, and shall keep records of all applications for services and a full description of all works constructed.

- 5.5 The Regional District may, at its sole discretion, require an applicant for water service to install a meter for measuring water use. The cost of the meter and installations will be recovered from the applicant.
- 5.6 The Regional District may, at its sole discretion, require an Owner who wishes to install a standpipe to apply for a separate Water Connection for such purpose.
- 5.7 Each Owner of premises who installs a standpipe shall make arrangements for the adequate drainage of any excess water either through a storm drainage system, or through a system of drainage works upon the parcel which is served.

6) APPLICATIONS

- 6.1 All applications for Water Connection shall be made in writing by the Owner of the property to which the application refers, or by the Owner's duly authorized agent, to the Regional District. Applications shall be made by filling out an application form obtained from the Regional District and shall be accompanied by the proper fees as specified in Schedule A of this bylaw.
- 6.2 All applications for Water Connection shall state the use of the building for which water is to be connected, together with the legal description and the street address of the property or building to which the installation is to be made.
- 6.3 No application shall be considered approved until it has been signed by the Inspector.
- 6.4 Applications for disconnection of any water service shall be made in writing and delivered to the Regional District.
- 6.5 All applications for Water Connections for standpipes shall be accompanied by an annotated site plan which shows:
 - a) the location of the proposed connection;
 - b) the location of the proposed standpipe;
 - c) the size of the connection required;
 - d) the location of and arrangements for drainage of excess water from the site.

7) WATER CONSUMPTION

- 7.1 The Regional District may, whenever in its discretion and the public interest so requires, suspend or limit the consumption of water from the Water System or may regulate the hours of use or may further prescribe the manner in which such water may be used.

8) DISCONNECTIONS

- 8.1 The Regional District may, without notice, disconnect the water service to any premises for any of the following reasons, and the Regional District shall not be liable for damages by reason of discontinuing water service for such reasons:
- a) unnecessary or wasteful use of water, or violation of regulations concerning watering or sprinkling;
 - b) failure to repair or replace defective pipes, fittings, valves, tanks or appliances which are leaking or are otherwise not in a good state of repair and which are, or may become, a cause of waste of water.

9) BILLING CHARGES

- 9.1 The fees and charges enumerated in Schedule A of this bylaw, attached hereto and forming an integral part of this bylaw, are hereby imposed and levied for water services supplied by the Regional District to Water System users and all fees shall be billed at such times as determined by the Regional District and shall be due and payable on or before the 20th day of the month following the issuance of statements.
- 9.2 In the case of connections being made during the year, the charge imposed shall begin with the month during which the Water Connection was made provided such connection was made before the 15th day of the month; otherwise the charge shall begin with the 1st of the month following the date the connection was made.
- 9.3 Accounts with user fees and other charges outstanding on the 31st of December in each year will be subject to recovery as authorized by Section 399 of the Local Government Act.
- 9.4 When any fees or charges for water services are overdue for a period of 3 months, such water services shall be turned off from the premises in respect of which such fees or charges are overdue, without notice. Such service shall not be turned on again to the premises the following have been paid to the Regional District:
- a) all overdue amounts;
 - b) any additional costs incurred by the Regional District with respect to turning off the water services.

10) LIABILITY

- 10.1 Nothing contained in this bylaw shall be construed to impose any liability on the Regional District to give a continuous supply of water to any person or premises and the Regional District hereby reserves the right, at any time, to shut off water from any premises without giving notice to any person from whose premises the water may be shut off.

11) MULTIPLE DWELLINGS

- 11.1 In the case of apartment houses, mobile homes, duplex houses or houses containing one or more suites, each dwelling unit within such structure shall be considered as a separate unit and shall be charged the appropriate fees and other charges as shown in Schedule A.

12) PUBLIC HEALTH

- 12.1 The Province of British Columbia appointed Health Inspector shall be the authority in all matters pertaining to public health resulting from the operation of the Water System.

13) WATER MAIN EXTENSION AND SERVICE CONNECTIONS

- 13.1 All water main extensions or water service connections must be approved in writing by the Regional District prior to construction and all costs incurred will be a direct charge against the developer or a sub-division or the Owner of the property being connected.
- 13.2 The Regional District will inspect and approve all such extensions or service connections before back-filling is started.
- 13.3 The Regional District shall have the right to disallow any water main extension if such extension may jeopardize the supply to those persons already connected to the Water System.

14) PENALTIES

- 14.1 Every person who offends against any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of or in violation of any of the provisions of this bylaw, or who neglects to do or refrains from doing anything required to be done under this bylaw or who does any act or thing which violates any of the provisions of this bylaw shall be deemed to have committed an offence under this bylaw and shall be liable on summary conviction to a fine and penalty of not less than \$25.00 nor more than \$500.00. Each day that a violation continues to exist shall constitute a separate offence hereunder.

15) REPEAL

Regional District of Fraser-Cheam "The Townsite of Yale Water System Rates and Regulation Bylaw No. 353, 1981" and any amendments thereto are hereby repealed

16) SEVERABILITY

If a portion of this bylaw is found invalid by a court, it will be severed and the remainder of the bylaw will remain in effect.

17) READINGS AND ADOPTION

READ A FIRST TIME THIS day of

READ A SECOND TIME THIS day of

READ A THIRD TIME THIS day of

ADOPTED THIS day of

Chair/Vice-Chair

Corporate Officer/Deputy

18) CERTIFICATION

I hereby certify that this is a true and correct copy of *Fraser Valley Regional District Yale Water System Regulations, Fees and Other Charges Establishment Bylaw No. 1514, 2019* as adopted by the Board of Directors of the Fraser Valley Regional District on the

Dated at Chilliwack, BC this

Corporate Officer/Deputy

FRASER VALLEY REGIONAL DISTRICT BYLAW NO. 1514, 2019**Schedule A - Fees and Charges****RESIDENTIAL**

	Per Month
Single Family Dwelling	\$11.55
First Unit in Commercial & Recreational	\$11.55

BUSINESS COMMERCIAL

1. Premises used for businesses	\$17.50
Hotel containing dining room/restaurant/beverage room	\$17.50
2. Additional commercial units	\$5.25
3. Additional recreation units	\$7.00
4. Institutional	\$5.25
5. Community Use Facility	\$25.00
6. Railway Use – for service to railway buildings or trains	\$241.50

Notwithstanding the maximum fees established herein, if the costs necessary to deliver the service are less than anticipated in a given budget year, then a lesser amount of water user fees may be charged.

ADDITIONAL CHARGES

All requests for water service that require a water connection to be turned on at the property line will be subject to a fee of \$150.00 should the request result in a stoppage of the water user rate.

To: CAO for the Electoral Area Services Committee
From: Sterling Chan, Manager of Engineering and Infrastructure

Date: 2019-04-09
File No: 3920-20-1522,2019

Subject: Hatzic Prairie Water Fees and Charges Amendment

RECOMMENDATION

THAT the Fraser Valley Regional District Board consider giving three readings and adoption to the bylaw cited as "*Fraser Valley Regional District Hatzic Prairie Water Supply and Distribution System Fees and Regulations Amendment Bylaw No. 1522, 2019*".

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

BACKGROUND

The Fraser Valley Regional District's Hatzic Prairie Water System operates on revenue streams from a parcel tax as well as a user fee collected in the form of a semi-annual utility bill.

DISCUSSION

Fraser Valley Regional District Hatzic Prairie Water Supply and Distribution System Fees and Regulations Amendment Bylaw No. 1029, 2010 specifies a minimum charge for the semi-annual utility bill of \$155. The bylaw proposed, *Fraser Valley Regional District Hatzic Prairie Water Supply and Distribution System Fees and Regulations Amendment Bylaw No. 1522, 2019*, specifies a minimum charge for the semi-annual utility bill of \$300, all other aspects of the bylaw remain unchanged.

The purpose of the change is to adjust the Hatzic Prairie Water System's revenue stream to put a higher emphasis on user fees. To offset the increase in user fees a corresponding change has been made to the service area's parcel tax for 2019 such that the net cost paid by users connected to the water system will remain unchanged.

COST

The changes proposed by this bylaw will only effect the streams through which revenue is collected for this service area. The overall service area budget remains unchanged.

COMMENTS BY:

Tareq Islam, Director of Engineering & Community Services

Reviewed and supported.

Mike Veenbaas, Director of Financial Services

Reviewed and supported. The proposed bylaw changes have been reflected in the recently adopted financial plan.

Paul Gipps, Chief Administrative Officer

Reviewed and supported

**FRASER VALLEY REGIONAL DISTRICT
BYLAW NO. 1522, 2019**

**A bylaw to amend the Fees and Charges for the
Hatzic Prairie Water Supply and Distribution System Service Area**

WHEREAS the Board of Directors of the Fraser Valley Regional District ("the Board") has deemed it advisable to amend *Fraser Valley Regional District Hatzic Prairie Water Supply and Distribution System Fees and Regulations Establishment Bylaw No. 0910, 2008*, as amended.

THEREFORE the Board enacts as follows:

1) CITATION

This bylaw may be cited as the *Fraser Valley Regional District Hatzic Prairie Water Supply and Distribution System Fees and Regulations Amendment Bylaw No. 1522, 2019*.

2) ENACTMENTS

That Fraser Valley Regional District Bylaw No. 0910, 2008, as amended, be amended by:

- a. Deleting Schedule B in its entirety and substituting with Schedule B attached hereto and forming an integral part of this bylaw.

3) SEVERABILITY

If a portion of this bylaw is found invalid by a court, it will be severed and the remainder of the bylaw will remain in effect.

4) READINGS AND ADOPTION

READ A FIRST TIME THIS _____ day of _____

READ A SECOND TIME THIS _____ day of _____

READ A THIRD TIME THIS _____ day of _____

ADOPTED THIS _____ day of _____

Chair/Vice-Chair

Corporate Officer/Deputy

5) **CERTIFICATION**

I hereby certify that this is a true and correct copy of *Fraser Valley Regional District Hatzic Prairie Water Supply and Distribution System Fees and Regulations Amendment Bylaw No. 1522, 2019* as adopted by the Board of Directors of the Fraser Valley Regional District on the

Dated at Chilliwack, BC this

Corporate Officer/Deputy

DRAFT

FRASER VALLEY REGIONAL DISTRICT BYLAW NO. 1522, 2019
Schedule B

WATER USER FEES

The following minimum semi-annual Charge will be billed:

<u>Meter Size</u>	<u>Semi-Annual Charge</u>
20mm (5/8 inch)	\$300

Notwithstanding the meter size, a semi-annual quantity charge will be added to the semi-annual billing:

<u>Quantity</u>	<u>Semi-Annual Charge</u>
0 – 200 cubic meters	No Additional Charge
200 – 400 cubic meters	\$1.50 per cubic meter
All consumption over 400 cubic meters	\$2.25 per cubic meter

Notwithstanding the maximum fees established herein, if the costs necessary to deliver the service are less than anticipated in a given budget year, than a lesser amount of water user fees may be charged.

ADDITIONAL CHARGES

All requests for water service that require a water connection to be turned on at the property line will be subject to a fee of \$150.00 should the request result in a stoppage of the water user rate.

This is Schedule B attached to and forming part of Bylaw No. 1522, 2019.

To: CAO for the Fraser Valley Regional District Board
From: Sterling Chan, Manager of Engineering and Infrastructure

Date: 2019-04-25

File No: 5550-55

Subject: Fraser Valley Regional District Cultus Lake Integrated Water System Service Area Amendment Bylaws

RECOMMENDATION

THAT the Fraser Valley Regional District Board consider giving first, second and third readings to the bylaw cited as *Fraser Valley Regional District Cultus Lake Integrated Water Supply and Distribution System Service Area Amendment Bylaw No. 1523, 2019*;

THAT the Fraser Valley Regional District Board consider giving first, second and third readings to the bylaw cited as *Fraser Valley Regional District Cultus Lake Integrated Water Supply and Distribution System Capital Construction Service Area Amendment Bylaw No. 1524, 2019*.

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

PRIORITIES

Priority #2 Air & Water Quality

BACKGROUND

Staff have received a validated petition from the owner of Cultus Lakeside Resort, at 3175 Columbia Valley Road, requesting that the boundaries of the Cultus Lake Water System Service Area be amended and extended to include their property. The property is not currently connected to the water system.

COST

Connection costs will be paid by the property owner.

COMMENTS BY:

Tareq Islam, Director of Engineering & Community Services

Reviewed and supported.

Mike Veenbaas, Director of Financial Services

Reviewed and supported. These units will be added to the respective service area's parcel tax roll for 2020.

Paul Gipps, Chief Administrative Officer

Reviewed and supported

FRASER VALLEY REGIONAL DISTRICT

BYLAW NO. 1523, 2019

A bylaw to amend the boundaries of the Cultus Lake Integrated Water Supply and Distribution System Service Area

WHEREAS the Fraser Valley Regional District Board of Directors ("the Board") has been petitioned to amend and extend the boundary of the Cultus Lake Integrated Water Supply and Distribution System Service Area established by Bylaw No. 0906, 1990;

THEREFORE the Board enacts as follows:

1) CITATION

This bylaw may be cited as *Fraser Valley Regional District Cultus Lake Integrated Water Supply and Distribution System Service Area Amendment Bylaw No. 1523, 2019*.

2) ENACTMENTS

- a) *Fraser Valley Regional District East Cultus Lake Water Supply and Distribution System Local Service Area Establishment Bylaw No. 0906, 1990*, is hereby amended by extending the boundaries of the Service Area to include the properties shown on Schedule 1523-A attached to and forming an integral part of this bylaw.
- b) Schedule A to Bylaw No. 0906, 1990 is hereby replaced by Schedule 1523-B, attached to and forming an integral part of this bylaw. The amended boundaries of the service area shall be those portions of Electoral Area H as shown on Schedule 1523-B.
- c) That the provisions of all bylaws that are now in effect with regard to the establishment and amendment of the Cultus Lake Integrated Water Supply and Distribution System Service Area shall henceforth apply to those lands outlined on Schedule 1523-B of this bylaw.

3) SEVERABILITY

If a portion of this bylaw is found invalid by a court, it will be severed and the remainder of the bylaw will remain in effect.

4) READINGS AND ADOPTION

CERTIFICATION AS TO SUFFICIENCY
AND VALIDITY OF PETITIONS this

8th day of April, 2019

READ A FIRST TIME THIS

day of

READ A SECOND TIME THIS

day of

READ A THIRD TIME THIS

day of

ADOPTED THIS

day of

Chair/Vice-Chair

Corporate Officer/Deputy

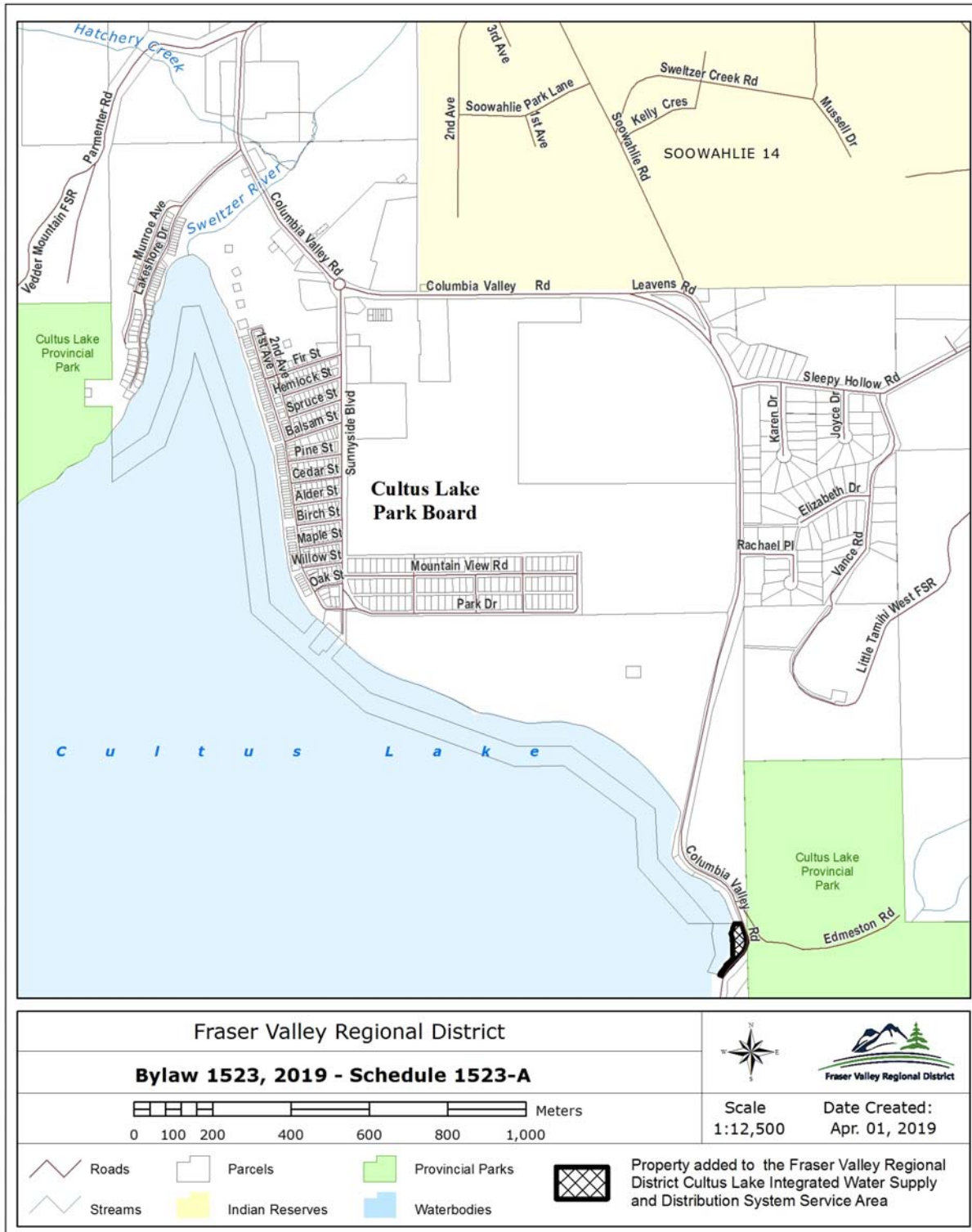
5) CERTIFICATION

I hereby certify the foregoing to be a true and correct copy of *Fraser Valley Regional District Cultus Lake Integrated Water Supply and Distribution System Service Area Amendment Bylaw No. 1523, 2019* as adopted by the Fraser Valley Regional District Board on the

Dated at Chilliwack, BC this

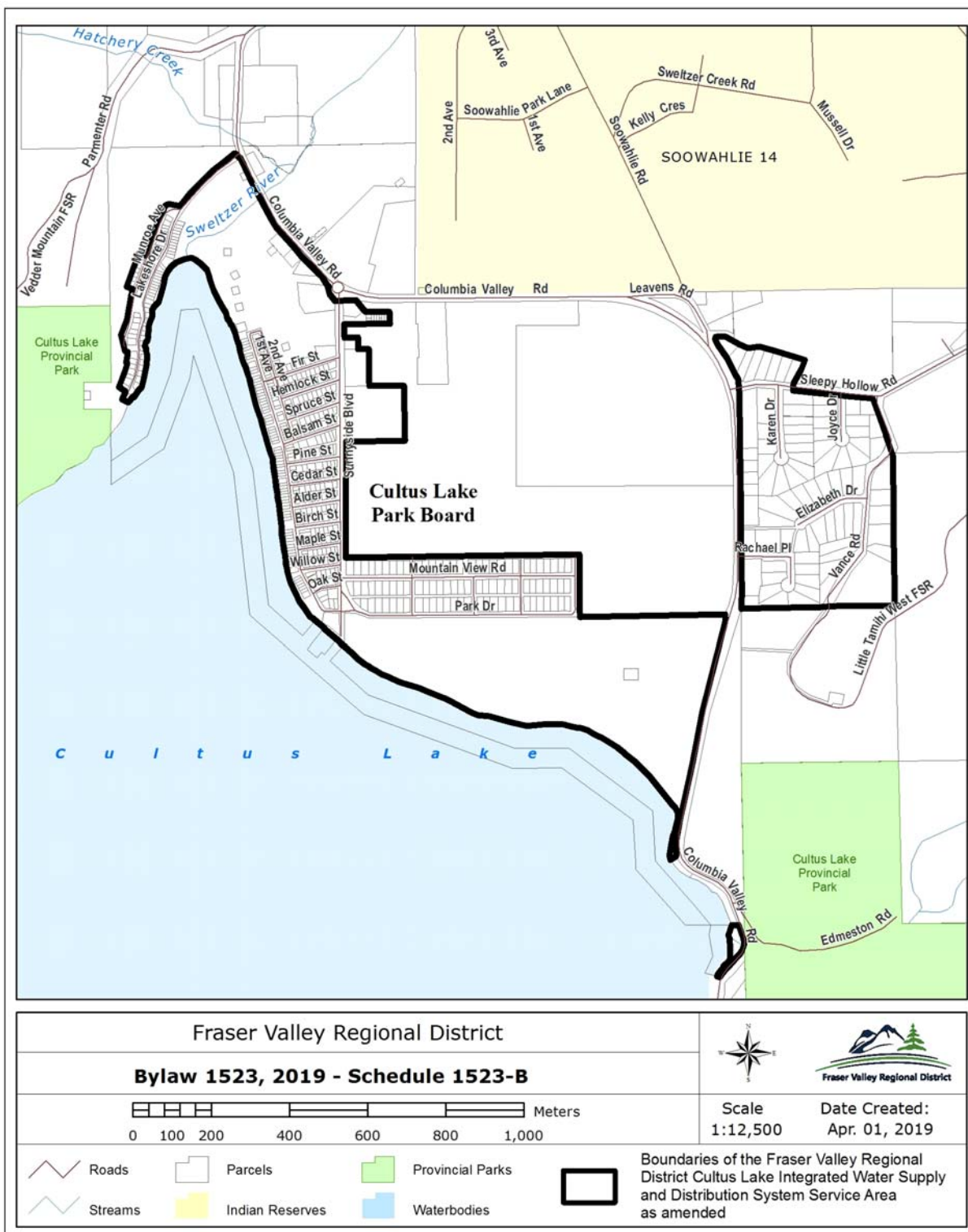
Corporate Officer/Deputy

FRASER VALLEY REGIONAL DISTRICT BYLAW NO. 1523, 2019
Schedule 1523-A



This is map 1 of 1 constituting Schedule 1523-A attached to and forming part of *Fraser Valley Regional District Cultus Lake Integrated Water Supply and Distribution System Service Area Amendment Bylaw No. 1523, 2019*.

FRASER VALLEY REGIONAL DISTRICT BYLAW NO. 1523, 2019
Schedule 1523-B



This is map 1 of 1 constituting Schedule 1523-B attached to and forming part of *Fraser Valley Regional District Cultus Lake Integrated Water Supply and Distribution System Service Area Amendment Bylaw No. 1523, 2019*

FRASER VALLEY REGIONAL DISTRICT

BYLAW NO. 1524, 2019

A bylaw to amend the boundaries of the Cultus Lake Integrated Water Supply and Distribution System Capital Construction Service Area

WHEREAS the Fraser Valley Regional District Board of Directors ("the Board") has been petitioned to amend and extend the boundary of the Cultus Lake Integrated Water Supply and Distribution System Capital Construction Service Area established by Bylaw No. 1366, 2016;

THEREFORE the Board enacts as follows:

1) CITATION

This bylaw may be cited as *Fraser Valley Regional District Cultus Lake Integrated Water Supply and Distribution System Capital Construction Service Area Amendment Bylaw No. 1524, 2019*.

2) ENACTMENTS

- a) *Fraser Valley Regional District Cultus Lake Integrated Water Supply and Distribution System Capital Construction Service Area Establishment Bylaw No. 1366, 2016*, is hereby amended by extending the boundaries of the Service Area to include the properties shown on Schedule 1524-A attached to and forming an integral part of this bylaw.
- b) Schedule A to Bylaw No. 1366, 2019 is hereby replaced by Schedule 1524-B, attached to and forming an integral part of this bylaw. The amended boundaries of the service area shall be those portions of Electoral Area H as shown on Schedule 1524-B.
- c) That the provisions of all bylaws that are now in effect with regard to the establishment and amendment of the Cultus Lake Integrated Water Supply and Distribution System Capital Construction Service Area shall henceforth apply to those lands outlined on Schedule 1524-B of this bylaw.

3) SEVERABILITY

If a portion of this bylaw is found invalid by a court, it will be severed and the remainder of the bylaw will remain in effect.

4) READINGS AND ADOPTION

CERTIFICATION AS TO SUFFICIENCY
AND VALIDITY OF PETITIONS this

8th day of April, 2019

READ A FIRST TIME THIS

day of

READ A SECOND TIME THIS

day of

READ A THIRD TIME THIS

day of

ADOPTED THIS

day of

Chair/Vice-Chair

Corporate Officer/Deputy

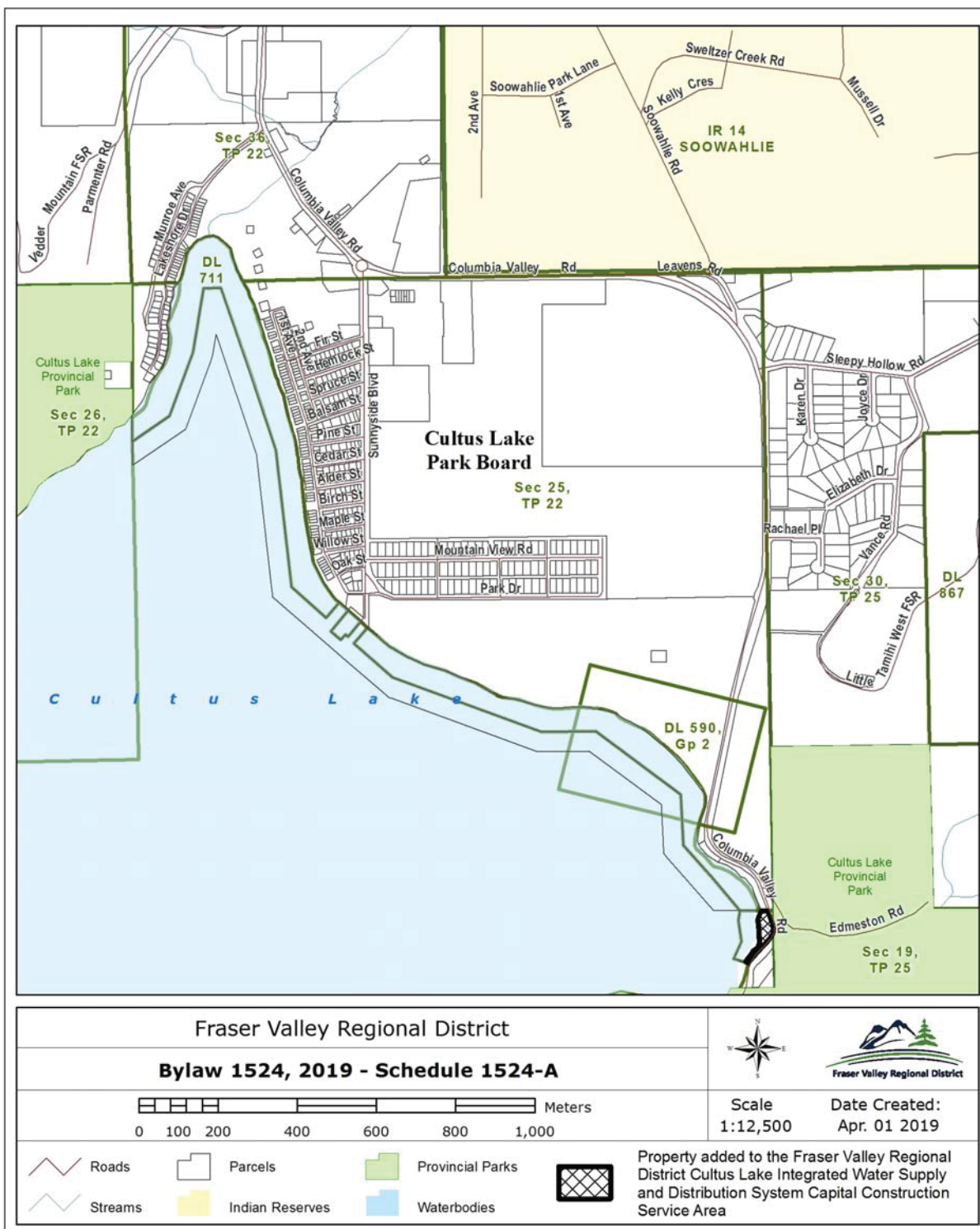
5) CERTIFICATION

I hereby certify the foregoing to be a true and correct copy of *Fraser Valley Regional District Cultus Lake Integrated Water Supply and Distribution System Capital Construction Service Area Amendment Bylaw No. 1524, 2019* as adopted by the Fraser Valley Regional District Board on the

Dated at Chilliwack, BC this

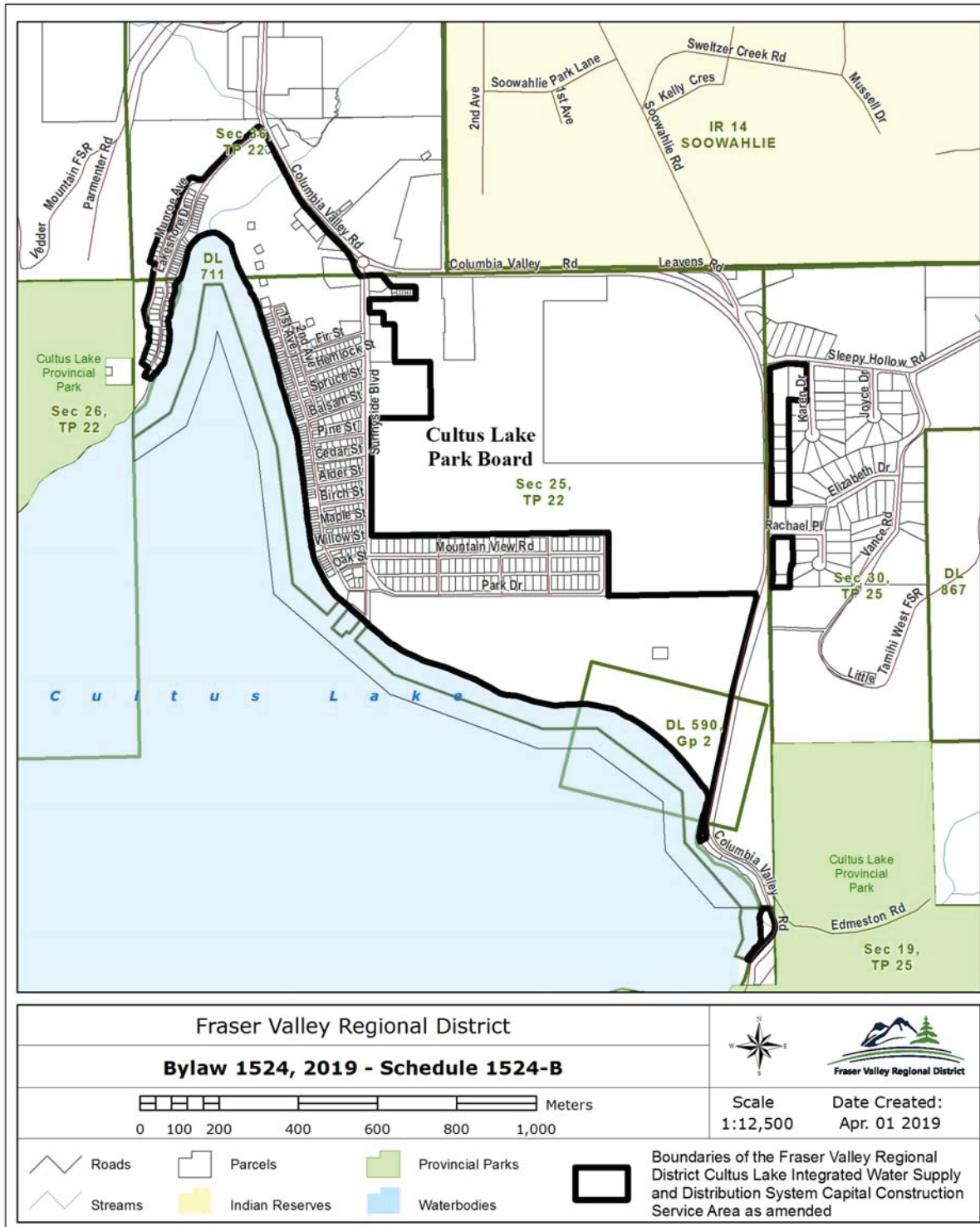
Corporate Officer/Deputy

FRASER VALLEY REGIONAL DISTRICT BYLAW NO. 1524, 2019
Schedule 1524-A



This is map 1 of 1 constituting Schedule 1524-A attached to and forming part of *Fraser Valley Regional District Cultus Lake Integrated Water Supply and Distribution System Capital Construction Service Area Amendment Bylaw No. 1524, 2019*.

FRASER VALLEY REGIONAL DISTRICT BYLAW NO. 1524, 2019
Schedule 1524-B



This is map 1 of 1 constituting Schedule 1524-B attached to and forming part of *Fraser Valley Regional District Cultus Lake Integrated Water Supply and Distribution System Capital Construction Service Area Amendment Bylaw No. 1524, 2019*

To: CAO for the Electoral Area Services Committee
From: Andrea Antifaeff, Planner 1

Date: 2019-04-09
File No: 3360-23 2019-01

Subject: Rezoning amendment application for 10180 Royalwood Boulevard, Electoral Area "D" to facilitate an increase in lot coverage.

RECOMMENDATION

THAT the Fraser Valley Regional District Board consider giving first reading to the bylaw cited as *Fraser Valley Regional District Electoral Area D Zoning Amendment Bylaw No. 1518, 2019* to rezone the property located at 10180 Royalwood Boulevard from Suburban Residential-2 (SBR-2) to Suburban Residential-3 (SBR-3) to facilitate an increase in lot coverage from 25% (SBR-2) to 40% (SBR-3) for the construction of a single family dwelling and detached garage;

THAT the *Fraser Valley Regional District Electoral Area D Zoning Amendment Bylaw No. 1518, 2019* be forwarded to Public Hearing;

THAT the Fraser Valley Regional District Board delegate the holding of the Public Hearing with respect to proposed *Fraser Valley Regional District Electoral Area D Zoning Amendment Bylaw No. 1518, 2019* to Director Dickey, or his alternate in his absence;

THAT Director Dickey or his alternate in his absence preside over and Chair the Public Hearing with respect to proposed *Bylaw 1518, 2019*;

AND THAT the Chair of the Public Hearing be authorized to establish procedural rules for the conduct of the Public Hearing with respect to proposed *Bylaw 1518, 2019* in accordance with the Local Government Act;

AND FURTHER THAT in the absence of Director Dickey, or his alternate in his absence at the time of Public Hearing with respect to proposed *Bylaw 1518, 2019* the Fraser Valley Regional District Board Chair is delegated the authority to designate who shall preside over and Chair the Public Hearing regarding this matter;

AND FINALLY THAT the Fraser Valley Regional District Board authorize its signatories to execute all documents relating to *Bylaw 1518, 2019*.

STRATEGIC AREA(S) OF FOCUS

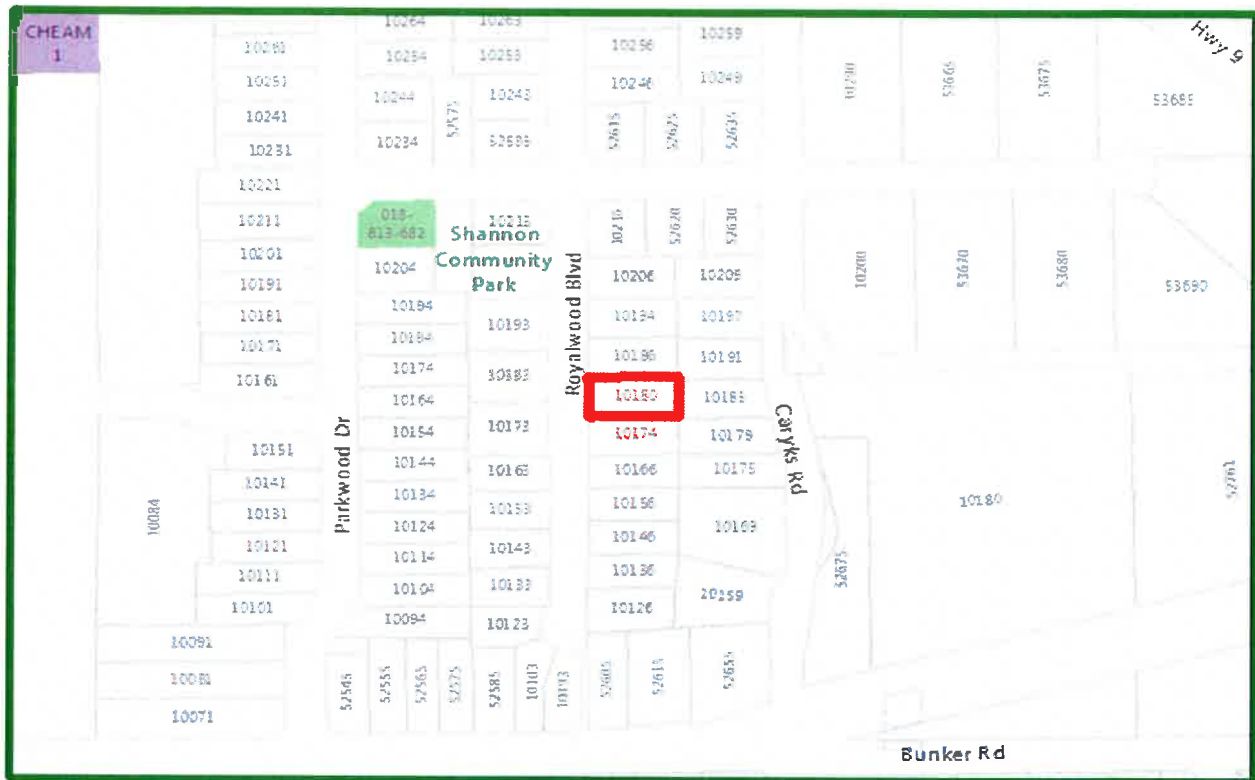
Provide Responsive & Effective Public Services

BACKGROUND

The owners of the property have made an application to rezone the parcel located at 10180 Royalwood Boulevard. The purpose of Zoning Amendment Bylaw No. 1518, 2019 (Bylaw 1518) is to rezone the property located at 10180 Royalwood Boulevard from Suburban Residential-2 (SBR-2) to Suburban Residential-3 (SBR-3) to facilitate an increase in lot coverage from 25% (SBR-2) to 40% (SBR-3) for the construction of a single family dwelling and detached garage.

PROPERTY DETAILS			
Electoral Area		D	
Address		10180 Royalwood Boulevard	
PID		030-594-235	
Folio		733.06644.261	
Lot Size		0.27 acres	
Owner	Dekoff, Lorne & Lorrie	Agent	n/a
Current Zoning	Suburban Residential-2 (SBR-2)	Proposed Zoning	Suburban Residential-3 (SBR-3)
Current OCP	Suburban Residential (SR)	Proposed OCP	No change
Current Use	Vacant Land	Proposed Use	Residential (SFD)
Development Permit Areas		n/a	
Hazards		n/a	
Agricultural Land Reserve		No	
ADJACENT ZONING & LAND USES			
North	^	Suburban Residential-2 (SBR-2), Single Family Homes	
East	>	Country Residential (CR), Single Family Homes	
West	<	Suburban Residential-2 (SBR-2), Single Family Homes	
South	v	Suburban Residential-2 & 3, Single Family Homes	

NEIGHBOURHOOD MAP



PROPERTY MAP



DISCUSSION

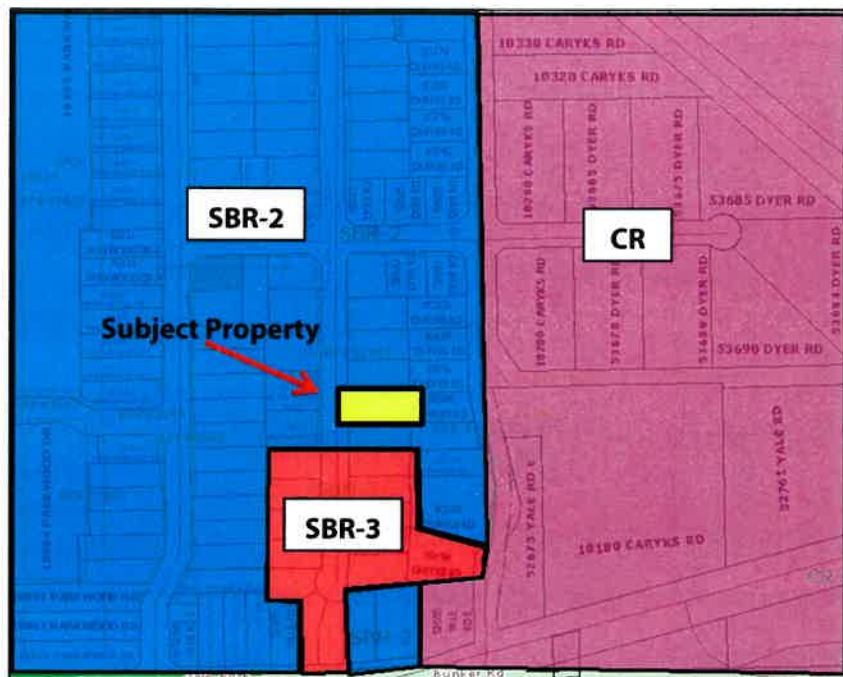
The proposal is to rezone the parcel from Suburban Residential-2 (SBR-2) to Suburban Residential-3 (SBR-3). The proposal is consistent with the current Official Community Plan and draft Official Community Plan (in the process of public review) but requires a site specific zoning bylaw map amendment. During the update of the Official Community Plan for Electoral Area "D" staff received FVRD Board and public input regarding the need to maintain a low-density suburban landscape look and feel in Popkum. New development in Popkum is typically in SBR-3 zones and there are SBR-3 zoned lots nearby to the proposal.

	Existing	Proposed
Official Community Plan	Suburban Residential (SR)	No change
Zoning	Suburban Residential-2 (SBR-2)	Suburban Residential-3 (SBR-3)
Lot Coverage	25%	40%
Setbacks	<u>Highway:</u> Any building or structure - 7.6m to ROW of road allowance or 17.6m to the centerline of the road, whichever is the greater distance. <u>Side:</u> Principal Building – 2.1m Accessory Building – 0.9m <u>Rear:</u> Principal Building – 7.6m Accessory Building – 3m	No change
Water Servicing	FVRD Community Water System	No change
Sewer Servicing	FVRD Community Sewer System	No change
Storm Water Servicing	FVRD Community Storm Water System	No change
Parcel Size	1100 square metres	No change
Land Use	Vacant	Single Family Dwelling and Detached Garage
Accessory Building Size	45m ²	Requested Variance 64m ²

Surrounding Land Uses

	<u>Use</u>	<u>Zoning</u>
North	Residential	Suburban Residential-2 (SBR-2)
East	Residential	Suburban Residential-2 (SBR-2)
West	Residential	Suburban Residential-2 (SBR-2)
South	Residential	Suburban Residential-2 (SBR-2) & Suburban Residential-3 (SBR-3)

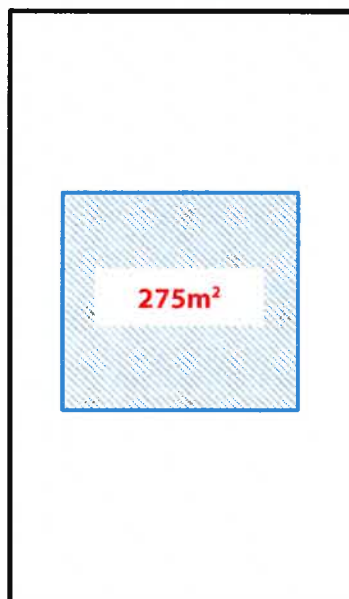
Current Zoning Map



Lot Coverage

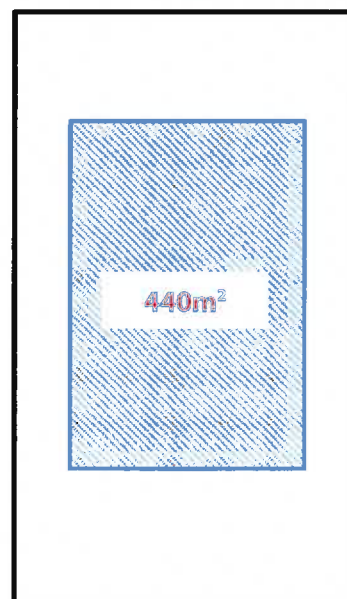
The property owners have made an application to rezone the property in order to increase the maximum lot coverage permitted on the lot. The current zoning (SBR-2) allows 25% lot coverage and the proposed zoning (SBR-3) would allow 40% lot coverage. The property owners are proposing to construct a single family dwelling and a detached garage. The preliminary construction drawings show a footprint of 3,230 square feet for a single storey dwelling (with basement and attached garage) and a footprint of 682 square feet for a detached garage. The total lot coverage from the preliminary drawings is 33%. A two-storey home could be accommodated on the lot, however, because a single storey rancher is proposed the lot coverage increases.

Current SBR-2 zone
Allowable
Lot Coverage 25%

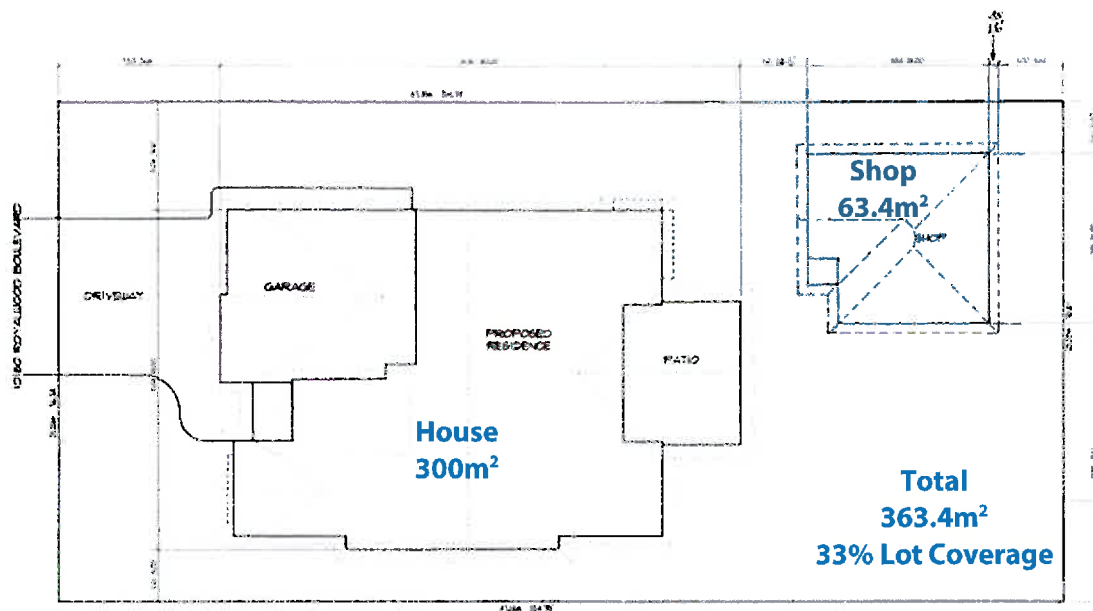


Lot Size
1,100m²

Proposed SBR-3 zone
Allowable
Lot Coverage 40%

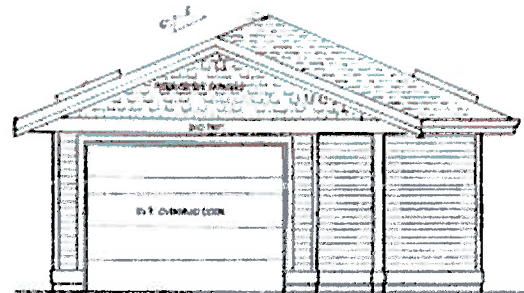
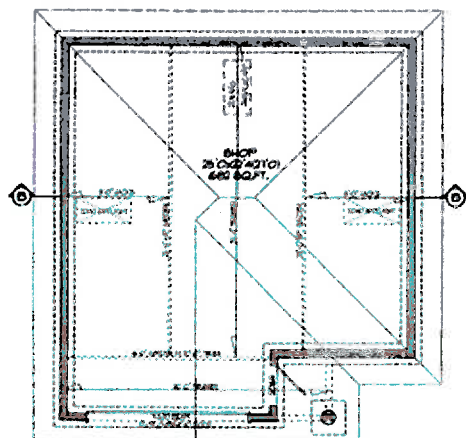


Proposed Site Plan



Development Variance Permit

The owners of the property have also applied for a Development Variance Permit to increase the maximum size of an accessory building from 45 square metres (484.4 square feet) to 64 square meters (688.9 square feet) to allow for the construction of a detached garage. The development variance permit is also requested in addition to the zoning amendment.



Development Permit – Exempt

The property is located within Riparian Areas Development Permit Area 6-D.

A development permit is not required as the property is located further than 30 metres from the natural boundary of any watercourse.

Servicing

- SBR-2 zones typically consist of lots that are 1,100m² in area with on-site septic. The 25% lot coverage is the maximum to protect disposal areas and future back-up disposal areas and to provide for a low density suburban residential landscape.
- SBR-3 zones typically consist of lots that are 800m² in area and are fully-serviced with FVRD services. With the connection to services there is no need to protect areas for septic disposal.

The subject property will be connected to the following as part of the subdivision agreement:

- Area D Integrated Water System Local Service Area;
- West Popkum Storm Water Drainage Local Service Area; and,
- Popkum Sanitary Service Area.

In this situation, the subdivision is fully serviced by FVRD community water and sewer systems therefore lot coverage can be increased as locations for those on-site services do not need to be protected. Had the property not been fully serviced staff would not be in support of the rezoning application. The proposed rezoning will not allow any further subdivision of the lot and only one (1) single family dwelling is permitted on the property.

Neighbourhood Notification and Input

If the bylaw receives first reading, all property owners within 150 metres of the property will be notified by the FVRD of the zoning amendment application and the date and time of the public hearing. Members of the public will be given the opportunity to provide written comments or attend the public hearing to state their comments. FVRD staff encourage the applicant to advise neighbouring property owners and residents of the requested zoning amendment and requested variance in advance of the mail-out notification. To date we have received one letter of support.

COST

The application fee of \$2,500.00 has been paid by the applicant.

CONCLUSION

In order to determine whether or not to recommend proceeding to First Reading; FVRD staff's consideration included the following:

- The proposal is consistent with Official Community Plan policies;
- Property will be connected to FVRD community water and sewer systems; and,

- The Development Variance Permit to vary the size of an accessory structure will be considered at the time of adoption of the bylaw.

It is recommended that the Fraser Valley Regional District Board consider giving first reading of Bylaw No. 1518, 2019 as outlined in the recommendation section of this report in order to proceed with the public review process. Following first reading, the application may proceed to public hearing without additional information meetings.

OPTIONS

Option 1 1st Reading (Staff Recommendation)

Option 2 Refer to EASC

THAT proposed *Fraser Valley Regional District Electoral Area D Zoning Amendment Bylaw No. 1518, 2019* be referred to the Electoral Area Services Committee for further consideration.

Option 3 Defer

THAT a decision with respect to the proposed *Fraser Valley Regional District Electoral Area D Zoning Amendment Bylaw No. 1518, 2019* be deferred to the next regular meeting of the Fraser Valley Regional District Board [or other date].

Option 4 Refuse

THAT *Fraser Valley Regional District Electoral Area D Zoning Amendment Bylaw No. 1518, 2019* not be given first reading and the application be refused.

COMMENTS BY:

Graham Daneluz, Deputy Director of Planning & Development: Reviewed and supported.

Margaret Thornton, Director of Planning & Development: Reviewed and supported.

Mike Veenbaas, Director of Financial Services: No further financial comments.

Paul Gipps, Chief Administrative Officer: Reviewed and supported

FRASER VALLEY REGIONAL DISTRICT

Bylaw No. 1518, 2019

A Bylaw to Amend the Zoning for Electoral Area D

WHEREAS the Fraser Valley Regional District Board of Directors ("the Board") has deemed it advisable to amend *Zoning Bylaw [No. 75] for Electoral Area D, 1976 of the Regional District of Fraser Cheam*;

THEREFORE the Board enacts as follows:

1) **CITATION**

This bylaw may be cited as *Fraser Valley Regional District Electoral Area D Zoning Amendment Bylaw No. 1518, 2019*.

2) **MAP AMENDMENT**

- a) That the zoning map which accompanies and is part of *Zoning Bylaw [No. 75] for Electoral Area D, 1976 of the Regional District of Fraser Cheam*, be amended by rezoning the lands described as:

Lot 2 Section 1 Township 3 Range 29 West of the Sixth Meridian New Westminster District
Plan EPP72713
(P.I.D. 030-594-235),
comprising 0.27 acres, more or less,

and as outlined in heavy black outline and cross-hatched on Zoning Amendment Map Schedule 1518-A, from the Suburban Residential 2 (SBR-2) zone to the Suburban Residential 3 (SBR-3) zone, as shown on Map Schedule 1518-A.

- b) That the map appended hereto as Zoning Amendment Map Schedule 1518-A showing such amendments is an integral part of this bylaw.

3) **SEVERABILITY**

If a portion of this bylaw is found invalid by a court, it will be severed and the remainder of the bylaw will remain in effect.

4) READINGS AND ADOPTION

READ A FIRST TIME THIS _____ day of _____

PUBLIC HEARING WAS HELD THIS _____ day of _____

READ A SECOND TIME THIS _____ day of _____

READ A THIRD TIME THIS _____ day of _____

APPROVED BY THE MINISTRY
OF TRANSPORTATION AND
INFRASTRUCTURE THIS _____ day of _____

ADOPTED THIS _____ day of _____

Chair/Vice Chair

Corporate Officer/Deputy

5) CERTIFICATION

I hereby certify the foregoing to be a true and correct copy of *Fraser Valley Regional District Electoral Area D Zoning Amendment Bylaw No. 1518, 2019* as read a third time/adopted by the Board of Directors of the Fraser Valley Regional District on the _____ day of _____.

Dated at Chilliwack, B.C. this _____ day of _____

Corporate Officer/ Deputy

FRASER VALLEY REGIONAL DISTRICT BYLAW NO. 1518, 2019
Zoning Amendment Map Schedule 1518-A



This is map 1 of 1 constituting Zoning Amendment Map Schedule 1518-A, attached to and forming part of Fraser Valley Regional District Electoral Area D Zoning Amendment Bylaw No. 1518, 2019.

SCHEDULE A-2

Zoning Amendment Application

I / We hereby apply to:

☐ Amend the text of Zoning Bylaw No. _____
Purpose (in brief): _____

☐ Change the Zoning of the 'subject property' in Zoning Bylaw No. 75
From: SBR2 (current zone)
To: SBR3 (proposed zone)

An Application Fee in the amount of \$ 2500.00 as stipulated in FVRD Application Fees Bylaw No. 1231, 2013 must be paid upon submission of this application.

Civic Address 10180 Royalwood Blvd PID 030-594-235

Legal Description Lot 2 Block _____ Section 1 Township 3 Range 29 Plan EPP72713

The property described above is the subject of this application and is referred to herein as the 'subject property.' This application is made with my full knowledge and consent. I declare that the information submitted in support of the application is true and correct in all respects.

Owner's
Declaration

Name of Owner (print)	Signature of Owner	Date
Lorne Dekoff		Jan <u>31</u> , 19
Name of Owner (print)	Signature of Owner	Date
Lorrie Dekoff		Jan <u>31</u> , 19

Owner's
Contact
Information

Address		City
52333 Berkshire Pl		Rosedale
Email		Postal Code
		V0X 1X1
Phone	Cell	Fax

Office Use Only	Date	File No.
	<u>Jan 31 2019</u>	<u>3360-23 2019-01</u>
	Received By	Folio No.
	<u>JM</u>	<u>733.06644.261</u>
	Receipt No.	Fees Paid: \$
	<u>7877/2</u>	<u>2500</u>

Agent

I hereby give permission for _____ to act as my/our agent in all matters relating to this application.

Only complete this section if the applicant is NOT the owner.

Signature of Owner	Date
Signature of Owner	Date

Agent's contact information and declaration

Name of Agent		Company	
Address		City	
Email		Postal Code	
Phone	Cell	Fax	

I declare that the information submitted in support of this application is true and correct in all respects.

Signature of Agent	Date
--------------------	------

Development Details

Property Size 0.110 ha (m² or ha)

Existing Use Residential

Proposed Development / Text Amendment Rezone said Lot from existing SBR2 to SBR3
1 single family residential dwelling completewith a detached shop in the back yard.

The proposed dwelling and shop exceed the maximum allowable square footage in SBR2

Justification and Support The Subdivision was developed and zoned SBR2,
SBR2 zoning allows for enough room on the property to accomodate
a septic system on the property, this Lot and the complete subdivision
will be hooked up to the sewer system that connects Rosestone,
Stonewood and Minter Gardens subdivisions

The 13 Lots on the South end of Royalwood Blvd are Zoned SBR3

(use separate sheet if necessary)

Anticipated Start Date: July 2019

Services

Services	Currently Existing		Readily Available *	
	Yes	No	Yes	No
Road Access	X			
Water Supply	X			
Sewage Disposal	X			
Hydro	X			
Telephone	X			
School Bus Service	X			

* 'Readily Available' means existing services can be easily extended to the subject property.

**Proposed
Water Supply**

FVRD Water system

**Proposed
Sewage Disposal**

FVRD Sewer system

Provincial Requirements (This is not an exhaustive list; other provincial regulations will apply)

Riparian Areas Regulation

Please indicate whether the development proposal involves residential, commercial, or including vegetation removal or alteration; soil disturbance; construction of buildings and structures; creation of impervious or semi-pervious surfaces; trails, roads, docks, wharves, bridges and, infrastructure and works of any kind – within:

yes ☐ no ☒

30 metres of the high water mark of any water body

yes ☐ no ☒

a ravine or within 30 metres of the top of a ravine bank

"Water body" includes; 1) a watercourse, whether it usually contains water or not; 2) a pond, lake, river, creek, or brook; 3) a ditch, spring, or wetland that is connected by surface flow to 1 or 2 above.

Under the *Riparian Areas Regulation* and the *Fish Protection Act*, a riparian area assessment report may be required before this application can be approved.

Contaminated Sites Profile

Pursuant to the *Environmental Management Act*, an applicant is required to submit a completed "Site Profile" for properties that are or were used for purposes indicated Schedule 2 of the *Contaminated Sites Regulations*. Please indicate if:

yes ☐ no ☒

the property has been used for commercial or industrial purposes.

If you responded 'yes,' you may be required to submit a Site Profile. Please contact the FVRD Planning Department or the Ministry of Environment for further information.

Archaeological Resources

Are there archaeological sites or resources on the subject property?

yes ☐ no ☒ I don't know ☐

If you responded 'yes' or 'I don't know' you may be advised to contact the Archaeology Branch of the Ministry of Tourism, Sport and the Arts for further information.

Required Information

When providing Application Forms to the applicant, Regional District staff shall indicate which of the following attachments are required for this application. **Additional information may also be required at a later date.**

	Required	Received	Details
Location Map			Showing the parcel (s) to which this application pertains and uses on adjacent parcels
Site Plan At a scale of: 1: _____			Reduced sets of metric plans
			North arrow and scale
			Dimensions of property lines, rights-of-ways, easements
			Location and dimensions of existing buildings & setbacks to lot lines, rights-of-ways, easements
			Location and dimensions of proposed buildings & setbacks to lot lines, rights-of-ways, easements
			Location of all water features, including streams, wetlands, ponds, ditches, lakes on or adjacent to the property
			Location of all existing & proposed water lines, wells, septic fields, sanitary sewer & storm drain, including sizes
			Location, numbering & dimensions of all vehicle and bicycle parking, disabled persons' parking, vehicle stops & loading
			Natural & finished grades of site, at buildings & retaining walls
			Location of existing & proposed access, pathways
			Above ground services, equipment and exterior lighting details
			Location & dimensions of free-standing signs
			Storm water management infrastructure and impermeable surfaces
			Other:
Floor Plans			Uses of spaces & building dimensions
			Other:
Landscape Plan Same scale as site plan			Location, quantity, size & species of existing & proposed plants, trees & turf
			Contour information (_____ metre contour intervals)
			Major topographical features (water course, rocks, etc.)
			All screening, paving, retaining walls & other details
			Traffic circulation (pedestrian, automobile, etc.)
			Other:
Reports			Geotechnical Report
			Environmental Assessment
			Archaeological Assessment
			Other:

The personal information on this form is being collected in accordance with Section 26 of the *Freedom of Information and Protection of Privacy Act, RSBC 1996 Ch. 165* and the *Local Government Act, RSBC 2015 Ch. 1*. It will only be collected, used and disclosed for the purpose of administering matters with respect to planning, land use management and related services delivered, or proposed to be delivered, by the FVRD. Questions about the use of personal information and the protection of privacy may be directed to the FVRD Privacy Officer at 45950 Cheam Avenue, Chilliwack, BC V2P 1N6, Tel: 1-800-528-0061 FOI@fvr.ca.



Support Letter

Date: MARCH 14 / 2019

We are in support of the property located at 10180 Royalwood Blvd, rezoning to SBR-3 and being granted a Development Variance Permit to vary the size of an Accessory Building from 45 square meters to 64 square meters.

Name: DEREVLÉAM ROMEO

Address: 10200 CARYKS RD
~~10200~~ ROSEDALE BC
V0X 1X1

Signature: 

Support letter can be emailed to:
arrange pickup

to

Thank you

Megan

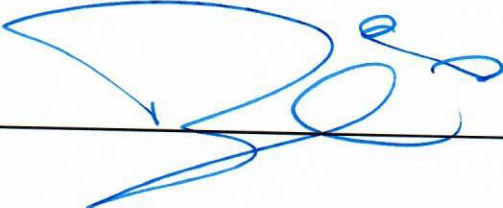
Support Letter

Date: March 14/19

We are in support of the property located at 10180 Royalwood Blvd, rezoning to SBR-3 and being granted a Development Variance Permit to vary the size of an Accessory Building from 45 square meters to 64 square meters.

Name: DEREK CORNELL

Address: 10209 Canyons Rd
ROSEDALE
VOX 1X1

Signature: 

Support letter can be emailed to:
arrange pickup

to

Thank you

Megan

Support Letter

Date: March 15/19

We are in support of the property located at 10180 Royalwood Blvd, rezoning to SBR-3 and being granted a Development Variance Permit to vary the size of an Accessory Building from 45 square meters to 64 square meters.

Name: Brad Klaassen

Address: 10153 Royalwood Blvd
UOX 1X1
Rosedale O.C.

Signature: 

Support letter can be emailed to:
arrange pickup

to

Thank you

Megan

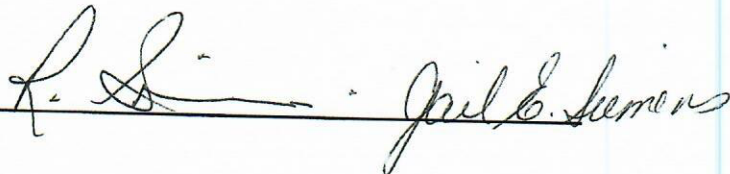
Support Letter

Date: MARCH 18 / 2019.

We are in support of the property located at 10180 Royalwood Blvd, rezoning to SBR-3 and being granted a Development Variance Permit to vary the size of an Accessory Building from 45 square meters to 64 square meters.

Name: ROGER & GAIL SIEMENS

Address: 10203 ROYALWOOD BLVD
ROSEDALE BC

Signature: 

Support letter can be emailed to:
arrange pickup

to

Thank you

Megan

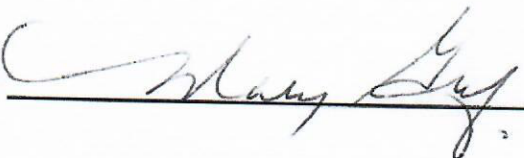
Support Letter

Date: MARCH 22, 2019.

We are in support of the property located at 10180 Royalwood Blvd, rezoning to SBR-3 and being granted a Development Variance Permit to vary the size of an Accessory Building from 45 square meters to 64 square meters.

Name: MARY GRAF

Address: 10175 CARYKS RD
ROSELAND SC
29081

Signature: 

Support letter can be emailed to:
arrange pickup

to

Thank you

Megan

Support Letter

Date: 3/14/2019

We are in support of the property located at 10180 Royalwood Blvd, rezoning to SBR-3 and being granted a Development Variance Permit to vary the size of an Accessory Building from 45 square meters to 64 square meters.

Name: Tyson Kennedy

Address: 10206 Royalwood Blvd
Rosedale, BC
V0X1X1

Signature: **Tyson Kennedy**
Digitally signed by Tyson Kennedy
 DN: cn=Tyson Kennedy, o=SafeTek
 Emergency Vehicles Ltd., ou,
 email=tkennedy@firetrucks.ca, c=CA
 Date: 2019.03.14 11:21:51 -07'00'

Support letter can be emailed to: arrange_pickup@hawaii.gov

to

Thank you

Megan

**T & N Unity
PO Box 355
Agassiz, BC V0M 1A0**

February 25, 2019

Fraser Valley Regional District
Planning Department
45950 Cheam Avenue
Chilliwack, BC V2P 1N6

File # 2016-04063, 8 lot subdivision of 10189 Caryks Road, Electoral Area "D"

Re: Re-Zoning

Dear Mr. David Bennett,

We are totally in support of Rezoning of any or all of these 8 lots created from 10189 Caryks Road subdivision from SBR2 to SBR3 zoning if the new owners request for it to be changed.

Lot 1 – 10174 Royalwood Blvd
Lot 2 – 10180 Royalwood Blvd
Lot 3 – 10186 Royalwood Blvd
Lot 4 – 10194 Royalwood Blvd

Lot 5 – 10197 Cayks Road
Lot 6 – 10191 Caryks Road
Lot 7 – 10185 Cayks Road
Lot 8 – 10179 Caryks Road

Yours truly,



Natalie teBrinke



Trevor teBrinke

**T & N Unity
PO Box 355
Agassiz, BC V0M 1A0**

February 26, 2019

Fraser Valley Regional District
Planning Department
45950 Cheam Avenue
Chilliwack, BC V2P 1N6

Re: Lot 2 – Variance Permit

Dear Mr. David Bennett,

We are in support of Lorne Dekhoff's application for a Variance Permit for his accessory building proposed on Lot 2 – 10180 Royalwood Blvd.

Yours truly,



Natalie teBrinke



Trevor teBrinke

To: CAO for the Electoral Area Services Committee
From: Sterling Chan, Manager of Engineering and Infrastructure
David Bennet, Planner II
Subject: Community Sanitary Sewer Servicing in North Cultus

Date: 2019-04-09

RECOMMENDATION

THAT in accordance with the FVRD Development Procedures Bylaw No. 1377, 2016 the Fraser Valley Regional District Board defer consideration of new bylaw amendments and new development applications proposing to connect to the North Cultus Sewer System, until such time that a policy guiding additional sanitary servicing and service expansion in North Cultus is adopted.

STRATEGIC AREA(S) OF FOCUS

Support Environmental Stewardship
Foster a Strong & Diverse Economy
Support Healthy & Sustainable Community
Provide Responsive & Effective Public Services

PRIORITIES

Priority #1 Waste Mangement

BACKGROUND

Current Sewage Servicing at Cultus Lake

Cultus Lake Park is currently served by two sewage collection systems under a single Ministry of Environment Permit. The sewer system is comprised of septic tanks and disposal fields. The system was constructed in 1979 and it was operated by the Cultus Lake Park Board until 2014. Since then, FVRD has taken over the operation and maintenance of the sewer system.

The existing sewer systems do not have any treatment of the effluent and there is evidence to suggest that the system infrastructure has not been maintained to the industry standard for many years. Flow monitoring reports and septic sludge haul-out records appear to show that for the given period, the FVRD has been compliant with the Ministry of Environment Permit. However, previous reports have documented the risks associated with contamination of the nearby groundwater wells and the challenges in servicing growth. The accumulation of nutrients (e.g., phosphorus and nitrate levels) in the groundwater is a key concern as is bacteriological impact such as E-coli contamination of the lake water.

In order to address these concerns the existing system is in need of a major upgrade. In 2015, FVRD initiated a Liquid Waste Management Plan (LWMP) which is a provincially regulated process. The LWMP included several public consultation processes and evaluated an upgrade based on criteria such as holistic approaches to sanitary management including lake impact assessment and monitoring program as well as aquifer protection plan. The LWMP requires that any future upgrade or any new system would be a Class A+ system (the highest classification under Provincial regulation is Class A), the plus (+) is to represent removal of phosphorus and higher level nitrates.

A New North Cultus Sewer System

On April 14th 2018, a referendum was conducted to determine whether to proceed with a plan to build a new wastewater treatment plant (WWTP) for Cultus Lake. The referendum passed and subsequently Fraser Valley Regional District North Cultus Sewer System Loan Authorization Bylaw No. 1468, 2018 was adopted. This bylaw authorizes the FVRD to borrow up to \$6,500,000 for this project. Construction of the new WWTP is currently underway.

New System Capacity

The LWMP envisions that the new WWTP will, in time, service the entire north side of Cultus Lake including the Cultus Lake Park Board, the Parkview Neighbourhood and BC Parks. The new WWTP is designed so that it can be expanded in phases. The current phase under construction has capacity for the Cultus Lake Park Board as well as the development applications described in the section below. Subsequent phases will be constructed at a future date as dictated by demand. Given the large capital cost of constructing a new phase it will likely take a significant new user (i.e. BC Parks) to trigger this.

It is considered likely that once in operation the new WWTP will prove itself to have some excess capacity. The engineering and design of a WWTP is typically quite conservative with several factors of safety built in. The actual amount of excess capacity will remain unknown until the plant has been built and has been operated over the course of several seasons.

For that reason, it is recommended that the Fraser Valley Regional District Board defer consideration of new bylaw amendments and new development applications proposing to connect to the North Cultus Sewer System, until such time that a policy guiding additional sanitary servicing and service expansion in North Cultus is adopted. This policy should be developed after analysis of several years worth of peak season sewage flows.

Instream FVRD Electoral Area "H" Applications

There are three instream developments in Electoral Area "H" seeking to connect to the new North Cultus Sewer System:

- Rezoning and Official Community Plan amendment to facilitate up to thirty three (33) single family residential lots at 45900 Sleepy Hollow Road. This proposal is currently at Third Reading and the developers are completing technical reviews and registration of covenants and development agreements.

- Subdivision Application for a six (6) lot single family residential bare-land strata subdivision at 3636 Columbia Valley Road. This proposal is already zoned for the proposed density but required connections to both a community water and community sewer system.
- Redevelopment of 3816 Columbia Valley Road under the existing commercial zoning to develop a motel complex of approximately 30 detached cabins. This proposal does not require rezoning, or development permits. Building Permits are required.

These projects are within the design capacity of the new North Cultus Sewer system, and connection to this system is required in order for these projects to be developed. This policy will not affect instream applications only new applications.

North Cultus

Within the North Cultus community, there is potential for in-fill or redevelopment. In the Electoral Area "H", single family residential uses, as well as the existing commercial uses on Columbia Valley Road, are served by individual on-site septic systems. Market changes and increased demand for smaller lots requires a transition from onsite septic to a centralized communal sewage system. Current policy requires that all newly created lots 0.225 ha and smaller be connected to a Class A community sewer system owned and operated by the FVRD.

Within Cultus Lake Park

In Cultus Lake Park, residential lease lots are being converted from seasonal cabins to larger single family homes that are occupied year-round. Existing commercial leaseholders may be considering expansion or increased densities. Additional opportunities for growth are also identified in Plan Cultus.

The FVRD must engage with the Cultus Lake Park Board regarding future development within the Park, the sewer system's capacity to accommodate development, and the timing of new developments in relation to sanitary sewer system development.

DISCUSSION

Upon completion of the new WWTP, it is anticipated that two or three full years of data will be required to understand the flows generated by the seasonal use of Cultus Lake Park as well as the demand on the system from year-round residential and commercial users of the system. With this data, the FVRD will be able to determine the potential for service area expansion in order to utilize any remaining treatment capacity. Should a project or connection request exceed this capacity, the developers will be responsible for expanding the WWTP to the subsequent phase to allow for additional connections.

A policy to guide the allocation of any additional capacity and the potential expansion of the system is required to avoid ad-hoc sewage service and to have a well-planned out service area with operational

efficiencies to avoid potential financial challenges. This policy will avoid over-commitment to new developments.

In accordance with the Fraser Valley Regional District Development Procedures Bylaw, upon the receipt of a rezoning application the Board may:

- a) give readings to or adopt the bylaw;
- b) give readings to or adopt the bylaw as amended by the Board in its resolution;
- c) refer the application for bylaw amendment to the Electoral Area Services Committee for further consideration;
- d) defer consideration of the amendment to a future meeting of the Board;
- e) refuse the application for an amendment.

Staff are recommending that until this new sanitary servicing policy is in place that the Fraser Valley Regional District Board consider applications for new developments, beyond those in stream projects already in progress, as pre-mature and defer consideration until the sanitary sewer policy is adopted.

The consequences of advancing new developments prior to the implementation of sanitary sewer servicing policies may result in the following:

- Reduced infrastructure efficiency
- Inconsistent or one-off servicing decisions
- Reduced effectiveness of the Official Community Plan
- Less consistent standards or approaches between developments
- Reduced public confidences in a well planned community
- Loss of development potential
- Unequitable or undesirable allocation of remaining system capacity
- Potential operational issues
- Potential Ministry of Environment sewer permitting compliance issues

Implications for New Applications

The FVRD's consideration of new development applications requesting connection to the new North Cultus Sewer System will be deferred until sanitary sewer policies are adopted. Policy adoption would occur after analysis of peak and seasonal sewage flow data. This data is expected to be collected over a period of two or three years in order to determine peak and seasonal flows generated within the service area. Types of development applications from Cultus Lake Park and Electoral Area "H", that would be deferred include; Official Community Plan amendments, rezoning applications, and applications that require community sanitary service connections. Approvals for single family home construction on existing lots or existing leases lots within the service area would not be deferred. Furthermore, large applications triggering advancement into the second phase of the WWTP could be considered on a case by case basis in advance of completion of the policy.

Procedure for Processing Land Use Applications.

Rezoning and Official Community Plan amendments:

FVRD staff will advise prospective developers of the Board resolution. If a developer chooses to submit an application, the application will be brought forward to the Electoral Area Service Committee and the FVRD Board for consideration. The staff recommendation will be to refuse the application, or to defer consideration of the application, in accordance with this resolution.

Subdivisions:

The FVRD is not the approving authority for subdivisions in the Electoral Areas. The FVRD will respond to subdivision referrals that require connection to a community sanitary sewage system by advising the Provincial Approving Officer that the application is premature and should not receive final approvals until the sanitary servicing is guided by an FVRD sewer servicing policy.

COST

There are no costs associated with this report.

CONCLUSION

In accordance with the FVRD Development Procedures Bylaw No. 1377, 2016, the Fraser Valley Regional District Board defer consideration of new bylaw amendments and new development applications proposing to connect to the North Cultus Sewer System until such time that a policy guiding additional sanitary servicing and service expansion in North Cultus is adopted.

COMMENTS BY:

Graham Daneluz, Deputy Director of Planning & Development	Reviewed and Supported
Tareq Islam, Director of Engineering & Community Services	Reviewed and Supported
Margaret Thornton, Director of Planning & Development	Reviewed and Supported
Mike Veenbaas, Director of Financial Services	Reviewed and supported
Paul Gipps, Chief Administrative Officer	Reviewed and supported

To: CAO for the Electoral Area Services Committee

Date: 2019-04-25

From: Julie Mundy, Planning Technician

File No: 3090-20 2019-02

Subject: Application for Development Variance Permit 2019-02 to vary the rear setback requirement for an accessory structure at 47052 Snowmist Place, Electoral Area C

RECOMMENDATION

THAT the Fraser Valley Regional District issue Development Variance Permit 2019-02 to vary the rear setback for an accessory building at 47502 Snowmist Place from 5.0 metres to 1.5 metres, subject to consideration of any comments or concerns raised by the public.

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

BACKGROUND

The property owners have made an application for a Development Variance Permit (DVP) to in order to reduce the rear lot line setback for an accessory building (garage) as outlined in *Zoning By-law for Electoral Area "F", 1978, of the Regional District of Fraser Cheam*.

The DVP was considered by the Regional Board on February 26, 2019 and was deferred until concerns from an adjacent property owner could be addressed.

PROPERTY DETAILS			
Electoral Area	C		
Address	47052 Snowmist Place		
PID	003-631-842		
Folio	776.01457.870		
Lot Size	0.165 acres (7187 square feet)		
Owner	Wotherspoon	Agent	n/a
Current Zoning	Resort Residential (RST-3)	Proposed Zoning	No change
Current OCP	Country Residential (CR)	Proposed OCP	No change
Current Use	Vacant Land	Proposed Use	Residential
Development Permit Areas	n/a		
Hazards	Flood proofing requirements		

PROPERTY MAP



DISCUSSION

The owners of the subject property are proposing to construct a single family dwelling and detached garage at 47052 Snowmist Place. The lot is currently bare land and is located at the base of Sasquatch Mountain Resort. The property backs on to Crown land and has undeveloped residential lots on either side. The property owners have applied for a Development Variance Permit to reduce the rear lot line setback for the proposed garage.

Variance Request – DVP 2019-02

The DVP was considered by the Regional Board on February 26, 2019 and was deferred until comments from an adjacent property owner regarding log storage could be addressed. Staff have heard from the applicant and the adjacent property owner and are satisfied the matter has been addressed privately between the property owners.

Application rationale

The applicant advises the reasons for the variance are to allow for a house design with a side entrance. A garage meeting the rear property line setback would interfere with the house deck and entrance stairs. While the placement of an entrance/exit is largely a design consideration, creating an efficient house layout on a small lot (0.165 acres / 7187 square feet) poses some challenges.

The reduced setback will additionally create a greater area for snow to shed and pile on the property.

Rear Lot Line Setback Variance

The owners are seeking a variance of 3.5 metres (11.5 feet) to reduce the required rear lot line setback from 5.0 metres (16.4 feet) to 1.5 metres (5 feet) measured clear to sky.

Rear Lot Line Setback	
Permitted (zoning)	5.0 metres (16.4 feet)
Proposed	1.5 metres (5 feet)
Requested Variance	3.5metres (11.5 feet)

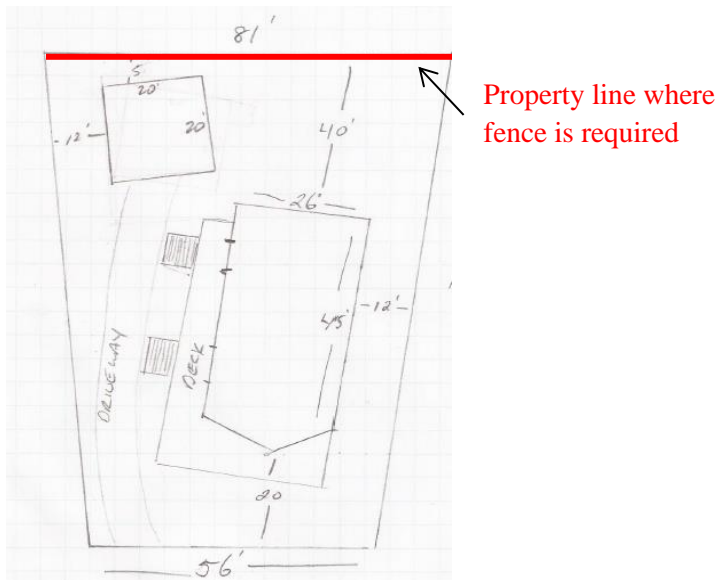
Snow Shedding Impacts

Buildings in Hemlock are prone to accumulating large amounts of snow which results in snow shedding from roofs. Setback requirements within the zoning bylaw are designed to account for snow accumulation and aim to accommodate snow shedding. The relaxation of the rear property line is not anticipated to increase snow shedding impacts to adjacent properties provided the roof is angled towards interior property lines. Interior setbacks are proposed to be in compliance with zoning bylaw requirements. To further control snow shedding impacts, the garage will be limited to a single storey.

Condition of Development Variance Permit

A condition of the Development Variance Permit will be for the owner to install a permanent fence along the rear property line which is behind the proposed garage. The installation of a fence will prevent any encroachment on to the Crown land. Additional conditions include:

- The rear wall of the garage is to meet BC Building Code requirements, and
- The garage will be limited to a single storey and the roof will be designed to avoid snow shedding towards the rear lot line



Building Permits

Two building permit applications (for the garage and house) were submitted on October 12, 2018 and are currently on hold pending the receipt of revised construction drawings. A detailed review of the drawings and other legal requirements will be conducted during the building permit process. During the review, the building inspector will determine if an increased fire rating is required for the rear wall of the garage based on the BC Building Code.

Neighbourhood Notification and Input

All property owners within 30 metres of the property will be notified by FVRD of the Development Variance Permit application and will be given the opportunity to provide written comments or attend the Board meeting to state their comments. FVRD staff encourage the applicant to advise neighbouring property owners and residents of the requested variance in advance of the mail-out notification.

COST

The application fee of \$350 has been paid by the applicant.

CONCLUSION

The property owners have applied for a Development Variance Permit to reduce the rear lot line setback for a detached garage. Staff recommend the FVRD Board issue the permit. The variance is not anticipated to negatively impact the neighbours as the land to the rear of the property is Crown owned.

COMMENTS BY:

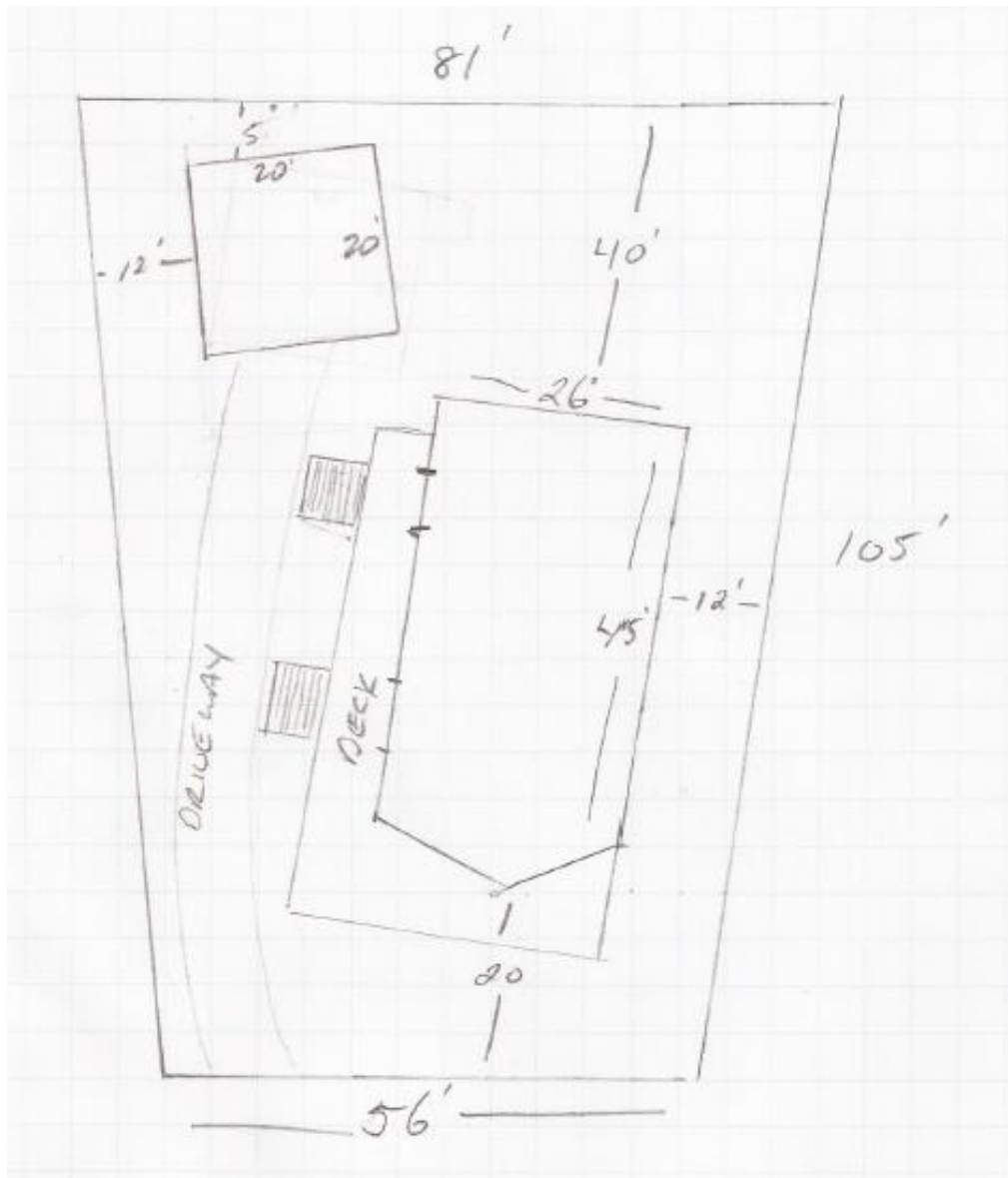
Graham Daneluz, Deputy Director of Planning & Development: Reviewed & supported

Margaret Thornton, Director of Planning & Development: Reviewed & supported

Mike Veenbaas, Director of Financial Services: No further financial comments.

Paul Gipps, Chief Administrative Officer: Reviewed and supported

Appendix A
Site plan





FRASER VALLEY REGIONAL DISTRICT DEVELOPMENT VARIANCE PERMIT

Permit No. Development Variance Permit 2019-02 **Folio No.** 776.01457.870

Issued to: Neil & Maria Wotherspoon

Address:

Applicant: Neil & Maria Wotherspoon

Site Address: 47052 Snowmist Place, Electoral Area C

The lands affected by and subject to this permit are shown on Schedule "A", Location Map, attached hereto, which forms an integral part of this permit, and are legally described as:

LOT 2 DISTRICT LOT 5671 GROUP 1 NEW WESTMINSTER LAND DISTRICT PLAN 65552
003-631-842

LIST OF ATTACHMENTS

Schedule "A": Location Map

Schedule "B": Site Plan

AUTHORITY TO ISSUE

1. This Development Variance Permit is issued under Part 14 – Division 9 of the *Local Government Act*.

BYLAWS SUPPLEMENTED OR VARIED

Zoning By-law for Electoral Area "F", 1978 of the Regional District of Fraser Cheam is **varied** as follows:
Division 19, Section 1904 (c) the rear setback requirement is reduced from 5.0 metres to 1.5 metres, clear to sky, to permit the construction of a detached garage.

SPECIAL TERMS AND CONDITIONS

1. No variances other than those specifically set out in this permit are implied or to be construed.
2. If the holder of this permit does not commence the construction with respect to which the Permit was issued within two (2) years after the date of the permit, this permit shall lapse.
3. Development of the site shall be undertaken in accordance with the Site Plan attached hereto as Schedule "B".
4. All new construction shall be generally in compliance with Building Permit No. 014496. The garage shall be no more than a single storey, and the roof shall be designed to avoid

shedding snow towards the rear lot line. The rear garage wall shall not have any openings or windows.

5. The holder of this permit must construct a permanent fence along the rear property line as identified in Schedule C prior to the issuance of Building Permit No. 014496. The fence shall be a minimum of 4 feet in height and shall be maintained for the life of the garage authorized under Building Permit No. 014496.

GENERAL TERMS AND CONDITIONS

1. This Development Variance Permit is issued Pursuant to Part 14 – Division 9 of the *Local Government Act*.
2. This Development Variance Permit shall not vary the permitted uses or densities of land use in the applicable zoning bylaw nor a flood plain specification designated under Section 524 of the *Local Government Act*.
3. Nothing in this permit shall in any way relieve the developer's obligation to ensure that the development proposal complies in every way with the statutes, regulations, requirements, covenants and licences applicable to the undertaking.
4. Nothing in this permit shall in any way relieve the developers obligation to comply with all setback regulations for construction of structures or provision of on-site services pursuant to the *Public Health Act*, the *Fire Services Act*, the *Safety Standards Act*, and any other provincial statutes.

SECURITY DEPOSIT

As a condition of the issuance of this Permit, and pursuant to Section 502 of the *Local Government Act*, the Regional Board is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit

Should the holder of this permit:

- a. fail to complete the works required to satisfy the landscaping conditions contained herein,
- b. contravene a condition of the permit in such a way as to create an unsafe condition,

The Regional Board may undertake and complete the works required to satisfy the landscaping conditions, or carry out any construction required to correct an unsafe condition at the cost of the holder of the permit and may apply the security in payment of the costs of the works, with any excess to be returned to the holder of the permit.

Security Posted: (a) an irrevocable letter of credit in the amount of: \$ <N/A> .
 (b) the deposit of the following specified security: \$ <N/A> .

Note: The Regional District shall file a notice of this permit in the Land Title Office stating that the land described in the notice is subject to Development Variance Permit Number 2019-02. The notice shall take the form of Appendix I attached hereto.

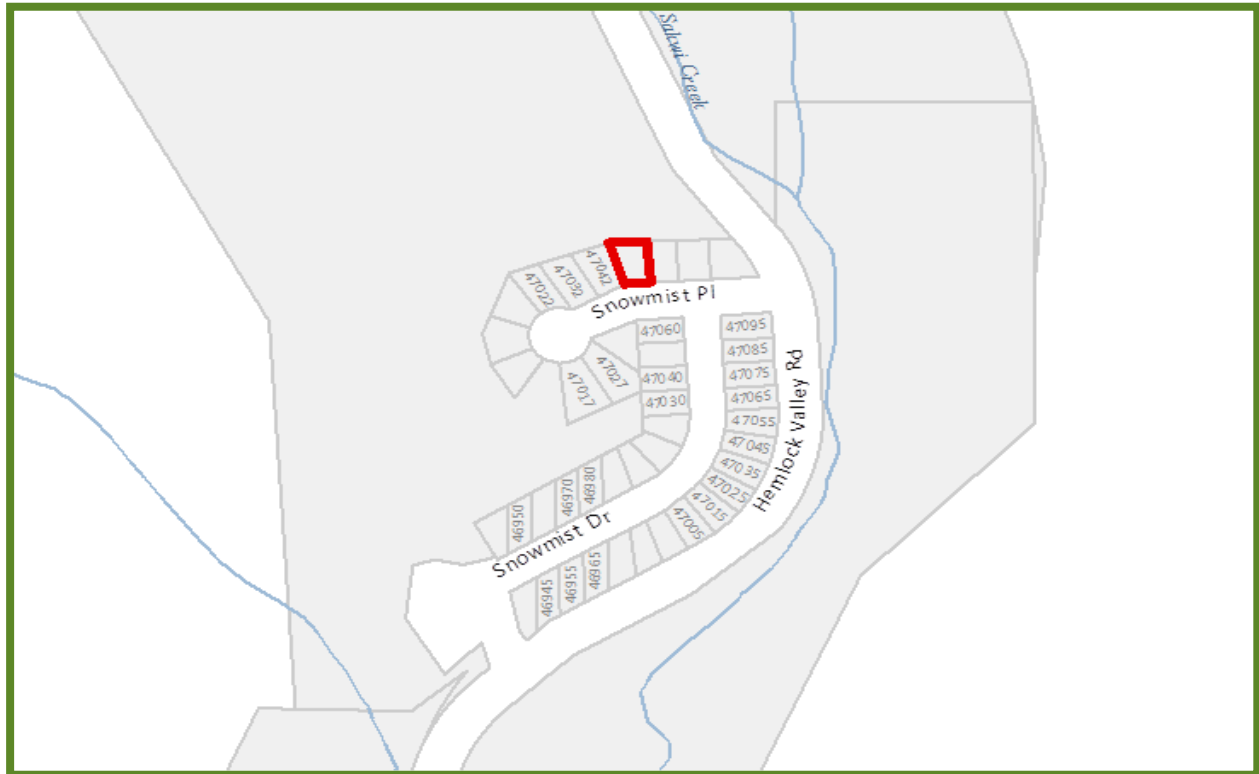
AUTHORIZING RESOLUTION PASSED BY THE BOARD OF DIRECTORS OF THE FRASER VALLEY REGIONAL DISTRICT ON THE <DAY> DAY OF <MONTH>, <YEAR>

Chief Administrative Officer / Deputy

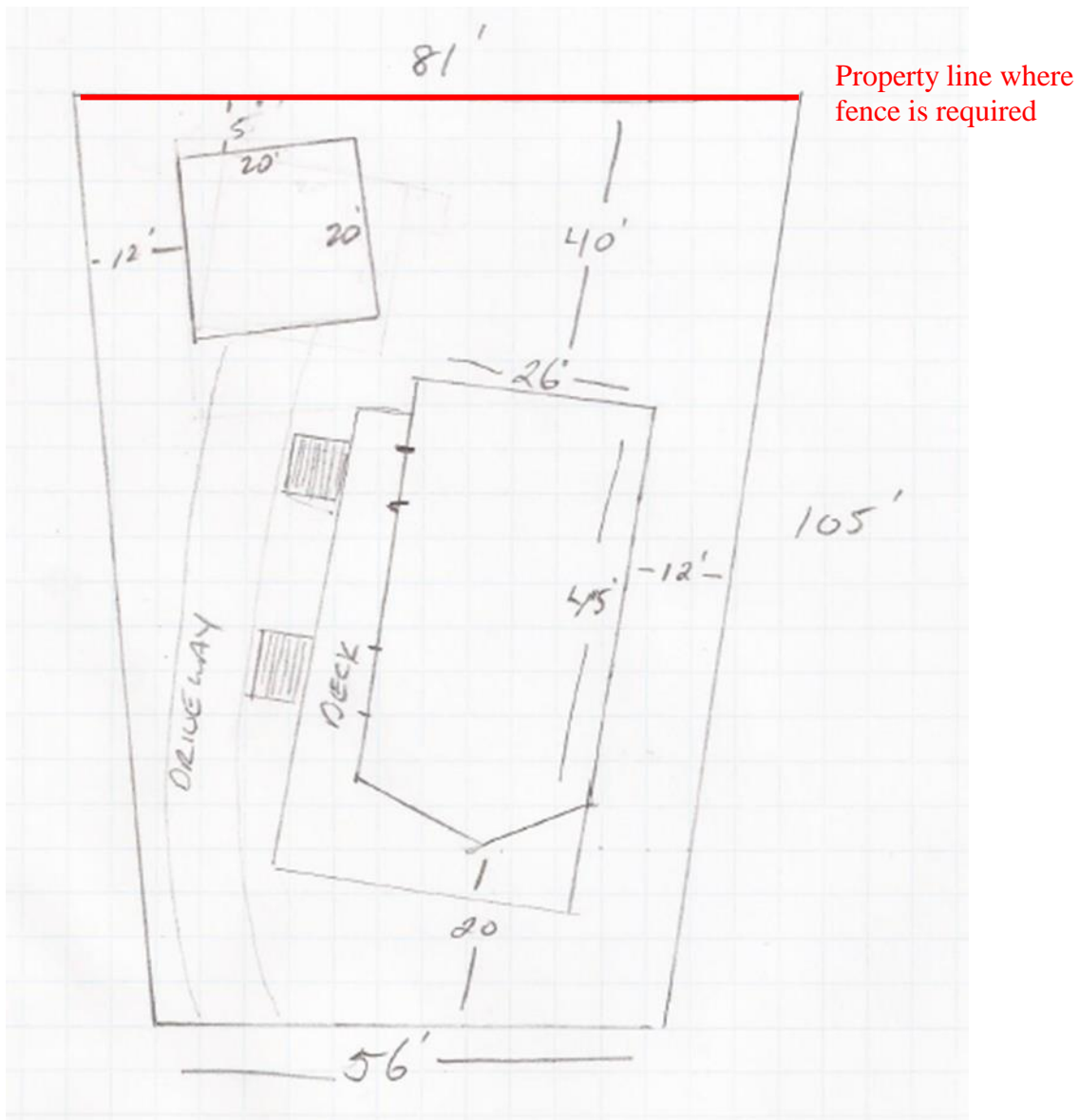
THIS IS NOT A BUILDING PERMIT

DRAFT

DEVELOPMENT VARIANCE PERMIT 2019-02
SCHEDULE "A"
Location Map



DEVELOPMENT VARIANCE PERMIT 2019-02
SCHEDULE "B"
Site Plan and Fence Layout



SCHEDULE A-4

Permit Application

I / We hereby apply under Part 14 of the *Local Government Act* for a;

☒ Development Variance Permit

☐ Temporary Use Permit

☐ Development Permit

An Application Fee in the amount of \$ 350.00 as stipulated in FVRD Application Fees Bylaw No. 1231, 2013 must be paid upon submission of this application.

Civic

Address

47052 SNOWMIST PLACE PID AGASSIZ, BC

Legal

Description

Lot 2 Block 5671 Section _____ Township _____ Range _____ Plan NWP 65552
CIRCUIT

The property described above is the subject of this application and is referred to herein as the 'subject property.' This application is made with my full knowledge and consent. I declare that the information submitted in support of the application is true and correct in all respects.

Owner's
Declaration

Name of Owner (print)	Signature of Owner	Date
NEILL WOTHERSPON	SEE ATTACHED	
Name of Owner (print)	Signature of Owner	Date
MARIA WOTHERSPON	M. Wother	JAN. 15/19

Owner's
Contact
Information

Address	City	Postal Code	Fax
	pt. Coquitlam, BC	V3C 2S5	

Office Use Only	Date	File No.
	15 JANUARY 2019	3090-20 2019-02
	Received By KW	Folio No.
	Receipt No. 7739/2	Fees Paid: \$ 350.00

Agent

I hereby give permission to _____ to act as my/our agent in all matters relating to this application.

Only complete this section if the applicant is NOT the owner.

Signature of Owner	Date
Signature of Owner	Date

Agent's contact information and declaration

Name of Agent		Company
Address		City
Email		Postal Code
Phone	Cell	Fax

I declare that the information submitted in support of this application is true and correct in all respects.

Signature of Agent	Date
--------------------	------

Development Details

Property Size 8,500 ft² Present Zoning RESIDENTIAL RECREATIONAL

Existing Use UNDEVELOPED

Proposed Development TO BUILD A CABIN AND GARAGE FOR RECREATIONAL USE.

Proposed Variation / Supplement TO MOVE THE GARAGE TO THE REAR OF THE PROPERTY LESS THAN THE CURRENT STIPULATED 20' SETBACK. WE WOULD LIKE TO BUILD THE GARAGE WITHIN 5' OF REAR OF PROPERTY.

(use separate sheet if necessary)

Reasons in Support of Application A 20'x20' GARAGE SET AT 20' FROM REAR OF PROPERTY WOULD INTERFERE WITH THE DECK OF THE CABIN AND PREVENT ENTRANCE STAIRS INTO THE MAIN ENTRANCE INTO THE MUDROOM OF THE CABIN.

Page 2 of 4

Provincial Requirements

(This is not an exhaustive list; other provincial regulations will apply)

Riparian Areas Regulation

Please indicate whether the development proposal involves residential, commercial, or including vegetation removal or alteration; soil disturbance; construction of buildings and structures; creation of impervious or semi-pervious surfaces; trails, roads, docks, wharves, bridges and, infrastructure and works of any kind – within:

yes

☐

no

☒

30 metres of the high water mark of any water body

yes

☐

no

☒

a ravine or within 30 metres of the top of a ravine bank

"Water body" includes; 1) a watercourse, whether it usually contains water or not; 2) a pond, lake, river, creek, or brook; 3) a ditch, spring, or wetland that is connected by surface flow to 1 or 2 above.

Under the *Riparian Areas Regulation* and the *Fish Protection Act*, a riparian area assessment report may be required before this application can be approved.

Contaminated Sites Profile

Pursuant to the *Environmental Management Act*, an applicant is required to submit a completed "Site Profile" for properties that are or were used for purposes indicated in Schedule 2 of the *Contaminated Sites Regulations*. Please indicate if:

yes

☐

no

☒

the property has been used for commercial or industrial purposes.

If you responded 'yes,' you may be required to submit a Site Profile. Please contact FVRD Planning or the Ministry of Environment for further information.

Archaeological Resources

Are there archaeological sites or resources on the subject property?

yes

☐

no

☒

I don't know

☐

If you responded 'yes' or 'I don't know' you may be advised to contact the Archaeology Branch of the Ministry of Tourism, Sport and the Arts for further information.

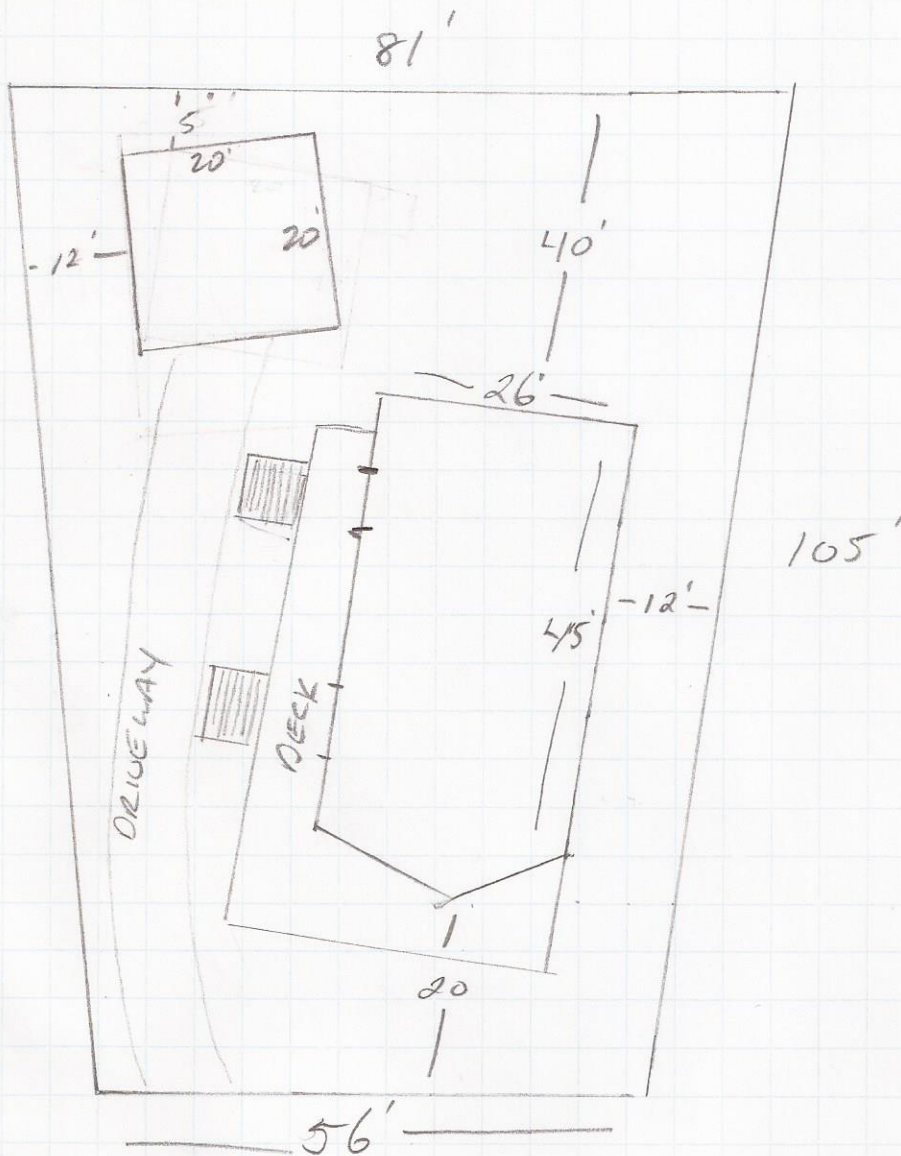
WOTHERSPOON
HEMLOCK
CABIN

GARAGE VARIANCE

47052 Snowmist
Place

Amendment

January 25





Fraser Valley Regional District

45950 Cheam Avenue, Chilliwack, BC V2P 1N6

Tel: (604)702-5000 or 1-800-528-0061

Fax: (604) 792-9684

SCHEDULE A

Application to Board of Variance

I / We hereby apply to the Fraser Valley Regional District Board of Variance for:

- ☒ A minor variance from bylaw requirements due to hardship [LGA s. 901(1)(a)]*
- ☐ Structural alteration or addition to non-conforming structure [LGA s. 901(1)(c) and 911(5)]*
- ☐ Other (describe) _____ LGA* s. _____

* LGA means Local Government Act

An Application Fee in the amount of \$ _____ as stipulated in FVRD Board of Variance Establishment Bylaw No. 0903, 2008 must be paid upon submission of this application.

Address of Subject
Property

47052 SNOWMIST PLACE, AGASSIZ, BC

Legal
Description

Lot 2 Block _____ Section _____ Township _____ Range _____ Plan NWP65552

DISTRICT LOT 5671

PID _____

The property described above is the subject of this application and is referred to herein as the 'subject property'

This application is made with my full knowledge and consent. I declare that the information submitted in support of the application is true and correct in all respects.

Owner's
Declaration

Name of Owner (print)	Signature of Owner	Date
NEILL WOTHERSPON	<i>Neill Wotherpoon</i>	JAN 14, 19
Name of Owner (print)	Signature of Owner	Date
MARIA WOTHERSPON	<i>M. Wotherpoon</i>	JAN. 14/19

Owner
Contact
Information

Please print clearly.

Address	City
1515 EASTERN DR.	PT. COQUITLAM
Email	Postal Code
	V3C 2S5
Fax	

Office Use
Only

	Date	File No.
Received	Received By	Folio No.
Complete Application		
Required Documents	Receipt No.	Fees
		\$

To: CAO for the Electoral Area Services Committee

Date: 2019-04-09

From: Andrea Antifaeff, Planner 1

File No: 3090-20-2019-06

Subject: Application for Development Variance Permit 2019-06 to reduce the side setback to permit the reconstruction/addition to an agricultural building at 11180 Popkum Road North, Electoral Area D

RECOMMENDATION

THAT the Fraser Valley Regional District Board issue Development Variance Permit 2019-06 to reduce the side setback from 7.62 metres (25 feet) to 0 metres (0 feet), to facilitate the reconstruction/addition to an agricultural building at 11180 Popkum Road North, Area "D", subject to consideration of any comments or concerns raised by the public;

AND THAT the Fraser Valley Regional District Board authorize its signatories to execute all legal instruments associated with this application, including a Section 219 restrictive covenant tying the sale of either of the two properties to the other to address existing and new construction built across the side lot line and to restrict the use of the building to agricultural storage.

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

Foster a Strong & Diverse Economy

BACKGROUND

The owners of the property have made an application for a Development Variance Permit (DVP) in order to reduce the side setback for an agricultural building as outlined in *Zoning By-law for Electoral Area "D", 1976 of the Regional District of Fraser-Cheam*.

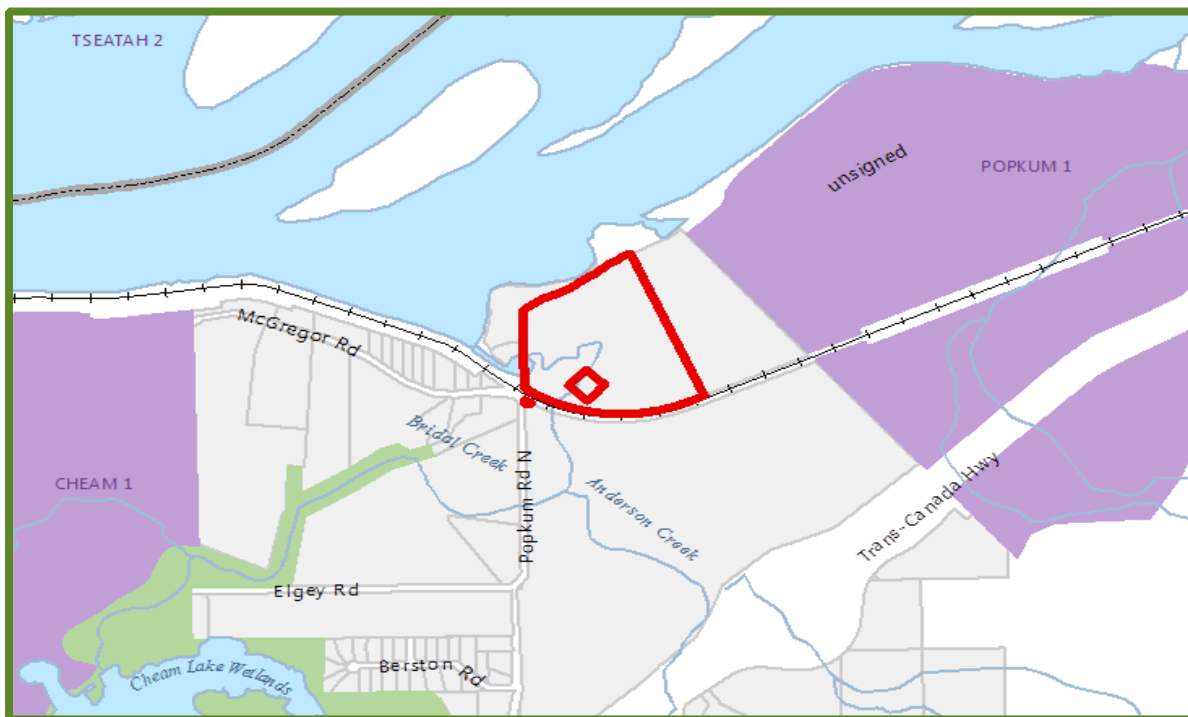
PROPERTY DETAILS	
Electoral Area	D
Address	11180 Popkum Road North
PID	030-039-371
Folio	733.06473.200
Lot Size	34.02 acres

Owner	Klyn, Martin & Niessa	Agent:	Texo Pacific Construction (Pieter Kerkhoff)
Current Zoning	Rural Agriculture (R-Ag); Park Reserve (P2)	Proposed Zoning:	No change
Current OCP	Agricultural Large Holding (AG-L)	Proposed OCP:	No change
Current Use	Agriculture	Proposed Use:	Agriculture
Development Permit Areas:	DPA 6-D- Riparian Areas		
Agricultural Land Reserve	Yes –portion where agricultural building is located		

ADJACENT ZONING & LAND USES

Noi	^	Park Reserve (P-2), Forest & Fraser River
Eas	>	Rural Agriculture (R-Ag); Park Reserve (P-2) Farm
We	<	Park Reserve (P-2), Forest
Sol	v	Rural Agriculture (R-Ag), Farm

NEIGHBOURHOOD MAP



PROPERTY MAP



DISCUSSION

The owners of the property have made an application to reconstruct and add an addition to an agricultural building at 11180 Popkum Road North. The portion of the property where the agricultural building is sited is within the Agricultural Land Reserve. The property at 11180 Popkum Road North has a landlocked parcel within it (PID 024-762-091). The landlocked parcel was discovered during a survey several years ago by the previous owners. The survey also revealed that the existing barn (now being reconstructed), predated building permit requirements and was constructed over the property line. The majority of the agricultural building renovation is to the existing structure with the addition of thirteen posts on the eastern side to support a new roof and overhang.

Bylaw Enforcement

During a site inspection on February 20, 2018 FVRD building and bylaw staff confirmed that there had been a significant amount of unauthorized construction works for a large agricultural building at 11180 Popkum Road North. Stop Work and No Occupancy Notices were posted on the structure. A building permit was submitted on March 15, 2018 and FVRD staff have been working with the applicant to address issues with the agricultural building.



Variance Requested – DVP 2019-06

Side Setback Variance

The owners are seeking a 7.62 metre (25 foot) relaxation to the required side lot line setback, reducing the setback requirement from 7.62 metres (25 feet) to 0 metres (0 feet).

Application Rationale

The applicant advises that the reasons in support of the variance are: 1. that the existing barn is already constructed across parcel boundaries; and, 2. the parcels are now owned by the same owner.

Covenant Tying Two Lots Together & Restricting Use of Building

The side lot line for 11180 Popkum Road North is shared with PID 024-762-091, which is also owned by the applicant. The site plan shows that the existing agricultural building was already crossing the property line and that the addition of thirteen posts on the eastern side which will support a new roof and overhang will cause the building to be further onto the adjacent parcel (PID 024-762-091). To address this issue, the property owners have offered to register a covenant in favour of the Regional District which states that the properties will be treated as a single parcel for as long as the structure that crosses the property boundary exists and that the property owner cannot sell, agree to sell, transfer or otherwise dispose of either of the parcels individually.

The proposed variance does not have any adverse building permit implications, as the two lots of 11180 Popkum Road North and PID 024-762-091 will be tied together as one parcel.

The owners have also offered for the covenant to state that the use of the building will be restricted to agricultural storage (no livestock or farm animals). The use must accord with both FVRD Zoning Bylaw No. 75 and Agricultural Land Commission regulations; and provide a mechanism to recover all costs associated with any enforcement activities related to non-permitted use of the building.

Neighbourhood Notification and Input

All property owners within 30 metres of the property will be notified by the FVRD of the Development Variance Permit application and be given the opportunity to provide written comments or attend the Board meeting to state their comments. FVRD staff encourage the applicant to advise neighbouring property owners and residents of the requested variance in advance of the mail-out notification. To date no letters of support or objection have been submitted.

COST

The application fee of \$350.00 has been paid by the applicant.

CONCLUSION

The property owners have applied for a DVP to reduce the side setback for an agricultural building. Staff recommend that the FVRD Board issue the permit for the following reasons:

- the historical property lot lines were discovered during a survey several years ago;
- the existing building is existing non-conforming and the Development Variance Permit is required to acknowledge the property lines to address the construction that commenced without a building permit; and,
- the variance is not anticipated to negatively affect the surrounding properties as the property that the building crosses over is now owned by the same owner.

OPTIONS

Option 1 – Issue (Staff Recommendation)

Staff recommend that the FVRD Board issue Development Variance Permit 2019-06 for the property located at 11180 Popkum Road North, Electoral Area D to reduce the side setback from 7.62 metres (25 feet) to 0 metres (0 feet), to facilitate the reconstruction/addition to an agricultural building, subject to consideration of any comments or concerns raised by the public.

Option 2 – Refuse

If the Board wishes to refuse the application, the following motion would be appropriate:

MOTION: THAT the Fraser Valley Regional District Board refuse Development Variance Permit 2019-06 for the property located at 11180 Popkum Road North, Electoral Area D.

Option 3 – Refer to Staff

If the Board wishes to refer the application back to staff to address outstanding issues, the following motion would be appropriate:

MOTION: THAT the Fraser Valley Regional District Board refer the application for Development Variance Permit 2019-06 for the property located at 11180 Popkum Road North, Electoral Area D to FVRD staff.

COMMENTS BY:

Graham Daneluz, Deputy Director of Planning & Development: Reviewed and supported.

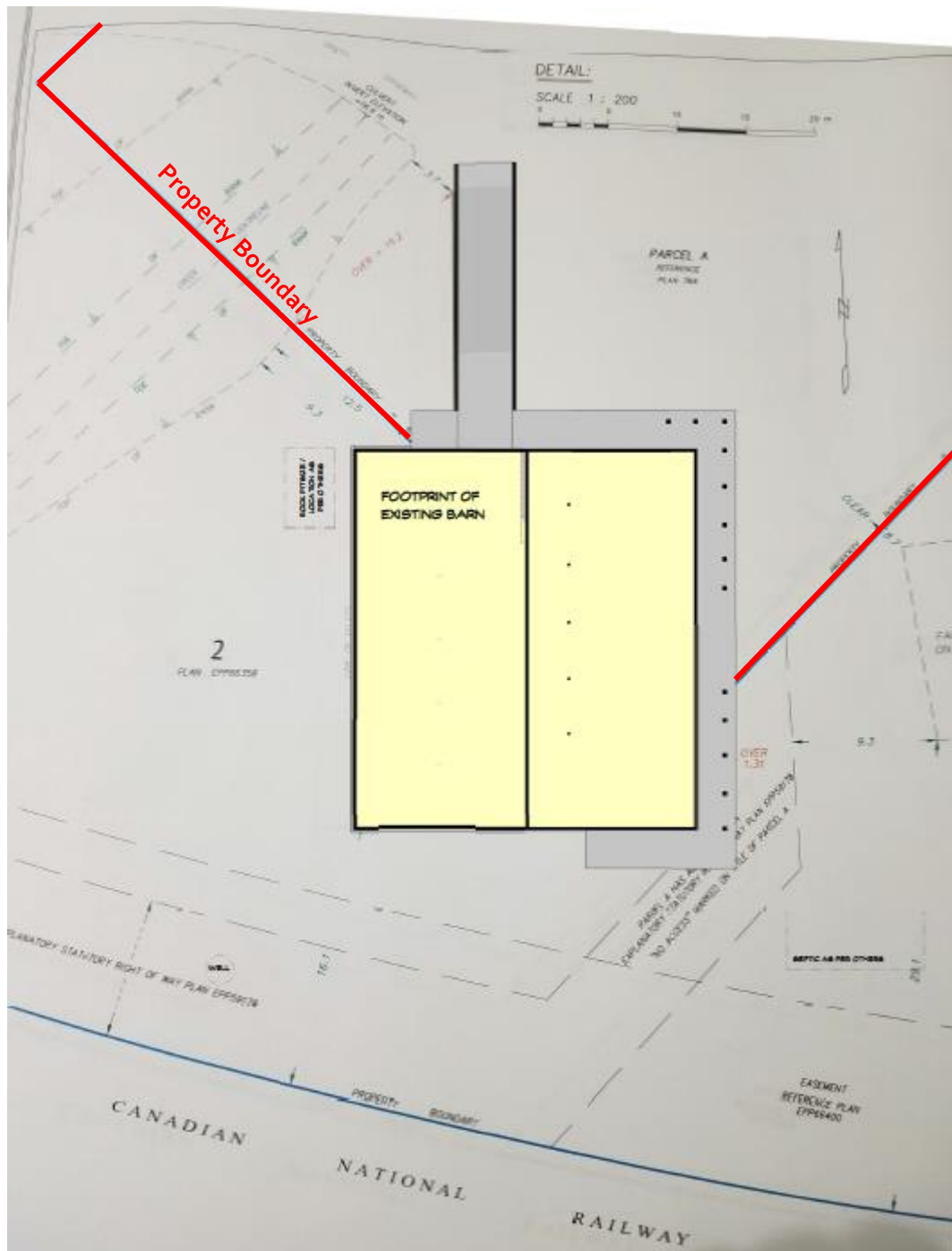
Margaret Thornton, Director of Planning & Development: Reviewed and supported.

Mike Veenbaas, Director of Financial Services: No further financial comment.

Paul Gipps, Chief Administrative Officer: Reviewed and supported

Appendix A

Site Plan



SCHEDULE A-4

Permit Application

I / We hereby apply under Part 14 of the *Local Government Act* for a;

☒ Development Variance Permit

☐ Temporary Use Permit

☐ Development Permit


An Application Fee in the amount of \$ 350.00 as stipulated in FVRD Application Fees Bylaw No. 1231, 2013 must be paid upon submission of this application.

Civic Address 11180 Popkum Rd N PID 030-039-371

Legal Description Lot 2 Block _____ Section _____ Township _____ Range _____ Plan _____

The property described above is the subject of this application and is referred to herein as the 'subject property.' This application is made with my full knowledge and consent. I declare that the information submitted in support of the application is true and correct in all respects.

Owner's
Declaration

Name of Owner (print) Martin Adriaan Klyn	Signature of Owner 	Date Feb 18, 2019
Name of Owner (print) Niesje (Niessa) Nicolina Klyn		Date Feb 18, 2019

Owner's
Contact
Information

Address 10507 Woodrose Pl		City Rosedale
Email		Postal Code V0X1X1
Phone	Cell	Fax

Office Use Only	Date Feb 20, 2019	File No.
	Received By JM	Folio No.
	Receipt No. 8016 / 2	Fees Paid: \$ 350

Agent

I hereby give permission to Pieter Kerkhoff to act as my/our agent in all matters relating to this application.

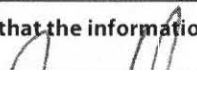
Only complete this section if the applicant is NOT the owner.

	Date Feb 18, 2019
	Date Feb 18, 2019

Agent's contact information and declaration

Name of Agent Pieter Kerkhoff		Company Texo Pacific Construction Ltd
Address 10338 Wildrose Dr		City Rosedale
Email		Postal Code
		Fax

I declare that the information submitted in support of this application is true and correct in all respects.

Signature		Feb 18, 2019
-----------	---	---------------------

Development Details

Property Size _____ Present Zoning _____

Existing Use Agriculture

Proposed Development _____

Proposed Variation / Supplement Reduce interior setback to 0 m to allow for renovation of existing barn

(use separate sheet if necessary)

Reasons in Support of Application Existing barn is constructed across to separate parcels owned by the same landowner

**Riparian
Areas
Regulation**

Please indicate whether the development proposal involves residential, commercial, or including vegetation removal or alteration; soil disturbance; construction of buildings and structures; creation of impervious or semi-pervious surfaces; trails, roads, docks, wharves, bridges and, infrastructure and works of any kind – within:

yes
☐

no
☒

30 metres of the high water mark of any water body

yes
☐

no
☒

a ravine or within 30 metres of the top of a ravine bank

"Water body" includes; 1) a watercourse, whether it usually contains water or not; 2) a pond, lake, river, creek, or brook; 3) a ditch, spring, or wetland that is connected by surface flow to 1 or 2 above.

Under the *Riparian Areas Regulation* and the *Fish Protection Act*, a riparian area assessment report may be required before this application can be approved.

**Contaminated
Sites Profile**

Pursuant to the *Environmental Management Act*, an applicant is required to submit a completed "Site Profile" for properties that are or were used for purposes indicated in Schedule 2 of the *Contaminated Sites Regulations*. Please indicate if:

yes
☐

no
☒

the property has been used for commercial or industrial purposes.

If you responded 'yes,' you may be required to submit a Site Profile. Please contact FVRD Planning or the Ministry of Environment for further information.

**Archaeological
Resources**

Are there archaeological sites or resources on the subject property?

yes
☐

no
☒

I don't know
☐

If you responded 'yes' or 'I don't know' you may be advised to contact the Archaeology Branch of the Ministry of Tourism, Sport and the Arts for further information.

Required Information

When providing Application Forms to the applicant, Regional District staff shall indicate which of the following attachments are required for this application. **Additional information may also be required at a later date.**

	Required	Received	Details
Location Map			Showing the parcel (s) to which this application pertains and uses on adjacent parcels
Site Plan			Reduced sets of metric plans
At a scale of:			North arrow and scale
1:_____			Dimensions of property lines, rights-of-ways, easements
			Location and dimensions of existing buildings & setbacks to lot lines, rights-of-ways, easements
			Location and dimensions of proposed buildings & setbacks to lot lines, rights-of-ways, easements
			Location of all water features, including streams, wetlands, ponds, ditches, lakes on or adjacent to the property
			Location of all existing & proposed water lines, wells, septic fields, sanitary sewer & storm drain, including sizes
			Location, numbering & dimensions of all vehicle and bicycle parking, disabled persons' parking, vehicle stops & loading
			Natural & finished grades of site, at buildings & retaining walls
			Location of existing & proposed access, pathways
			Above ground services, equipment and exterior lighting details
			Location & dimensions of free-standing signs
			Storm water management infrastructure and impermeable surfaces
			Other:
Floor Plans			Uses of spaces & building dimensions
			Other:
Landscape Plan			Location, quantity, size & species of existing & proposed plants, trees & turf
Same scale as site plan			Contour information (_____ metre contour intervals)
			Major topographical features (water course, rocks, etc.)
			All screening, paving, retaining walls & other details
			Traffic circulation (pedestrian, automobile, etc.)
			Other:
Reports			Geotechnical Report
			Environmental Assessment
			Archaeological Assessment
			Other:

The personal information on this form is being collected in accordance with Section 26 of the *Freedom of Information and Protection of Privacy Act, RSBC 1996 Ch. 165* and the *Local Government Act, RSBC 2015 Ch. 1*. It will only be collected, used and disclosed for the purpose of administering matters with respect to planning, land use management and related services delivered, or proposed to be delivered, by the FVRD. Questions about the use of personal information and the protection of privacy may be directed to the FVRD Privacy Officer at 45950 Cheam Avenue, Chilliwack, BC V2P 1N6, Tel: 1-800-528-0061 FOI@fvrd.ca.



FRASER VALLEY REGIONAL DISTRICT DEVELOPMENT VARIANCE PERMIT

Permit No. Development Variance Permit 2019-06

Folio No. 733.06473.200

Issued to: Martin & Niesje Klyn

Address:

Applicant: Martin & Niesje Klyn

Site Address: 11180 Popkum Road North, Electoral Area D

The lands affected by and subject to this permit are shown on Schedule "A", Location Map, attached hereto, which forms an integral part of this permit, and are legally described as:

LOT 2 DISTRICT LOT 446 GROUP 2 NEW WESTMINSTER DISTRICT PLAN EPP66358
030-039-371

LIST OF ATTACHMENTS

Schedule "A": Location Map

Schedule "B": Site Plan

AUTHORITY TO ISSUE

1. This Development Variance Permit is issued under Part 14 – Division 9 of the *Local Government Act*.

BYLAWS SUPPLEMENTED OR VARIED

Zoning By-law for Electoral Area "D", 1976 of the Regional District of Fraser-Cheam is **varied** as follows:

Section 2002 (b) Side: is reduced from 7.62 metres (25 feet) to 0 metres (0 feet) for the reconstruction of an agricultural building and the addition of thirteen posts on the eastern side which will support a new roof and overhang.

SPECIAL TERMS AND CONDITIONS

1. No variances other than those specifically set out in this permit are implied or to be construed.
2. If the holder of this permit does not commence the construction with respect to which the Permit was issued within two (2) years after the date of the permit, this permit shall lapse.
3. Development of the site shall be undertaken in accordance with the Site Plan attached hereto as Schedule "B".
4. All new construction shall be generally in compliance with Building Permit No. 014523.

GENERAL TERMS AND CONDITIONS

1. This Development Variance Permit is issued Pursuant to Part 14 – Division 9 of the *Local Government Act*.
 2. This Development Variance Permit shall not vary the permitted uses or densities of land use in the applicable zoning bylaw nor a flood plain specification designated under Section 524 of the *Local Government Act*.
 3. Nothing in this permit shall in any way relieve the developer's obligation to ensure that the development proposal complies in every way with the statutes, regulations, requirements, covenants and licences applicable to the undertaking.
 4. Nothing in this permit shall in any way relieve the developers obligation to comply with all setback regulations for construction of structures or provision of on-site services pursuant to the *Public Health Act*, the *Fire Services Act*, the *Safety Standards Act*, and any other provincial statutes.
-

SECURITY DEPOSIT

As a condition of the issuance of this Permit, and pursuant to Section 502 of the *Local Government Act*, the Regional Board is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit

Should the holder of this permit:

- a. fail to complete the works required to satisfy the landscaping conditions contained herein,
- b. contravene a condition of the permit in such a way as to create an unsafe condition,

The Regional Board may undertake and complete the works required to satisfy the landscaping conditions, or carry out any construction required to correct an unsafe condition at the cost of the holder of the permit and may apply the security in payment of the costs of the works, with any excess to be returned to the holder of the permit.

Security Posted: (a) an irrevocable letter of credit in the amount of: \$ N/A.
 (b) the deposit of the following specified security: \$ N/A.

Note: The Regional District shall file a notice of this permit in the Land Title Office stating that the land described in the notice is subject to Development Variance Permit Number 2019-06. The notice shall take the form of Appendix I attached hereto.

AUTHORIZING RESOLUTION PASSED BY THE BOARD OF DIRECTORS OF THE FRASER VALLEY REGIONAL DISTRICT ON THE <DAY> DAY OF <MONTH>, <YEAR>.

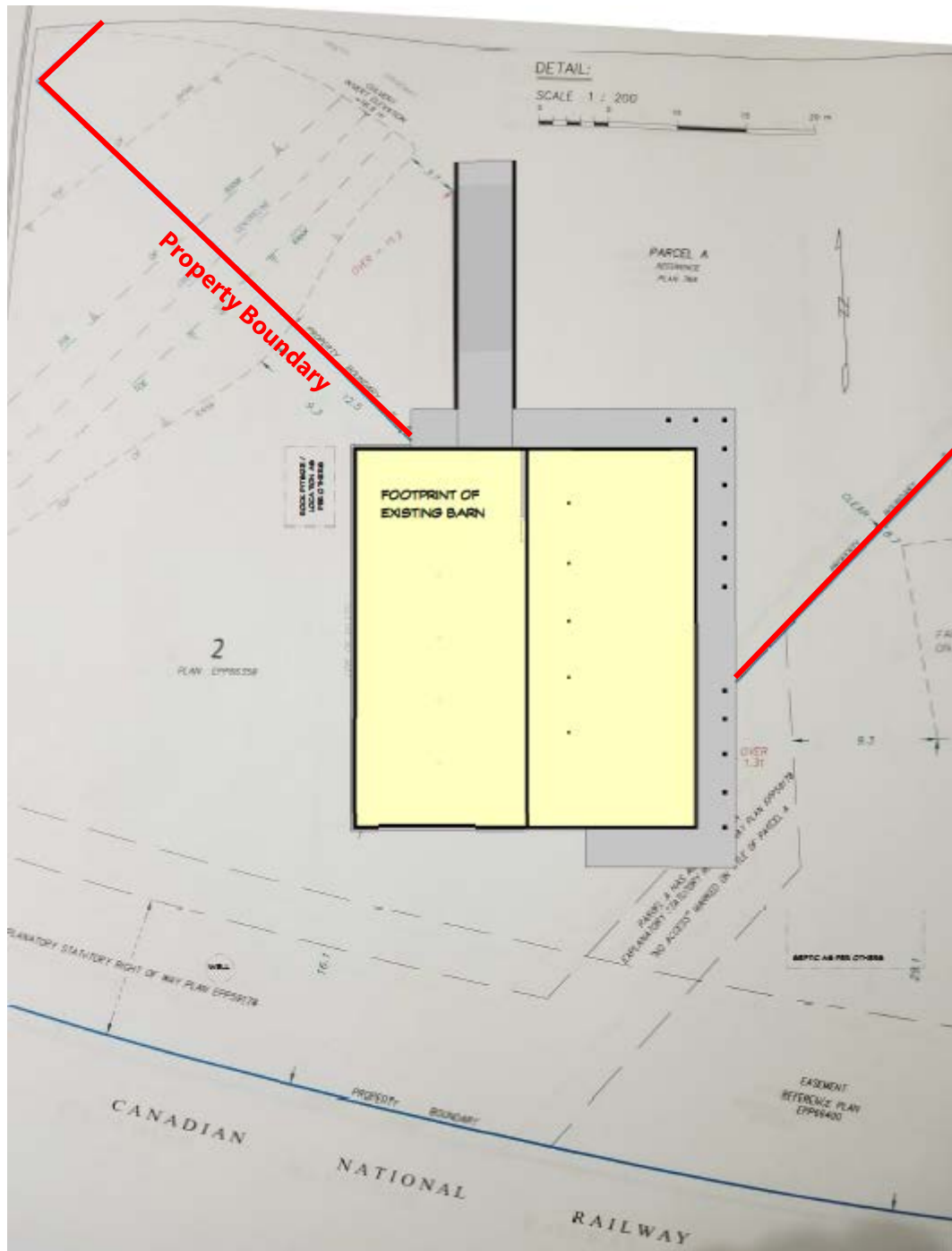
Chief Administrative Officer / Deputy

THIS IS NOT A BUILDING PERMIT

DEVELOPMENT VARIANCE PERMIT 2019-06
SCHEDULE "A"
Location Map



DEVELOPMENT VARIANCE PERMIT SCHEDULE "B" Site Plan



To: CAO for the Electoral Area Services Committee

Date: 2019-04-09

From: Andrea Antifaeff, Planner 1

File No: 3090-20-2019-08

Subject: Application for Development Variance Permit 2019-08 to waive requirements related to exceptions to minimum parcel size to facilitate a two (2) lot subdivision at 54660 Trans Canada Highway, Electoral Area A

RECOMMENDATION

THAT the Fraser Valley Regional District Board issue Development Variance Permit 2019-08 to vary requirements related to exemptions to minimum parcel size to facilitate a two (2) lot subdivision at 54660 TransCanada Highway, Area "A", subject to consideration of any comments or concerns raised by the public.

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

BACKGROUND

The owners of the property have made an application for a Development Variance Permit (DVP) in order to waive requirements related to exceptions to minimum parcel size (for subdivision) as outlined in *Zoning Bylaw for the Rural Portions of Electoral Area "A", Regional District of Fraser-Cheam Bylaw No. 823, 1989* to facilitate a two (2) lot subdivision.

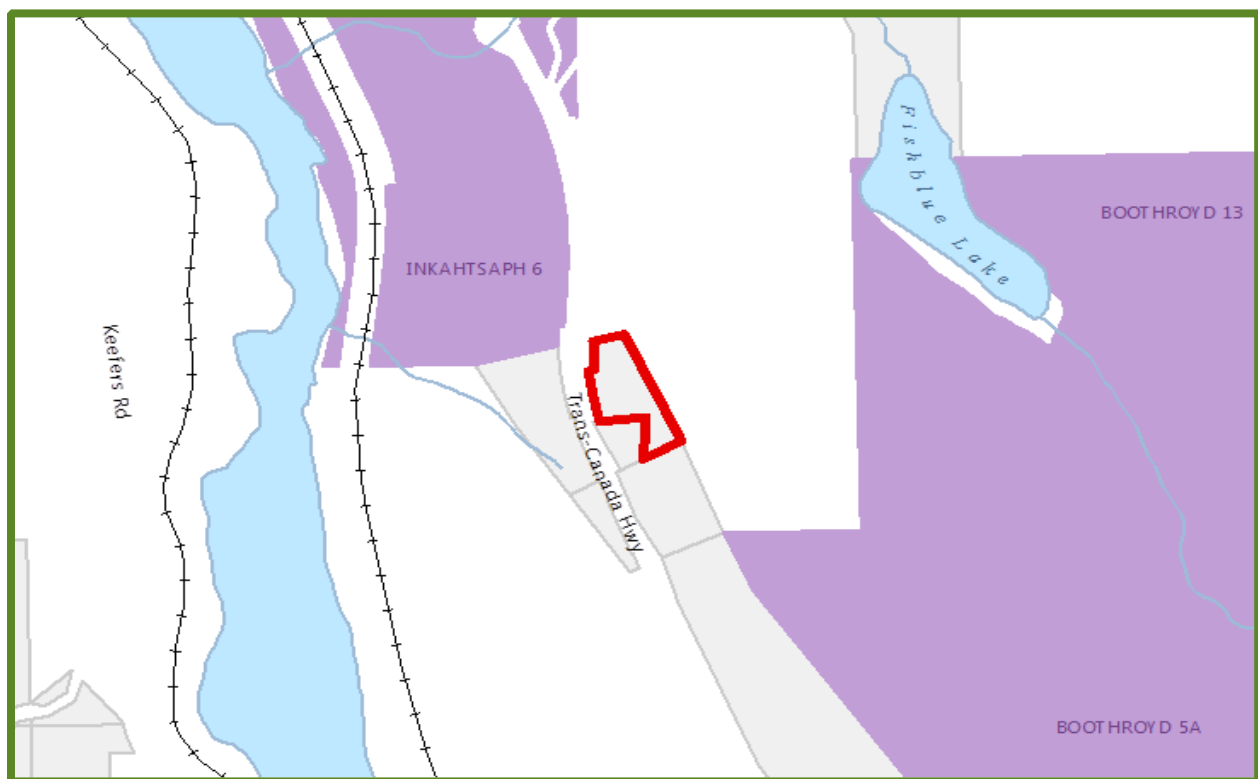
PROPERTY DETAILS			
Electoral Area	A		
Address	54660 Trans Canada Highway		
PID	008-063-338		
Folio	732.00036.110		
Lot Size	6.59 acres		
Owner	Kenneth & Mary Lou Campbell	Agent	Chris O'Connor
Current Zoning	Rural (R-1)	Proposed Zoning	No change
Current OCP	N/A	Proposed OCP	N/A
Current Use	Residential	Proposed Use	No change

Development Permit Areas	N/A
Agricultural Land Reserve	Yes

ADJACENT ZONING & LAND USES

North	^	Rural Resource (R-4); Crown Land
East	>	Rural Resource (R-4); Crown Land
West	<	Rural (R-1); Residential/Farm
South	v	Rural (R-1); Vacant

NEIGHBOURHOOD MAP



PROPERTY MAP



DISCUSSION

The owners of the property have made an application to the Ministry of Transportation and Infrastructure (MOTI) to subdivide the property into two (2) lots. The FVRD provided comments to MOTI regarding the subdivision on February 21, 2017 (attached as Appendix "B"). The subject property, 54660 Trans Canada Highway, is zoned Rural 1 (R-1) and is located within the Agricultural Land Reserve. In 2016, the property owners received approval from the Agricultural Land Commission to subdivide the property into two lots. This approval from the Agricultural Land Commission will expire May 2019.

The proposed subdivision would create two lots that are 1.33 hectares in size, which is smaller than the 2.0 hectare minimum parcel size as specified in the Zoning Bylaw (March 29, 1990). The property has two existing single family dwellings and the subdivision will create two (lots) with one existing single family dwelling on each lot.

The Zoning Bylaw allows for exceptions to minimum parcel size requirements where:

- the property had two principal buildings (containing dwelling units) that were legally constructed prior to the adoption date of the Zoning Bylaw; and,
- the owner obtained Occupancy Permits for the buildings from the Regional District

The subject property does not meet the above requirements as the two buildings were constructed in 1993 and 2002 and the owner has not obtained Occupancy Permits from the Regional District.

Variance Requested – DVP 2019-08

In order to proceed with the two lot subdivision a Development Variance Permit has been requested to waive the following exceptions to minimum parcel size clauses in the Zoning bylaw:

- the construction dates of the two (2) existing residences; and,
- the conditions for occupancy.

Neighbourhood Notification and Input

All property owners within 30 metres of the property will be notified by the FVRD of the development variance permit application and be given the opportunity to provide written comments or attend the Board meeting to state their comments. FVRD staff encourage the applicant to advise neighbouring property owners and residents of the request variance in advance of the mail-out notification. To date not letters of support or objection have been submitted.

COST

The application fee of \$350.00 has been paid by the applicant.

CONCLUSION

The property owners have applied for a DVP to waive the construction dates of the two existing residences and the conditions for occupancy to facilitate a two (2) lot subdivision at 54660 Trans Canada Highway, Electoral Area A. Staff recommend that the FVRD Board issue the permit. The variance is not anticipated to negatively affect surrounding properties.

OPTIONS

Option 1 – Issue (Staff Recommendation)

Staff recommend that the FVRD Board issue Development Variance Permit 2019-08 for the property located at 54660 Trans Canada Highway, Electoral Area A to waive the construction dates of the two existing residences and the conditions for occupancy to facilitate a two (2) lot subdivision, subject to consideration of any comments or concerns raised by the public.

Option 2 – Refuse

If the Board wishes to refuse the application, the following motion would be appropriate:

MOTION: THAT the Fraser Valley Regional District Board refuse Development Variance Permit 2019-08 for the property located at 54660 Trans Canada Highway, Electoral Area A.

Option 3 – Refer to Staff

If the Board wishes to refer the application back to staff to address outstanding issues, the following motion would be appropriate:

MOTION: THAT the Fraser Valley Regional District Board refer the application for Development Variance Permit 2019-08 for the property located at 54660 Trans Canada Highway, Electoral Area A to FVRD staff.

COMMENTS BY:

Graham Daneluz, Deputy Director of Planning & Development:	Reviewed and supported.
Margaret Thornton, Director of Planning & Development:	Reviewed and supported.
Mike Veenbaas, Director of Financial Services:	No further financial comments.
Paul Gipps, Chief Administrative Officer:	Reviewed and supported

Proposed Subdivision Layout



Appendix "B"

FVRD Letter to MOTI



**PLANNING &
DEVELOPMENT**

www.fvrd.ca | planning@fvrd.ca

MOTI File: 2016-00792
FVRD File: 3320-20 2016-00792

February 21, 2017

Ministry of Transportation
45890 Victoria Street
Chilliwack, BC V2P 2T1

Dear James A. Ferguson:

Re: Proposed Conventional Two (2) Lot Subdivision Application for 54660 Trans Canada Highway, Lot A District Lot 3 Yale (Formerly Lytton) Division Yale District Plan 19352

The Fraser Valley Regional District has reviewed the proposed conventional 2-lot subdivision application as noted above and as shown in the enclosed **Appendix A**. This letter from the Fraser Valley Regional District (FVRD), given to Ministry of Transportation and Infrastructure and copied to the applicants for convenience, is a list of the FVRD requirements and general information, and is in no way a final approval for any purpose.

The comments and requirements of this letter are valid for a period of one year from the above noted date and subject to the applicant fulfilling all requirements of applicable Fraser Valley Regional District bylaws and regulations.

Please note that we reserve the right to add additional requirements to this letter if necessary. Notification of further requirements will be provided to both the developer and the approving officer.

We are advising the applicant of our comments and requirements by copy of this letter. We request that the applicant provide a copy of this letter to all professionals engaged on their behalf. We also recommend that the applicant meet with us to discuss Fraser Valley Regional District requirements prior to undertaking work on the relevant items.

FRASER VALLEY REGIONAL DISTRICT REQUIREMENTS

1. Fees and Payment: *For Information*

Charge	Charge Rate
School Site Acquisition Charges (Per Newly Created Lot)	Not Applicable
Development Cost Charges (Per Newly Created Lot)	Not Applicable

2. FVRD Land Use Bylaw Compliance Summary: *Development Variance Permit Required*

Zoning

Proposed Lot	Zone	Minimum Size	Proposal	Complies
Remainder A	R-1	2.0 hectares	approx. 1.33 hectares	No
Lot 1	R-1	2.0 hectares	approx. 1.33 hectares	No

The proposal does not comply with *Zoning Bylaw for the Rural Portions of Electoral Area "A", Regional District of Fraser-Cheam Bylaw No.823, 1990*.

The subject property, 54660 Trans Canada Highway, is zoned Rural (R-1). The proposed subdivision includes lots that are smaller than the minimum required parcel size of 2.0 hectares as specified in the zoning bylaw.

Per s. 6.3.0 (f) of the zoning bylaw, the minimum parcel size shall not apply where the number of new parcels in a proposed subdivision does not exceed the number of wholly separate and independent principle buildings containing dwelling units which have been legally constructed and permanently erected on the land to be subdivided, provided that:

- (i) Each new parcel so created contains at least one wholly separate and independent principal building containing a dwelling unit which was legally constructed prior to the date of adoption of this bylaw and for which the owner applies to and receives from the Regional Board an Occupancy Permit pursuant to the building regulations of the Regional District; and
- (ii) Where a proposed parcel is not served by a community sewer system, the written approval of the Medical Health Officer is given; and
- (iii) For other than parcel size, each new parcel so created meets the bylaw requirements of the Regional District for the intended use.

A Development Variance Permit is required to vary the above listed exemption clauses in the zoning bylaw that relates to the construction dates of the two (2) existing residences and the conditions for occupancy. Provided that a Development Variance Permit is attained, subject to the approval of the Regional Board, the zoning bylaw regulations will be considered met.

Official Community Plan

The subject property is located outside of the Official Community Plan boundary and is therefore not subject to OCP policies or designations.

3. Agricultural Land Reserve: *For Information*

The property is located within the Agricultural Land Reserve (ALR), therefore, approval from the Agricultural Land Commission (ALC) is required. The CEO of the ALC, by delegated authority, approved the proposed subdivision on May 31, 2016 per Resolution #172/2016, subject to the following conditions:

- a. The subdivision be in substantial compliance with the plan submitted with the application;
- b. The subdivision plan must be completed within three (3) years from the date the decision.

A copy of the Decision is enclosed (**Appendix B**).

4. Park Dedication: *Not Required – For Information*

The proposed two (2) lot subdivision does not require park dedication under section 510 of the *Local Government Act* as fewer than 3 additional lots are being created.

5. Frontage Requirements: *For Information*

Pursuant to section 512 of the *Local Government Act*, the minimum frontage on a highway must be a minimum of 10% of the perimeter width. The proposed frontages of Remainder Lot A and Lot 1 meet this requirement.

6. Hazards and Geotechnical Report: *Restrictive Covenant Required*

The subject property is identified as being subject to rockfall hazards and related geotechnical issues. The applicant has provided a site specific geotechnical hazard assessment dated November 2010 which has been recently updated to include a cover letter from the author dated October 22, 2016 (**Appendix C**).

The report identifies the hazard affecting the property and concludes that the land may be used safely for the use intended, the proposed two (2) lot residential subdivision, on the condition that a safe residential area defined by the 27.5° rockfall shadow zone is enforced via a restrictive covenant registered on the property title. The hazard report is accompanied by reference plan EPP64702 of the safeline identified in the report.

The registration of a restrictive covenant and reference plan EPP64702 per section 56 of the *Community Charter* is required to identify the safe building sites on each proposed lot as recommended by the geotechnical hazard assessment.

7. Fraser Valley Regional District – Levels of Service Requirements: *Verification Required – See Below*

SUMMARY	
MINIMUM LEVELS OF SERVICE Single Family Residential (1 ha or greater)	APPROVAL AGENCY
Proven Water Supply	Interior Health Authority (IHA) and Ministry of Transportation and Infrastructure (MOTI) – Approving Officer (AO)
On-Site Sewage Disposal	
Overhead Wiring	Ministry of Transportation and Infrastructure (MOTI) – Approving Officer (AO)

Fraser Valley Regional District Subdivision and Servicing Bylaw No. 1319, 2015

The minimum levels of service standards per *Fraser Valley Regional District Subdivision and Servicing Bylaw No. 1319, 2015* are as follows:

I. Proven Water Supply: *Verification, Easement, and Development Variance Permit Required*

Bylaw No. 1319, 2015 water supply standard for parcels greater than 1.0 hectare (Policy 7.13.5):

7.13.5. Where a *Community Water System* is not required as prescribed by the level of service and an independent on-site water supply system is deemed appropriate, the following is required for *Approval* by the *Approving Officer*:

- a. The quality of the water must be approved by the [Interior Health Authority];
- b. The capacity of the well confirms to the requirements outlined in Schedule B of this bylaw without compromising the capacity of the water source;
- c. Flow rates shall be no less than 18 litres per minute for one hour;
- d. Capacity shall be no less than 2500 litres per day for each *Parcel* that includes, or can reasonably be expected in the future to include, a residential dwelling unit; and,
- e. Quality standards must meet the requirements set by the Guidelines for Canadian Drinking Water Quality.

The FVRD Subdivision and Development Servicing Bylaw No. 1319, 2015 requires an independent, on-site water supply for each parcel created through subdivision. However, the applicant has proposed that the water supply to the newly created Lot 1 be supplied by its own intake and supply line from the existing well located on the Remainder Lot A, with access secured by an easement.

The minimum flow and capacity requirements for on-site water supply, as noted above from section 7.13.5 are based on water supply to a single parcel. As the existing well is proposed to supply water for two separate parcels, the FVRD has determined that the following flow and capacity is acceptable:

On-Site Water Supply Requirements		
Metric	For One Parcel (Per Bylaw)	For Two Parcels (As Proposed)
Flow Rates	18 L/min	18 L/min
Capacity	2500 L/day	3,750 L/day

In order to proceed with the off-site water supply for the proposed Lot 1, secured through an easement, a Development Variance Permit is also required. Additionally, an Operating Permit may be required from Interior Health for the supply of water to more than one parcel from a single source.

Alternatively, the applicant may consider providing an independent on-site water supply system for the proposed Lot 1 that is consistent with FVRD bylaws and Provincial Regulations in order to eliminate the requirement for a Development Variance Permit, an access easement, and an Operating Permit.

II. On-Site Sewage Collection and Disposal: *Verification Required*

Bylaw No. 1319, 2015 on-site sanitary system standard for parcels greater than 1.0 hectare (Policy 7.14.2):

7.14.2. Where a *Community Sanitary Sewer System* is not required as prescribed by the level of service, and an on-site sanitary system is deemed appropriate, the following is required for *Approval* by the *Approving Officer*:

- A certified *Hydrogeologist* experienced with *Groundwater* and quaternary deposits shall certify that the ground percolation rates are suitable for the subsoil absorption of septic waste from an in-site sanitary system. Where a *Type 1 sanitary Sewer System* is proposed, this certification can be provided by a *Registered Onsite Wastewater Practitioner*;
- A *Medical Health Officer* from the [Interior Health Authority] shall approve the conditions for the proposed on-site sanitary system; and
- The proposed establishment of the on-site sanitary system shall be in accordance with the *Public Health Act*, *Environmental Management Act* and to the standards of the [Interior Health Authority].

III. Overhead Wiring: *Verification Required*

Bylaw No.1319, 2015 specifies overhead wiring as a minimum level of service for the proposed subdivision (Policy 7.17.1):

Every proposed *Subdivision* shall have written confirmation that arrangements have been made to supply electrical power to each *Parcel* being created by the Subdivision.

8. Property Title Encumbrances: *Resolution/Discharge of Certificate of Pending Litigation Required*

A recent search of the property title (**Appendix D**) shows a Certificate of Pending Litigation (CA4124897) registered in favour of August Sturm against the title. This means that in order to register the required restrictive covenant on the property title, the covenant will be subject to the rights claimed under the Certificate of Pending Litigation. As it is not possible to obtain priority over the Certificate of Pending Litigation, the FVRD runs the risk of losing the covenant should the claim be successful. Given the critical nature of the required geotechnical covenant, to use the land only in the manner certified by the qualified professional engineer, the FVRD cannot enter into the covenant until the title has been cleared of the Certificate of Pending Litigation and a priority agreement can be registered in conjunction with the registration of the section 219 covenant.

CONCLUSION

The Fraser Valley Regional District can support the Ministry of Transportation and Infrastructure's issuance of a preliminary layout approval (PLA) for the proposed subdivision provided the FVRD requirements outlined in this letter are satisfied. The applicants are encouraged to arrange a meeting with the FVRD to review the details of this letter. If you have any questions or concerns about the information provided, please contact Katelyn Hipwell, Planner 1 at 604-702-5011 or khipwell@fvrd.ca.

Sincerely,



Digitally signed by
Katelyn Hipwell
Date: 2017.02.21
14:08:22 -08'00'

Katelyn Hipwell
Planner 1

cc: Ken and Mary Lou Campbell, Applicant
Robert Dufresne, Alternate EA Director, Electoral Area "A"
Terry Raymond, EA Director, Electoral Area "A"
Margaret Thornton, Director of Planning and Development

SCHEDULE A-4

Permit Application

I / We hereby apply under Part 14 of the *Local Government Act* for a;

☒ Development Variance Permit

☐ Temporary Use Permit

☐ Development Permit

An Application Fee in the amount of \$ 350.00 as stipulated in FVRD Application Fees Bylaw No. 1231, 2013 must be paid upon submission of this application.

Civic Address 54660 Trans-Canada Hwy, B.Bar PID 008-063-338

Legal Description Lot A Block DL3 Section 9 Township 12 Range 26 Plan 19352

The property described above is the subject of this application and is referred to herein as the 'subject property.' This application is made with my full knowledge and consent. I declare that the information submitted in support of the application is true and correct in all respects.

Owner's Declaration

Name of Owner (print) Mary Lou Campbell	Signature of Owner 	Date Feb 28/2019
Name of Owner (print) Ken Campbell	Signature of Owner 	Date Feb 28/2019

Owner's Contact Information

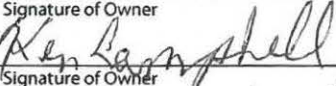
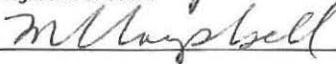
Address 54660 Trans-Canada Hwy	City Boston Bar
Email	Postal Code V0K 1C0
Phone	Fax

Office Use Only	Date 4 MARCH 2019	File No. 3090-20 2019-08
	Received By AA	Folio No. 732.00036.110
	Receipt No. 8069/2	Fees Paid: \$ 350.00

Agent

I hereby give permission to Chris O'Connor to act as my/our agent in all matters relating to this application.


Only complete this section if the applicant is NOT the owner.

Signature of Owner 	Date Feb 28, 2019
Signature of Owner 	Date Feb 28, 2019

Agent's contact information and declaration

Name of Agent Chris O'Connor		Company N/A
Address		City
Email		Postal Code
Phone		Fax

I declare that the information submitted in support of this application is true and correct in all respects.

Signature of Agent 	Date Feb 28, 2019
---	----------------------

Development Details

Property Size 2.6 Present Zoning R-1
Existing Use Residential
Proposed Development Proposing to subdivide into two(2) residential lots

Proposed Variation / Supplement The proposed subdivision of the lot would create two parcels that do not meet the minimum lot size requirements of the zone(2.0 ha), lots of 1.33 hectares (3.28 acres).

(use separate sheet if necessary)

Reasons in Support of Application Section 6.3.0 (f) of Zoning Bylaw No. 0823 allows exceptions to minimum parcel sizes where the number of new parcels created does not exceed the number of separate principle dwelling units and that the d units were legally constructed prior to the adoption of the Zoning Bylaw.

The property has two existing dwellings, both of which were constructed after the adoption of the Zoning Bylaw without receiving final occupancy.

Page 3 of 4

**Riparian
Areas
Regulation**

Please indicate whether the development proposal involves residential, commercial, or including vegetation removal or alteration; soil disturbance; construction of buildings and structures; creation of impervious or semi-pervious surfaces; trails, roads, docks, wharves, bridges and, infrastructure and works of any kind – within:

yes
☐

no
☒

30 metres of the high water mark of any water body

yes
☐

no
☒

a ravine or within 30 metres of the top of a ravine bank

"Water body" includes; 1) a watercourse, whether it usually contains water or not; 2) a pond, lake, river, creek, or brook; 3) a ditch, spring, or wetland that is connected by surface flow to 1 or 2 above.

Under the *Riparian Areas Regulation* and the *Fish Protection Act*, a riparian area assessment report may be required before this application can be approved.

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Sites Profile**

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yes
☐

no
☒

the property has been used for commercial or industrial purposes.

If you responded 'yes,' you may be required to submit a Site Profile. Please contact FVRD Planning or the Ministry of Environment for further information.

**Archaeological
Resources**

Are there archaeological sites or resources on the subject property?

yes
☒

no
☐

I don't know

☐

If you responded 'yes' or 'I don't know' you may be advised to contact the Archaeology Branch of the Ministry of Tourism, Sport and the Arts for further information.

Required Information

When providing Application Forms to the applicant, Regional District staff shall indicate which of the following attachments are required for this application. **Additional information may also be required at a later date.**

	Required	Received	Details
Location Map		X	Showing the parcel (s) to which this application pertains and uses on adjacent parcels
Site Plan At a scale of: 1: _____		X	Reduced sets of metric plans
		X	North arrow and scale
		X	Dimensions of property lines, rights-of-ways, easements
		X	Location and dimensions of existing buildings & setbacks to lot lines, rights-of-ways, easements
		X	Location and dimensions of proposed buildings & setbacks to lot lines, rights-of-ways, easements
		X	Location of all water features, including streams, wetlands, ponds, ditches, lakes on or adjacent to the property
		X	Location of all existing & proposed water lines, wells, septic fields, sanitary sewer & storm drain, including sizes
		X	Location, numbering & dimensions of all vehicle and bicycle parking, disabled persons' parking, vehicle stops & loading
		X	Natural & finished grades of site, at buildings & retaining walls
		X	Location of existing & proposed access, pathways
		X	Above ground services, equipment and exterior lighting details
		X	Location & dimensions of free-standing signs
			Storm water management infrastructure and impermeable surfaces
			Other:
Floor Plans		X	Uses of spaces & building dimensions
			Other:
Landscape Plan Same scale as site plan			Location, quantity, size & species of existing & proposed plants, trees & turf
		X	Contour information (_____ metre contour intervals)
		X	Major topographical features (water course, rocks, etc.)
			All screening, paving, retaining walls & other details
			Traffic circulation (pedestrian, automobile, etc.)
			Other:
Reports		X	Geotechnical Report
			Environmental Assessment
			Archaeological Assessment
			Other:

The personal information on this form is being collected in accordance with Section 26 of the *Freedom of Information and Protection of Privacy Act, RSBC 1996 Ch. 165* and the *Local Government Act, RSBC 2015 Ch. 1*. It will only be collected, used and disclosed for the purpose of administering matters with respect to planning, land use management and related services delivered, or proposed to be delivered, by the FVRD. Questions about the use of personal information and the protection of privacy may be directed to the FVRD Privacy Officer at 45950 Cheam Avenue, Chilliwack, BC V2P 1N6, Tel: 1-800-528-0061 FQI@fvrld.ca.



FRASER VALLEY REGIONAL DISTRICT DEVELOPMENT VARIANCE PERMIT

Permit No. Development Variance Permit 2019-08

Folio No. 732.00036.110

Issued to: Mary Lou & Ken Campbell

Address:

Applicant: Chris O'Connor

Site Address: 54660 Trans Canada Highway, Electoral Area A

The lands affected by and subject to this permit are shown on Schedule "A", Location Map, attached hereto, which forms an integral part of this permit, and are legally described as:

LOT A DISTRICT LOT 3 YALE (FORMERLY LYTTON) DIVISION YALE DISTRICT PLAN 19352
008-063-338

LIST OF ATTACHMENTS

Schedule "A": Location Map

Schedule "B": Site Plan

AUTHORITY TO ISSUE

1. This Development Variance Permit is issued under Part 14 – Division 9 of the *Local Government Act*.

BYLAWS SUPPLEMENTED OR VARIED

Zoning Bylaw for the Rural Portions of Electoral Area "A", Regional District of Fraser-Cheam Bylaw No. 823, 1989 is **varied** as follows:

Section 6.3.0 Exceptions to Minimum Parcel Size

(f)(i) To waive the requirements for:

- construction dates of the principal buildings (containing dwelling units); and,
 - obtaining Occupancy Permits for those principal buildings from the Regional Board.
-

SPECIAL TERMS AND CONDITIONS

1. No variances other than those specifically set out in this permit are implied or to be construed.
2. If the holder of this permit does not commence the construction with respect to which the Permit was issued within two (2) years after the date of the permit, this permit shall lapse.
3. Development of the site shall be undertaken in accordance with the Site Plan attached hereto as Schedule "B".

GENERAL TERMS AND CONDITIONS

1. This Development Variance Permit is issued Pursuant to Part 14 – Division 9 of the *Local Government Act*.
 2. This Development Variance Permit shall not vary the permitted uses or densities of land use in the applicable zoning bylaw nor a flood plain specification designated under Section 524 of the *Local Government Act*.
 3. Nothing in this permit shall in any way relieve the developer's obligation to ensure that the development proposal complies in every way with the statutes, regulations, requirements, covenants and licences applicable to the undertaking.
 4. Nothing in this permit shall in any way relieve the developers obligation to comply with all setback regulations for construction of structures or provision of on-site services pursuant to the *Public Health Act*, the *Fire Services Act*, the *Safety Standards Act*, and any other provincial statutes.
-

SECURITY DEPOSIT

As a condition of the issuance of this Permit, and pursuant to Section 502 of the *Local Government Act*, the Regional Board is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit

Should the holder of this permit:

- a. fail to complete the works required to satisfy the landscaping conditions contained herein,
- b. contravene a condition of the permit in such a way as to create an unsafe condition,

The Regional Board may undertake and complete the works required to satisfy the landscaping conditions, or carry out any construction required to correct an unsafe condition at the cost of the holder of the permit and may apply the security in payment of the costs of the works, with any excess to be returned to the holder of the permit.

Security Posted: (a) an irrevocable letter of credit in the amount of: \$ N/A.
 (b) the deposit of the following specified security: \$ N/A.

Note: The Regional District shall file a notice of this permit in the Land Title Office stating that the land described in the notice is subject to Development Variance Permit Number 2019-08. The notice shall take the form of Appendix I attached hereto.

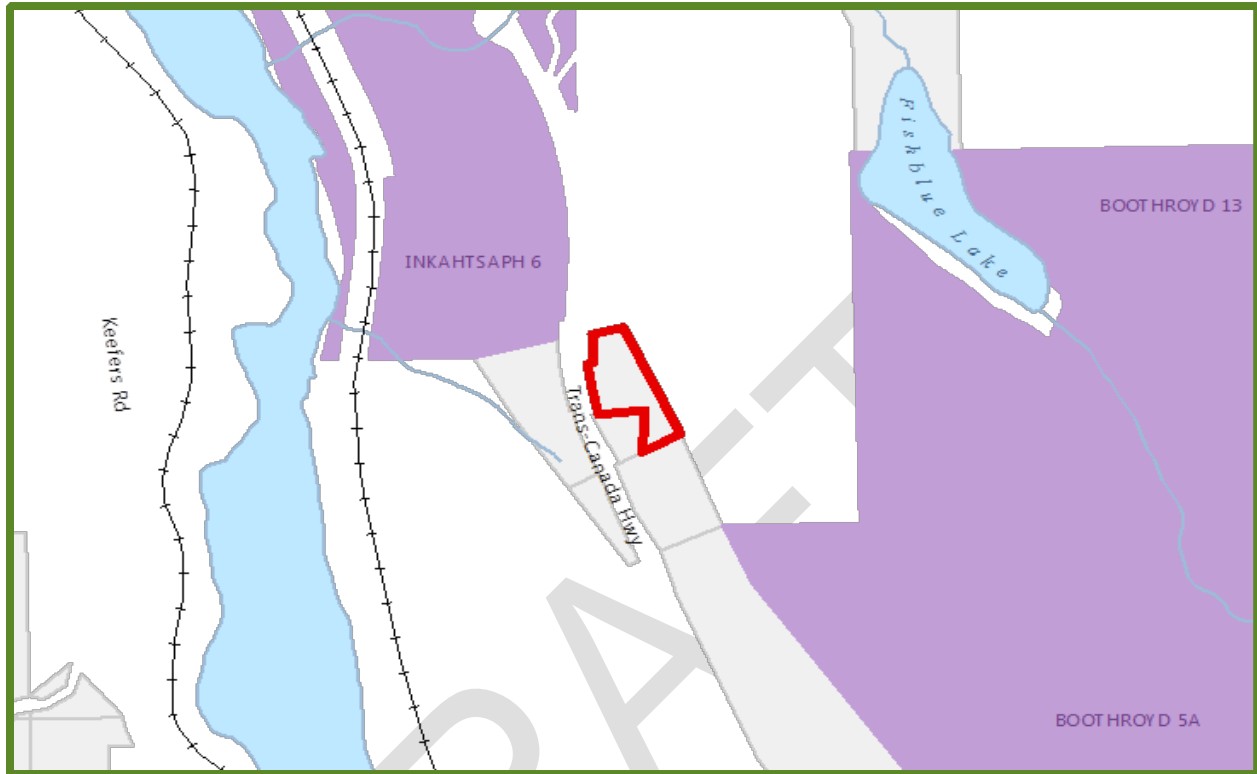
AUTHORIZING RESOLUTION PASSED BY THE BOARD OF DIRECTORS OF THE FRASER VALLEY REGIONAL DISTRICT ON THE <DAY> DAY OF <MONTH>, <YEAR>

Chief Administrative Officer / Deputy

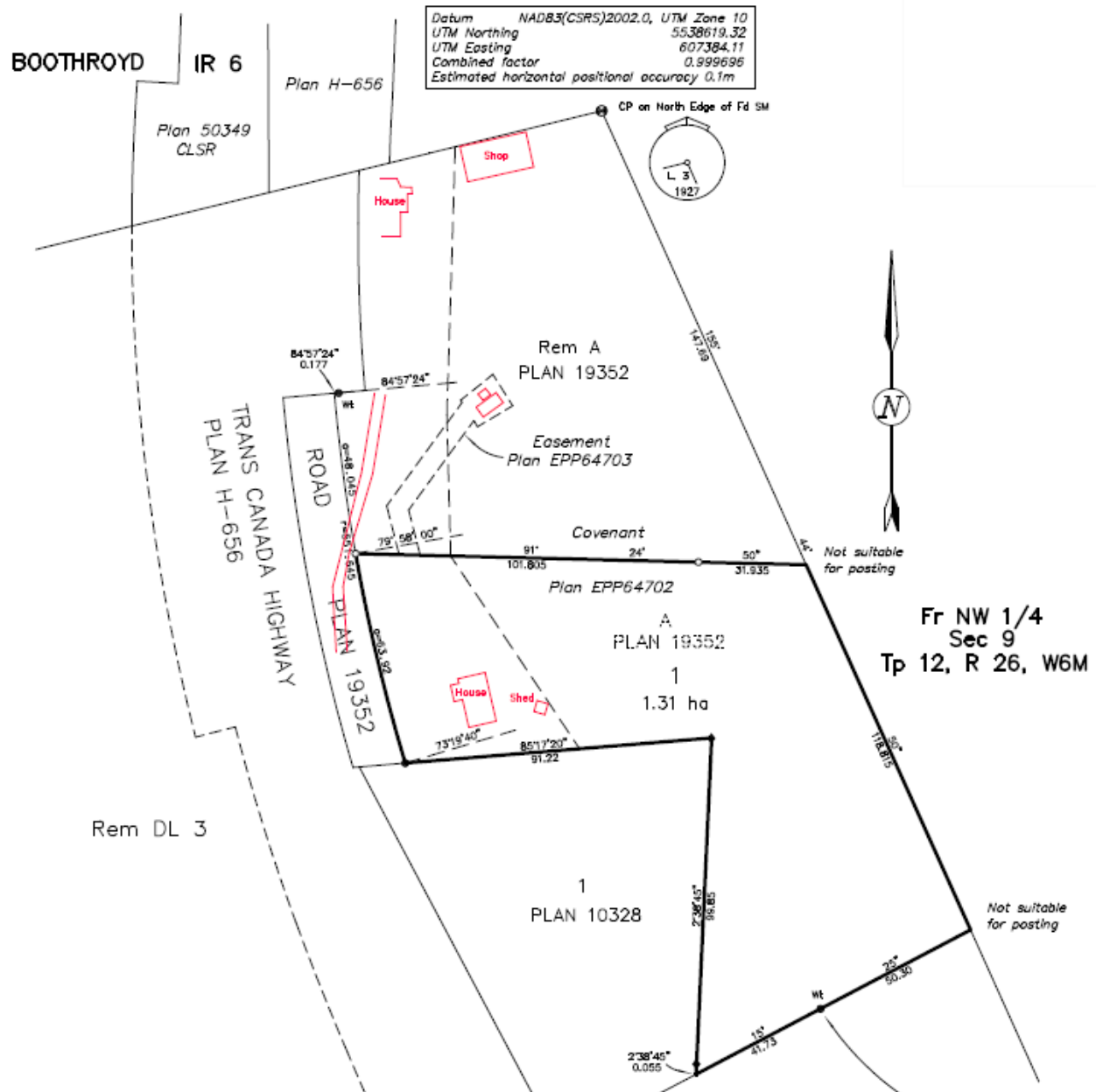
THIS IS NOT A BUILDING PERMIT

DRAFT

DEVELOPMENT VARIANCE PERMIT 2019-08
SCHEDULE "A"
Location Map



DEVELOPMENT VARIANCE PERMIT 2019-08 **SCHEDULE "B"** **Site Plan**



To: CAO for the Regional and Corporate Services Committee

Date: 2019-04-09

From: Christina Vugteveen, Manager of Park Operations

File No: 2320-30

Subject: Renewal of Glen Valley and Matsqui Trail Regional Parks Operating & Maintenance Agreement

RECOMMENDATION

THAT the Fraser Valley Regional District Board grant a one (1) year extension to March 31, 2020 to the Glen Valley Regional Park and Matsqui Trail Regional Park Operating and Maintenance Agreement with the City of Abbotsford for the amount of \$527,900.

STRATEGIC AREA(S) OF FOCUS

Support Healthy & Sustainable Community
Provide Responsive & Effective Public Services

PRIORITIES

Priority #4 Tourism
Priority #5 Outdoor Recreation

BACKGROUND

The Fraser Valley Regional District (FVRD), City of Abbotsford, and Metro Vancouver worked collaboratively to transfer Matsqui Trail Regional Park, Glen Valley Regional Park, and the Western Flank of Sumas Mountain to the FVRD. These three parks operate out of a sub-regional service area which came into effect in March 2018, and includes Abbotsford and a portion of Electoral Area G.

Metro Vancouver continued to operate these parks until July 2018, with the FVRD compensating it for the portion of the year since the FVRD was legally responsible for the lands. The FVRD then entered into an agreement with the City of Abbotsford to continue maintaining and operating Glen Valley and Matsqui Trail Regional Parks, while the responsibility for the Western Flank of Sumas Mountain remained with the FVRD.

The existing *Glen Valley Regional Park and Matsqui Trail Regional Park Operating and Maintenance Agreement* and its existing Service Fee only provided for approximately 6 months of efforts undertaken by the City of Abbotsford. This agreement, which is currently up for renewal, must consider a full year's compensation for the City of Abbotsford.

DISCUSSION

Working closely with City of Abbotsford staff, an operations and maintenance plan and contract was created in order to maintain park assets in a way to best serve the public both operationally and financially. The structure of the agreement allows for yearly extensions and a review of the Service Fee, based on annual budget discussions.

The current renewal will include:

- Extension of the Term to March 31, 2020
- Increase in the Service Fee to a full year's compensation that the FVRD will pay the City of Abbotsford for operating and maintaining the parks.

The FVRD will continue to work closely with the City of Abbotsford to develop long term plans for these parks including finalizing standards of service and outlining future capital improvement requirements. Updates to these discussions and any resulting modifications to the agreement will be brought forward to the Board.

COST

In 2018, the FVRD paid \$577,777 for the operation and maintenance of Glen Valley and Matsqui Trail Regional Parks. Of this \$332,255 was paid to Metro Vancouver and \$245,522.22 was paid to City of Abbotsford. Accordingly, the Service Fee for the *Glen Valley Regional Park and Matsqui Trail Regional Park Operating and Maintenance Agreement* with the City of Abbotsford is proposed to increase to \$527,900 to reflect a full years' worth of work.

This amount is included in the approved 2019 budget for Sub-Regional Parks (West) and was based on discussions held in June 2018 with FVRD directors from Abbotsford and the Director from Electoral Area G. Operational needs were assessed at that time and 2019 priorities for the three parks were determined.

CONCLUSION

Annual contract amendments are required for the agreement between the FVRD and the City of Abbotsford to ensure budget discussions are captured for operations and maintenance of Matsqui Trail Regional Park and Glen Valley Regional Park.

COMMENTS BY:

Stacey Barker, Director of Regional Services: Reviewed and supported.

Mike Veenbaas, Director of Financial Services: Reviewed and supported.

Paul Gipps, Chief Administrative Officer: Reviewed and supported.

To: CAO for the Electoral Area Services Committee
From: Paul Gipps, Chief Administrative Officer

Date: 2019 04 09
File No: 3920-20-0837/1433

Subject: Hatzic Prairie Water System Legacy Debt

RECOMMENDATION

THAT staff be directed to enter into a Capital Improvement Construction Fee Agreement with the owners of the property located at 11426, 11210 and 11082 Sylvester Road not connecting into the Hatzic Prairie Water System Sylvester Road Extension.

STRATEGIC AREA(S) OF FOCUS

Support Healthy & Sustainable Community
Provide Responsive & Effective Public Services

PRIORITIES

Priority #2 Air & Water Quality

BACKGROUND

The Hatzic Prairie Water System (HPWS) was originally built in 2008 to provide potable water to the Sheltered Cove, Riverside and Mountainview subdivisions in Hatzic Prairie. In 2011, the system was upgraded with the construction of a reservoir for the provision of fire protection. Both the original system and the 2011 upgrades were paid for through a combination of grant funding as well as borrowing through the Municipal Financing Authority (MFA). The service area for the HPWS is shown in dark blue in the attached figure.

Funding for this service area is collected through a parcel tax as well as a user fee collected in the form of a semi-annual utility bill. The funds collected cover the water systems operations expenses, contributions towards the systems capital reserve and to service the legacy debt from funds borrowed through MFA for the original 2008 construction and 2011 upgrades. With the changes to the fee structure by proposed Fees and Regulations Amendment Bylaw No. 1522, 2019, all funding for operations expenses and contributions towards the capital reserve would be collected through the user fee whereas all funding required to service the legacy debt would be collected through the parcel tax.

In 2017, a petition was sent out to property owners on Sylvester Rd for the further expansion of the HPWS to provide service to properties along the Sylvester Rd corridor. The proposed extension would be financed through grant funding and some borrowing through MFA to be repaid only by the adjacent properties along Sylvester Rd. The service area for the Sylvester Rd water main extension is shown in light blue in the attached figure. The petitions sent out in 2017 passed in favour of the project and in early 2019 the Sylvester Rd water main extension was built.

Today we are finalizing the service areas and associated fees and taxes needed to collect the funds for this Sylvester Rd extension.

Staff are proposing that for consistency purposes all properties covered by the Sylvester Road Water Extension petition shall be required to pay for the construction of the project under a construction service area. Properties that connect will be required to pay all operating costs including the legacy debt that exists for the base system through an operating service area. There are three properties (11426, 11210 and 11082 Sylvester Rd) that are choosing not to connect, as they have their own well, and instead of collecting the legacy debt through a property tax each year we are proposing that they enter into a Capital Improvement Connection fee agreement, similar to a late user agreement, whereby they would be required to pay the current and historical legacy debt less depreciated value of the legacy infrastructure should they connect.

Staff feel this is a good alternative to taxation today for a future payment model should they connect.

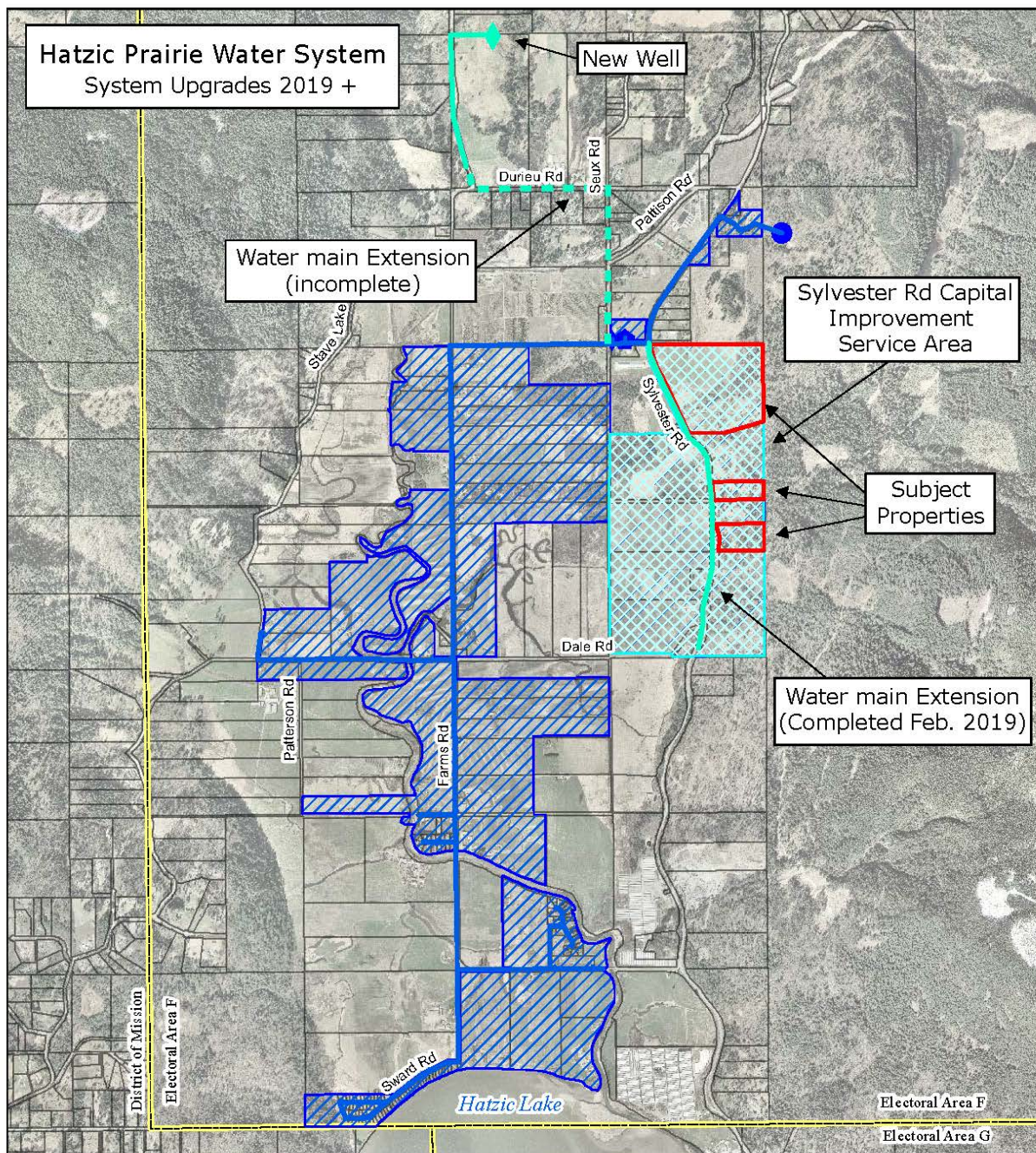
COMMENTS BY:

Tareq Islam, Director of Engineering and Community Services

No further comments.

Mike Veenbaas, Director of Financial Services

No further comments.



To: CAO for the Fraser Valley Regional District Board

Date: 2019-04-25

From: Carolynn Lane
Engineering and Community Services Technologist

File No: 2320-60

Subject: Northside Transfer Station Hauling Contracts

RECOMMENDATION

THAT the Fraser Valley Regional District authorize its signatories to execute a contract with Valley Waste and Recycling the contract to provide bin hauling services for the Sylvester Road, Harrison Mills and Hemlock Valley Transfer Stations.

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

Support Environmental Stewardship

PRIORITIES

Priority #1 Waste Mangement

BACKGROUND

The FVRD operates three transfer stations on the Northside of the Fraser River – Sylvester Road in Area F, and Harrison Mills and Hemlock Valley in Area C. Each transfer station is set up with a combination of 40 yd roll-off bins for garbage and/or recycling, organics totes for food waste collection and a 12 yd bin for seasonal yard waste collection. These waste collection receptacles are required to be hauled to their final destinations for disposal/recycling/composting on a weekly or bi-weekly basis. As such, a contractor is required to dump and return the bins.

Staff issued RFP-19001 on February 12, 2019, for a two year contract for the provision of solid waste hauling services for the Northside transfer stations, including Sylvester Road, Harrison Mills and Hemlock Valley. The RFP was posted on BC Bid, and closed on March 5, 2019.

DISCUSSION

Proposals from three proponents were received and evaluated by Staff, who identified Valley Waste and Recycling as the preferred proponent.

Their proposal met all of the requirements of the RFP. The contract price is within the available funding of the service areas and represents good value to the FVRD. Valley Waste and Recycling has extensive experience working with the FVRD, and has provided excellent service in the past.

COST

Proposed costs for the services were provided on a per-haul event basis. Based on 2018 averages, the total costs for hauling services is \$74,650 per year.

This may change based on the amounts of waste received or if collection services are upgraded at any of the transfer stations, ie. introduction of recycling/composting collection in Hemlock Valley.

COMMENTS BY:

Tareq Islam, Director of Engineering & Community Services

Reviewed and supported.

Mike Veenbaas, Director of Financial Services

Reviewed and supported.

Paul Gipps, Chief Administrative Officer

Reviewed and supported

To: CAO for the Regional and Corporate Services Committee

Date: 2019-04-09

From: Marina Richter, Environmental Policy Analyst

File No: 9050-20-078

Subject: Radon awareness in the FVRD

INTENT

This report is intended to advise the Regional and Corporate Services Committee of information pertaining to concerns associated with radon exposure within the Fraser Valley and an upcoming Health Canada workshop. Staff is not looking for a recommendation and has forwarded this information should members want more clarification or to discuss the item further.

STRATEGIC AREA(S) OF FOCUS

Support Environmental Stewardship
Support Healthy & Sustainable Community
Provide Responsive & Effective Public Services

PRIORITIES

Priority #2 Air & Water Quality

BACKGROUND

Radon can be found in all regions of British Columbia, including the FVRD. It is a colorless, odorless, radioactive gas created by the normal decay of natural uranium found in underlying bedrock. When radon escapes from the ground and enters a building through the small openings in foundations and walls, it can accumulate. Long-term exposure to high levels of radon results in an increased risk of developing lung cancer. In fact, Health Canada estimates that long-term exposure to radon is the second leading cause of lung cancer after smoking and is linked to 16% of lung cancer deaths in Canada.

A measurable amount of radon could be found in any building; however, radon levels vary significantly from place to place. If radon is detected at the levels above the health guideline threshold of 200 Becquerel per cubic meter (Bq/m³), mitigation measures should be taken to vent the gas to the outdoors. Health Canada recommends taking action within 1-2 years to lower the indoor radon levels above the threshold.

DISCUSSION

New radon data indicates that some areas in the FVRD have radon levels that are of concern. Naturally-emitted radon exists throughout the Fraser Valley, but the data has resulted in some areas being upgraded to either Zone 2 (elevated) or even Zone 1 (high levels). Buildings within those areas, particularly older buildings, have relatively high radon potential. This categorization does not mean

that buildings in lower risk zones are radon-free. The only way to know if the house has high radon levels is to test it, which is what is being recommended by Health Canada.

The upgraded radon levels bring associated new requirements under the 2018 BC Building Code. For example, under the new Code, all new buildings located at the High Risk Zones (Zone1) are required to have a radon rough-in (vent pipe) for a subfloor depressurization system.

Due to radon levels within the Fraser Valley and the potential health concerns associated with it, Health Canada has asked the FVRD to assist it in facilitating an upcoming workshop for local government planners and building inspectors across the region. The workshop will provide information on radon and its associated health concerns, where it is found, how it can be tested, applicable regulations, and what can be done to reduce exposure levels. The FVRD is also seeking to acquire several radon test kits that will be distributed for use amongst interested municipalities.

The workshop is tentatively planned for mid-June. More information will be provided once dates are secured.

COST

n/a

CONCLUSION

Radon is the second leading cause of lung cancer in Canada, but awareness about radon remains relatively low. It is a naturally occurring gas found within Fraser Valley bedrock, and when emitted, can accumulate in buildings resulting in exposure concerns. Health Canada would like to work with the FVRD on an upcoming workshop to raise awareness about radon and protect residents from potentially unsafe exposure.

COMMENTS BY:

Stacey Barker, Director of Regional Services

Reviewed and supported.

Mike Veenbaas, Director of Financial Services

No further financial comments.

Paul Gipps, Chief Administrative Officer

Reviewed and supported

To: CAO for the Fraser Valley Regional District Board
From: Marina Richter, Environmental Policy Analyst

Date: 2019-04-25
File No: 9050-20-018

Subject: Corporate Fleet and Electric Vehicle Suitability Assessment

INTENT

This report is intended to advise the Fraser Valley Regional District Board of information pertaining to the Fraser Valley Regional District (FVRD) corporate fleet and electric vehicle suitability assessment conducted in 2017-2018. Staff is not looking for a recommendation and has forwarded this information should members want more clarification to discuss the item further. This report has been revised since being presented to Regional and Corporate Services Committee at its meeting on April 9 for added clarity.

STRATEGIC AREA(S) OF FOCUS

Support Environmental Stewardship
Support Healthy & Sustainable Community

PRIORITIES

Priority #2 Air & Water Quality

BACKGROUND

The FVRD takes continuous action to expand the use of zero-emission vehicles in the region. In 2017-2018, the FVRD participated in a study looking at the FVRD's vehicle fleet to assess its suitability and identify future opportunities. The study was supported by the Fraser Basin Council's BC Fleet Champions Program at no cost to the FVRD.

Onboard diagnostic devices were installed in each of the FVRD's 25 fleet vehicles, including three Electric Vehicles (EVs), to collect data on fleet efficiency, suitability of existing EVs, potential for adopting more EVs, and to understand FVRD driver behaviours. Based on the data analysis, recommendations were developed to reduce both costs and emissions for the FVRD fleet.

DISCUSSION

Fleet baseline data

Metrics monitored during the assessment included details of driving cycles, such as speed, distance and time driven, driving patterns, and energy demands from the vehicles for trips made in 2017 and part of 2018. Despite the size of the region, results show that short and middle-distance trips were quite common for FVRD fleet vehicles. Out of the entire fleet, 32% of vehicles traveled less than 50 km daily, and 67% of vehicles traveled less than 150 km daily. Average drive distance was longer for conventional gasoline vehicles, both annually (+35%) and daily (+61%) compared to EVs. Gasoline vehicles also made 18% more trips per car than EVs (Table 1). However, the EVs were driven for more days than gasoline vehicles during the year (+56%).

Overall, the results of the fleet assessment show that EVs were vehicles of choice for the shorter trips. It also means that the EVs have been fully utilized by FVRD drivers and have been well incorporated into FVRD driving routines on a daily basis.

Table 1. FVRD fleet utilization in 2017-18

	Gasoline vehicles	EVs
FVRD vehicles monitored*	22	3
Average distance per year driven by a single vehicle (km/year)	8,231	5,324
Average distance per driving day driven by a single vehicle (km/day)**	92	36
Average number of driving days per year for a single vehicle (days/year)***	88	137
Average number of trips per year for a single vehicle (trips/year)	612	502

Notes:

* Only 2015 vehicle models and older were monitored during the assessment.

** Values have been corrected from the previous version of the Corporate Report.

*** Lower averages for gasoline vehicles could be partially attributed to a few older underutilized vehicles which have already been replaced by newer models.

Fuel efficiency

Use of EVs by FVRD staff has improved the overall fuel efficiency of the fleet by 11%. This represents savings of 5,000 litres of gasoline per year and a reduction of almost 12,000 kg of CO₂ from being emitted into the atmosphere (Table 2).

Table 2. The FVRD fleet fuel efficiency in 2017-18

	Without EVs	With EVs	Difference
Fuel efficiency (L/100km equivalent)	12.84	11.53	11%
Total fuel economy from the EV usage			4,972 liters
Total GHG economy from the EV usage			11,660 kg CO ₂

The potential for fleet electrification

The EV suitability assessment used the existing vehicle baseline data as a benchmark and provided recommendations regarding further electrification of the FVRD fleet. The report recommended replacing up to nine existing gasoline vehicles from the FVRD fleet with battery or plug-in EVs. In that scenario, total savings in greenhouse gas emissions could be as high as 260 tonnes of CO₂ and a reduction in fuel consumption of up to 85,500 litres of gasoline per year (24% reduction).

Driving behaviour

The results of the study show that FVRD drivers, in general, have good driving habits. 91% of drivers remained below the hard acceleration threshold of 15% (as a percentage of total acceleration events) and 68% of drivers remained below the 15% hard braking threshold (as a percentage of total braking events). Of some concern however is that 25% of engine-on time within the fleet vehicles is currently spent idling. Reducing this could save up to 3,600 L of fuel annually. Staff are currently discussing an appropriate idle-reduction strategy to help address this matter.

COST

The FVRD EV Suitability Assessment was funded in full by the Province of British Columbia through the Fraser Basin Council and its Fleet Champions Program.

CONCLUSION

The study conducted of the FVRD's fleet helped to evaluate overall fleet efficiency and provided recommendations for further adoption of EVs. It identified opportunities to improve the efficiency of the FVRD fleet, reduce costs, and cut greenhouse gas emissions. These results will be taken into consideration with new fleet purchases or replacements and will be incorporated into orientations provided to new employees.

COMMENTS BY:

Stacey Barker, Director of Regional Services

Reviewed and supported.

Mike Veenbaas, Director of Financial Services

Reviewed and supported.

Paul Gipps, Chief Administrative Officer

Reviewed and supported.

To: CAO for the Electoral Area Services Committee
From: Julie Mundy, Planning Technician

Date: 2019-04-09
File No: 3015-01

Subject: For information – Summary of legislative changes to the Agricultural Land Reserve Regulation and the Agricultural Land Commission Act

INTENT

This report is intended to advise the Electoral Area Services Committee of recent changes to regulations governing the Agricultural Land Reserve. Staff is not looking for a recommendation and has forwarded this information should members want more clarification or to discuss the item further.

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

BACKGROUND

On February 22, 2019 significant changes to the *Agricultural Land Commission Act* (ALC Act) and the *Agricultural Land Reserve Regulation* came into effect. These changes will affect all lands within the ALR.

DISCUSSION

The Agricultural Land Commission (ALC) is the provincial agency responsible for administering the Agricultural Land Reserve (ALR). Effective February 22, 2019, there were changes to the *ALR Regulations* and to the *ALC Act* which increased the oversight powers of the Agricultural Land Commission. Key changes can be generally grouped into three topics: 1) Governance & Structure 2) Residential Use and 3) Soil and Fill Use.

Governance & Structure

The former *ALR Use, Subdivision, and Procedure Regulation* has been restructured into two pieces: 1) *ALR General Regulation* and 2) *ALR Use Regulation*. The *ALR General Regulation* covers procedures for applications, subdivisions, inclusions, exclusions, and general administration.

The *ALR Use Regulation* categorizes all uses on ALR land into one of four streams: Farm use, Non-farm use, Residential use, and Soil or Fill use. The intention of this approach is to create clear delineation and regulation for each type of use. The definition of farm use has changed to exclude any type of soil removal or fill as these activities now form a distinct category.

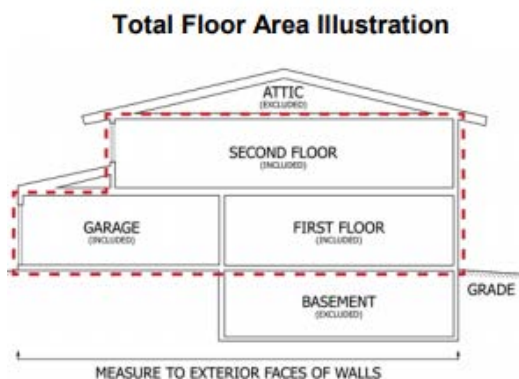
Other broad changes include the elimination of Zone 1 and Zone 2, resulting in a single set of rules for all ALR lands.

Residential Use

The legislative changes include new regulations for the size and number of residences permitted on ALR parcels. The maximum size of a new residence in the ALR is restricted to 500m² (5382 square feet). The size of a residence is calculated by adding the floor area of all stories above the basement.

There is also a new residential limit of one residence per ALR parcel unless the ALC grants approval for a secondary residence. Provisions that broadly permitted secondary residences for family members and farm employees have been removed from the *ALC Act* and the *ALR Regulations*. Under the new rules, the ALC is authorized to approve a secondary residence only if it is deemed necessary for a farm use.

Effective February 22, 2019, a local government may not approve or permit construction of a secondary residence or a residence over 500m² without approval by the ALC. Any portion of the FVRD's bylaws contradicting the new rules has no force or effect.



Construction of a secondary residence is allowed to continue if a building permit has been issued and the construction of the foundation substantially began before February 22, 2019. There are, however, no provisions for considering in-stream applications where a property owner has applied for a building permit or has invested in the property, but has not yet been issued a building permit. There are five properties within FVRD with active building permit applications which are adversely impacted by the regulation changes. Planning staff have coordinated with the property owners and have informed the ALC of the challenges for the owners.

Some grandfathering principles are in place for existing residences, however, there are no provisions to replace a second residence without an application for a "non-adhering residential use" to the ALC. The application fee is \$1500.

The ALR regulations permit one suite if it is located within the primary residence. It should be noted that most FVRD zones do not currently allow suites. Staff are working with Electoral Area Directors to develop a policy to support secondary dwellings in some circumstances.

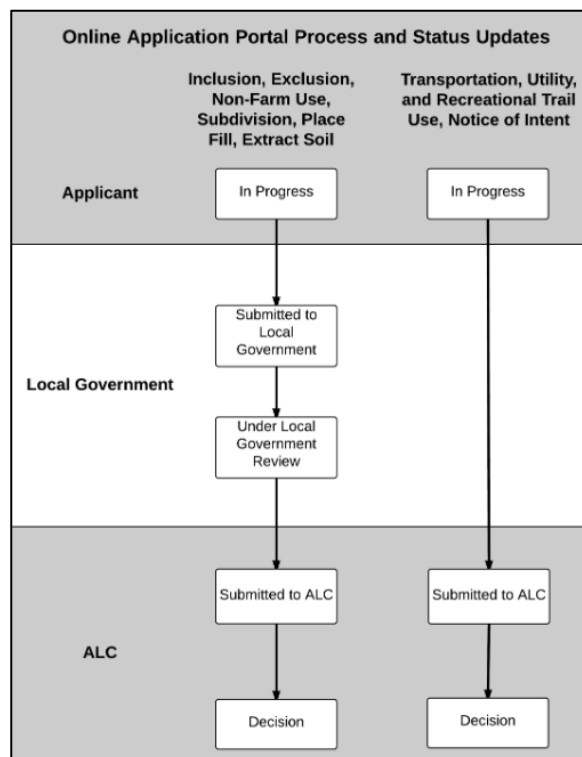
Soil and Fill

Under the new regulations, soil/fill removal and placement is its own land use category. In only very limited circumstances can soil/fill placement or aggregate removal be undertaken without interacting with the ALC through a Notice of Intent or a Soil or Fill Use Application. The Notice of Intent is a new procedure which enables the ALC to more closely monitor soil and fill use in the ALR.

A Notice of Intent is to be submitted by a land owner prior to initiating any soil or fill activity, and is not to be used as a mechanism to seek retroactive approval. The Notice of Intent is received by the ALC and is approved or refused by the Commissions CEO. The application fee is \$150.

If the Notice of Intent is refused, or if the property owner is not satisfied with the terms of an approval, the property owner may submit a Soil or Fill Use Application. The fee for a Soil or Fill Use Application is \$1500.

Local governments are notified when a Notice of Intent is submitted, however, they do not have a role in evaluating the proposal unless the ALC requests input. For a Soil or Fill Use Application to move forward, comments and a recommendation from the local government are required.



CONCLUSION

This information note summarizes key changes to the *Agricultural Land Commission Act* and to the *ALR Regulations* that are most relevant to the Fraser Valley Regional District. Additional Information from the ALC is attached.

COMMENTS BY:

Graham Daneluz, Deputy Director of Planning & Development: Reviewed & supported

Margaret Thornton, Director of Planning & Development: Reviewed & supported

Mike Veenbaas, Director of Financial Services: No further financial comments.

Paul Gipps, Chief Administrative Officer: Reviewed and supported



INFORMATION BULLETIN 05

RESIDENCES IN THE ALR

Revised February 26, 2019
February 25, 2019

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1. SCOPE OF THIS INFORMATION BULLETIN

This information bulletin provides guidance to assist in interpreting the *Agricultural Land Commission Act*, S.B.C. 2002, c. 36 (**ALCA**) and the Agricultural Land Reserve Use Regulation (the **ALR Use Regulation**), in relation to residences in the agricultural land reserve (**ALR**). The ALCA and ALR Use Regulation will govern if inconsistent with this bulletin.

This information bulletin is directed only to interpretation of the ALCA and the ALR Use Regulation. All other applicable laws, regulations and bylaws related to residential uses must also be complied with.

2. RECENT CHANGES TO STATUTE AND REGULATIONS

Effective February 22, 2019, the ALCA has been amended and the ALR Use Regulation has been created. Though many concepts contained in the ALCA and its regulations are unchanged from the past, there have been changes to the use of ALR land for residences. All references in this information bulletin to the ALCA and the ALR Use Regulation are as of February 22, 2019, unless otherwise stated.

The following is a summary of key residential changes to the ALCA and the ALR Use Regulation:

- Generally land in the ALR may have **no more than one residence** per parcel: ALCA, s. 20.1(1)(a), subject to certain grandfathering exceptions (see “Grandfathering Provisions” section). In addition, the Commission may approve an application for an additional residence if necessary for farm use, but the Commission is prohibited from approving an additional residence otherwise: ALCA, s. 25(1.1).
- New size, siting and use requirements apply to residential structures: ALCA, s. 20.1(1)(c).
- The **total floor area of a principal residence must be 500 m² or less** in order to comply with the ALCA, though a local government may impose a lower size cap under their bylaws: ALCA, ss. 20.1(1)(b), 46. The Commission has resolved on a definition of “total floor area” for the purpose of the ALCA and ALR Use Regulation, as set out in the “Glossary” section at the end of this bulletin.
- The ALCA and regulations had previously contained provisions facilitating the construction of additional dwellings for farm help, manufactured homes for immediate family members, accommodation above an existing farm building, or (in parts of the province) a second single family dwelling. These provisions are no longer found in the ALCA and the ALR Use Regulation, though the ALCA provides some grandfathering protection for pre-existing structures of these kinds and the Commission may approve an application for an additional residence if necessary for farm use.

- If a landowner wishes in the absence of certain grandfathering exceptions to have a principal residence having a total floor area that is more than 500 m², to have an additional residence, or to use a residential structure in a manner that contravenes the regulations, the landowner may submit an application to the Commission, through the local government, seeking Commission approval: ALCA, ss. 20.1(2), 25. The ALCA calls this type of application an “**application for a non-adhering residential use**”. More information about this type of application is provided later in this bulletin under the heading “Applications for Non-Adhering Residential Use”.

3. ROLE OF LOCAL GOVERNMENTS

A. Role as Approving Body

I. Principal Residence

In order to comply with the ALCA, an approving body such as a local government may not approve or permit construction or alteration of a principal residence on ALR land unless the principal residence has a total floor area of 500 m² or less and is sized, sited and used in accordance with the ALR Use Regulation, or is permitted by the Commission on application: ALCA, s. 18. See the Section 11 “Glossary”, found at the end of this bulletin, for the definition of “**total floor area**”.

II. Additional Residence

An approving body may not approve or permit construction or alteration of an additional residence on ALR land unless the residence is approved by the Commission on application or is permitted under the ALR Use Regulation: ALCA, s. 18.

B. Applications

An application to the Commission asking it to approve a non-adhering residential use, such as new construction of a principal residence with a total floor area of more than 500m² or an additional residence, may be submitted through the landowner’s local government. For more information on the process for making applications to the Commission, please see the Commission’s website, at www.alc.gov.bc.ca/alc/content/applications-and-decisions as well as Section 10 of this information bulletin entitled “Applications For Non-Adhering Residential Use”.

C. Consistency with Zoning and Other Bylaws

Any portion of a local government bylaw that purports to allow a use of land in the ALR that is not permitted under the ALCA or the ALR Use Regulation, or contemplates a use of land that would impair or impede the intent of the ALCA or the ALR Use Regulation, is inconsistent with the ALCA or the ALR Use Regulation and has no force or effect: ALCA, ss. 46(4), (5).

For example, **if a zoning bylaw provides for more residences on ALR land than do the ALCA and the ALR Use Regulation, its provision for extra residences is of no force or effect and cannot be relied on.**

Construction, alteration or use of any residences in contravention of the ALCA or the ALR Use Regulation may be subject to compliance and enforcement action even if the construction, alteration or use seems to be in compliance with a local government bylaw.

D. Local Government May Restrict

Local government bylaws can be more restrictive of residential use of the ALR than the ALCA: ALCA, s. 46(6). The ALR Use Regulation identifies certain designated farm uses and permitted non-farm uses that local governments must not prohibit, but places no limitation on local government powers to prohibit or otherwise restrict residential uses of ALR land. **As such, a local government may impose restrictions on sizing, siting and use of principal residences on ALR land additional to those found in the ALCA.** For example, a local government could enact a bylaw imposing a size limit smaller than 500 m² total floor area on principal residences on ALR land.

E. Areas Without Zoning Bylaws

Note that some areas of the province do not have zoning bylaws. The absence of local zoning bylaws does not relieve a landowner from complying with the restrictions in the ALCA and ALR Use Regulation.

4. NEW CONSTRUCTION OF A RESIDENCE ON ALR LAND THAT HAS NO EXISTING RESIDENCE

No application is required to the Commission in order to construct a residence with a total floor area of 500 m² or less on a parcel of ALR land which has **no existing residence** (a “**vacant parcel**”).

The Commission will consider the residence when built on a vacant parcel to be the “principal residence”.

If the proposed principal residence is more than 500m² or there is already another residence located on the ALR land, in order to construct the residence the landowner must apply to the Commission through the local government and obtain permission from the Commission: ALCA, s. 20.1(1).

“Construct” includes “to build a new structure” or “to place on land a new structure that is fully or partially pre-fabricated”: ALCA, s. 1(1).

5. GRANDFATHERING PROVISIONS

A. Completing a Residential Construction Initiated by February 22, 2019

If by February 22, 2019 a landowner had already initiated construction of a residence in the ALR, in certain circumstances the owner may be able to complete that work without application to the Commission. In other circumstances, the work will not be able to proceed unless the Commission first approves an **application for a non-adhering residential use** made by the owner: ALCA, ss. 20.1(2), 25. See Section 10 “Applications for Non-Adhering Residential Use” later in this bulletin.

I. Unfinished Principal Residence

Total Floor Area of 500 m² or less

If the landowner is completing construction of an unfinished principal residence which will on completion have a total floor area of **500 m² or less** and is otherwise also compliant with the ALCA and regulations, the owner may complete that construction without applying to the Commission for permission to do so.

Total Floor Area of more than 500 m²

If the landowner is completing construction of an unfinished principal residence which will, if completed as designed, have a total floor area of **more than 500 m²**, the landowner may continue if:

- a) Where building permit authorization **is required** by local government bylaw
 - all required authorizations to construct the residence were granted before February 22, 2019 and construction of the foundation of the residence substantially begins on or before November 5, 2019, AND
 - from the date construction of the residence began until completion, the construction or alteration (i) is carried out in accordance with all applicable authorizations and enactments, and (ii) continues without interruption, other than work stoppages considered reasonable in the building industry; OR
- b) Where building permit authorization **is NOT required** by local government bylaw
 - if no authorizations to construct the residence are required, construction of the foundation of the residence had substantially begun before February 22, 2019; AND
 - from the date construction of the residence began until completion, the construction or alteration (i) is carried out in accordance with all applicable authorizations and enactments, and (ii) continues without interruption, other than work stoppages considered reasonable in the building industry.

II. Unfinished Additional Residence

If the landowner is completing construction of a residence that, **if completed as designed**, will be an additional residence, the landowner may do so if:

- a) Where building permit authorization **is required** by local government bylaw
 - all required authorizations to construct the residence were granted before February 22, 2019 and construction of the foundation of the residence substantially begins before February 22, 2019, AND
 - from the date construction of the residence began until completion, the construction or alteration (i) is carried out in accordance with all applicable authorizations and enactments, and (ii) continues without interruption, other than work stoppages considered reasonable in the building industry; OR
- b) Where building permit authorization **is NOT required** by local government bylaw
 - if no authorizations to construct the residence are required, construction of the foundation of the residence had substantially begun before February 22, 2019; AND
 - from the date construction of the residence began until completion, the construction or alteration (i) is carried out in accordance with all applicable authorizations and enactments, and (ii) continues without interruption, other than work stoppages considered reasonable in the building industry.

B. Completing Residential Alterations Initiated by February 22, 2019

If an owner wants to complete alterations to a residence on ALR land that had been initiated prior to February 22, 2019, the owner may do so without application to the Commission only in limited circumstances.

To “alter” means “(a) to alter the exterior of a structure so as to increase its size; (b) to move or alter the exterior walls or edges of a structure so as to change its siting”: ALCA, s. 1(1).

I. Completing Alterations to a Principal Residence

Total Floor Area of 500 m² or less

If the landowner is completing alterations to a principal residence that will not cause its total floor area to exceed **500 m²** and that will otherwise also be compliant with the ALCA and regulations, the landowner may complete those alterations without applying to the Commission for permission to do so.

Total Floor Area of more than 500 m²

Alterations that had already been commenced as of February 22, 2019 to a principal residence that, **if completed as designed**, will have a total floor area of more than 500 m², may be completed if:

- a) Where building permit authorization **is required** by local government bylaw
 - all required authorizations to alter the residence were granted before February 22, 2019 and construction of the foundation of the residence substantially begins on or before November 5, 2019, AND
 - from the date alteration of the residence began until completion, the construction or alteration (i) is carried out in accordance with all applicable authorizations and enactments, and (ii) continues without interruption, other than work stoppages considered reasonable in the building industry; OR
- b) Where building permit authorization **is NOT required** by local government bylaw
 - if no authorizations to alter the residence are required, construction of the foundation of the residence had substantially begun before February 22, 2019; AND
 - from the date alteration of the residence began until completion, the construction or alteration (i) is carried out in accordance with all applicable authorizations and enactments, and (ii) continues without interruption, other than work stoppages considered reasonable in the building industry.

II. Completing Alterations to an Additional Residence

Alterations that had already been commenced as of February 22, 2019 to a residence in the ALR that, **if completed as designed**, will be an additional residence, may be completed if:

- a) Where building permit authorization **is required** by local government bylaw
 - all required authorizations to alter the residence were granted before February 22, 2019 and construction of the foundation of the residence substantially begins before February 22, 2019, AND
 - from the date alteration of the residence began until completion, the construction or alteration (i) is carried out in accordance with all applicable authorizations and enactments, and (ii) continues without interruption, other than work stoppages considered reasonable in the building industry; OR
- b) Where building permit authorization **is NOT required** by local government bylaw

- if no authorizations to alter the residence are required, construction of the foundation of the residence had substantially begun before February 22, 2019; AND
- from the date alteration of the residence began until completion, the construction or alteration (i) is carried out in accordance with all applicable authorizations and enactments, and (ii) continues without interruption, other than work stoppages considered reasonable in the building industry.

C. New Alterations Initiated After February 22, 2019

Alterations that were not initiated by February 22, 2019 may also be undertaken in some circumstances on ALR land even without application to the Commission.

An owner who wishes to alter a residential structure that exists on ALR land on February 22, 2019 but that (a) is an additional structure; or (b) is a principal residence with a total floor area of more than 500 m²; or (c) is of a size or is sited in contravention of a regulation, may do so in some circumstances. The owner may alter the structure without applying to the Commission **only** if the alteration will lead to no further contravention of the ALCA or regulations: ALCA, s. 20.2.

The Commission expects that the alterations undertaken in the context of the above paragraph would eliminate, or at least reduce or not worsen, any pre-existing contravention of the ALCA or the regulations. It does not expect that alterations would increase the size of the residential structure or initiate a non-adhering residential use; any such alterations should be the subject of an application to the Commission.

An owner who wishes to alter a principal residence that will remain no larger than 500 m² and that will otherwise also remain in compliance with the ALCA and regulations may also do so without application to the Commission.

D. Manufactured Home on ALR Land

If on February 22, 2019, there was one manufactured home which was an additional residence, was constructed in accordance with all applicable enactments, and was used as a residence by a member of the immediate family of the owner of the land in the ALR, it may continue to be used as a residence in the ALR if on February 22, 2019 there was one manufactured home, up to 9 m in width, constructed in accordance with all applicable enactments and used as a residence by a member of the immediate family of the owner of the land in the ALR, it may continue to be used as a residence in the ALR if:

- there is no other residence on the land other than the principal residence; AND
- the size and siting of the residence is not altered after February 22, 2019 unless
 - permitted on application, OR

- the size of the manufactured home or the total area occupied by all residences and other residential structures, roads and service lines, and all agricultural land between them, as applicable, is not increased by the alteration.

ALR Use Regulation, s. 32

There is no right to replace a residential structure which is permitted due to a grandfathering exception. An application to the Commission for its approval is required to replace such a structure. See the “Replacing a Residence” section for more information.

E. Single-Level Accommodation Constructed Above an Existing Building on the Farm

If on February 22, 2019 there was accommodation that had been constructed in accordance with all applicable enactments above an existing building on the farm and that had only a single level, it may continue to be used as a residence in the ALR if:

- there is no other residence on the land other than the principal residence; AND
- the size and siting of the residence is not altered after February 22, 2019 unless
 - permitted on application, OR
 - the total area occupied by all residences and other residential structures, roads and service lines, and all agricultural land between them, as applicable, is not increased by the alteration.

ALR Use Regulation, s. 32

There is no right to replace a residential structure which is permitted due to a grandfathering exception. An application to the Commission for its approval is required to replace such a structure. See the “Replacing a Residence” section for more information.

F. Second Single Family Dwelling in Former Zone 2 (“Zone 2 Second SFD”)

Until February 22, 2019, land in the ALR was considered to be either in Zone 1 (the panel regions of the South Coast, Island and Okanagan panels) or Zone 2 (the panel regions of the Interior, North and Kootenay panels).

Prior to February 22, 2019, certain activities were permitted in Zone 2 that were not permitted in Zone 1. The term “**Zone 2 Second SFD**” is used in this bulletin to refer to a second single family dwelling in the area of the province that until February 22, 2019 was Zone 2, if the parcel was at least 50 ha in size and if the total area occupied by all residences and other residential structures, roads and service lines, and all land between them, was 4 000 m² or less.

If on February 22, 2019 there was a “**Zone 2 Second SFD**” on Zone 2 land in the ALR, constructed in accordance with all applicable enactments, the Zone 2 Second SFD may continue to be used as a residence in the ALR if:

- there is no other residence on the land other than the principal residence; AND
- the size and siting of the Zone 2 Extra Home is not altered after February 22, 2019 unless
 - permitted on application, OR
 - the total area occupied by all residences and other residential structures, roads and service lines, and all agricultural land between them, as applicable, is not increased by the alteration.

ALR Use Regulation, s. 32

There is no right to replace a residential structure which is permitted due to a grandfathering exception. An application to the Commission for its approval is required to replace such a structure. See the “Replacing a Residence” section for more information.

6. REPLACING A RESIDENCE

The term “construct” includes “to replace a structure, 75% or more of which has been substantially damaged or destroyed”: ALCA, s. 1(1). In order to replace a structure, an owner must abide by the requirements in section 20.1 and, if applicable, section 20.2 of the ALCA.

A. Parcels on which there is only one residence

If an owner is replacing the only residence on a parcel in the ALR, the total floor area of the new residence must not be more than 500 m².

B. Parcels on which there is more than one residence

An application to the Commission, and Commission approval of that application, are required to replace residences which pre-date the ALR (that is, are older than December 21, 1972), residences approved by local government under the former section 18 of the ALCA and its predecessors, residences permitted without application to the Commission under previous versions of the ALCA and regulations, and residences constructed in contravention of local zoning bylaws or the ALCA or regulations.

Whether an application is required to replace a residence that the Commission itself had previously approved on application may depend on the terms of that approval.

7. USE OF RESIDENCE IN ALR

Use of a residence located in the ALR is limited. Generally it may be used only as a residence, subject to limited exceptions:

A. Secondary Suites

The use of land in the ALR for a secondary suite is permitted if there is one suite only, located in the principal residence: ALR Use Regulation, s. 31.

B. Limited Accommodation for Tourists

See the Commission's information bulletin called "Accommodation for Tourists" for more information. Strict conditions must be met for such use.

8. SOIL OR FILL FOR RESIDENTIAL CONSTRUCTION

Removing soil from or placing fill on ALR land is permitted for the construction or maintenance of a principal residence if the total area from which soil is removed or on which fill is placed is 1,000 m² or less. If the affected area is in a floodplain, an additional condition applies: the resulting elevation level must be consistent with applicable local government or first nation government requirements for flood protection: ALR Use Regulation, s. 35.

Removing soil from or placing fill on ALR land in connection with other residential uses (such as for the construction of an additional residence, alteration of a residence or where the area affected by a principal residence is greater than 1,000 m²) is not permitted. An owner of ALR land seeking to remove soil or place fill may submit a notice of intent along with payment of the required fee to the ALC's chief executive officer requesting approval: ALCA, s. 20.3. The landowner may also apply to the Commission for a soil or fill use under s. 25 of the ALCA.

The following types of fill are prohibited on ALR land (ALR Use Regulation, s. 36):

- construction or demolition waste (including masonry rubble, concrete, cement, rebar, drywall and wood waste);
- asphalt;
- glass;
- synthetic polymers;
- treated wood;
- unchipped lumber.

9. INFRASTRUCTURE NECESSARY FOR RESIDENTIAL USE

Subject to any limits and conditions set out in Part 4 of the ALR Use Regulation, the use of agricultural land to construct, maintain or operate the following is permitted:

- (a) a structure, other than a residential structure, that is necessary for a residential use permitted under Part 4. Examples include detached garages;
- (b) a driveway or utility necessary for a residential use permitted under this part: ALR Use Regulation, s. 30.

10. APPLICATIONS FOR NON-ADHERING RESIDENTIAL USE

An owner may apply to the Commission for permission under section 25 of the ALCA for a non-adhering residential use: ALCA, s. 20.1(2). A “**non-adhering residential use**” means “any of the following: (a) an additional residence; (b) a principal residence having a total floor area that is more than 500 m²; (c) a use of a residential structure that contravenes the regulations”: ALCA, s. 1(1).

For more information on making applications to the Commission, please see the Commission’s website, at www.alc.gov.bc.ca/alc/content/applications-and-decisions.

Section 25(1) of the ALCA provides that on receiving a use application the Commission normally may:

- refuse permission for the use applied for,
- grant permission, with or without limits or conditions, for the use applied for, or
- grant permission for an alternative use or subdivision, with or without limits or conditions, as applicable.

With respect to an application for a non-adhering residential use, the Commission (a) must consider the prescribed criteria, if any, (b) must not grant permission for an additional residence unless the additional residence is necessary for a farm use; and (c) must reject the application if required by the regulations to do so: ALCA, s. 25(1.1).

Examples of considerations that the Commission may take into account in determining a use application are found here: www.alc.gov.bc.ca/alc/content/applications-and-decisions/what-the-commission-considers

11. GLOSSARY

The following key definitions are relevant to this information bulletin:

“additional residence” means “a residence on a parcel of agricultural land, other than the principal residence”: ALCA, s. 1(1)

“alter” means “the following: (a) to alter the exterior of a structure so as to increase its size; (b) to move or alter the exterior walls or edges of a structure so as to change its siting”: ALCA, s. 1(1)

“as designed” means as stated or shown in (a) a design, proposal or other plan approved under or accepted in support of an authorization, or (b) a design or plan finalized, before the date this section comes into force, by an architect or engineer or, if none, the designer of the residence, if no authorizations are needed to construct or alter the residence: ALCA, s. 20.2

“authorization” means a permit or other authorization, issued under an enactment, to construct or alter a residence: ALCA, s. 20.2

“construct” means “the following: (a) to build a new structure; (b) to place on land a new structure that is fully or partially pre-fabricated; (c) to replace a structure, 75% or more of which has been substantially damaged or destroyed”: ALCA, s. 1(1)

“farm use” means “an occupation or use of agricultural land for (i) farming land, plants, mushrooms, truffles or animals, (ii) a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*, or (iii) a purpose designated as a farm use by regulation”, but “farm use” does “not include a residential use or a soil or fill use”: ALCA, s. 1(1)

“fill” means “any material brought onto agricultural land other than materials exempted by regulation”: ALCA, s. 1(1)

“non-adhering residential use” means “any of the following: (a) an additional residence; (b) a principal residence having a total floor area that is more than 500 m²; (c) a use of a residential structure that contravenes the regulations”: ALCA, s. 1(1)

“non-farm use” means “a use of agricultural land other than a farm use, a residential use or a soil or fill use”: ALCA, s. 1(1)

“pre-existing residential structure” means “a residential structure that exists on agricultural land on the date this section comes into force [February 22, 2019], and (a) is an additional residence, (b) is a principal residence having a total floor area of more than 500 m², or (c) is of a size or is sited in contravention of a regulation”: ALCA, s. 20.2

“prescribed residential structure” is either a “structure” that, or a “vehicle” that, is “used, whether permanently or temporarily, to provide or in connection with providing accommodation as described in [Part 4 of the ALR Use Regulation]”: ALR Use Regulation, s. 29

“principal residence” means “the residence permitted under section 20.1(1)(a)”: ALCA, s. 1(1)

“residential structure” means “a structure used, during all or part of the year and whether fully or partially, as (a) a residence, (b) if prescribed, accommodation, or (c) if prescribed, in relation to a residence or accommodation”: ALCA, s. 1(1)

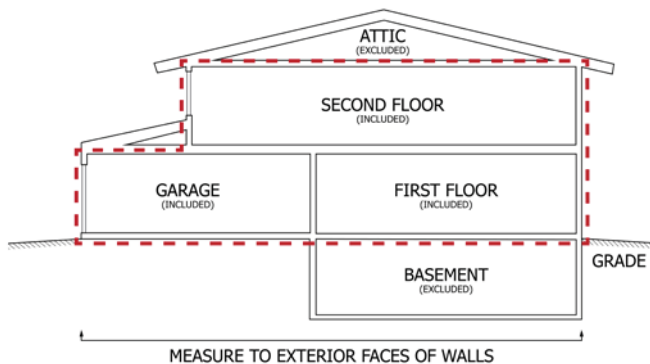
“residential use” means “a use of agricultural land for a residential structure” but “does not include a farm use or a soil or fill use”: ALCA, s. 1(1)

“soil or fill use” means “the removal of soil from, or the placement of fill on, agricultural land” but “does not include a farm use or a residential use”: ALCA, s. 1(1)

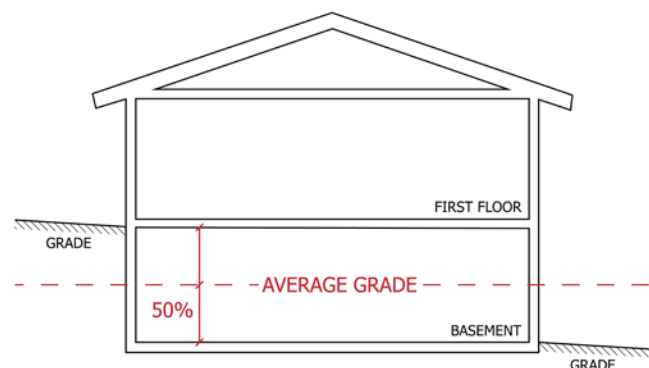
“total floor area” means, for purposes of the ALCA and ALR Use Regulation and pursuant to Commission Resolution No. 054N-2019, the total area of all floors measured to the outer surface of the exterior walls, including corridors, hallways, landings, foyers, staircases, stairwells, enclosed balconies, enclosed porches or verandas, attached garages and excluding:

- (a) unenclosed carports;
- (b) basements, with basement meaning that portion of any floor area having more than one-half its vertical height below the average finished grade at the perimeter of a building;
- (c) attics, with attic meaning the unfinished space between the roof and the ceiling of the top storey of a building or between a partial wall and a sloping roof.

Total Floor Area Illustration



Basement Illustration



“unfinished pre-existing residence” see the definition at s. 20.2 of the ALCA and in the body of the information bulletin above

“use or subdivision application” means “an application for permission made under any of the following: (a) section 20 (2) for a non-farm use; (b) section 20.1 (2) (a) for a non-adhering residential use; (c) section 20.3 (5) for a soil or fill use; (d) section 21 (2) for subdivision”: ALCA, s. 1(1)

“Zone 2 Second SFD” means a second single family dwelling in the area of the province that until February 22, 2019 was Zone 2, but only if the parcel was at least 50 ha in size and if the total area occupied by all residences and other residential structures, roads and service lines, and all land between them, was 4 000 m² or less



INFORMATION BULLETIN 07

SOIL OR FILL USES IN THE ALR

March 22, 2019

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1. SCOPE OF THIS INFORMATION BULLETIN

This information bulletin provides guidance to assist in interpreting the *Agricultural Land Commission Act*, S.B.C. 2002, c. 36 (**ALCA**), the Agricultural Land Reserve General Regulation (the **ALR General Regulation**) and the Agricultural Land Reserve Use Regulation (the **ALR Use Regulation**), in relation to fill placement or soil or aggregate removal in the agricultural land reserve (**ALR**). The ALCA, the ALR General Regulation and the ALR Use Regulation will govern if inconsistent with this bulletin.

This information bulletin is directed only to interpretation of the ALCA, the ALR General Regulation and the ALR Use Regulation. All other applicable provincial and federal laws and regulations, as well as applicable local government bylaws, must also be complied with.

2. RECENT CHANGES TO STATUTE AND REGULATIONS

Effective February 22, 2019, the ALCA has been amended and the ALR Use Regulation has been created. Though many concepts contained in the ALCA and its regulations are unchanged from the past, there have been significant changes in relation to fill placement, soil removal, and aggregate removal. All references in this information bulletin to the ALCA and its regulations are as of February 22, 2019, unless otherwise stated.

The following is a summary of key fill placement, soil removal, and aggregate removal changes to the ALCA and ALR Use Regulation:

- Farm use is no longer defined in any circumstance to include soil removal or fill placement.
- Non-farm use is no longer defined in any circumstance to include soil removal or fill placement.
- Only in very limited circumstances, which are expressly identified in the ALR Use Regulation, can fill placement or removal of soil or aggregate be undertaken without interaction with the Agricultural Land Commission (ALC) via a *Notice of Intent* or a *Soil or Fill Use Application* as outlined in this bulletin.
- Prohibited fill has been defined.

The changes to the ALCA and the regulations mean that previous ALC bylaws, policies and information bulletins in relation to fill placement, soil removal and aggregate removal are superseded.

Anyone who intends to place fill on land in the ALR or to remove soil or aggregate from land in the ALR must comply with the ALCA and its regulations.

3. PLACEMENT OF FILL OR REMOVAL OF SOIL IN THE ALR

A. Fill Placement or Soil Removal That May Occur Without Authorization

See Section 4 of this bulletin for information on Aggregate Removal.

The following fill placement or soil removal activities are permitted uses and are considered “**Exempted Activities**” or an “**Exempted Activity**” and do not require authorization from the ALC:

- constructing or maintaining a structure for farm use OR for a principal residence **if** both of the following conditions are met:
 - (i) the total area from which soil is removed, or on which fill is placed, is 1,000 m² or less; AND
 - (ii) if the area from which the soil is removed, or on which the fill is placed, is in a floodplain, the resulting elevation level is consistent with the minimum elevation level established under all applicable local government enactments and first nation government laws, if any, respecting flood protection in the floodplain;

See the Section 9 “Glossary”, found at the end of this bulletin, for the definition of “**structure for farm use**” and “**principal residence**”.

- constructing or maintaining berms for producing cranberries, if any fill placed on the area is (i) no higher than 2 m above the natural grade, and (ii) no wider than 10 m at the base;
- constructing or maintaining flood protection dikes, drainage, irrigation and livestock watering works for farm use, if the total annual volume of soil removed or fill placed is 320 m³/16 ha or less;
- maintaining an existing farm road, if the total annual volume of soil removed or fill placed is 50 m³ or less;
- using clean sand as a top-dress for berry production, if the total annual volume of soil removed or fill placed is 100 m³/ha or less;
- applying soil amendments, if incorporated into the soil to a depth of 30 cm or less. “Soil amendment” means compost, fertilizer, manure, mulch and soil conditioners;
- conducting soil research and testing, if the soil removed or fill placed is limited to the amount necessary for the research or testing.

For any of the above purposes, fill must not include any of the following, which are defined as **Prohibited Fill** in the ALR Use Regulation:

- (a) construction or demolition waste, including masonry rubble, concrete, cement, rebar, drywall and wood waste;
- (b) asphalt;
- (c) glass;

- (d) synthetic polymers (e.g., plastic drainage pipe);
- (e) treated wood;
- (f) unchipped lumber.

B. Fill Placement or Soil Removal That Requires Authorization

Other than those fill placement and soil removal activities described as Exempted Activities, a person must not place fill on, or remove soil from, land in the ALR without successfully completing one of the following processes:

- **Notice of Intent** – A landowner who wishes to place fill or remove soil in the ALR must submit a *Notice of Intent* to the CEO of the Commission in accordance with the process set out in this bulletin in Section 5.
- **Soil or Fill Use Application** - A landowner is always at liberty to make an application for fill placement or soil removal to be decided by the Commission under s. 25 of the ALCA. If the Commission approves the *Soil or Fill Use Application*, the landowner may proceed with the approved use on the terms of that approval.

If a landowner is unsure as to which type of authorization they should seek, they should contact the Commission staff for guidance at ALC.Soil@gov.bc.ca.

A person who places fill or removes soil from land in the ALR without successfully having completed one of these processes, may be subject to a penalty or order to remediate the land or remove the unauthorized fill.

4. REMOVAL OF AGGREGATE

C. Aggregate Removal That May Occur Without Authorization

If a person engages in aggregate removal within the following parameters, a *Notice of Intent* is not required and the removal will not breach the ALCA (ALR Use Regulation, s. 26) (a “**Section 26 Aggregate Removal**”) if:

- the total volume of aggregate removed from any single parcel is less than 500 m³; and,
- regardless of the volume of aggregate removed, the disturbed area is rehabilitated in accordance with good agricultural practice as soon as reasonably practicable after (i) aggregate removal is complete, if the aggregate is removed as part of a single continuous operation, or (ii) each stage of aggregate removal is complete, if subparagraph (i) does not apply; and,
- the cultivable surface layer of soil is salvaged, stored on the parcel and available for rehabilitation in accordance with the bullet point above.

D. Aggregate Removal That Requires Authorization

A person must not remove aggregate from land in the ALR, with the exception of activities related to Section 26 Aggregate Removal, without successfully completing either a *Notice of Intent* or *Soil or Fill Use Application*, as described in this bulletin.

A person who removes aggregate from land in the ALR without successfully having completed one of these processes, may be subject to a penalty or order to remediate the land or remove the unauthorized fill.

5. PROCESS TO REQUEST AUTHORIZATION

If a landowner is unsure as to which type of authorization they should seek, they should contact ALC staff for guidance at ALC.Soil@gov.bc.ca.

A. Notice of Intent Process

If a landowner intends to place fill or remove soil or aggregate for reasons other than an Exempted Activity, the landowner must submit the *Notice of Intent* prior to initiating an activity. The *Notice of Intent* is submitted through the ALC Application Portal along with the prescribed \$150 fee: ALCA s. 20.3(1)(c), ALCA General Regulation, s. 33.1(6). This is the required manner of submission under s. 20.3(1)(c) of the ALCA. Please see www.alc.gov.bc.ca/alc/content/applications-and-decisions on the ALC website for more information.

The purpose of a *Notice of Intent* is to seek authorization prior to lawful placement of fill or removal of soil or aggregate, and not as a mechanism to seek retroactive approval.

I. Receipt of a Complete Notice of Intent

The CEO and employees of the Commission to whom authority is delegated under s. 20.3(6) of the ALCA (together referred to as the CEO as applicable in this bulletin) have certain powers and functions once both the *Notice of Intent* and fee have been received. The CEO will acknowledge the *Notice of Intent* when it has been received in the required form and manner and the fee has been paid. The *Notice of Intent* is not considered to be complete unless it is submitted to the CEO in the required form and manner and the fee has been paid.

The 60 calendar day period for reviewing the *Notice of Intent* does not start running until the *Notice of Intent* has been acknowledged as complete.

II. Additional Information Request from CEO

Upon review of a complete Notice of Intent, the CEO may request additional information from the landowner who submitted the *Notice of Intent*: ALCA s. 20.3(2)(a). The CEO has 60 days from when the *Notice of Intent* (in the form and manner) is found to be complete to request additional information.

Once all of the additional information requested by the CEO is provided, the CEO has 60 days either to:

- approve the placement of fill or the removal of soil or aggregate (either as set out in the *Notice of Intent* or subject to limits and conditions) (the “**CEO Approval**”) or
- issue a written order that the person stop or not engage in placing fill or removing soil or aggregate (the “**CEO Refusal**”): ALCA s. 20.3(2), (4).

The 60 day period for issuing either the CEO Approval or the CEO Refusal does not start running until the CEO has received all of the additional information requested.

If the CEO does not issue either a CEO Approval or a CEO Refusal within the 60 day period from receipt of all the additional information requested, fill placement or removal of soil or aggregate as described in the *Notice of Intent* will not contravene the ALCA or the regulations except if Prohibited Fill is placed on the property.

III. CEO does not request additional information

If the CEO does not request additional information from the person who submitted the *Notice of Intent*, the CEO must within 60 days from receipt of the *Notice of Intent* (in the required form and manner) and fee, either:

- approve the fill placement or soil or aggregate removal activity (either as set out in the notice or subject to limits and conditions)(**CEO Approval**), or
- issue a written order that the person stop or not engage in placing fill or removing soil or aggregate (**CEO Refusal**): ALCA s. 20.3(2), (4).

IV. Compliance with CEO Approval

A landowner who receives a CEO Approval may place fill or remove soil or aggregate in accordance with the terms of that approval. The CEO Approval will indicate terms and conditions of the fill placement or soil or aggregate removal activity.

V. CEO Refusal

If the landowner who receives a CEO Refusal still wishes to place fill or remove soil or aggregate, he or she must submit and have an approved *Soil or Fill Use Application* to the Commission.

B. Soil or Fill Use Application Process

A *Soil or Fill Use Application* is a form of “use application” to be decided by the Commission under s. 25 of the ALCA. A *Soil or Fill Use Application* may be made in any of the following circumstances:

- if a landowner in the ALR wishes to seek Commission approval via a use application rather than going through the *Notice of Intent* process;
- if a landowner in the ALR commences but changes their mind before completion of the *Notice of Intent* process and wishes to seek Commission approval via a use application;
- if at the conclusion of the *Notice of Intent* process, the CEO has issued a CEO Approval and the landowner is not satisfied with the terms and conditions of that approval and wishes to have different terms and conditions; or
- if at the conclusion of the *Notice of Intent* process, the CEO has issued a CEO Refusal.

If a *Notice of Intent* and associated fee have already been submitted, the *Soil or Fill Use Application* fee is \$1,350; otherwise the fee is \$1,500: ALR General Regulation, s. 33(1.1).

The *Soil or Fill Use Application* must be submitted through the ALC Application Portal. Please see www.alc.gov.bc.ca/alc/content/applications-and-decisions on the ALC website for more information. This is the required manner of submission under s. 20.3(5) of the ALCA.

On receiving a *Soil or Fill Use Application*:

- the Commission must reject the application if the fill to be placed includes any form of **Prohibited Fill**; or,
- the Commission must do one of the following:
 - (a) refuse permission for the fill placement or removal of soil or aggregate;
 - (b) grant permission, with or without terms or conditions, for the use applied for, or
 - (c) grant permission for an alternative use, with or without terms or conditions, as applicable: ALCA, s. 25(1)(b).

C. Soil or Fill Use Application Considerations

For examples of general considerations that the Commission may take into account in determining a use application, please see www.alc.gov.bc.ca/alc/content/applications-and-decisions/what-the-commission-considers.

Among the considerations that the Commission is likely to take into account on a *Soil or Fill Use Application* for soil or fill use are the following:

- Will the fill placement or soil removal aid the farm/farming activity?
- Will the fill placement or soil removal reduce the agricultural capability of the land, degrade soils, or limit the range of crops that can be grown on the subject property compared to the current crop suitability of the land?
- Is fill placement or soil removal the only means available to address implementation of standard agricultural best practices?
- Will the fill placement or soil removal aid in the rehabilitation of agricultural lands severely impacted by past fill activities or other activities that have degraded agricultural land, whether permitted or not permitted?
- Will the fill placement foul, obstruct, or impede the flow of any waterway?
- If fill is required for drainage improvements, will the proposed fill height exceed more than 0.5 metres above the maximum height of the water table (as confirmed by a Qualified Registered Professional) which is equivalent to a Class 1 excess water limitation?

- Will the final finished grade of the subject property complement adjacent landforms and provide for a smooth transition between the land contours and drainage channels on adjacent lands and the reclaimed area?
- How long are fill placement activities expected to last? Generally, the Commission will not consider fill placement activities that would extend beyond two years.

If the Commission approves a *Soil or Fill Use Application*, the fill placement or soil or aggregate removal activity may proceed only in accordance with that approval.

A person who places fill or removes soil or aggregate from land in the ALR without successfully having completed a *Notice of Intent* or a *Soil or Fill Use Application* may be subject to a penalty or order to remediate the land or remove the unauthorized fill.

A *Notice of Intent* may NOT be made for a *Soil or Fill Use Application* that was refused by the Commission.

6. ROLE OF LOCAL GOVERNMENT

The role of local government will depend on whether the landowner has submitted a *Notice of Intent* or a *Soil or Fill Use Application*.

E. Notice of Intent

Local governments are notified when a *Notice of Intent* is submitted; however they do not have a role in processing or evaluating a *Notice of Intent*, unless the CEO requests their input. Local governments are also copied on decisions once the CEO has rendered them.

The local government must NOT approve or permit fill placement or soil or aggregate removal activities unless:

- the fill placement or soil removal is an **Exempted Activity**; or,
- there is a CEO Approval for the fill placement or removal of soil or aggregate.

F. Soil or Fill Use Application

An application to the Commission asking it to approve a soil or fill use may be submitted through the local government.

Local governments that receive a *Soil or Fill Use Application* under section 34 (4) of the ALCA must:

- (a) review the application, and
- (b) forward to the Commission the application together with the comments and recommendations of the local government or the first nation government in respect of the application

The local government must NOT approve or permit fill placement or removal of soil or aggregate until such time that the Commission has approved the *Soil or Fill Use Application* for the subject property.

For more information on the process for making applications to the Commission, please see the Commission's website at www.alc.gov.bc.ca/alc/content/applications-and-decisions.

G. Consistency with Zoning and Other Bylaws

Any portion of a local government bylaw that intends to allow a use of land in the ALR that is not permitted under the ALCA or the ALR Use Regulation, or contemplates a use of land that would impair or impede the intent of the ALCA or the ALR Use Regulation, is inconsistent with the ALCA or the ALR Use Regulation and has no force or effect: ALCA, ss. 46(4), (5).

The placement of fill or removal of soil or aggregate in contravention of the ALCA or the ALR Use Regulation may be subject to compliance and enforcement action even if the use seems to comply with a local government bylaw.

7. LAND DEVELOPMENT WORKS

Farm use of land in the ALR includes “a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*”: ALCA, s. 1. The definition of “farm operation” in the *Farm Practices Act* includes “clearing, draining, irrigating or cultivating land” if “involved in carrying on a farm business”. A subset of this category of work is known as “land development works”, which includes all of the following:

- (a) levelling and berming agricultural land;
- (b) constructing reservoirs;
- (c) constructing works ancillary to clearing, draining, irrigating, levelling or berming agricultural land and to constructing reservoirs.

Some of these land development works may require fill placement or removal of soil; however, **this does not mean that these activities can occur without authorization of the Commission**. Authorization in the form of a *Notice of Intent* or *Soil or Fill Use Application* **must be obtained** (other than for **Exempted Activities**) before the fill placement or soil or aggregate removal activity associated with land development works is undertaken.

8. RESIDENTIAL CONSTRUCTION

Fill placement or removal of soil or aggregate is permitted for the construction or maintenance of a principal residence if:

- the total area from which soil or aggregate is removed or on which fill is placed is 1,000 m² or less, AND

- the total floor area of the principal residence is 500 m² or less, or the residence has been authorized by a *Non-Adhering Residential Use Application*. See Information Bulletin 05: Residences in the ALR for more information on residential uses.

If the affected area is in a floodplain, an additional condition applies: the resulting elevation level must be consistent with applicable local government or first nation government requirements for flood protection: ALR Use Regulation, s. 35.

Removing soil or aggregate from, or placing fill on, ALR land in connection with other residential uses (such as for the construction of an additional residence, alteration of a residence or where the area affected by a principal residence is greater than 1,000 m²) is not permitted. A landowner seeking to remove soil or aggregate or place fill that exceeds the 1000 m² condition may submit a *Notice of Intent* along with payment of the required fee. The landowner may also apply to the Commission through a *Soil or Fill Use Application* under s. 25 of the ALCA.

Prohibited Fill is not permitted for the construction or maintenance of any residential uses.

9. COMPLIANCE AND ENFORCEMENT

The Commission receives many complaints regarding fill, soil and aggregate-related activities on ALR land. Compliance and enforcement officials of the Commission have a wide range of compliance and enforcement mechanisms available under ss. 49-57 of the ALCA. This includes mechanisms to ensure that the ALCA, regulations and orders are complied with, that land can be rehabilitated where non-compliance occurs, and that violations can be penalized administratively or through the courts.

The purpose of a *Notice of Intent* is to seek authorization prior to lawful placement of fill or removal of soil and aggregate, and not as a mechanism to seek retroactive approval.

10. GLOSSARY

The following key definitions are relevant to this information bulletin:

“aggregate” means sand, gravel, crushed stone, quarry rock and similar materials used in the construction and maintenance of civil and structural projects

“ALCA” means the *Agricultural Land Commission Act*

“ALR” means the Agricultural Land Reserve

“ALR General Regulation” means the Agricultural Land Reserve General Regulation

“ALR Use Regulation” means the Agricultural Land Reserve Use Regulation

“berming” means the construction of dykes;

“CEO” means the Chief Executive Officer of the Commission and, as applicable, such employees to whom powers and duties are delegated under s. 20.3(6) of the ALCA

“clearing” means tree and stump removal undertaken to prepare land for cultivation

“Farm Practices Act” means the *Farm Practices Protection (Right to Farm) Act*

“structure for farm use” means structures used in a farm operation for the growing, producing, raising, or keeping of farm animals or plants, including mushrooms and aquaculture facilities, and the primary products of those plants and animals

“farm use” (a) means an occupation or use of agricultural land for (i) farming land, plants, mushrooms, truffles or animals, (ii) a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act* or (iii) a purpose designated as a farm use by regulation, and (b) does not include a residential use or a soil or fill use: ALCA, s. 1

“fill” means “any material brought onto agricultural land other than materials exempted by regulation”: ALCA, s. 1

“flood protection requirements” means the elevation level as established by local government bylaws for flood protection within a defined floodplain

“levelling” means reshaping the soil surface within a field or parcel of land to eliminate high and low areas and resulting in a uniform field level (that is, cutting high spots and filling in low spots);

“non-farm use” means “a use of agricultural land other than a farm use, a residential use or a soil or fill use”: ALCA, s. 1

“Notice of Intent” means a notice of intent submitted to the CEO under s. 20.3(1)(c)(ii) of the ALCA, in the form and manner that the CEO requires

“placement” of fill, or **“fill placement”**, means to deposit, place, store, or stockpile directly or indirectly, fill on any land in the ALR, where that fill did not previously exist

“principal residence” means the residence permitted under section 20.1(1)(a) of the ALCA

“Prohibited Fill” means (a) construction or demolition waste, including masonry rubble, concrete, cement, rebar, drywall and wood waste; (b) asphalt; (c) glass; (d) synthetic polymers; (e) treated wood; (f) unchipped lumber: ALR Use Regulation, s. 36.

“Qualified Registered Professional” means a person registered with a professional association including the Association of Professional Engineers and Geoscientists of BC, the Corporation of the Province of British Columbia Land Surveyors, British Columbia Institute of Agrologists or another person who is qualified because of knowledge, training and experience to organize, supervise and perform the relevant services

“remove” or **“removal”** means the act of removing soil or aggregate from any land in the ALR, where it existed or stood, which place or location shall include a stockpile or other storage facility

“reservoir” means a water impoundment that is used for agricultural water supply.

“soil” includes the entire mantle of unconsolidated material above bedrock other than minerals as defined in the *Mineral Tenure Act*: ALCA, s. 1

“soil amendment” means compost, fertilizer, manure, mulch and soil conditioners: ALR Use Regulation, s. 1

“soil conditioner” means organic or inorganic matter that has beneficial effects on the biological, chemical, or physical properties of soil

“soil or fill use” means (a) the removal of soil from, or the placement of fill on, agricultural land, and (b) does not include a farm use or a residential use: ALCA, s. 1

“Soil or Fill Use Application” means an application for permission made for a soil or fill

“stockpile” means a man-made accumulation of soil, fill, or organic materials held in reserve for future use, distribution or removal.

“use application” means an application for permission made under any of the following: (a) s. 20(2) of the ALCA for a non-farm use; (b) s. 20.1(2)(a) for a non-adhering residential use; (c) section 20.3 (5) for a soil or fill use: ALCA, s. 1

“wood residue” as defined by the Code of Practice for Agricultural Environmental Management means wood or a wood product that (a) is chipped or ground, (b) originates from (i) wood processing, (ii) the clearing of land, if the majority of the greenery is removed and no soil is present, or (iii) trimming or pruning activities, (c) has not been treated or coated with chemicals, including preservatives, glues, paints, varnishes, oils or finishing materials, (d) does not contain a foreign substance harmful to humans, animals, or plants when combusted, (e) has not been exposed to salt water, and (f) has not been used for or recovered from construction or demolition activities

“wood waste” includes wood residue, hog fuel, mill ends, bark, and sawdust, but does not include demolition waste, construction waste, tree stumps, branches, logs or log ends, or log yard waste

CORPORATE REPORT

To: CAO for the Recreation, Culture & Airpark Services Commission Date: 2019-04-16

From: Jody Castle, Manager of Recreation, Culture & Airpark Services File No:

Subject: Canada Day 2019

INTENT

This report is intended to advise the Commission of information pertaining to activities planned for Canada Day 2019. Staff is not looking for a recommendation and has forwarded this information should members want more clarification to discuss the item further.

STRATEGIC AREA(S) OF FOCUS

Support Healthy & Sustainable Community

BACKGROUND

Recreation, Culture and Airpark Services (RCAS) hosts the annual Canada Day Festivities in Hope on July 1 in partnership with the District of Hope, Hope Motorsports Group, and the Lions Club. Funds are set aside annually for the event, and additional funds are raised from the community through corporate sponsorship, in-kind donations and grants. RCAS has budgeted \$22,000 for the 2019 event, and staff is working to secure an additional \$10,000 in sponsorships and grants.

DISCUSSION

As part of the festivities, Hope Motor Sports Group is holding the Classic Car Show and Shine from 9am-2pm in Memorial Park. To accompany this event, RCAS will host formal opening ceremonies including flag raising and cake cutting. Local performers will be on stage after the formal ceremonies until the conclusion of the car show at 2pm. A market place featuring local artisans will also be on site. Entertainment for families will be available throughout the day, including a special Canada Day craft, princess visits and face painting.

Evening festivities will take place at the park on 6th Avenue with the gates opening at 6:30pm. The main stage entertainment will begin at 7pm, with musical performances continuing until the fireworks show at approximately 10:30pm. Sweet Tequila is returning this year to the main stage with their high energy show, and Ben Click will be performing beginning at 7:30pm. Ben has won five North American Country Music Association Awards, and is known for being a fantastic guitar player and interactive

storyteller. Food service throughout the day will be provided by the Lions Club, and smoked salmon will be available in the evening. Several children's activities are planned, including a balloon twister, bouncy castles, a Smores Station, and face painting.

New in 2018, the Rotary Club partnered with RCAS to present an adult-only beer garden at the south side of the stage. The beer garden was advertised in the community starting in the middle of June. Funds raised were used by the local Rotary Club for student scholarships. The beer garden did not appear to increase attendance at the event, and minimal funds were raised for the amount of work required.

After last year's event, concerns were raised that Rotary Club members may not be interested in participating in a future beer garden event. Staff has communicated to the Rotary Club and are awaiting a response as to whether they are interested in participating in the 2019 Canada Day event. The Lions Club has expressed potential interest should the beer garden be a desired option.

COST

Total Estimated Cost: \$32,000

\$22,000 is available in the Hope Recreation (710) budget and the remainder would be covered through grant funding and community sponsorships.

CONCLUSION

Canada Day planning for 2019 is underway and staff is in the final stages of securing grants and sponsorships. An update can be provided at the next RCAS Commission meeting regarding the interest of local service clubs in providing a beer garden at the event.

COMMENTS BY:

Stacey Barker, Director of Regional Services

Reviewed and supported.

Mike Veenbaas, Director of Financial Services

Reviewed and supported.

Paul Gipps, Chief Administrative Officer

Reviewed and supported



Sts'ailes

RECEIVED

APR 12 2019

FRASER VALLEY REGIONAL DISTRICT
DEPARTMENT *Jaime R.*

HEALTH

4690 Salish Way | Agassiz, BC V0M 1A1

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w stsailles.com

April 4, 2019

On behalf of the Sts'ailes Soccer Tournament Committee, I would like to invite you to participate as sponsor of the 18th Annual Sts'ailes Youth Soccer Tournament on **May 4&5** at the Sts'ailes Soccer Fields. This is an important event to our community, Elders and especially our youth as we will be welcoming dozens of soccer teams from all over BC to participate in the first Soccer Tournament of the 2019 Soccer Season. A big part of our success is the support and partnerships we have built in the past 18 years. We look forward to building on our current partnership prior to, during and after our tournament. Collaborating with the Sts'ailes Youth Soccer Tournament entitles you to the following benefits:

- 1) **Sasquatch Sponsor \$2000.00**
 - Having your logo displayed on the official Sts'ailes website.(Please send logo to the email address below)
 - Acknowledgement publicly announced at the event.
 - Logo displayed at the Sts'ailes Youth Soccer Tournament.
 - An invitation for representatives to attend the Sts'ailes Youth Soccer.
 - A receipt for donation for tax purposes.
- 2) **Salmon Sponsor at \$1500.00**
 - Logo displayed at the Sts'ailes Youth Soccer Tournament.
 - An invitation for representatives to attend the Sts'ailes Youth Soccer.
 - A receipt in the amount of your donation for tax purposes
- 3) **River Sponsor at \$500.00**
 - An invitation for representatives to attend the Sts'ailes Youth Soccer.
 - A receipt in the amount of your donation for tax purposes
- 4) **Cedar Sponsor at \$250.00**
 - A receipt for your donation for tax purpose.

If you can please identify which one you will be participating in, and make *cheque payable to Sts'ailes*.
With a note that it is for the Sts'ailes Youth Tournament 2019

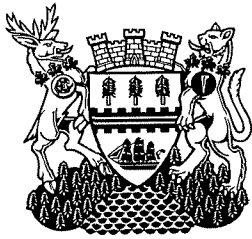
Also, please email us your logo to margaret.charlie@stsailles.com, so that we can advertise as promised.

Thank you again for your support.

Sincerely,

Margaret Charlie
Soccer Tournament Coordinator
Margaret.charlie@stsailles.com
604-796-9601 ext :242

strong people from birth to spirit life



City of Port Moody

Report/Recommendation to Council

Date: February 26, 2019

File No. 01-0360-20-55-00

Submitted by: Climate Action Committee

Subject: Union of BC Municipalities Resolution – Greenhouse Gas Limits for New Buildings

Purpose / Introduction

To bring forward a Union of British Columbia Municipalities resolution regarding greenhouse gas limits for new buildings and seek Council endorsement to advance the resolution to the Lower Mainland Local Government Association (LMLGA) and the Union of British Columbia Municipalities (UBCM) for consideration, as recommended by the Climate Action Committee.

Recommended Resolutions

THAT the following resolution regarding Greenhouse Gas Limits for New Buildings be submitted to the Lower Mainland Local Government Association, for subsequent submission to the Union of BC Municipalities, as recommended in the report dated February 26, 2019 from the Climate Action Committee regarding Union of BC Municipalities Resolution – Greenhouse Gas Limits for New Buildings:

WHEREAS climate change is recognized to be an urgent concern requiring rapid decarbonization of energy across all sectors, including buildings, in order to achieve 45% GHG emissions reductions by 2030 and net-zero GHG emissions by mid-century, as noted by the IPCC Special Report on 1.5C;

AND WHEREAS the British Columbia Energy Step Code establishes targets for increasing energy efficiency of new construction, but these may not result in the necessary levels of GHG emissions reductions to support local government GHG reduction targets nor BC's legislated GHG emissions reduction targets;

AND WHEREAS new buildings can last for many decades and are difficult, expensive, and disruptive to retrofit for renewable energy after construction;

AND WHEREAS near-zero GHG emissions mechanical systems are well proven and can be cost-effectively incorporated in new buildings, while also improving efficiency;

Report/Recommendation to Council

Union of BC Municipalities Resolution – Greenhouse Gas Limits for New Buildings

February 26, 2019

THEREFORE BE IT RESOLVED THAT the Province include GHG limits for new construction as an enforceable element in Division B of the British Columbia Building Code, including a pathway to achieve zero GHG emissions for new construction in a timeline commensurate with the science of climate change and BC's reduction targets;

AND BE IT FURTHER RESOLVED THAT the Province's goal in the CleanBC Plan to "make every new building constructed in BC "net-zero energy ready" by 2032" be revised to "make every new building constructed in BC "zero emissions" and "net-zero energy ready" by 2032";

AND THAT a request be sent to local governments in British Columbia for staff to advise their Councils to support the City of Port Moody's forthcoming resolution "Greenhouse Gas Limits for New Buildings" at the Lower Mainland Local Government Association conference on May 8-10, 2019 and the Union of BC Municipalities conference on September 23-27, 2019.

Executive Summary

The Province of British Columbia (BC) has committed to reducing greenhouse gas (GHG) emissions by at least 40% below 2007 levels by 2030, 60% by 2040, and 80% by 2050. In BC, most GHG emissions come from creating and using energy. Major energy-related sources of GHG emissions include transportation, such as driving cars, and stationary combustion sources, such as heating buildings.

New buildings can last for many decades and are difficult, expensive, and disruptive to retrofit for renewable low-carbon energy solutions after construction. The sooner new buildings achieve near zero emissions, the fewer buildings there will be that require costly and challenging deep energy retrofits to achieve GHG reduction targets.

While the BC Energy Step Code establishes a provincial framework for reducing energy use in new buildings, it does not explicitly address GHG emissions from buildings. As buildings represent up to half of GHG emissions at the community level, there is a need to develop an effective policy framework to achieve emissions reductions.

The Climate Action Committee recommends advancing a resolution to the LMLGA and subsequently to the UBCM, calling on the Province to mandate GHG limits for new buildings as an enforceable element of Division B of the British Columbia Building Code (BCBC). The resolution also asks that the provincial goal in the CleanBC Plan "to make every new building constructed in BC net-zero energy ready by 2032" be revised to "make every new building constructed in BC net-zero energy ready and zero emissions by 2032".

As the proposed resolution will support other BC communities in achieving GHG emissions reductions, the Climate Action Committee further recommends that local government staff in BC be requested to advise their Councils to support the City of Port Moody's forthcoming resolution

Report/Recommendation to Council

Union of BC Municipalities Resolution – Greenhouse Gas Limits for New Buildings

February 26, 2019

“Greenhouse Gas Limits for New Buildings” at the LMLGA May 8-10, 2019 and UBCM September 23-27, 2019 conferences.

Background

At the February 25, 2019 Climate Action Committee meeting, staff provided a presentation on the BC Energy Step Code (Step Code), including an overview of GHG emissions modelling in relation to the Step Code, how greenhouse gas intensity (GHGI) is calculated, the reasoning for focusing on GHGs in new buildings, and introduced the proposed UBCM resolution (**Attachment 1**).

After the staff presentation, the Climate Action Committee passed a resolution in support of the proposed UBCM resolution and seeking support from other municipalities. This resolution is included as the recommended resolution in this report.

DiscussionClimate Change and Greenhouse Gas Emissions

In October of 2018, the Intergovernmental Panel on Climate Change (IPCC) published a special report on the impacts of global warming of 1.5°C¹ above pre-industrial levels and related global greenhouse gas emission pathways. The report states that human activities are estimated to have caused approximately 1.0°C of global warming above pre-industrial levels and that global warming is likely to reach 1.5°C between 2030 and 2052 if it continues to increase at the current rate. Global warming reflecting current nationally stated mitigation goals until 2030 is estimated to result in global warming of about 3°C by 2100, with warming continuing afterwards due to past and ongoing emissions.

Impacts on natural and human systems from global warming have already been observed as many land and ocean ecosystems and some of the services they provide have already changed due to global warming. In addition, climate-related risks to health, livelihoods, food security, water supply, and economic growth are projected to increase with global warming of 1.5°C and increase further with 2°C and 3°C (**Attachment 2**).

Warming from anthropogenic emissions from the pre-industrial period to the present will persist for centuries to millennia and will continue to cause further long-term changes in the climate system, such as sea level rise. The IPCC special report states that reaching and sustaining net zero global anthropogenic CO₂ emissions is necessary to halt anthropogenic global warming on multi-decadal time scales.

The IPCC advises that pathways limiting global warming to 1.5°C would require rapid and far-reaching transitions in energy, land, urban, and infrastructure, including transportation and buildings, and industrial systems in order to achieve 45% GHG emissions reductions by 2030 and net-zero GHG emissions by mid-century.

¹ https://www.ipcc.ch/site/assets/uploads/sites/2/2018/07/SR15_SPM_version_stand_alone_LR.pdf

Report/Recommendation to Council

Union of BC Municipalities Resolution – Greenhouse Gas Limits for New Buildings

February 26, 2019

Provincial Goals

The Province has committed to reducing GHG emissions by at least 40% below 2007 levels by 2030, 60% by 2040, and 80% by 2050. In BC, most GHG emissions come from creating and using energy. Major energy-related sources of GHG emissions include transportation, such as driving cars, and stationary combustion sources, such as heating buildings.

Building-related emissions account for almost half of community GHG emissions in most of B.C. As such, reducing building-related emissions can have a significant impact on meeting provincial and community GHG emissions reduction targets.

New buildings can last for many decades and are difficult, expensive, and disruptive to retrofit for renewable low-carbon energy solutions after construction. The sooner new buildings achieve near zero emissions, the fewer buildings there will be that require costly and challenging deep energy retrofits to achieve GHG reduction targets. Low-carbon mechanical systems that provide space heating, cooling, and domestic hot water heating are available in the market today for all of BC's climate and building needs. Most low-carbon energy systems can be cost-effectively incorporated into new buildings.

The BC Energy Step Code

The BC Energy Step Code was introduced in April 2017 as a voluntary energy-efficiency standard in the *British Columbia Building Code (BCBC)*. As an optional compliance path within the *BCBC*, any builder can choose to build to the requirements of the Step Code, and local governments can implement bylaws or policies that require compliance with the Step Code. To comply, builders must use energy modelling software and on-site testing to demonstrate that both their design and the constructed building meet the energy efficiency requirements of the Step Code. The Step Code establishes targets for increasing energy efficiency of new construction, but does not explicitly address GHG emissions.

Greenhouse Gas Emissions in BC Buildings

Rapidly reducing GHG emissions is an important objective for BC and local governments to reach GHG emission reduction targets consistent with the science of climate change. While Step Code establishes a framework for reducing energy use in new buildings, it does not explicitly address GHG emissions from buildings.

There are many examples of buildings constructed throughout the region using a variety of low-carbon heating and cooling systems. These include air source heat pumps, ground source heat pumps, waste heat recovery systems, biomass systems, and solar collectors. There are multiple options for most building types including single-family, multi-family and commercial buildings, including building-scale and district energy systems. These systems are cost-competitive with more carbon-intensive systems, and can be reliably designed, installed, and operated.

The City of Vancouver has requirements to limit GHG emissions in new buildings, and a number of other local governments have introduced Step Code policies that include a low-carbon energy system option with a lower step (including Surrey, Richmond, Burnaby, New Westminster, and

Report/Recommendation to Council

Union of BC Municipalities Resolution – Greenhouse Gas Limits for New Buildings

February 26, 2019

the Township of Langley), while others are considering a similar approach. This low-carbon system “option” approach may result in more low-carbon buildings, but GHG reduction is not guaranteed, and a more rigorous and standardized approach is needed.

In order to better understand the relationship between energy efficiency performance and GHG emissions, as well as policy options, the Provincial Ministry of Housing and Affairs is commissioning a study to explore the range of possible GHG emission reductions in new buildings at each step of the Step Code in relation to common and/or emerging energy systems in buildings, and to provide policy options on how to optimize GHG emission reductions from new buildings.

CleanBC Plan

CleanBC, released in December 2018, outlines the Province's plan for a more prosperous, balanced, and sustainable future. CleanBC includes a target for GHG reduction for buildings of 40% by 2030, and notes the need for further electrification of buildings and support of low-carbon approaches. The CleanBC plan also recognizes the benefits of living and working in greener buildings, like greater comfort, lower energy use, and better air quality – both indoors and in communities. The plan establishes a goal to make every new building constructed in BC net-zero energy ready by 2032.

However, CleanBC does not specifically outline a policy pathway to achieve the 40% target, nor state a long-term goal of zero-carbon buildings. Therefore, policies and regulations that achieve GHG reduction as well as energy efficiency are consistent with both provincial and local government interests.

Encouraging Zero-Carbon Buildings

Although population growth in Port Moody has been moderate in the past, the number of development applications has increased with the addition of the Evergreen Line extension in recent years, making Port Moody an attractive and accessible location. With minimal opportunity for new development, redevelopment has become the focus. As redevelopment in Port Moody continues to grow, an opportunity exists to reduce community GHG emissions by ensuring replacement buildings are equipped with low-carbon solutions.

There is no current governing plan or policy that outlines Port Moody's targets or commitments to building-related emissions reduction. Local governments in BC are required through the *Green Communities Statutes Amendment Act* (Bill 27) to include targets, policies, and actions for the reduction of GHG emissions in their Official Community Plans (OCP). Both the OCP and the Master Transportation Plan (MTP) refer to a community emissions database that is outdated, as well as an interim GHG reduction target of 10% below 2007 levels by 2017, that is past due.

The City has identified a number of climate action goals and initiatives in the OCP that signal Council's commitment to a low-carbon building stock, outlined in **Attachment 3**.

Report/Recommendation to Council

Union of BC Municipalities Resolution – Greenhouse Gas Limits for New Buildings

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Port Moody continues to show support for zero-carbon buildings by encouraging and prioritizing low-carbon development applications using the Sustainability Report Card, exploring early adoption of the Step Code, and leading by example through investments in energy efficient upgrades to civic facilities.

Clear direction and leadership in climate policy will strengthen Port Moody's local green economy, and contribute to reaching climate change goals.

Next Steps

The Climate Action Committee is recommending to advance a resolution to the LMLGA and subsequently to UBCM, calling on the Province to mandate GHG limits for new buildings as an enforceable element of Division B of the *British Columbia Building Code*. The resolution also asks that the provincial goal in the CleanBC Plan “to make every new building constructed in BC net-zero energy ready by 2032” be revised to “make every new building constructed in BC net-zero energy ready and zero emissions by 2032”.

As the proposed resolution will support other BC communities in achieving GHG emissions reductions, the Climate Action Committee recommends that local government staff in BC be requested to advise their Councils to support the City of Port Moody's forthcoming resolution “Greenhouse Gas Limits for New Buildings” at upcoming 2019 LMLGA and UBCM conferences.

Other Options

THAT the report dated February 26, 2019 from the Climate Action Committee regarding Union of BC Municipalities Resolution – Greenhouse Gas Limits for New Buildings be received for information.

Financial Implications

There are no financial implications associated with the recommendations in this report.

Communications and Civic Engagement

No communications or civic engagement initiatives are required by the recommendations in this report.

Council Strategic Plan Objectives

Advancing the UBCM resolution regarding GHG limits in new buildings is consistent with the strategic outcomes in the areas of Community Planning and Preserving the Environment identified in the 2015-2018 Council Strategic Plan.

Attachments:

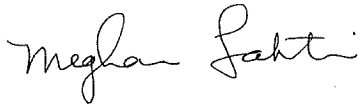
1. UBCM Resolution Regarding GHG Limits in New Buildings.
2. Global Warming Impacts Based on the IPCC Special Report.
3. OCP Policies to Support Zero-Emission New Buildings.

Report/Recommendation to Council

Union of BC Municipalities Resolution – Greenhouse Gas Limits for New Buildings

February 26, 2019

Prepared by:

A handwritten signature in cursive script that reads "Meghan Lahti". The signature is written in black ink on a white background.

Councillor Meghan Lahti
Chair

UBCM Resolution**Greenhouse Gas (GHG) limits in the
British Columbia Building Code**

City of Port Moody

WHEREAS climate change is recognized to be an urgent concern requiring rapid decarbonization of energy across all sectors, including buildings, in order to achieve 45% GHG emissions reductions by 2030 and net-zero GHG emissions by mid-century, as noted by the IPCC Special Report on 1.5C;

AND WHEREAS the *British Columbia Energy Step Code* establishes targets for increasing energy efficiency of new construction, but these may not result in the necessary levels of GHG emissions reductions to support local government GHG reduction targets nor BC's legislated GHG emissions reduction targets;

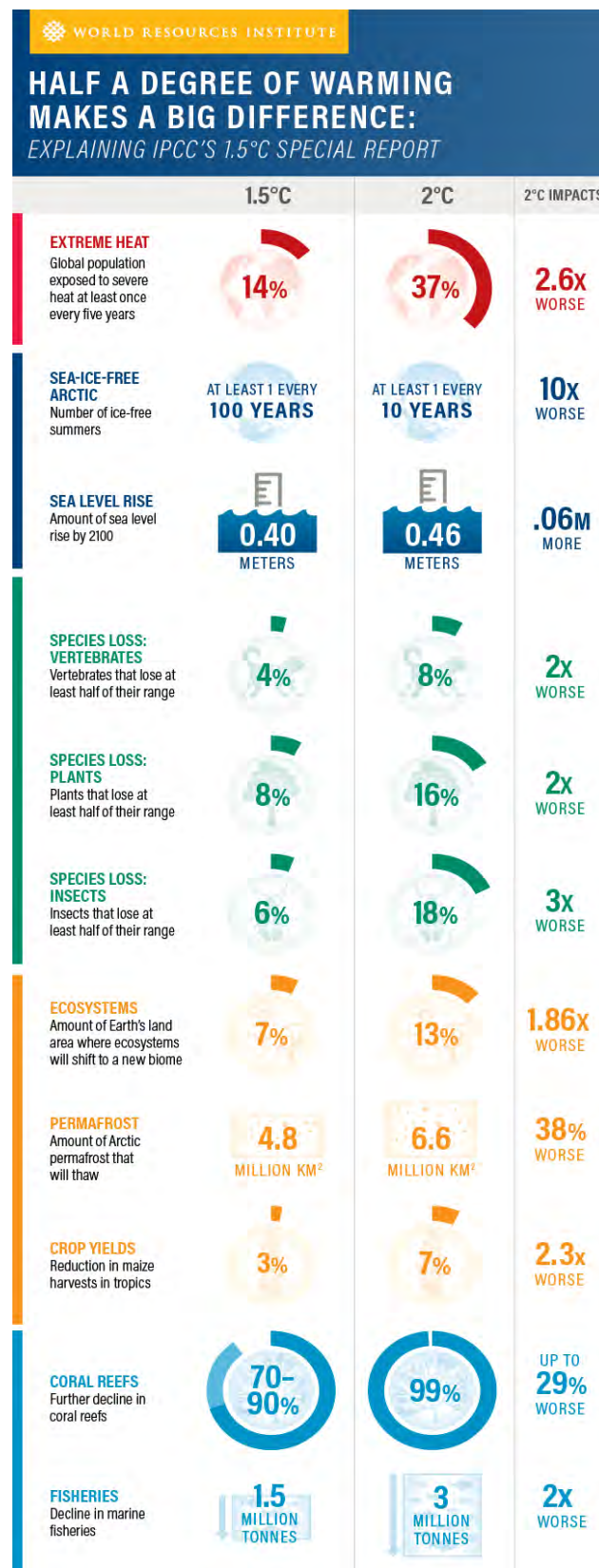
AND WHEREAS new buildings can last for many decades and are difficult, expensive, and disruptive to retrofit for renewable energy after construction;

AND WHEREAS near-zero GHG emissions mechanical systems are well proven and can be cost-effectively incorporated in new buildings, while also improving efficiency;

THEREFORE BE IT RESOLVED THAT the Province include GHG limits for new construction as an enforceable element in Division B of the British Columbia Building Code, including a pathway to achieve zero GHG emissions for new construction in a timeline commensurate with the science of climate change and BC's reduction targets;

AND BE IT FURTHER RESOLVED THAT the Province's goal in the CleanBC Plan to "make every new building constructed in BC "net-zero energy ready" by 2032" be revised to "make every new building constructed in BC "zero emissions" and "net-zero energy ready" by 2032".

Attachment 2 – Global Warming Impacts based on the IPCC Special Report



Attachment 3 – OCP Policies to Support Zero-Emission New BuildingsChapter 5 – Sustainable Resource Use and Climate Change Response

3. The City will develop a Community-wide Sustainable Building Policy to encourage the renovation of existing buildings and the creation of new development that meets a high standard of sustainable building performance with features that may include but are not limited to:

- (d) Passive building systems;
- (e) Energy efficiency technology;
- (f) On-site renewable energy technology;
- (g) District renewable energy systems;

5. The City will develop, implement and regularly update a community GHG and energy management plan as a means to plan for an energy-wise and low-carbon future where energy demand is reduced and needs are met through sustainable practices through the community and by sustainable energy systems (e.g., renewable, affordable, reliant, efficient, etc.).

10. The City will encourage the planning, design and construction of efficient neighbourhoods and buildings to minimize resource consumption, increase use of renewable resources, increase alternative modes of transportation, reduce greenhouse gas emissions and prepare for climate change.

11. The City will encourage local low carbon energy systems, including district energy, as part of larger developments and within areas expected to experience significant redevelopment.

12. The City will encourage sustainable project development by applying the Sustainability Checklist, including energy considerations, to assess the relative strengths of a development proposal from a sustainability perspective and encourage the most sustainable project possible.

14. To encourage strong energy performance, the City will consider incentives for developers including variances, density bonusing, modified/alternative development standards or other appropriate mechanisms available under the Local Government Act.

15. The City will work to provide information to local developers, builders and homeowners about energy efficient building practices and available incentives and funding programs.



Office of the Mayor

April 5, 2019

Member Municipalities
c/o Union of BC Municipalities
Suite 60 - 10551 Shellbridge Way
Richmond, BC V6X 2W9

Dear UBCM Member Municipalities:

I am writing on behalf of Maple Ridge City Council to inform you of recent action taken by the Province of British Columbia that undermines the authority granted to municipal governments, and request that you pass a resolution to be forwarded to Premier Horgan and the Union of BC Municipalities (UBCM) expressing concern for the impact this action has on the roles defined for local government within the Community Charter (CC) and the Local Government Act (LGA).

By way of background, I share with you the recent experience of the City of Maple Ridge, where on two separate occasions, we have been subjected to the Province's unilateral action to bypass local government autonomy and public process, inconsistent with our local zoning.

In May 2018, the Province of BC made application to the City of Maple Ridge to rezone provincially-owned properties on 11749 & 11761 Burnett Street (as referenced in Item 1108 of the May 22, 2019 Council Meeting Report) to build purpose built supportive housing. Citizens attended a public meeting hosted by local MLAs and presented a 10,000 name petition against this application citing several considerations that made the site unsuitable including its proximity to a daycare, two schools, a seniors centre, and that the proposed model itself was inadequate to meet the complex mental health and addiction support services required, particularly persons coming from a camp environment. Following the public process, the City rejected the application. The Provincial Government responded to this decision by taking unilateral action to install housing through the Rapid Response to Homelessness (RRH) program on a nearby provincially-owned site on Royal Crescent, next to senior and low income housing, without any local consultation citing emergency measures were needed to ensure camp closure, which did not happen.

Since this Council took office in November 2018, we have taken swift and deliberate steps to address mental health and housing problems in our community, especially with regard to the ongoing presence of the St. Anne Camp that was first established in May 2017. We have endeavored to open positive channels of communication with the Province of BC to deliver a workable plan that addresses immediate and long term housing needs in our community, while respecting the views that have been clearly stated by local citizens. This began with post-election meetings in October 2018 with our local MP, MLAs, Fraser Health Authority, BC Housing and related non-profit service providers followed by Council's development of a Strategic Plan which includes direction to establish a Community Safety Plan as a major tenet of this work. These steps have been followed up most recently with a meeting in Victoria on February 25, 2019 with Ministers we felt needed to be present to assist us in our plan, that being Ministers of Health, Mental Health and Addictions, Poverty and Housing to discuss a broad range of problems including housing affordability, delivery of addiction and mental health services, community safety, and how we can move forward on these matters in Maple Ridge.

/2

City of Maple Ridge

11995 Haney Place, Maple Ridge, British Columbia V2X 6A9 CANADA

Telephone: 604-463-5221 • Fax: 604-467-7329 • Email: enquiries@mapleridge.ca • www.mapleridge.ca

On Monday, March 4, just one week after that meeting, I received a phone call from the Housing Minister demanding that the City deliver a "Social Housing Plan" within five days to address short and long term needs, including providing immediate housing to facilitate the closure of the St. Anne Camp. Council immediately passed a resolution and then delivered on this request in seven days, with all related resolutions from Council to demonstrate our willingness and commitment to collaborate for a mutually beneficial outcome. The Plan was immediately rejected by the Province. The Province cited the unsuitability of the City's chosen property, despite City staff's assessment that the site could accommodate immediate housing needs to achieve camp closure. One week later, Minister Robinson announced publicly that RRH housing would be installed on Burnett Street, at the same location local residents and the previous Council had already rejected through the usual local application process.

Maple Ridge Council is gravely concerned by this second instance of the Provincial Government overriding local autonomy. The initial 53 housing units installed on Royal Crescent did not end the St. Anne Camp as promised by the Province, with units populated by both camp residents and other homeless individuals identified by BC Housing as a regional housing provider. In five months' time, the facility has experienced two deaths, and seen few moving forward as evidenced by statistics provided by the operator. Increasing crime at this location, the St. Anne Camp, and all other low barrier facilities in Maple Ridge indicates that the chosen model is not suitable to help people in a very serious state of poor mental health often coupled with significant substance misuse problems. Moreover, we have seen that other communities working to address closure of camps experienced similar results (e.g. Nanaimo, Victoria, Surrey and now Maple Ridge).

The emphasis that has been placed on low barrier housing in Maple Ridge, which includes approximately 950 rental supplements for untreated persons mostly suffering from substance misuse and mental health problems, has eliminated most of our affordable housing stock that is critical for people on low income, veterans, seniors, single parents and persons with disabilities. Furthermore, ongoing criminal activity has overtaxed all front line resources. These are real and significant local concerns that have been swept aside by the Province's action.

What our community needs is a comprehensive health care facility focusing on mental and physical health, addictions recovery, and services to move people forward to a better place in their lives. We asked for this as part of our Social Housing Plan to the Province, a Plan which recognizes that local governments' role is to make decisions in the best interest of local residents. By acting unilaterally, the Province has imposed regional priorities at the expense of Maple Ridge citizens, and taken away our Council's ability to represent the best interests of our community.

We therefore ask you, our fellow local governments, to consider the ramifications of this unilateral action by the Province of BC to overrule municipal land use regulations and dispense with public consultation and collaboration with local government. In our view, it sets a dangerous precedent that jeopardizes the autonomy of all local governments in British Columbia, and could have repercussions for a wide range of sensitive matters that municipalities might consider, such as a waste incineration plant, a prison, a communication tower, etc. For projects such as these, it is particularly important that senior government initiatives go through proper process including site assessment and suitability evaluation, and for the Province of BC to respect the authority that has been granted to local governments to carry out due public process and represent the best interests of their communities in order to ensure approval.

UBCM Member Municipalities

April 5, 2019

Page 3

We appreciate that initiatives such as the RRH program may or may not be suitable in your community. Local government holds the authority and responsibility of making the right decisions based on a balance of all interests and weighing local and regional needs, while working with our senior government partners.

Enclosed you will find a proposed resolution that is strictly about the importance of local government autonomy. We ask that you consider passing this resolution and forward a copy to Premier Horgan and the UBCM to let them know that local governments require the Province of BC to respect local democracy and work collaboratively with us to move forward on projects and programs of mutual concern that balance the interests of all BC residents.

Thank you for your consideration of this important matter.

Yours sincerely,



Michael Morden
Mayor

Attach: Sample Resolution
Sample Letter to Premier Horgan

cc: Maple Ridge Council

Sample Resolution

WHEREAS the *Community Charter*¹ acknowledges that municipalities and their Councils are “democratically elected, autonomous, responsible and accountable”; require the authority to determine the public interest of their communities; and the *Local Government Act*² grants local governments the powers and flexibility required to fulfill their purpose and respond to the needs of their communities;

AND WHEREAS the Ministry of Municipal Affairs & Housing has taken unilateral action in Maple Ridge that undermines the jurisdiction of the Council of the City of Maple Ridge to determine and represent the public interest of this community, setting a dangerous precedent that jeopardizes the autonomy of all local governments in British Columbia in representing the interests of their communities through fair and accountable public process;

THEREFORE BE IT RESOLVED that [Enter Municipality] urges the Province of British Columbia to commit to work in collaboration with local governments within the bounds of their respective jurisdictions on all current and future projects of mutual concern to local governments and the Provincial Government.

¹*Community Charter*, SBC 2003, c.26, part 1

²*Local Government Act*, RSBC 2015, c.1, part 1

[Enter Date]

Premier Horgan
West Annex Parliament Buildings
Victoria, BC V8V 1X4

Dear Premier Horgan:

Due to our concern over recent action taken by the Ministry of Municipal Affairs & Housing to undermine jurisdiction granted to municipal governments, the Council of [Enter Municipality] endorsed the following resolution on [Enter Date]:

WHEREAS the *Community Charter* acknowledges that municipalities and their Councils are “democratically elected, autonomous, responsible and accountable”; require the authority to determine the public interest of their communities; and the *Local Government Act* grants local governments the powers and flexibility required to fulfill their purpose and respond to the needs of their communities;

AND WHEREAS the Ministry of Municipal Affairs & Housing has taken unilateral action in Maple Ridge that undermines the jurisdiction of the Council of the City of Maple Ridge to determine and represent the public interest of this community, setting a dangerous precedent that jeopardizes the autonomy of all local governments in British Columbia in representing the interests of their communities through fair and accountable public process;

THEREFORE BE IT RESOLVED that [Enter Municipality] urges the Province of British Columbia to commit to work in collaboration with local governments within the bounds of their respective jurisdictions on all current and future projects of mutual concern to local governments and the Provincial Government.

We therefore urge the Government of BC to respect local government autonomy and engage in collaborative consultation with municipalities and constituents on any land use or other matters of concern to the Provincial Government.

Yours sincerely,

[Signatory]

Squamish-Lillooet Regional District Update

February 2019

Updates from the Squamish-Lillooet Regional District Board and Committee meetings of February 2019

Note from Chair Rainbow: Food security will be a major concern for B.C. as the effects of climate change affect our food suppliers to the south. Farmers in California are facing increased competition from urban areas for water, their soils are becoming degraded and agricultural production is suffering. We may no longer be able to rely on U.S. farmers in the future and will need to produce more food locally. So it is good to see that we have vibrant, active Agricultural Advisory Committees in Area B and in Area C. Thanks to the people who make up these committees for spending time on this important work. Our budget process is almost complete and once it is, details will be posted on the SLRD website.

2019 Budgets

The SLRD continues to develop the 2019-2023 Financial Plan including operational and capital budgets.

The Sea to Sky Regional Hospital District Board approved the 2019 Financial Plan (Sea to Sky Regional Hospital District 2019 Budget Bylaw No. 41-2019) including the operational and capital budget.

BYLAWS

The following bylaws, to increase the maximum tax requisition amounts available, were adopted:

- Electoral Area C and Village of Pemberton Cemetery Financial Contribution Service Conversion and Establishing Bylaw No. 1559-2018
- Gun Lake Fire Protection Contribution Local Service Establishment Bylaw No. 559, 1994, Amendment Bylaw No. 1604-2018

The Bralorne Sewer System Local Service Conversion and Establishment Bylaw No. 585, 1995, Amendment Bylaw No. 1614-2019, to increase the maximum tax requisition amount to allow for the borrowing of \$300,000 from the Municipal Finance Authority for the purpose of completing the construction of the new Bralorne wastewater treatment system, was introduced and read a first, second and third time, and forwarded to the Inspector of Municipalities for approval. Upon receipt of such approval, the SLRD will undertake an Alternative Approval Process to seek authorization from the electorate regarding the borrowing of the \$300,000 loan. \$20,000 per year from 2019 through to 2023 will be transferred to the Bralorne Sewer Service cost centre from the Area A

Northern Area BC Hydro (PILT) Funds Reserves for the purposes of assisting in repaying the loan.

The following Service Establishment Amendment Bylaws were introduced and read a first, second and third time, to increase the maximum tax requisition amounts available:

- Lillooet and District Recreational, Education, and Cultural Centre Contribution Local Service Conversion and Establishment Bylaw No. 560, 1994, Amendment Bylaw No. 1615-2019
- Bralorne Television Repeater System Local Service Establishment Bylaw No. 516, 1993, Amendment Bylaw No. 1616-2019
- D'Arcy Water System Service Establishment Bylaw No. 1019-2007, Amendment Bylaw No. 1617-2019
- Furry Creek Solid Waste Disposal Local Service Establishment Bylaw No. 530, 1993, Amendment Bylaw No. 1618-2019
- Furry Creek Sewer Local Service Establishment Bylaw No. 532, 1993, Amendment Bylaw No. 1619-2019
- Furry Creek Water Local Service Establishment Bylaw No. 531, 1993, Amendment Bylaw No. 1620-2019
- Lillooet & Area Refuse Disposal Local Service Conversion and Establishment Bylaw No. 508, 1993, Amendment Bylaw No. 1621-2019
- Whitecap Development Bear Creek Flood Mitigation Service Establishment Bylaw No. 719-2001, Amendment Bylaw No. 1622-2019

The following bylaws were read a second time and a public meeting will be held March 14 at 7:00 PM at the

Britannia Mine Museum in Britannia Beach to address the proposed application changes by the Britannia Beach Oceanfront Developments Corporation pertaining to their rezoning application for a new development on land located at the entry to Britannia Beach North at Copper Drive and Highway 99:

- Electoral Area D Official Community Plan Bylaw No.1135-2013, Amendment Bylaw No. 1555-2018
- Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016, Amendment Bylaw No. 1556-2018

The following bylaws to incorporate the Agricultural Land Commission changes regarding cannabis production in Electoral Areas C and D were introduced, read a first and second time, and the public hearings waived:

- Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1612-2019
- Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016, Amendment Bylaw No. 1613-2019

Temporary Use Permit #57 Arts and Adventure Market & Commercial Filming, Britannia Beach South (Area D)

Temporary Use Permit #57 ("TUP 57") was approved to Tiger Bay Development Corporation, Inc. for a three year term (beginning upon the completion of certain pre-conditions) to allow for the following temporary uses:

- a. to allow for an arts and adventure market on of TUP 57 on Lot A District Lots 1583, 2001 and 7034, Plan 21576, except part dedicated road on Plan BCP28651; and
- b. to allow for film production and staging areas that provide locations for filming, production vehicle parking and film production equipment storage in the area as shown on Schedule B to TUP 57 on specified locations.

SLRD Micro Cannabis Production Policy No. 13-2019

The Micro Cannabis Production Policy Board No. 13-2019, was approved. This Policy provides for a clear and consistent approach for proponents and decision makers when considering zoning amendment applications for micro cannabis production.

Electoral Area B Agricultural Advisory Committee

Appointments were made to the Electoral Area B Agricultural Advisory Committee. The membership consists of:

- | | |
|-----------------|----------------------|
| • Rolf de Bruin | • Robert Meredith |
| • Sue Senger | • Stefan Zeidler |
| • Lucy Jones | • Jacquie Rassmussen |
| • Matt Davidson | • Sam Quinlan |
| • Mandi Rogers | |

Electoral Area C Agricultural Advisory Committee

Appointments were made to the Electoral Area C Agricultural Advisory Committee. The membership consists of:

- | | |
|------------------|----------------|
| • Niki Vanker | • Chad Gilmore |
| • Geoff McLeod | • Randy Lincks |
| • Simon Isaac | • Lea Ronayne |
| • Roxanna Kuurne | |

Residual Waste Management Working Group

The SLRD approved Terms of Reference for the Residual Waste Management Working Group (RWMWG) and appointed SLRD Director of Utilities and Environmental Services and the Resource Recovery Coordinator as the two (2) SLRD positions for the RWMWG.

GRANTS IN AID

The following was granted from Area B Select Funds:

- \$3,000 to the Miyazaki House Society towards the cost of putting on the Miyazaki House summer music concerts in Lillooet.

The following were granted from Area C Select Funds:

- \$4,000 to the Pemberton Arts Council to help fund the position of an Executive Director for the organization to assist with communication, promotion and oversee the marketing of the organization.
- \$4,000 to the Pemberton and District Chamber to continue to provide Pemberton Visitor Centre staffing and Chamber services for 2019.
- \$2,500 to the Rotary Club of Pemberton & the Lions Club of Pemberton for a gold sponsorship of

the 19th Pemberton Barn Dance fundraising event to be held on Saturday, September 21, 2019.

- \$1,000 to the Pemberton Animal Wellbeing Society (PAWS) for emergency medical assistance for animals in need.
- \$1,000 to support Whistler Animal Galore's (WAG) efforts and to cover WAG's costs for rescuing and providing animal welfare services within Electoral Area C.
- \$120 to the Pemberton Lions Club (PLC) for the entrance fee (1 team of 4 players) for the PLC's 5th annual curling bonspiel held on March 2, 2019 at the Squamish Valley Golf and Country Club.

The following were granted from Area D Select Funds:

- \$1,000 to support WAG's efforts and to cover WAG's costs for rescuing and providing animal welfare services within Electoral Area D.
- \$500 to the Ring Creek Community Association towards their start-up costs as a new non-profit society.
- \$500 towards a staff appreciation lunch.
- \$332.55 to the Furry Creek Community Association to pay for a Canada flag and a British Columbia flag to replace the current worn flags at the public viewing platform at the mouth of Furry Creek.

Councillors

R. Bruce Banman
Les Barkman
Sandy Blue
Kelly Chahal



CITY OF ABBOTSFORD

Mayor, Henry Braun

Councillors

Brenda Falk
Dave Loewen
Patricia Ross
Ross Siemens

April 18, 2019

File: 0530-03

Via Post and Email: premier@gov.bc.ca

Honourable John Horgan,
Premier of British Columbia
PO Box 9041 STN Prov Govt
Victoria, BC V8W 9E1

Dear Premier Horgan:

Re: City of Abbotsford, Resolution: Criminal Justice Reform in British Columbia

On behalf of Abbotsford City Council, I am requesting your favourable consideration and resolutions of support for Criminal Justice Reform in BC to enhance efforts to address the Lower Mainland Gang Conflict.

At the April 15, 2019 Council Meeting, Council approved the following resolution:

Resolution: Criminal Justice Reform in British Columbia

WHEREAS British Columbia currently has the highest threshold/charge approval standard in Canada in proceeding with charges and criminal prosecution of gangsters while communities across British Columbia's lower mainland have concurrently seen a year over year rise in gang-related homicide and violence;

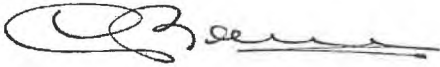
AND WHEREAS ongoing court delays favour the rights of the accused over the rights of victims and/or the community;

AND WHEREAS the Government of Canada committed \$328-million over 5 years beginning in 2018, and \$100-million annually thereafter to tackle the increase in gun related violence and gang activity in Canada as well as \$43 million annually in the National Crime Prevention Strategy to develop cost-effective ways to prevent crime among at-risk populations and vulnerable communities.

THEREFORE BE IT RESOLVED that the Mayor's Caucus/UBCM request that, in support of addressing the ongoing gang violence across the lower mainland of BC, the Province of BC and BC's Attorney General and Minister of Public Safety immediately begin working with the Government of Canada to take steps to explore initiatives to address issues within the British Columbia justice system including BC's restrictive charge approval standards, the ongoing high volume of court delays as well as measures to address community safety in support of the rights of all Canadians to live in safe communities.

We look forward to your support on this matter.

Yours truly,



Henry Braun
Mayor

- c. Hon. Mike Farnworth, Minister of Public Safety and Solicitor General
Hon. David Eby, Attorney General
Hon. Darryl Plecas, Speaker of the Legislative Assembly of British Columbia, MLA Abbotsford South
Simon Gibson, MLA, Abbotsford-Mission
Mike de Jong, MLA Abbotsford West
Council members
Peter Sparanese, City Manager
Mike Serr, Chief Constable, Abbotsford Police Department
The Union of British Columbia Municipalities (UBCM) Annual Convention
British Columbia Municipalities and Regional Districts
Canadian Association of Chiefs of Police
British Columbia Association of Police Boards

Councillors

R. Bruce Banman
Les Barkman
Sandy Blue
Kelly Chahal



CITY OF ABBOTSFORD

Mayor, Henry Braun

Councillors

Brenda Falk
Dave Loewen
Patricia Ross
Ross Siemens

April 18, 2019

File: 0530-03

Via Post and Email: premier@gov.bc.ca

Honourable John Horgan,
Premier of British Columbia
PO Box 9041 STN Prov Govt
Victoria, BC V8W 9E1

Dear Premier Horgan:

Re: City of Abbotsford, Resolution: Continued Widening of TransCanada Highway # 1, through the Fraser Valley

On behalf of Abbotsford City Council, I am requesting your favourable consideration and resolutions of support for the continued widening of the TransCanada Highway #1, through the Fraser Valley.

At the April 15, 2019 Council Meeting, Council approved the following resolution:

Resolution: Continued Widening of TransCanada Highway #1, through the Fraser Valley

WHEREAS the critical congestion problems on the TransCanada Highway between the Fraser Valley and the Port Mann bridge continue to interrupt a safe, reliable and efficient multi-modal transportation network that supports employment and economic development movement of goods and services, as well as job creation for the Province of BC;

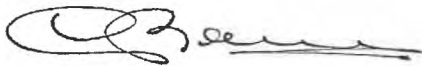
AND WHEREAS the Federal Government has already identified the continuation of the next phase of the TransCanada Highway 6-laning improvements from 216th street to the Whatcom Road interchange as a priority to expand markets for key local economic sectors, support thousands of residents in accessing employment, support the continued success of the Abbotsford International Airport, provide access to Universities, hospitals, aid in the reduction of greenhouse gas emissions, improve affordability of families, and support increased public safety through the reduction of traffic congestion:

THEREFORE BE IT RESOLVED that UBCM lobby the provincial government to prioritize funding toward the expansion of the TransCanada Highway through the Fraser Valley;

AND BE IT FURTHER RESOLVED that this funding be made a high priority of the government of British Columbia.

We look forward to your support on this matter.

Yours truly,



Henry Braun
Mayor

- c. Hon. François-Philippe Champagne, Minister of Infrastructure and Communities, Canada
Hon. Claire Trevena, Minister of Transportation and Infrastructure, BC
Hon. Darryl Plecas, Speaker of the Legislative Assembly of British Columbia, MLA Abbotsford South
Jati Sidhu, MP Mission-Matsqui-Fraser Canyon
Ed Fast, MP Abbotsford
Simon Gibson, MLA, Abbotsford-Mission
Mike de Jong, MLA Abbotsford West
Council members
Peter Sparanese, City Manager
Mike Serr, Chief Constable, Abbotsford Police Department
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Greater Vancouver Board of Trade
Vancouver Port Authority
Surrey Board of Trade