

# FRASER VALLEY REGIONAL DISTRICT



## BOARD OF DIRECTORS

### OPEN MEETING AGENDA

Wednesday, March 18, 2020

( Immediately following the FVRHD Open Meeting )

FVRD Boardroom, 45950 Cheam Avenue, Chilliwack, BC

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#### 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 March 18, 2020 be approved;

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

3. BOARD MINUTES & MATTERS ARISING

3.1 Draft Fraser Valley Regional District Board Meeting Minutes - February 25, 2020

16 - 38

*All/Unweighted*

**MOTION FOR CONSIDERATION**

**THAT** the Minutes of the Fraser Valley Regional District Board Open Meeting of February 25, 2020 be adopted.

4. COMMITTEE AND COMMISSION MINUTES FOR INFORMATION AND MATTERS ARISING

4.1 Electoral Area Services Committee - February 13, 2020

39 - 52

5. CORPORATE ADMINISTRATION

5.1 Sub-Regional Intergovernmental Working Groups Model for Indigenous Relations

53 - 166

***All/Unweighted***

- Corporate report dated March 10, 2020 from Jessica Morrison, Policy Analyst - Indigenous Relations;
- BC Declaration Act fact sheet for local government;
- UNDRIP;
- UBCIC Consent Paper;
- MOU on Cooperation and Communication.

**MOTION FOR CONSIDERATION**

**[RACS-MAR 2020] THAT** the Fraser Valley Regional District (FVRD) Board take a supportive role in the development of sub-regional Intergovernmental Working Groups in partnership with Indigenous governments;

**AND THAT** the meetings of the Regional Indigenous Relations Committee (RIRC) continue to be held at the Call of the Chair, as needed, in support of issues raised from sub-regional Intergovernmental Working Groups;

**AND FURTHER THAT** current appointments from RIRC to external tables maintain the status quo until such time as RIRC meets again.

**5.2      Appointment of Ken Howsam as Deputy Fire Chief of the Hemlock Valley Volunteer Fire Department**

167 - 167

***All/Unweighted***

- Corporate report dated March 10, 2020 from Reg Dyck, Manager of Electoral Area Emergency Management.

**MOTION FOR CONSIDERATION**

**[EASC-MAR 2020] THAT** the Fraser Valley Regional District Board appoint Ken Howsam as the Deputy Fire Chief of the Hemlock Valley Volunteer Fire Department.

**6.      BYLAWS**

**6.1      Zoning Amendment Bylaw No. 1525, 2019 to amend the CD-1 zone to permit the construction of Enclosed Decks in the Bridal Falls RV Resort, 53480 Bridal Falls Road, Electoral Area D**

168 - 189

***EAs/Unweighted***

- Corporate report dated March 18, 2020 from David Bennett, Planner II;
- Draft Bylaw No. 1525, 2019;
- Public Hearing Report;
- Letters to the applicant from the FVRD.



**MOTION FOR CONSIDERATION**

**THAT** the Fraser Valley Regional District consider giving second and third reading to the bylaw cited as *Fraser Valley Regional District Zoning Amendment Bylaw No. 1525, 2019*.

**6.2      Zoning Amendment Bylaw No. 1546, 2019 for cannabis land uses in Electoral Area D      190 - 198**

***Motion No. 1: Second and Third Reading - EAs/Unweighted***

***Motion No. 2: Adoption - EAs/Unweighted (2/3 Majority)***

- Corporate report dated March 18, 2020 from Julie Mundy, Planner I;
- Draft Bylaw No. 1546, 2019;
- Public Hearing Report.

**MOTION FOR CONSIDERATION**

**MOTION NO. 1:** **THAT** the Fraser Valley Regional District Board consider giving second and third reading to the bylaw cited as *Fraser Valley Regional District Electoral Area D Zoning Amendment Bylaw No. 1546, 2019*.

**MOTION FOR CONSIDERATION**

**MOTION NO. 2:** **THAT** the Fraser Valley Regional District Board consider adopting the bylaw cited as *Fraser Valley Regional District Electoral Area D Zoning Amendment Bylaw No. 1546, 2019*.

**6.3      Zoning Amendment Bylaw No. 1547, 2019 for cannabis land uses in Electoral Areas E and H      199 - 214**

***Motion No. 1: Second and Third Reading - EAs/Unweighted***

***Motion No. 2: Adoption - EAs/Unweighted (2/3 Majority)***

- Corporate report dated March 18, 2020 from Julie Mundy, Planner I;
- Draft Bylaw No. 1547, 2019;
- Public Hearing Report.

**MOTION FOR CONSIDERATION**

**MOTION NO. 1:** **THAT** the Fraser Valley Regional District Board consider giving second and third reading to the bylaw cited as *Fraser Valley Regional District Electoral Areas E and H Zoning Amendment Bylaw No. 1547, 2019*.

**MOTION FOR CONSIDERATION**

**MOTION NO. 2:** **THAT** the Fraser Valley Regional District Board consider adopting the bylaw cited as *Fraser Valley Regional District Electoral Areas E and H Zoning Amendment Bylaw No. 1547, 2019*.

**6.4      Zoning Amendment Bylaw No. 1548, 2019 for cannabis land uses in Electoral      215 - 258**

## Area F

***Motion No. 1: Second and Third Reading - EAs/Unweighted***

***Motion No. 2: Adoption - EAs/Unweighted (2/3 Majority)***

- Corporate report dated March 18, 2020 from Julie Mundy, Planner I;
- Draft Bylaw No. 1548, 2019;
- Public Hearing Report.

### **MOTION FOR CONSIDERATION**

**MOTION NO. 1:** THAT the Fraser Valley Regional District Board consider giving second and third reading to the bylaw cited as *Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1548, 2019*.

### **MOTION FOR CONSIDERATION**

**MOTION NO. 2:** THAT the Fraser Valley Regional District Board consider adopting the bylaw cited as *Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1548, 2019*.

## **6.5 Cultus Lake Advisory Planning Commission Repeal Bylaw No. 1572, 2020**

259 - 264

***Motion No. 1: First Reading - EAs/Unweighted***

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

***Motion No. 3: Adoption - EAs/Unweighted (2/3 Majority)***

***Motion No. 4: All/Unweighted***

- Corporate report dated March 10, 2020 from Andrea Antifaeff, Planner I;
- Draft Bylaw No. 1572, 2020;

### **MOTION FOR CONSIDERATION**

**MOTION NO. 1: [EASC-MAR 2020]** THAT the Fraser Valley Regional District Board consider giving first reading to the bylaw cited as *Fraser Valley Regional District Cultus Lake Park Advisory Planning Commission Repeal Bylaw No. 1572, 2020*.

### **MOTION FOR CONSIDERATION**

**MOTION NO. 2: [EASC-MAR 2020]** THAT the Fraser Valley Regional District Board consider giving second and third reading to the bylaw cited as *Fraser Valley Regional District Cultus Lake Park Advisory Planning Commission Repeal Bylaw No. 1572, 2020*.

### **MOTION FOR CONSIDERATION**

**MOTION NO. 3: [EASC-MAR 2020]** THAT the Fraser Valley Regional District Board consider adopting the bylaw cited as *Fraser Valley Regional District*

*Cultus Lake Park Advisory Planning Commission Repeal Bylaw No. 1572, 2020.*

**MOTION FOR CONSIDERATION**

**MOTION NO. 4: [EASC-MAR 2020]** THAT the Fraser Valley Regional District Board direct staff to proceed with the planning application referral process to Cultus Lake Park as outlined in this corporate report.

**6.6 FVRD Development Procedures Amendment Bylaw No. 1573, 2020**

265 - 266

***Motion No. 1: First Reading - All/Unweighted***

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

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

- Corporate report - refer to item 6.5.
- Draft Bylaw No. 1573.

**MOTION FOR CONSIDERATION**

**MOTION NO. 1: [EASC-MAR 2020]** THAT the Fraser Valley Regional District Board consider giving first reading to the bylaw cited as *Fraser Valley Regional District Development Procedures Amendment Bylaw No. 1573, 2020*.

**MOTION FOR CONSIDERATION**

**MOTION NO. 2: [EASC-MAR 2020]** THAT the Fraser Valley Regional District Board consider giving second and third reading to the bylaw cited as *Fraser Valley Regional District Development Procedures Amendment Bylaw No. 1573, 2020*.

**MOTION FOR CONSIDERATION**

**MOTION NO. 3: [EASC-MAR 2020]** THAT the Fraser Valley Regional District Board consider adopting the bylaw cited as *Fraser Valley Regional District Development Procedures Amendment Bylaw No. 1573, 2020*.

**6.7 Electoral Area Volunteer Fire Department Establishment and Regulation Amendment Bylaw No. 1579, 2020**

267 - 273

***Motion No. 1: First Reading - EAs/Unweighted***

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

***Motion No. 3: Adoption - EAs/Unweighted (2/3 Majority)***

- Corporate report dated March 10, 2020 from Reg Dyck, Manager of EA Emergency Services;
- Draft Bylaw No. 1579, 2020.

**MOTION FOR CONSIDERATION**

**MOTION NO. 1: [EASC-MAR 2020]** THAT the Fraser Valley Regional District

consider giving first reading to the bylaw cited as *Fraser Valley Regional District Electoral Area Volunteer Fire Department Establishment and Regulation Amendment Bylaw No. 1579, 2020*.

**MOTION FOR CONSIDERATION**

**MOTION NO. 2: [EASC-MAR 2020]** THAT the Fraser Valley Regional District consider giving second and third reading to the bylaw cited as *Fraser Valley Regional District Electoral Area Volunteer Fire Department Establishment and Regulation Amendment Bylaw No. 1579, 2020*.

**MOTION FOR CONSIDERATION**

**MOTION NO. 3: [EASC-MAR 2020]** THAT the Fraser Valley Regional District consider adopting the bylaw cited as *Fraser Valley Regional District Electoral Area Volunteer Fire Department Establishment and Regulation Amendment Bylaw No. 1579, 2020*.

**6.8      Search and Rescue Grant in Aid Extended Service Repeal Bylaw No. 1584, 2020** 274 - 277

*Motion No. 1: First Reading - All/Unweighted*

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

- Corporate report dated March 10, 2020 from Pam Loat, Legislative Coordinator;
- Draft Bylaw No. 1584, 2020.

**MOTION FOR CONSIDERATION**

**MOTION NO. 1: [EASC-MAR 2020]** THAT the Fraser Valley Regional District Board consider giving first reading to the bylaw cited as *Fraser Valley Regional District Search and Rescue Grant in Aid Extended Service Repeal Bylaw No. 1584, 2020*.

**MOTION FOR CONSIDERATION**

**MOTION NO. 2: [EASC-MAR 2020]** THAT the Fraser Valley Regional District Board consider giving second and third reading to the bylaw cited as *Fraser Valley Regional District Search and Rescue Grant in Aid Extended Service Repeal Bylaw No. 1584, 2020*.

**6.9      Service Area Amendment Bylaw Nos. 1586, 2020; 1587, 2020; 1588, 2020 and 1589, 2020** 278 - 287

*Motion No. 1: First Reading - All/Unweighted*

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

[ Section 4.24.10 of the FVRD Board and Committee Procedures Bylaw No. 1305, 2015 states that 'A series of bylaws with the same corporate vote may be taken together in one resolution as provided for in Sections 4.24.6; 4.24.7 and 4.24.8'.]

- Corporate report dated March 10, 2020 from Pam Loat, Legislative Coordinator;
- Draft Bylaw No. 1586, 2020;
- Draft Bylaw No. 1587, 2020;
- Draft Bylaw No. 1588, 2020;
- Draft Bylaw No. 1589, 2020.

#### **MOTION FOR CONSIDERATION**

**MOTION NO. 1: [EASC-MAR 2020] THAT** the Fraser Valley Regional District Board consider giving first reading to the bylaws cited as:

- *Fraser Valley Regional District Boston Bar and North Bend Fire Protection Service Area Amendment Bylaw No. 1586, 2020;*
- *Fraser Valley Regional District Area A Garbage Disposal Service Area Amendment Bylaw No. 1587, 2020;*
- *Fraser Valley Regional District Townsite of Yale Water Supply and Distribution Local Service Area Amendment Bylaw No. 1588, 2020;*  
and
- *Fraser Valley Regional District Deroche Water System Service Area Amendment Bylaw No. 1589, 2020.*

#### **MOTION FOR CONSIDERATION**

**MOTION NO. 2: [EASC-MAR 2020] THAT** the Fraser Valley Regional District Board consider giving second and third reading to the bylaws cited as:

- *Fraser Valley Regional District Boston Bar and North Bend Fire Protection Service Area Amendment Bylaw No. 1586, 2020;*
- *Fraser Valley Regional District Area A Garbage Disposal Service Area Amendment Bylaw No. 1587, 2020;*
- *Fraser Valley Regional District Townsite of Yale Water Supply and Distribution Local Service Area Amendment Bylaw No. 1588, 2020;*  
and
- *Fraser Valley Regional District Deroche Water System Service Area Amendment Bylaw No. 1589, 2020.*

#### **6.10 Boston Bar Integrated Water System Service Area Reserve Fund Establishment Bylaw No. 1590, 2020**

288 - 291

***Motion No. 1: First Reading - All/Unweighted***

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

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

- Corporate report dated March 10, 2020 from Mike Veenbaas, Director of Financial Services;

- Draft Bylaw No. 1590, 2020.

#### **MOTION FOR CONSIDERATION**

**MOTION NO. 1: [EASC-MAR 2020]** THAT the Fraser Valley Regional District Board consider giving first reading to the bylaw cited as *Fraser Valley Regional District Boston Bar Integrated Water System Service Area Reserve Fund Establishment Bylaw No. 1590, 2020*.

#### **MOTION FOR CONSIDERATION**

**MOTION NO. 2: [EASC-MAR 2020]** THAT the Fraser Valley Regional District Board consider giving second and third reading to the bylaw cited as *Fraser Valley Regional District Boston Bar Integrated Water System Service Area Reserve Fund Establishment Bylaw No. 1590, 2020*.

#### **MOTION FOR CONSIDERATION**

**MOTION NO. 3: [EASC-MAR 2020]** THAT the Fraser Valley Regional District Board consider adopting the bylaw cited as *Fraser Valley Regional District Boston Bar Integrated Water System Service Area Reserve Fund Establishment Bylaw No. 1590, 2020*.

- |      |  |           |
|------|--|-----------|
| 6.11 | <p><b><u>Gateway Commercial rezoning application for lands near the junction of Highway 9 and Highway 1 to facilitate the development of new commercial land uses: a gas station, drive-thru restaurants, car wash and other local and highway commercial land uses.</u></b></p> | 292 - 330 |
|------|--|-----------|

*Motion No. 1: Rescind First Reading - EAs/Unweighted*

*Motion No. 2: First Reading - EAs/Unweighted*

*Motion No. 3: EAs/Unweighted*

*Motion No. 4: All/Unweighted*

- Corporate report dated March 10, 2020 from David Bennett, Planner II;
- Draft Bylaw No. 1431, 2017;
- March 2018 Developer Meeting Summary;
- February 2020 Developer Meeting Summary;
- February 11, 2020 Developer Information Meeting Display Boards.

#### **MOTION FOR CONSIDERATION**

**MOTION NO. 1: [EASC-MAR 2020]** THAT the motion granting first reading to the bylaw cited as *Fraser Valley Regional District Zoning Amendment Bylaw No. 1431, 2017* be rescinded;

#### **MOTION FOR CONSIDERATION**

**MOTION NO. 2:** THAT the Fraser Valley Regional District Board consider giving a new first reading to the bylaw cited as *Fraser Valley Regional District*

**MOTION FOR CONSIDERATION**

**MOTION NO. 3: [EASC-MAR 2020]** THAT *Fraser Valley Regional District Zoning Amendment Bylaw No. 1431, 2017* be forwarded to Public Hearing;

THAT the Fraser Valley Regional District Board delegate the holding of the Public Hearing with respect to the proposed *Fraser Valley Regional District Zoning Amendment Bylaw No. 1431, 2017* 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 *Fraser Valley Regional District Zoning Amendment Bylaw No. 1431, 2017*;

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 *Fraser Valley Regional District Zoning Amendment Bylaw No. 1431, 2017* 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 the Public Hearing with respect to proposed *Fraser Valley Regional District Zoning Amendment Bylaw No. 1431, 2017*, 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. 4: [EASC-MAR 2020]** THAT the Fraser Valley Regional District Board authorize its signatories to execute all documents relating to *Fraser Valley Regional District Zoning Amendment Bylaw No. 1431, 2017*.

**7. PERMITS**

***[ OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO BE HEARD ]***

- 7.1 Application for Development Variance Permit 2020-02 to vary the maximum height requirement from 12 metres to 13.8 metres and the number of storeys from 2 to 3, for a proposed duplex at 20942 Snowflake Crescent, Electoral Area C

331 - 364

***EAs/Unweighted***

- Corporate report dated March 10, 2020 from Andrea Antifaeff, Planner I.
- Draft DVP 2020-02
- DVP Application

**MOTION FOR CONSIDERATION**

**[EASC-MAR 2020] THAT** the Fraser Valley Regional District Board issue Development Variance Permit 2020-02 to vary the maximum allowable height from 12 metres to 13.8 metres and the number of storeys from 2 to 3 at 20942 Snowflake Crescent, Area C to permit the construction of a duplex, subject to the consideration of any comments or concerns raised by the public.

## 8. CONTRACTS, COVENANTS AND OTHER AGREEMENTS

### 8.1 Updated Agreement with the Province for Elk-Thurston & Mt. Cheam Regional Trails and East Sector Lands Regional Park 365 - 366

#### *All/Weighted*

- Corporate report dated March 10, 2020 from Christina Vugteveen, Manager of Parks.

#### **MOTION FOR CONSIDERATION**

**[RACS-MAR 2020] THAT** the Fraser Valley Regional District Board enter into a 10 year Partnership Agreement with Recreation Sites and Trails BC for the continued operation and management of Elk-Thurston Regional Trail, Mt. Cheam Trail, and Harrison Recreation Site (East Sector Lands Regional Park).

## 9. OTHER MATTERS

### 9.1 Novel Coronavirus (COVID-19) Pandemic Preparedness 367 - 373

#### **FOR INFORMATION ONLY**

- Report dated March 18, 2020 from Jennifer Kinneman, Acting Chief Administrative Officer;
- Provincial response articles titled "4 key ways Local Governments and First Nations can prepared for novel coronavirus COVID-2019"; and
- "Coronavirus Disease (COVID-19): Resources for BC Public Agencies.

### 9.2 FVRD Waste Wise Outreach Update [RACS-MAR 2020] 374 - 378

#### **FOR INFORMATION ONLY**

- Corporate report dated March 10, 2020 from Jamie Benton, Environmental Services Coordinator.

### 9.3 Gatehouse Coverage for Island 22 Regional Park and Dewdney Regional Park 379 - 382

#### *All/Unweighted*

- Corporate report dated March 10, 2020 from Christina Vugteveen, Manager of Parks.



#### **MOTION FOR CONSIDERATION**

**[RACS-MAR 2020] THAT** the Fraser Valley Regional District Board remove overnight gatehouse coverage from Dewdney Regional Park to assist in maintaining the cost effectiveness of this service.

#### **9.4 Fraser Valley Regional District Long-Range Transportation Needs – Throne Speech and Provincial Budget**

383 - 397

##### ***All/Unweighted***

- Corporate report dated March 10, 2020 from Alison Stewart, Manager of Strategic Planning;
- Provincial 2020 Budget and Fiscal Plan, p. 45-46;
- Vancouver Sun article titled "B.C. Budget 2020: Transportation and land-use plan coming for Fraser Valley";
- Daily Hive article titled "BC government planning commuter rails from Metro Vancouver to Fraser Valley".

#### **MOTION FOR CONSIDERATION**

**[RACS-MAR 2020] THAT** the Fraser Valley Regional District Board by letter, under the signature of the Chair, request that the Ministry of Transportation and Infrastructure and Ministry of Municipal Affairs and Housing (responsible for TransLink) provide more information about the proposed "*Fraser Valley Integrated Transportation and Land Use Plan*";

**THAT** the letter reiterate the Board's position that the Province must expedite the widening of Highway 1 to support HOV/bus lanes as a means of improving the viability of transit, improving public safety and supporting the broader Fraser Valley and provincial economy;

**AND THAT** the Province work in collaboration with the Fraser Valley Regional District and member municipalities to ensure that Fraser Valley interests and requirements are fully reflected in the plan.

#### **9.5 Regional Growth Strategy Update [RACS-MAR 2020]**

398 - 410

##### **FOR INFORMATION ONLY**

- Presentation by Robin Beukens, Planner II
- Corporate report dated March 10, 2020 from Robin Beukens, Planner II;
- Appendix 1 - RGS Schedule;
- Appendix 2 - IAC Terms of Reference.

#### **10. CONSENT AGENDA**

## 10.1 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 10.1.1 to 10.1.6 be endorsed:

#### 10.1.1 EASC-MAR 2020

**THAT** the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$1,500 to the District of Hope Ratepayers' Association, funded from the 2020 Electoral Area "B" grant-in-aid budget, to help purchase items for their annual Lego Expo.

*Reference item 6.2 of March 10, 2020 EASC Agenda.*

#### 10.1.2 EASC-MAR 2020

**THAT** the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$2,000 to the Hope Mountain Black Bear Committee, funded from the 2020 Electoral Area "B" grant-in-aid budget, to help cover costs related with travel and printed materials for schools and events.

*Reference item 6.3 of March 10, 2020 EASC Agenda.*

#### 10.1.3 EASC-MAR 2020

**THAT** the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$12,500 to the Sunshine Valley Ratepayers Association, funded from the 2020 Electoral Area "B" grant-in-aid budget, to help offset the costs of equipment rental for river cleanup, community garden beds, Canada Day entertainment items, Winterfest, a First Nations drum workshop and Heritage Project Phase 1.

Reference item 6.4 of March 10, 2020 EASC Agenda.

#### 10.1.4 EASC-MAR 2020

411 - 413

**THAT** the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$1,100 to the Chilliwack Vedder River Cleanup Society, funded from the 2020 Electoral Area "E" grant-in-aid budget to help offset the costs associated with hosting the Chilliwack Vedder River cleanups on April 4 and September 27 of 2020.

*Reference item 6.5 of March 10, 2020 EASC Agenda.*

#### 10.1.5 EASC-MAR 2020

**THAT** the Fraser Valley Regional District Board endorse the application received February 12, 2020 for temporary changes to the liquor licence for the Sasquatch Inn Ltd (46001 Loughheed 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.
2. Temporary provisions for the existing facilities will be adequate for the proposed increased occupant loads pursuant to the Provincial Sewerage Regulation.

*Reference item 7.4 of March 10, 2020 EASC Agenda.*

#### 10.1.6 EASC-MAR 2020

**THAT** the Fraser Valley Regional District Board approve the Class II Special Event Licence No. 2020-01 for the second REVEL Race Series Chilliwack Marathon & Half Event to be held on Saturday July 25, 2020, 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. 2020-01.

*Reference item 7.5 of March 10, 2020 EASC Agenda.*

### 11. ADDENDA ITEMS/LATE ITEMS

### 12. REPORTS FROM COMMITTEE MEETINGS - FOR INFORMATION

#### 12.1 December 2019 Emergency Services Monthly Report [EASC-MAR 2020]

414 - 419

13. ITEMS FOR INFORMATION AND CORRESPONDENCE

13.1	<u>Letter dated February 27, 2020 from UBCM with respect to 'Referred Resolution 2019-B183 - Rural Homelessness - Crown Land Encampments'</u>	420 - 421
13.2	<u>Letter dated March 4, 2020 from UBCM with respect to 'UBCM Resolutions Process'</u>	422 - 422
13.3	<u>'Forest Enhancement Society of BC Accomplishments Update' received March 5, 2020</u>	423 - 425
13.4	<u>Fraser Basin Council - Fraser Valley Update, March 2020</u>	426 - 426

14. REPORTS BY STAFF

15. REPORTS BY BOARD DIRECTORS

16. PUBLIC QUESTION PERIOD FOR ITEMS RELEVANT TO AGENDA

17. 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)(g) of the *Community Charter* - litigation of potential litigation affecting the municipality;
- Section 90(1)(i) of the *Community Charter* - the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- 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; and,
- Section 90(2)(c) of the *Community Charter* - labour relations or other employee relations;
- Section 90(2)(d) of the *Community Charter* - a matter that is being investigated under the *Ombudsperson Act* of which the municipality has been notified under section 14 [*Ombudsperson to notify authority*] of that Act.

RECESS

18. RECONVENE OPEN MEETING
19. RISE AND REPORT OUT OF CLOSED MEETING
20. ADJOURNMENT

*All/Unweighted*

**MOTION FOR CONSIDERATION**

**THAT** the Fraser Valley Regional District Board Open Meeting of .March 18, 2020 be adjourned.

**FRASER VALLEY REGIONAL DISTRICT**  
**BOARD OF DIRECTORS MEETING**  
**OPEN MEETING MINUTES**

Tuesday, February 25, 2020  
(Immediately following the FVRHD Board Meeting)  
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 Dennis Adamson, Electoral Area B  
Director Pam Alexis, District of Mission  
Director Wendy Bales, Electoral Area C  
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 Chris Kloot, City of Chilliwack  
Director Dave Loewen, City of Abbotsford  
Director Bud Mercer, City of Chilliwack  
Director Ken Popove, City of Chilliwack  
Director Sylvia Pranger, District of Kent  
Director Peter Robb, District of Hope  
Director Ross Siemens, City of Abbotsford  
Director Al Stobbart, Electoral Area G

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

**Staff Present:** Jennifer Kinneman, Acting Chief Administrative Officer

Mike Veenbaas, Director of Financial Services  
Jaime Reilly, Acting Director of Corporate Affairs/Corporate Officer  
Graham Daneluz, Director of Planning & Development  
Stacey Barker, Director of Regional Services  
Alison Stewart, Manager of Strategic Planning  
Lance Lilley, Manager of Environmental Services  
Kristy Hodson, Manager of Financial Operations  
Matthew Fang, Network Analyst  
Kristen Kohuch, Executive Assistant to CAO and Board (*Recording*

*Secretary*)

**1. CALL TO ORDER**

The meeting was called to order 7:04 pm.

**2. APPROVAL OF AGENDA, ADDENDA AND LATE ITEMS**

Moved By ADAMSON

Seconded By PRANGER

**THAT** the Agenda, Addenda and Late Items for the Fraser Valley Regional District Board Open Meeting of February 25, 2020, with the addition of Item 16.3 letter from City of Abbotsford 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**

**3.1 Shawna Leung, Johnathan Heerema and Kristi Denby - Destination BC**

Delegation did not attend.

**4. BOARD MINUTES & MATTERS ARISING**

**4.1 Draft Fraser Valley Regional District Board Meeting Minutes - January 28, 2020**

Moved By FACIO

Seconded By DICKY

**THAT** the Minutes of the Fraser Valley Regional District Board Open Meeting of January 28, 2020 be adopted.

**CARRIED**  
*All/Unweighted*

**5. COMMITTEE AND COMMISSION MINUTES FOR INFORMATION AND MATTERS ARISING (5.1 TO 5.7)**

The following items were received for information:

**5.1 Regional and Corporate Services Committee - January 22, 2020**

**5.2 Draft Regional and Corporate Services Committee - February 13, 2020**

**5.3 Electoral Area Services Committee - January 22, 2020**

**5.4 Electoral Area Services Committee - January 28, 2020**

**5.5 Draft Recreation, Culture and Airpark Services Commission - January 21, 2020**

**5.6 Board of Variance - January 24, 2020**

**5.7 Parcel Tax Review Panel - February 13, 2020**

**6. MOTIONS FOR WHICH NOTICE HAS BEEN GIVEN**

**6.1 Emergency Management in Electoral Areas (brought forward by Director Bales)**



Clarification was provided by Staff on the communication protocols surrounding emergency operations. It was commented that such communication processes would further be discussed in the upcoming workshop that will be provided to Electoral Area Directors in April 2020.

Moved By BALES

Seconded By ENGAR

**THAT** staff provide a workshop to the Electoral Area Services Committee in April each year to discuss emergency processes and requirements.

**CARRIED**  
*All/Unweighted*

It was noted that the intent of the following motion was to keep communication open between staff and Electoral Area Directors during Emergency Operation Centre activation.

Moved By ADAMSON

Seconded By BALES

**THAT** in times of FVRD electoral emergencies, Electoral Area Directors in effected areas be cc'd or forwarded disaster information ASAP, and as well to be cc'd on updated status report information.

**CARRIED**  
*All/Unweighted*

## **7. CORPORATE ADMINISTRATION**

### **7.1 2020 Christmas Closure of FVRD Corporate Offices**

Moved By FACIO

Seconded By KLOOT

**THAT** the Fraser Valley Regional District Board approve the closure of the FVRD Corporate Offices to the public on December 29, 30 and 31, 2020

**CARRIED**  
***All/Unweighted***

**8. FINANCE**

**8.1 2020 Financial Plan – Proposed changes from Electoral Area Services Committee**

Concerns were raised about the corporate restructure funding allocation. As a result, Item 20 was heard at this time.

**20.** Moved By FACIO  
Seconded By ENGAR

**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)(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 municipality or another position appointed by the municipality.
- Section 90(1)(c) of the *Community Charter* - labour relations or other employee relations.

**CARRIED**  
***All/Unweighted***

*The meeting was recessed at 7:20pm.*

*The meeting was reconvened at 7:46pm.*

Moved By FACIO  
Seconded By MERCER

**THAT** the Regional and Corporate Services Committee direct staff to amend the draft 2020 Financial Plan for the following items as supported by the Electoral Area Services Committee:

- Change the corporate restructure funding allocation to be 75% funded by Regional Administration and 25% funded by Electoral Area Administration;
- Remove the proposed Procurement and Risk Specialist position.

Moved By DICKY  
Seconded By PRANGER

**THAT** the motion be amended by adding the words “for the Director of Corporate Initiatives position” in the second paragraph of the main motion.

**CARRIED**  
***All/Weighted***

The question was called on the main motion as amended:

Moved By FACIO  
Seconded By PRANGER

**THAT** the Regional and Corporate Services Committee direct staff to amend the draft 2020 Financial Plan for the following items as supported by the Electoral Area Services Committee:

- Change the corporate restructure funding allocation for the Director of Corporate Initiatives position to be 75% funded by Regional Administration and 25% funded by Electoral Area Administration;
- Remove the proposed Procurement and Risk Specialist position.

**CARRIED**  
***All/Weighted***

## **8.2 Grant Application for ESS Modernization Kit and Training**

Moved By ADAMSON

Seconded By BRAUN

**THAT** the Fraser Valley Regional District Board endorse a grant application of \$25,000 under UBCM's Community Emergency Preparedness Fund Emergency Support Services stream for the acquisition of an ESS kit and ESS training on kit deployment.

**CARRIED**

***All/Unweighted***

**9. BYLAWS**

**9.1 2020-2024 Financial Plan Bylaw No. 1585, 2020**

Staff were directed to post information about the 2020-2024 financial plan on the FVRD website once the information is released.

Moved By ROSS

Seconded By POPOVE

**THAT** the Fraser Valley Regional District Board give first reading to the bylaw cited as *Fraser Valley Regional District 2020-2024 Financial Plan Bylaw No. 1585, 2020*.

**CARRIED**

***All/Weighted***

Moved By SIEMENS

Seconded By FALK

**THAT** the Fraser Valley Regional District Board give second and third reading to the bylaw cited as *Fraser Valley Regional District 2020-2024 Financial Plan Bylaw No. 1585, 2020*.

**CARRIED**

***All/Weighted***

Moved By STOBART

Seconded By FACIO

**THAT** the Fraser Valley Regional District Board adopt the bylaw cited as *Fraser Valley Regional District 2020-2024 Financial Plan Bylaw No. 1585, 2020*.

**CARRIED**  
***All/Weighted (2/3 Majority)***

**9.2 FVRD Solid Waste Rates, Fees and Charges Bylaw No. 1583, 2020**

Moved By ROSS  
Seconded By ENGAR

**THAT** the Fraser Valley Regional District Board give first reading to the bylaw cited as *Fraser Valley Regional District Solid Waste Rates, Fees and Charges Bylaw No. 1583, 2020*.

**CARRIED**  
***All/Weighted***

Moved By LOEWEN  
Seconded By SIEMENS

**THAT** the Fraser Valley Regional District Board give second and third reading to the bylaw cited as *Fraser Valley Regional District Solid Waste Rates, Fees and Charges Bylaw No. 1583, 2020*.

**CARRIED**  
***All/Weighted***

Moved By CHAHAL  
Seconded By MERCER

**THAT** the Fraser Valley Regional District Board adopt the bylaw cited as *Fraser Valley Regional District Solid Waste Rates, Fees and Charges Bylaw No. 1583, 2020*.

**CARRIED**  
***All/Weighted (2/3 Majority)***

Moved By PRANGER  
Seconded By ALEXIS

**THAT** the Fraser Valley Regional District Board repeal *Fraser Valley Regional District Solid Waste Management Rates, Fees, and Charges Bylaw No. 0327, 1999*.

**CARRIED**  
***All/Weighted***

**9.3     Sub-Regional Parks Reserve Fund Establishment Bylaw No. 1582, 2020**

It was noted this bylaw concerns the maintenance and operation of parks in the Abbotsford and Sumas Mountain areas.

Moved By BRAUN  
Seconded By KLOOT

**THAT** the Fraser Valley Regional District Board give first reading to the bylaw cited as *Fraser Valley Regional District Sub-Regional Parks Reserve Fund Establishment Bylaw No. 1582, 2020*.

**CARRIED**  
***All/Unweighted***

Moved By STOBART  
Seconded By BRAUN

**THAT** the Fraser Valley Regional District Board give second and third reading to the bylaw cited as *Fraser Valley Regional District Sub-Regional Parks Reserve Fund Establishment Bylaw No. 1582, 2020*.

**CARRIED**  
***All/Unweighted***

Moved By BRAUN  
Seconded By STOBART

**THAT** the Fraser Valley Regional District Board adopt the bylaw cited as *Fraser Valley Regional District Sub-Regional Parks Reserve Fund Establishment Bylaw No. 1582, 2020*.

**CARRIED**  
**All/Unweighted (2/3 Majority)**

**9.4 Electoral Area Parcel Tax Establishment Bylaw Nos. 1564, 2020, 1565, 2020, 1574, 2020, 1575, 2020, 1576, 2020, 1577, 2020 and 1578, 2020**

Moved By POPOVE

Seconded By SIEMENS

**THAT** the Fraser Valley Regional District Board give first reading to the following bylaws:

- *Fraser Valley Regional District Cascade-Carratt Creek Flood Control Service Area Parcel Tax Establishment Bylaw No. 1564, 2020;*
- *Fraser Valley Regional District Morris Valley Sewer Service Area Parcel Tax Establishment Bylaw No. 1565, 2020;*
- *Fraser Valley Regional District Popkum Sewer Area Parcel Tax Establishment Bylaw No. 1574, 2020;*
- *Fraser Valley Regional District Deroche Water System Parcel Tax Establishment Bylaw No. 1575, 2020;*
- *Fraser Valley Regional District Yale Water System Service Area Parcel Tax Establishment Bylaw No. 1576, 2020;*
- *Fraser Valley Regional District Hatzic Prairie Water Supply and Distribution System Service Area Parcel Tax Establishment Bylaw No. 1577, 2020;*
- *Fraser Valley Regional District Lake Errock Water Supply and Distribution System Service Area Parcel Tax Establishment Bylaw No. 1578, 2020.*

**CARRIED**  
**All/Weighted**

Moved By DICKY

Seconded By ENGAR

**THAT** the Fraser Valley Regional District Board give second and third reading to the following bylaws:

- *Fraser Valley Regional District Cascade-Carratt Creek Flood Control Service Area Parcel Tax Establishment Bylaw No. 1564, 2020;*
- *Fraser Valley Regional District Morris Valley Sewer Service Area Parcel Tax Establishment Bylaw No. 1565, 2020;*
- *Fraser Valley Regional District Popkum Sewer Area Parcel Tax Establishment Bylaw No. 1574, 2020;*
- *Fraser Valley Regional District Deroche Water System Parcel Tax Establishment Bylaw No. 1575, 2020;*
- *Fraser Valley Regional District Yale Water System Service Area Parcel Tax Establishment Bylaw No. 1576, 2020;*
- *Fraser Valley Regional District Hatzic Prairie Water Supply and Distribution System Service Area Parcel Tax Establishment Bylaw No. 1577, 2020;*
- *Fraser Valley Regional District Lake Errock Water Supply and Distribution System Service Area Parcel Tax Establishment Bylaw No. 1578, 2020.*

**CARRIED**  
**All/Weighted**

Moved By STOBART  
Seconded By ALEXIS

**THAT** the Fraser Valley Regional District Board adopt the following bylaws:

- *Fraser Valley Regional District Cascade-Carratt Creek Flood Control Service Area Parcel Tax Establishment Bylaw No. 1564, 2020;*
- *Fraser Valley Regional District Morris Valley Sewer Service Area Parcel Tax Establishment Bylaw No. 1565, 2020;*
- *Fraser Valley Regional District Popkum Sewer Area Parcel Tax Establishment Bylaw No. 1574, 2020;*



- *Fraser Valley Regional District Deroche Water System Parcel Tax Establishment Bylaw No. 1575, 2020;*
- *Fraser Valley Regional District Yale Water System Service Area Parcel Tax Establishment Bylaw No. 1576, 2020;*
- *Fraser Valley Regional District Hatzic Prairie Water Supply and Distribution System Service Area Parcel Tax Establishment Bylaw No. 1577, 2020;*
- *Fraser Valley Regional District Lake Errock Water Supply and Distribution System Service Area Parcel Tax Establishment Bylaw No. 1578, 2020.*

**CARRIED**  
***All/Weighted (2/3 Majority)***

**9.5 Deroche Water System Rates and Fees Amendment Bylaw No. 1581, 2020**

Moved By STOBART

Seconded By ROBB

**THAT** the Fraser Valley Regional District Board give first reading to the bylaw cited as *Fraser Valley Regional District Deroche Water Supply and Distribution System Fees and Regulations Amendment Bylaw No. 1581, 2020.*

**CARRIED**  
***All/Weighted***

Moved By CHAHAL

Seconded By SIEMENS

**THAT** the Fraser Valley Regional District Board give second and third reading to the bylaw cited as *Fraser Valley Regional District Deroche Water Supply and Distribution System Fees and Regulations Amendment Bylaw No. 1581, 2020.*

**CARRIED**  
***All/Weighted***

Moved By PRANGER

Seconded By KLOOT

**THAT** the Fraser Valley Regional District Board adopt the bylaw cited as *Fraser Valley Regional District Deroche Water Supply and Distribution System Fees and Regulations Amendment Bylaw No. 1581, 2020*.

**CARRIED**  
***All/Weighted***

**9.6 FVRD Boston Bar Street Lighting Service Area Conversion and Amendment Bylaw No. 1557, 2019**

Moved By ADAMSON

Seconded By ROBB

**THAT** the Fraser Valley Regional District Board adopt the bylaw cited as *Fraser Valley Regional District Boston Bar Street Lighting Service Area Conversion and Amendment Bylaw No. 1557, 2019*.

**CARRIED**  
***All/Unweighted***

**9.7 Second Reading – Popkum-Bridal Falls Official Community Plan Bylaw No. 1501, 2018, Electoral Area "D"**

Moved By DICKEY

Seconded By ADAMSON

**THAT** the Fraser Valley Regional District Board give second reading to the bylaw cited as *Fraser Valley Regional District Official Community Plan for Popkum – Bridal Falls, Bylaw No. 1501, 2018*.

**CARRIED**  
***EAs/Unweighted***

Moved By ENGAR

Seconded By ADAMSON

**THAT** the *Fraser Valley Regional District Official Community Plan for Popkum – Bridal Falls, Bylaw No. 1501, 2018* be forwarded to Public Hearing;

**THAT** the Fraser Valley Regional District Board delegate the holding of the Public Hearing with respect to the proposed *Fraser Valley Regional District Official Community Plan for Popkum – Bridal Falls, Bylaw No. 1501, 2018* 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 *Fraser Valley Regional District Official Community Plan for Popkum – Bridal Falls, Bylaw No. 1501, 2018*;

**THAT** the Chair of the Public Hearing be authorized to establish procedural rules for the conduct of the Public Hearing with respect to proposed *Fraser Valley Regional District Official Community Plan for Popkum – Bridal Falls, Bylaw No. 1501, 2018* in accordance with the Local Government Act;

**AND THAT** in the absence of Director Dickey, or his alternate in his absence at the time of the Public Hearing with respect to proposed *Fraser Valley Regional District Official Community Plan for Popkum – Bridal Falls, Bylaw No. 1501, 2018*, 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;

**CARRIED**  
***EAs/Unweighted***

Moved By ALEXIS

Seconded By DIXON

**THAT** the Fraser Valley Regional District Board consider that *Fraser Valley Regional District Official Community Plan for Popkum – Bridal Falls, Bylaw No. 1501, 2018* is consistent with the FVRD financial plan and FVRD waste management plan.

**CARRIED**  
***All/Unweighted***

Moved By KLOOT  
Seconded By STOBART

**THAT** the Fraser Valley Regional District Board authorize its signatories to execute all documents relating to *Fraser Valley Regional District Official Community Plan for Popkum – Bridal Falls, Bylaw No. 1501, 2018*.

**CARRIED**  
***All/Weighted***

**9.8     Zoning Amendment Bylaw No. 1539, 2019 - Application for 11882 Sylvester Road, Electoral Area "F" to facilitate a two lot subdivision**

Moved By DAVIDSON  
Seconded By ADAMSON

**THAT** the Fraser Valley Regional District Board give first reading to the bylaw cited as *Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1539, 2019* to rezone the property located at 11882 Sylvester Road from Rural Residential 2 (RS-2) to Rural Residential 1 (RS-1) to facilitate a two lot subdivision.

**CARRIED**  
***EAs/Unweighted***

Moved By STOBART  
Seconded By ENGAR

**THAT** the *Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1539, 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 F Zoning Amendment Bylaw No. 1539, 2019* to Director Davidson, or his alternate in his absence;

**THAT** Director Davidson or his alternate in his absence preside over and Chair the Public Hearing with respect to proposed *Bylaw 1539, 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 1539, 2019 in accordance with the *Local Government Act*;

**AND FURTHER THAT** in the absence of Director Davidson, or his alternate in his absence at the time of Public Hearing with respect to proposed *Bylaw 1539, 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.

**CARRIED**  
*EAs/Unweighted*

Moved By MERCER  
Seconded By LOEWEN

**THAT** the Fraser Valley Regional District authorize its signatories to execute all documents relating to Bylaw 1539, 2019.

**CARRIED**  
*All/Weighted*

**9.9 Vessel Noise Control Regulations Repeal Bylaw No. 1580, 2020**

Moved By STOBART  
Seconded By ENGAR

**THAT** the Fraser Valley Regional District Board give first reading to the bylaw cited as *Fraser Valley Regional District Vessel Noise Control Regulations Repeal Bylaw No.1580, 2020*.

**CARRIED**  
*All/Unweighted*

Moved By DIXON  
Seconded By ADAMSON

**THAT** the Fraser Valley Regional District Board give second and third reading to the bylaw cited as *Fraser Valley Regional District Vessel Noise Control Regulations Repeal Bylaw No.1580, 2020*.

**CARRIED**  
***All/Unweighted***

Moved By SIEMENS  
Seconded By DIXON

**THAT** the Fraser Valley Regional District Board adopt the bylaw cited as *Fraser Valley Regional District Vessel Noise Control Regulations Repeal Bylaw No.1580, 2020*.

**CARRIED**  
***All/Unweighted (2/3 Majority)***

**10. PERMITS**

**10.1 Application for Development Variance Permit 2019-33 to reduce the parcel frontage requirement to facilitate a 2 lot subdivision at 12174 Hodgkin Rd., Electoral Area "C"**

The public was provided an opportunity to speak and no comments were given.

Concerns were noted that the property is located on wetlands and the potential impact of development to species in the area.

Moved By DICKEY  
Seconded By STOBART

**THAT** the Fraser Valley Regional District Board issue Development Variance Permit 2019-33 to reduce the parcel frontage requirement for proposed Lot '1' at 12174 Hodgkin Road, Area C, from 10% of the lot perimeter to 2.4% of the lot perimeter, subject to the consideration of any comments or concerns raised by the public.

**CARRIED**  
***EAs/Unweighted***

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

None.

**12. OTHER MATTERS**

**12.1 Draft Metro Vancouver Regional Industrial Lands Strategy**

Moved By ROSS

Seconded By PRANGER

**THAT** the Fraser Valley Regional District Board receive the draft *Metro Vancouver Regional Industrial Lands Strategy* referred to the Fraser Valley Regional District for review and comment;

**THAT** feedback include a request to Metro Vancouver to engage with Fraser Valley Regional District and municipal staff and elected officials on any recommendations that may directly impact this region or its member municipalities;

**AND THAT** the Fraser Valley Regional District continue to develop an industrial lands inventory as part of the Regional Growth Strategy monitoring program.

Concerns were raised regarding the level of engagement that would arise from this resolution. Staff noted the strong working relationship with Metro Vancouver and that they would follow up with Metro Vancouver to discuss a plan for engagement. Further discussion resulted in the following amendment:

Moved By ROSS

Seconded By PRANGER

**THAT** the motion be amended by adding the paragraph "AND FURTHER THAT the Fraser Valley Regional District invite Metro Vancouver to provide a delegation to the Board".

**CARRIED**  
***All/Unweighted***

The question was called on the motion as amended:

Moved By KLOOT

Seconded By ROSS

**THAT** the Fraser Valley Regional District Board receive the draft *Metro Vancouver Regional Industrial Lands Strategy* referred to the Fraser Valley Regional District for review and comment;

**THAT** feedback include a request to Metro Vancouver to engage with Fraser Valley Regional District and municipal staff and elected officials on any recommendations that may directly impact this region or its member municipalities;

**AND THAT** the Fraser Valley Regional District continue to develop an industrial lands inventory as part of the Regional Growth Strategy monitoring program;

**AND FURTHER THAT** the Fraser Valley Regional District invite Metro Vancouver to provide a delegation to the Board.

**CARRIED**  
***All/Unweighted***

**12.2 Procurement of Rock for Nicomen Island Shoreline Protection Project**

Moved By STOBART

Seconded By ADAMSON

**THAT** the Fraser Valley Regional District Board direct staff to proceed with the procurement of rock for the Nicomen Island Improvement District (NIID) dike and drainage improvement project from the NIID owned rock quarry.



**CARRIED**  
***All/Unweighted***

**12.3 Appointment of FVRD Animal Control Officers**

Moved By FACIO

Seconded By DIXON

**THAT** the Fraser Valley Regional District Board appoint the following personnel as Animal Control Officers for the Fraser Valley Regional District, for the purpose of regulatory enforcement of the Fraser Valley Regional District's animal control bylaws, effective immediately:

- Dustin Thiessen
- Trina Douglas

**CARRIED**  
***All/Unweighted***

**13. CONSENT AGENDA**

**13.1 CONSENT AGENDA - FULL BOARD**

Moved By ADAMSON

Seconded By POPOVE

**THAT** the following Consent Agenda items 13.1.1 to 13.1.5 be endorsed:

**13.1.1 THAT** the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$1,500 to the Boston Bar North Bend Bowling Association, funded from the Electoral Area "A" grant-in-aid-budget, to help offset the costs of hosting a free all day open house event on Family Day at the Canyon Lanes Bowling Alley.

**13.1.2 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 2020 Electoral Area "B" grant-in-aid budget, to offset costs of their 16th annual Camp Skylark.

**13.1.3 THAT** the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$1,500 to the Hope and District Skating Club, funded from

the 2020 Electoral Area "B" grant-in-aid budget, to help offset the costs of their upcoming ice show.

**13.1.4 THAT** the Fraser Valley Regional District Board approve a grant-in-aid to the Deroche & District Community Association in the amount of \$5,000, to be funded from the 2020 Electoral Area "G" grant-in-aid budget to help offset the costs of refinishing the Deroche Community Hall floor.

**13.1.5 THAT** the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$3,500 to the Dewdney Elementary School PAC, funded from the 2020 Electoral Area "G" grant-in-aid budget to help offset the costs of updated first aid and emergency kits, fresh fruit and vegetables for students in need, weather appropriate clothing for students, and field trips.

**CARRIED**

*All/Unweighted*

**14. ADDENDA ITEMS/LATE ITEMS**

None.

**15. REPORTS FROM COMMITTEE MEETINGS - FOR INFORMATION**

**15.1 WildSafeBC 2019 - A Year in Review [FEB 2020 RACS]**

Comments were provided noting the excellent presentation made to the February Regional and Corporate Services Committee by Erin Patrick, WildSafeBC FVRD Coordinator.

**16. ITEMS FOR INFORMATION AND CORRESPONDENCE**

The following items were received for information:

**16.1 Letter dated February 4, 2020 from City of Port Moody with respect to 'Supporting Universal National Pharmacare'.**

**16.2 Fraser Basin Council - Fraser Valley Update, February 2020**

**16.3 City of Abbotsford Resolution**

It was noted that the *City of Abbotsford Resolution - Continued Expansion of Trans Canada Hwy #1* was submitted although it did not make it on the agenda at the 2019 UBCM annual convention for procedural reasons.

Discussion ensued resulting in the following motion:

Moved by BRAUN

Seconded by ADAMSON

**THAT** the Fraser Valley Regional District Board endorse the *City of Abbotsford Resolution - Continued Expansion of Trans Canada Hwy #1*;

**AND THAT** the resolution, with the Fraser Valley Regional District's support, be forwarded to the Lower Mainland Government Association for their consideration.

**CARRIED**  
***All/Unweighted***

**17. REPORTS BY STAFF**

None.

**18. REPORTS BY BOARD DIRECTORS**

**Director Stobbart** informed of the upcoming public meeting Monday, March 9, 2020 co-hosted by Leq'á:mel First Nation and the Ministry of Transportation and Infrastructure regarding the Dewdney Bridge replacement.

**Director Adamson** reported recent attendance of a library planning session.

**Director Ross** reminded the Board that calls for nominations for the Lower Mainland Local Government Association Executive are due March 12, 2020.

**Director Alexis** noted an upcoming meeting regarding Hatzic Lake.

**19. PUBLIC QUESTION PERIOD FOR ITEMS RELEVANT TO AGENDA**

The public was provided an opportunity to speak and no comments were given.

**RECESS**

**21. RECONVENE OPEN MEETING**

The meeting was reconvened at 8:58pm.

**22. RISE AND REPORT OUT OF CLOSED MEETING**

None.

**23. ADJOURNMENT**

Moved By DIXON

Seconded By PRANGER

**THAT** the Fraser Valley Regional District Board Open Meeting of February 25, 2020 be adjourned.

**CARRIED**  
**All/Unweighted**

The open meeting was adjourned at 8:58pm.

MINUTES CERTIFIED CORRECT:

.....  
Director Jason Lum, Chair

.....  
Corporate Officer/Deputy

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

Thursday, February 13, 2020

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:           Jennifer Kinneman, Acting Chief Administrative Officer  
                               Mike Veenbaas, Director of Financial Services/Chief Financial Officer  
                               Jaime Reilly, Acting Director of Corporate Affairs/Corporate Officer  
                               Tareq Islam, Director of Engineering & Community Services  
                               Graham Daneluz, Director of Planning & Development  
                               Milly Marshall, Director of Electoral Area Special Projects  
                               Sterling Chan, Manager of Engineering & Infrastructure  
                               Kristy Hodson, Manager of Financial Operations  
                               Andrea Antifaeff, Planner I  
                               Beth Klein, Accountant  
                               Matthew Fang, Network Analyst I  
                               Kristen Kohuch, Executive Assistant to CAO and Board (*recording secretary*)  
                               Chris Lee, Executive Assistant, Corporate Admin

**1. CALL TO ORDER**

The meeting was called to order at 1:30 pm.

**2. CHAIR'S REPORT ON REGIONAL AND CORPORATE SERVICES COMMITTEE MEETING**

Chair Dickey provided a brief summary of the Regional and Corporate Services committee meeting of February 13, 2020.

**3. APPROVAL OF AGENDA, ADDENDA AND LATE ITEMS**

Moved By STOBART

Seconded By RAYMOND

**THAT** the Agenda, Addenda and Late Items for the Electoral Area Services Committee Open Meeting of February 13, 2020, with the withdrawal of Item 10.3 be approved;

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

**CARRIED**

**4. DELEGATIONS AND PRESENTATIONS**

**4.1 Jason Dunkley (re: Item 10.2)**

Jason Dunkley, Applicant provided a PowerPoint Presentation on re-zoning and subdivision proposals for property located at 11882 Sylvester Road, Mission.

**5. MINUTES/MATTERS ARISING**

**5.1 Draft Electoral Area Services Committee Meeting Minutes - January 22, 2020**

Moved By DAVIDSON

Seconded By DIXON

**THAT** the Minutes of the Electoral Area Services Committee Open Meeting of January 22, 2020 be adopted.

**CARRIED**

**5.2 Draft Electoral Area Services Committee Meeting - January 28, 2020**

Moved By RAYMOND

Seconded By STOBART

**THAT** the Minutes of the Electoral Area Services Committee Open Meeting of January 28, 2020 be adopted.

**CARRIED**

**6. MOTIONS FOR WHICH NOTICE HAS BEEN GIVEN**

**6.1 Emergency Management in Electoral Areas (brought forward by Director Bales)**

Moved By BALES

Seconded By RAYMOND

**THAT** the Electoral Area Emergency Committee meet at least once a year to discuss operating effectively in emergencies.

Comments were offered regarding recent experiences during the Emergency Operation Centre activation, and it was noted that it would be beneficial for staff to provide a workshop with an overview of Directors' roles in emergency operations.

Discussion ensued with the following motion being brought forward:

Moved By BALES

Seconded By ADAMSON

**THAT** staff provide a workshop to the Electoral Area Services Committee in April each year to discuss emergency processes and requirements.

**CARRIED**

Discussion ensued regarding the Alertable app, which provides critical and advisory alerts in pre-selected areas.

Moved By BALES

Seconded By ADAMSON

**THAT** in times of FVRD electoral emergencies, Electoral Area Directors in effected areas be cc'd or forwarded disaster information ASAP, and as well to be cc'd on updated status report information.

Director Bales commented that she wanted the most updated information without clogging up the Emergency Operations Centre (EOC) phone line.

**CARRIED**

**DIRECTOR RAYMOND OPPOSED**

## **7. CORPORATE ADMINISTRATION**

None.

## **8. FINANCE**

### **8.1 Grant-in-Aid Request – Boston Bar North Bend Bowling Association, Electoral Area “A”**

Moved By RAYMOND

Seconded By ADAMSON



**THAT** the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$1,500 to the Boston Bar North Bend Bowling Association, funded from the Electoral Area "A" grant-in-aid-budget, to help offset the costs of hosting a free all day open house event on Family Day at the Canyon Lanes Bowling Alley.

**CARRIED**

**8.2 Grant-In-Aid Request – Fraser Canyon Hospice Society, Electoral Area "B"**

Moved By ADAMSON

Seconded By RAYMOND

**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 2020 Electoral Area "B" grant-in-aid budget, to offset costs of their 16th annual Camp Skylark.

**CARRIED**

**8.3 Grant-In-Aid Request – Hope & District Skating Club, 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 \$1,500 to the Hope and District Skating Club, funded from the 2020 Electoral Area "B" grant-in-aid budget, to help offset the costs of their upcoming ice show.

**CARRIED**

**8.4 Grant-In-Aid Request – Deroche & District Community Association, Electoral Area "G"**

Moved By STOBART  
Seconded By DAVIDSON

**THAT** the Fraser Valley Regional District Board approve a grant-in-aid to the Deroche & District Community Association in the amount of \$5,000, to be funded from the 2020 Electoral Area "G" grant-in-aid budget to help offset the costs of refinishing the Deroche Community Hall floor.

**CARRIED**

**8.5 Grant-In-Aid Request – Dewdney Elementary School PAC, Electoral Area "G"**

Moved By STOBART  
Seconded By DIXON

**THAT** the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$3,500 to the Dewdney Elementary School PAC, funded from the 2020 Electoral Area "G" grant-in-aid budget to help offset the costs of updated first aid and emergency kits, fresh fruit and vegetables for students in need, weather appropriate clothing for students, and field trips.

**CARRIED**

**8.6 Electoral Area Parcel Tax Establishment Bylaw Nos. 1564, 2020, 1565, 2020, 1574, 2020, 1575, 2020, 1576, 2020, 1577, 2020 and 1578, 2020**

Moved By DIXON  
Seconded By ADAMSON

**THAT** the Fraser Valley Regional District Board consider giving three readings and adoption to the following bylaws:

- *Fraser Valley Regional District Cascade-Carratt Creek Flood Control Service Area Parcel Tax Establishment Bylaw No. 1564, 2020;*

- *Fraser Valley Regional District Morris Valley Sewer Service Area Parcel Tax Establishment Bylaw No. 1565, 2020;*
- *Fraser Valley Regional District Popkum Sewer Area Parcel Tax Establishment Bylaw No. 1574, 2020;*
- *Fraser Valley Regional District Deroche Water System Parcel Tax Establishment Bylaw No. 1575, 2020;*
- *Fraser Valley Regional District Yale Water System Service Area Parcel Tax Establishment Bylaw No. 1576, 2020;*
- *Fraser Valley Regional District Hatzic Prairie Water Supply and Distribution System Service Area Parcel Tax Establishment Bylaw No. 1577, 2020;*
- *Fraser Valley Regional District Lake Errock Water Supply and Distribution System Service Area Parcel Tax Establishment Bylaw No. 1578, 2020.*

**CARRIED**

## **9. ENGINEERING & UTILITIES**

### **9.1 Deroche Water System Rates and Fees Amendment**

Moved By STOBART  
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 Deroche Water Supply and Distribution System Fees and Regulations Amendment Bylaw No. 1581, 2020*".

**CARRIED**

### **9.2 Procurement of Rock for Nicomen Island Shoreline Protection Project**

Moved By STOBART  
Seconded By DAVIDSON

**THAT** the Fraser Valley Regional District Board direct staff to proceed with the procurement of rock for the Nicomen Island Improvement District (NIID) dike and drainage improvement project from the NIID owned rock quarry.

Director Stobbart expressed excitement for the project since access has been limited for the past 40 years due to provincial oversight.

**CARRIED**

## **10. PLANNING, BUILDING INSPECTION AND BYLAW ENFORCEMENT**

### **10.1 Second Reading – Popkum-Bridal Falls Official Community Plan Bylaw No. 1501, 2018, Electoral Area "D"**

Moved By ADAMSON

Seconded By DIXON

**THAT** the Fraser Valley Regional District Board consider giving second reading to the bylaw cited as *Fraser Valley Regional District Official Community Plan for Popkum – Bridal Falls, Bylaw No. 1501, 2018*;

**THAT** the *Fraser Valley Regional District Official Community Plan for Popkum – Bridal Falls, Bylaw No. 1501, 2018* be forwarded to Public Hearing;

**THAT** the Fraser Valley Regional District Board delegate the holding of the Public Hearing with respect to the proposed *Fraser Valley Regional District Official Community Plan for Popkum – Bridal Falls, Bylaw No. 1501, 2018* 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 *Fraser Valley Regional District Official Community Plan for Popkum – Bridal Falls, Bylaw No. 1501, 2018*;

**THAT** the Chair of the Public Hearing be authorized to establish procedural rules for the conduct of the Public Hearing with respect to proposed *Fraser Valley Regional District Official Community Plan for Popkum – Bridal Falls, Bylaw No. 1501, 2018* in accordance with the Local Government Act;

**AND THAT** in the absence of Director Dickey, or his alternate in his absence at the time of the Public Hearing with respect to proposed *Fraser Valley Regional District Official Community Plan for Popkum – Bridal Falls, Bylaw No. 1501, 2018*,

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 FURTHER THAT** the Fraser Valley Regional District Board consider that *Fraser Valley Regional District Official Community Plan for Popkum – Bridal Falls, Bylaw No. 1501, 2018* is consistent with the FVRD financial plan and FVRD waste management plan;

**AND FINALLY THAT** the Fraser Valley Regional District Board authorize its signatories to execute all documents relating to *Fraser Valley Regional District Official Community Plan for Popkum – Bridal Falls, Bylaw No. 1501, 2018*.

**CARRIED**

**10.2 Zoning Amendment Bylaw No. 1539, 2019 - Application for 11882 Sylvester Road, Electoral Area "F" to facilitate a two lot subdivision**

Moved By DAVIDSON

Seconded By ADAMSON

**THAT** the Fraser Valley Regional District Board consider giving first reading to the bylaw cited as *Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1539, 2019* to rezone the property located at 11882 Sylvester Road from Rural Residential 2 (RS-2) to Rural Residential 1 (RS-1) to facilitate a two lot subdivision;

**THAT** the *Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1539, 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 F Zoning Amendment Bylaw No. 1539, 2019* to Director Davidson, or his alternate in his absence;

**THAT** Director Davidson or his alternate in his absence preside over and Chair the Public Hearing with respect to proposed *Bylaw 1539, 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 1539, 2019 in accordance with the *Local Government Act*;

**AND FURTHER THAT** in the absence of Director Davidson, or his alternate in his absence at the time of Public Hearing with respect to proposed *Bylaw 1539, 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 authorize its signatories to execute all documents relating to *Bylaw 1539, 2019*.

Staff provided updates regarding the aquifer in the area, commenting they are still waiting for the full assessment from consultants. Director Davidson requested this feedback to be worked into the application. Staff responded that a restrictive covenant can be placed on the property to limit the use of water to domestic purposes.

**CARRIED**

**10.3 Cultus Lake Advisory Planning Commission Repeal Bylaw No. 1572, 2020 and Fraser Valley Regional District Development Procedures Amendment Bylaw No. 1573, 2020**

*This item was withdrawn.*

**10.4 Vessel Noise Control Regulations Repeal Bylaw No. 1580, 2020**

Moved By STOBART

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 Vessel Noise Control Regulations Repeal Bylaw No. 1580, 2020*.

**CARRIED**

**10.5 Application for Development Variance Permit 2019-33 to reduce the parcel frontage requirement to facilitate a 2 lot subdivision at 12174 Hodgkin Rd., Electoral Area "C"**

Moved By STOBART

Seconded By ADAMSON

**THAT** the Fraser Valley Regional District Board issue Development Variance Permit 2019-33 to reduce the parcel frontage requirement for proposed Lot '1' at 12174 Hodgkin Road, Area C, from 10% of the lot perimeter to 2.4% of the lot perimeter, subject to the consideration of any comments or concerns raised by the public.

**CARRIED**

**11. ELECTORAL AREA EMERGENCY SERVICES**

No items.

**12. ADDENDA ITEMS/LATE ITEMS**

None.

**13. REPORTS BY STAFF**

Ms. Kinneman announced Chris Lee's retirement, thanking her for 14 years of service to the organization.

**14. REPORTS BY ELECTORAL AREA DIRECTORS**

Director Engar reported that the Fire Department is investigating reflective house numbering signage and noted the upcoming Resident's Association Annual General meeting.

Director Dixon reported on recent Goose Management Meetings with representatives from Electoral Area H.

Director Adamson reported that 50 people attended the monthly jam session in Yale and invited the Committee to the 2020 Winterfest in Sunshine Valley.

Director Raymond reviewed calls with the public regarding various issues.

Director Davidson thanked staff for their work during operation of the EOC and noted having a Cannabis Zoning Public Hearing in his area which went well.

Director Bales thanked staff for their efforts during the Emergency Operations Centre activation, and thanked the Director of Planning & Development for attending Area C for a site visit.

Director Dickey noted the Annual General Meeting for Electoral Area D.

#### **15. PUBLIC QUESTION PERIOD FOR ITEMS RELEVANT TO AGENDA**

The Chair provided public an opportunity to speak and no comments were made.

#### **16. RESOLUTION TO CLOSE MEETING**

Moved By STOBART

Seconded By DAVIDSON

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)(d) of the *Community Charter* - the security of the property of the regional district; and
- Section 90(1)(g) of the *Community Charter* - litigation or potential litigation affecting the regional district.

#### **RECESS**

**CARRIED**

The meeting recessed at 2:21 pm.



**17. RECONVENE OPEN MEETING**

The meeting reconvened at 2:49 pm.

**18. RISE AND REPORT OUT OF CLOSED MEETING**

None.

**19. ADJOURNMENT**

Moved By RAYMOND

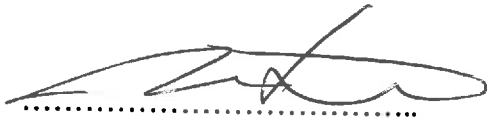
Seconded By DAVIDSON

**THAT** the Electoral Area Services Committee Open Meeting of February 13, 2020 be adjourned.

**CARRIED**

The Electoral Area Services Committee Meeting of February 13, 2020 adjourned at 2:50 pm.

MINUTES CERTIFIED CORRECT:



Director Bill Dickey, Chair



To: Regional and Corporate Services Committee

Date: 2020-03-10

From: Jessica Morrison - Policy Analyst, Indigenous Relations

File No: 3400-01

**Subject:** Sub-Regional Intergovernmental Working Groups Model for Indigenous Relations

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### RECOMMENDATION

**THAT** the Fraser Valley Regional District (FVRD) Board take a supportive role in the development of sub-regional Intergovernmental Working Groups in partnership with Indigenous governments;

**AND THAT** the meetings of the Regional Indigenous Relations Committee (RIRC) continue to be held at the Call of the Chair, as needed, in support of issues raised from sub-regional Intergovernmental Working Groups;

**AND FURTHER THAT** current appointments from RIRC to external tables maintain the status quo until such time as RIRC meets again.

### 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 has responsibilities in fostering meaningful collaboration with Indigenous governments.

The FVRD Board held a visioning session in 2017 to discuss the possibilities in revising the Terms of Reference for, then, FVARC (now RIRC) regarding function, membership and structure. At that time, the Board directed staff to begin exploring engagement.

Since that time, staff and members of the RIRC have observed and tracked swift and meaningful changes at the federal, and especially the provincial level, with respect to Indigenous relations and rights recognition frameworks. As the landscape has been shifting tremendously in that short timeframe, staff took an observational approach. This included a fresh look at a wider range of models for collaborative engagement which may better serve the FVRD, its member municipalities and Electoral Areas, and Indigenous governments and communities.

### DISCUSSION

The key proposed benefits of supporting the development of sub-regional Intergovernmental Working Groups in partnership with Indigenous governments are to:

1. Focus efforts on local issues
2. Make space for meaningful and collaborative Intergovernmental relations
3. Use the Regional Indigenous Relations Committee to elevate critical issues from sub-regional tables

In November 2019, the province of BC passed Bill 41, the Declaration on the Rights of Indigenous Peoples Act. The Act had been brought forward as a collaborative effort between members of the Legislative Assembly, the BC Assembly of First Nations, the First Nations Summit and the Union of BC Indian Chiefs (UBCIC). The drafting of the Bill itself was conducted together with the First Nations Leadership Council. The intention of the Act is to compel future changes to BC laws, which will bring them into harmony with the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).

While the Province has indicated that these changes will be implemented in collaboration with local governments, Indigenous peoples, and stakeholders in business and industry, the Act signifies the direction in which local governments may anticipate shifts in legislation.

The 46 articles of UNDRIP (attached) speak to overarching principles which can guide local governments in preparation for legislative changes. These rights of Indigenous Peoples include:

- The right to self-determination;
- The right to access to lands and resources; and
- The right to free, prior and informed consent (FPIC).

To coincide with the passing of BC's new UNDRIP Act, the Union of BC Indian Chiefs released a paper titled "Consent" (attached), which provides theoretical frameworks and guidance for organizations interested in understanding how to operationalize the principles of FPIC, and makes recommendations for moving forward. The document also provides clarity on the legal and political aspects of consent.

Centrally, the theme of the Consent paper is for other orders of government and private organizations to begin to shift away from the focus on "consult and accommodate" processes, in favour of building collaborative, ongoing, working relationships which recognize, respect, and support Indigenous governments.

*"...beyond the impracticality of the current consultation paradigm, using consultation processes as a lens for thinking about consent fails to properly advance the foundational work of a fundamental transformation in relations based on government-to-government and Nation-to-Nation relationships that reconcile sovereignties. As distinct from thinking of consent as an extension of consultation processes, consent may be operationalized through the lens of building proper structures and processes between governments for decision-making that respects jurisdictions, laws, and authorities. In this sense, consent is inextricably linked with the work of advancing Indigenous self-determination, the inherent*

*right of self-government, and the work led by Indigenous peoples to rebuild their governments and nations.”*

- UBCIC Consent Paper, 2019, p 41

The FVRD and Indigenous governments in the region would be well-positioned in anticipation of legislative changes by developing a model for collaborative governance which is reflective of the principles of UNDRIP.

### **Concerns with Single Regional Model**

As conversations have continued through the FVRD RIRC in 2018 and 2019, committee members have noted that the single regional table approach is broad and unfocused, without a mechanism for specific local issues to be raised. It would be challenging, and potentially not reasonable to ask all Indigenous Government representatives in the Fraser Valley to meet quarterly to discuss these broad issues in this format. As it stands, RIRC attendance and participation has been declining in the previous years, in the absence of specific local matters to discuss, and the lack of participation from Indigenous governments.

### **Working Example of a Sub-Regional Approach**

Since before 2011, the District of Kent, the Village of Harrison Hot Springs, Sq'ewlets, Sts'ailes, Cheam, Seabird Island, and the Stó:lō Tribal Council meet on a quarterly basis. The table initially began as a Community-to-Community (C2C) Forum related to the Fraser River and flood management in the region. The working group has successfully built connections with other organizations and other levels of government. The Kent-Harrison C2C Forum (now called Lets'mot C2C) is a crucial collaborative space for strategic planning on sub-regional issues and serves as a model from which other sub-regional working groups within the FVRD can develop.

### **Role of the FVRD and RIRC**

For the sake of continuity and consistency, those existing external appointments are advised to remain the same, until such time as the RIRC meets again in 2020. Those existing appointments are:

- Stó:lō Xwexwilmexw Treaty Association (SXTA) table - Director Stobbart
- Katzie Treaty table - Director Falk
- Metro Vancouver Indigenous Relations Committee (IRC) - Director Falk

Under a sub-regional working group model, the RIRC would meet at the call of the Chair, as is currently indicated in the Terms of Reference, as-needed, in support of specific issues raised from sub-regional working groups. Under this model, regular reporting back to the FVRD would be incorporated into RACS/EASC and Board communications, as is the standard practice in all other areas of FVRD business.

FVRD Indigenous Relations staff will support the development of sub-regional tables, on an as-needed basis, as identified by each table themselves. This support could take the form of helping with the design and development of Intergovernmental communications protocol, guidance navigating the C2C

funding program, assistance with drafting table-specific Terms of Reference, teaching and training on a variety of topics in Indigenous/Settler Relations, and reporting back from sub-regional working groups to FVRD committees and Board, and any other support functions as proposed or requested by individual sub-regional working groups.

### Proposed Geographies of Sub-Regional Working Groups

Sub-Region	Description	Indigenous Governments
<b>FVRD West</b>	Abbotsford/Mission area	Semá:th, Matsqui, Kwantlen, Katzie, Leq'a:mel
<b>FVRD Central</b>	Kent/Harrison area	Sts'ailes, Seabird Island, Cheam, Sq'ewlets, Stó:lō Tribal Council (add Skatin, Xa'xtsa, Samahquam)
<b>FVRD South</b>	Chilliwack and area	Ts'elxwéyeqw Tribe (Aitchelitz, Skowkale, Shxwhá:y Village, Soowahlie, Squiala, Tzeachten, Yakwekwioose), Stó:lō Nation, Kwaw'Kwaw'Apilt, Peters, Popkum, Skwah
<b>FVRD East</b>	Hope and area	Shxw'ow'hamel, Skawahlook, Spuzzum, Boston Bar, Union Bar, Yale, Boothroyd, Chawathil

The proposed structure of four sub-regional working groups based on generalized geographies is not intended to be limiting to the participation of Indigenous governments in any way. Tables would be best designed and defined by those parties, both local government and Indigenous government, who would choose to participate. It should be noted that it is not necessary to have full and complete representation of all governing bodies in a geographic region for there to be utility and value in convening a sub-regional working group.

### COST

There are no direct budgetary impacts with respect to this initiative. FVRD Indigenous Relations staff will support the development of sub-regional working groups from within the existing RIRC budget allowances.

The Province provides \$50,000 annually for the Regional Community to Community Forum (C2C) program, which helps local governments and Indigenous nations connect. Municipalities and the FVRD can apply for this annual funding to support efforts at collaborative tables such as those proposed in this report.

The Kent-Harrison C2C has continually accessed this funding to support their group, as has the FVRD to support similar work on multiple occasions. It would be reasonable to assume each sub-regional table could also apply independently to receive support through the program annually.

### CONCLUSION

The FVRD would be prudent to follow the direction of higher orders of government. Building a collaborative working structure which recognizes and affirms Indigenous governance in accordance with UNDRIP principles is a next logical step for the region. Developing sub-regional Intergovernmental

Working Groups is a demonstrably functional, sustainable and respectful governance model for moving forward.

**COMMENTS BY:**

**Mike Veenbaas, Director of Finance/CFO:**

No further financial comments

**Jennifer Kinneman, Acting Chief Administrative Officer:**

Reviewed and supported

**Attachments:**

1. BC Declaration Act Factsheet for Local Government
2. UNDRIP
3. UBCIC Consent Paper
4. Kent/Harrison C2C MOU on Cooperation and Communication.

# Declaration on the Rights of Indigenous Peoples Act

## THE LEGISLATION

The Government of British Columbia has passed legislation that confirms the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) as the framework for reconciliation in B.C.

Implementing the UN Declaration through the new *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act) will establish a path forward that respects and upholds the human rights of Indigenous peoples while introducing additional transparency and predictability in the work the B.C. government and Indigenous peoples do together.

With the legislation, the Province, Indigenous peoples, businesses and local governments will have additional tools to build effective relationships, clear processes and a robust and sustainable economy together.

The Declaration Act supports transparent, co-operative, staged approaches through which the B.C. government will work collaboratively with Indigenous peoples, and engage with business and local governments, on programs, policies, legislation and decisions affecting Indigenous peoples and their rights. It will help all parties work together to invest in building a stronger B.C., including creating economic opportunities for Indigenous peoples, businesses, communities and families throughout the province.

The Province also recognizes that many companies and local governments in British Columbia have already embraced the principles of the UN Declaration and have built solid relationships with Indigenous peoples.

The B.C. government is committed to collaboration and transparency as it moves forward with implementing this new legislation – this includes ensuring our laws are consistent with the UN Declaration, developing an action plan, and reporting annually on our progress.

## LOCAL GOVERNMENT

The Province is committed to true, lasting reconciliation with Indigenous peoples through the implementation of the UN Declaration. This work will foster increased and lasting certainty and supports local governments and Indigenous nations working together to continue to strengthen relationships and to collaborate on matters of mutual interest - which will help promote job creation and sustainable economic growth throughout B.C.

The Ministry of Municipal Affairs and Housing (MAH) supports local governments, Indigenous governments, not-for-profit organizations and residents to build vibrant and healthy communities that are well governed, liveable, safe, economically resilient, and socially and environmentally responsible. MAH also aims to help British Columbians to access more affordable, safe and appropriate housing through its policies and programs, technical codes and standards, and services for landlords and tenants.

An important part of this work is helping to foster positive relationships at the local level between local governments and Indigenous nations, to encourage discussion of shared interests and partnerships on social, economic and environmental projects that are important to everyone who lives in the area.

There are many examples of progress being made at the local level towards reconciliation throughout B.C. Every day the list of communication protocol agreements, strategic accords, economic partnerships, shared recreational projects, and education and renaming initiatives continues to grow.

The Province sees great opportunity for advancing reconciliation through these kinds of partnerships. As partners at all levels of government work together on the journey towards true and meaningful reconciliation, it will be a learning process.

The provincial government is committed to finding ways to work together to make life better for people in Indigenous and non-Indigenous communities.







An important part of this work is a memorandum of understanding (MOU) between the Union of BC Municipalities (UBCM) and the Ministry of Indigenous Relations and Reconciliation, supported by MAH, and renewed at the 2018 UBCM Convention. The MOU affirms local government's role in fostering relationships built on honesty, respect and undertaking reconciliation at the community level.

***Does the legislation affect the Local Government Act, local government zoning, official community plans, etc.?***

Provincial laws will be brought into alignment over time, but there is no immediate effects on the *Local Government Act*.

The Declaration Act is enabling legislation, and does not explicitly make changes to regulatory frameworks, operational decision-making, or consultation requirements.

Future changes will take time and will be done in collaboration with Indigenous peoples. Local governments and key stakeholders, including business, will have a role in this process.

***What will it mean for First Nations to have decision-making authority?***

The Declaration Act includes the ability for joint decision-making or consent requirement agreements with Indigenous governments, where authorized by statute.

Legislative amendments would be required to enable such joint decision-making power if such mechanisms are not already in place within the other relevant legislation.

Joint decision-making or consent requirement agreements will follow the same principles of administrative fairness and transparency government is held to now.

***How is the Province supporting reconciliation at the local level?***

The B.C. government, Indigenous governments and local governments work together in several ways to support reconciliation. Examples of work underway include:

- Indigenous Housing Fund – Recognizing the urgent need for affordable housing, the Province opened all BC Housing funding programs to Indigenous peoples. Through



the Indigenous Housing Fund, the Province invested \$550 million over 10 years for 1,750 new units of social housing for Indigenous peoples, both on- and off-reserve. More than 1,100 homes in 26 communities have been announced to date.

- Investing in Canada Infrastructure Program – The Province is partnering with the Government of Canada to fund and administer long-term infrastructure programs open to Indigenous communities on-and off-reserve, and other applicants, which help improve the well-being of Indigenous peoples.
- Community to Community Forum – The Province provides \$50,000 annually for the Regional Community to Community Forum (C2C) program, which helps local governments and Indigenous nations connect. A well-established outcome of the C2C Forum is the development or signing of protocol agreements, memorandums of understanding or accords between neighbouring Indigenous nations and local governments. Over the past 20 years, the Province has funded more than 600 community-to-community events, helping local governments and Indigenous nations develop collaborative relationships.
- Pathways to Collaboration – A series of short case studies from throughout B.C. showcasing the growing number of successful economic development collaborations and partnerships between Indigenous nations and local governments, highlighting lessons learned and key steps to success. This is a joint initiative of the Union of BC Municipalities, the Province and the First Nations Summit with funding from the Indigenous Business & Investment Council.

All MAH's work intends to encourage positive working partnerships and relationships between Indigenous Peoples and local governments to make life better for everyone in the province.





## General Assembly

Distr.: General  
2 October 2007

Sixty-first session  
Agenda item 68

### Resolution adopted by the General Assembly on 13 September 2007

[without reference to a Main Committee (A/61/L.67 and Add.1)]

#### **61/295. United Nations Declaration on the Rights of Indigenous Peoples**

*The General Assembly,*

*Taking note* of the recommendation of the Human Rights Council contained in its resolution 1/2 of 29 June 2006,<sup>1</sup> by which the Council adopted the text of the United Nations Declaration on the Rights of Indigenous Peoples,

*Recalling* its resolution 61/178 of 20 December 2006, by which it decided to defer consideration of and action on the Declaration to allow time for further consultations thereon, and also decided to conclude its consideration before the end of the sixty-first session of the General Assembly,

*Adopts* the United Nations Declaration on the Rights of Indigenous Peoples as contained in the annex to the present resolution.

*107th plenary meeting  
13 September 2007*

#### **Annex**

#### **United Nations Declaration on the Rights of Indigenous Peoples**

*The General Assembly,*

*Guided* by the purposes and principles of the Charter of the United Nations, and good faith in the fulfilment of the obligations assumed by States in accordance with the Charter,

*Affirming* that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,

*Affirming also* that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,

<sup>1</sup> See *Official Records of the General Assembly, Sixty-first Session, Supplement No. 53 (A/61/53)*, part one, chap. II, sect. A.

*Affirming further* that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,

*Reaffirming* that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,

*Concerned* that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,

*Recognizing* the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,

*Recognizing also* the urgent need to respect and promote the rights of indigenous peoples affirmed in treaties, agreements and other constructive arrangements with States,

*Welcoming* the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring to an end all forms of discrimination and oppression wherever they occur,

*Convinced* that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs,

*Recognizing* that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment,

*Emphasizing* the contribution of the demilitarization of the lands and territories of indigenous peoples to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world,

*Recognizing in particular* the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child,

*Considering* that the rights affirmed in treaties, agreements and other constructive arrangements between States and indigenous peoples are, in some situations, matters of international concern, interest, responsibility and character,

*Considering also* that treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and States,

*Acknowledging* that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights<sup>2</sup> and the International Covenant on Civil and Political Rights,<sup>2</sup> as well as the Vienna Declaration and Programme of

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<sup>2</sup> See resolution 2200 A (XXI), annex.

Action,<sup>3</sup> affirm the fundamental importance of the right to self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

*Bearing in mind* that nothing in this Declaration may be used to deny any peoples their right to self-determination, exercised in conformity with international law,

*Convinced* that the recognition of the rights of indigenous peoples in this Declaration will enhance harmonious and cooperative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith,

*Encouraging* States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and cooperation with the peoples concerned,

*Emphasizing* that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples,

*Believing* that this Declaration is a further important step forward for the recognition, promotion and protection of the rights and freedoms of indigenous peoples and in the development of relevant activities of the United Nations system in this field,

*Recognizing and reaffirming* that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples,

*Recognizing* that the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration,

*Solemnly proclaims* the following United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be pursued in a spirit of partnership and mutual respect:

#### *Article 1*

Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights<sup>4</sup> and international human rights law.

#### *Article 2*

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

<sup>3</sup> A/CONF.157/24 (Part I), chap. III.

<sup>4</sup> Resolution 217 A (III).

*Article 3*

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

*Article 4*

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

*Article 5*

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

*Article 6*

Every indigenous individual has the right to a nationality.

*Article 7*

1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.

2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

*Article 8*

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.

2. States shall provide effective mechanisms for prevention of, and redress for:

(a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;

(b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;

(c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;

(d) Any form of forced assimilation or integration;

(e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

*Article 9*

Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the

community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

#### *Article 10*

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

#### *Article 11*

1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

#### *Article 12*

1. Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

#### *Article 13*

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

#### *Article 14*

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.

3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

*Article 15*

1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.

2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

*Article 16*

1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.

2. States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect indigenous cultural diversity.

*Article 17*

1. Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.

2. States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.

3. Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary.

*Article 18*

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

*Article 19*

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

*Article 20*

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

*Article 21*

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

*Article 22*

1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.

2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

*Article 23*

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

*Article 24*

1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.

2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

*Article 25*

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.



*Article 26*

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

*Article 27*

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

*Article 28*

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

*Article 29*

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.
3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

*Article 30*

1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.

2. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.

*Article 31*

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

*Article 32*

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

*Article 33*

1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.

2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

*Article 34*

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

*Article 35*

Indigenous peoples have the right to determine the responsibilities of individuals to their communities.

*Article 36*

1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.

2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

*Article 37*

1. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.

2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.

*Article 38*

States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

*Article 39*

Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

*Article 40*

Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

*Article 41*

The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

*Article 42*

The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.

*Article 43*

The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

*Article 44*

All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

*Article 45*

Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.

*Article 46*

1. Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.

2. In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.

3. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.



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THE UNION OF BRITISH COLUMBIA  
INDIAN CHIEFS

# CONSENT

PREPARED BY  
DOUGLAS WHITE III KWULASULTUN

OCTOBER 21, 2019

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UNION OF BRITISH COLUMBIA INDIAN CHIEFS  
CONSENT  
DOUGLAS WHITE III KWULASULTUN



NEW RELATIONSHIP TRUST

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## EXECUTIVE SUMMARY

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Free, prior, and informed consent (FPIC) is increasingly central to public discourse and policy debate regarding Indigenous reconciliation. At the same time, however, the meaning, nature, and roots of FPIC are poorly understood – including how it is understood in domestic and international law, its foundations in Indigenous legal orders, the relationship of FPIC to Indigenous sovereignty and jurisdiction, and how the rebuilding of Indigenous Nations and governments is connected to the implementation of FPIC. In unhelpful ways, consultation and accommodation have become a lens through which attempts are made to understand FPIC.

In addition to challenges with how FPIC is understood and discussed, there remains little practical focus on how to operationalize FPIC and what models of consent-based decision-making may look like. Rather than exploring and building models of how Indigenous and Crown decision-makers may work together in ways that meet the minimum standards of the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration), are rooted in the recognition of Title and Rights, and respect Indigenous legal orders, governments, and jurisdictions, much of the dialogue descends into partisan division, fear-mongering, or misinformation, such as the lazy and incoherent conflation of ‘consent’ and ‘veto’.

This paper advances understandings and dialogue about FPIC by identifying and examining foundations for understanding FPIC – including from Indigenous perspectives. Furthermore, it places a focus on how to operationalize FPIC including the work that the

Crown, Indigenous Nations, and industry should be doing. The paper comments on three models of consent-based decision-making and makes recommendations for how to advance practical approaches to FPIC. By adopting this approach, the paper encourages all actors to shift their focus from the now out-of-date arguments about whether the UN Declaration or the recognition of Title and Rights will guide our work of reconciliation, to collaborating on how we can take tangible and real steps forward.

## INTRODUCTION

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We are in a moment of rupture in Crown-Indigenous relations.

Generations of advocacy by Indigenous peoples – on the ground, in communities, and in courts – has led to this moment where colonialism is being confronted and a transition to patterns of relations that respect Indigenous self-determination, Title, and Rights is occurring.

But the fact that it has been a long journey to this point does not make the nature of this shift we are in the midst of any less dramatic. In recent years, there has been an acceleration of those factors which force dramatic change.

In 2014, the *Tsilhqot'in Nation v. British Columbia* decision finally resolved the age-old Indian Land Question in British Columbia. Aboriginal Title is real, meaningful, territorial in nature, and requires the standard of consent to be met. Court declaration and agreement are not prerequisites to Title being a legally enforceable property interest and impacting that Title without consent may result in damages, the cancellation of projects, or both.

In 2015, the Truth and Reconciliation Commission completed its *Final Report*, tearing away the veil that hid the public from an understanding of the true history of Canada.

In 2016, the Government of Canada fully endorsed the *United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration)* without reservations. This step was subsequently taken by British Columbia, and both governments have advanced legislation to

ensure laws are aligned with the minimum standards contained in the *UN Declaration*, though such legislation has not been successfully passed to date.

Beginning in 2017, the Governments of Canada and British Columbia both began implementing programs intended to effect transformative change in laws, policies, and operational practices to ensure that the recognition and implementation of Indigenous Rights is the foundation of all relations. This has included the adoption by both governments of ten principles of recognition<sup>1</sup>, as well as commitments to co-develop new frameworks for relations based on recognition.

These developments are significant. They hold the potential to place the future on a different course – one which significantly diverges from the original sin of Canada: that when the fathers of Confederation gathered to form Canada, Indigenous peoples were not present, Indigenous Title and Rights were never considered, historic treaties that expressed the relations between sovereigns were ignored or forgotten, and a pattern of assimilation, oppression, and denial was advanced.

Of course, moments of change are also moments of challenge. Transforming relations as is necessary will only occur through ongoing and diligent work and advocacy by Indigenous peoples. There remain strong views and forces that oppose this disruption of the status quo of colonialism and the re-shaping of a future with proper roles for Indigenous governments, laws, and jurisdictions.

1. Department of Justice Government of Canada, “Principles Respecting the Government of Canada’s Relationship with Indigenous Peoples,” July 14, 2017, <https://www.justice.gc.ca/eng/csj-sjc/principles-principes.html>; Government of British Columbia, “Draft Principles That Guide the Province of British Columbia’s Relationship with Indigenous People,” May 22, 2018, [https://www2.gov.bc.ca/assets/gov/careers/about-the-bc-public-service/diversity-inclusion-respect/draft\\_principles.pdf](https://www2.gov.bc.ca/assets/gov/careers/about-the-bc-public-service/diversity-inclusion-respect/draft_principles.pdf).

The issue of free, prior, and informed consent is one that exemplifies the dynamics of change in this moment, as well as the challenges which continue to be posed.

The requirement for consent is an expression of Indigenous sovereignty. It derives from the reality that Indigenous governments and legal orders owned and regulated large territories prior to the arrival of Europeans, and the Title and Rights that exist as a result of this sovereignty have not been ceded or surrendered. Rather, the relationship between sovereigns that must exist either remains to be properly worked out or has been articulated in a treaty relationship.

Consent, as such, is one of the standards for proper relations between Crown and Indigenous governments. This is reflected throughout the *UN Declaration*, where the need to obtain consent from Indigenous peoples is expressed in numerous articles. It is also the standard for the use of Title lands pursuant to section 35 of the *Constitution Act, 1982*.

Focusing on consent is also indicative of the necessary movement away from the process-oriented and often transactional nature of the duty to consult and accommodate. The evolution of the law regarding consultation and accommodation unfolded in a context where the courts were specifically asked whether Indigenous Title and Rights had to be considered in a context where the outstanding Land Question in British Columbia remained unresolved. Now, in an era of the *Tsilhqot'in* decision and the *UN Declaration*, a focus on mere consultation is increasingly obsolete.

With the focus on consent, however, renewed efforts to divide, distract and delay

real change have emerged. There has been fear-mongering and misinformation about what the roots of consent are, what it means, and how it will be operationalized. Certain politicians, so-called experts, other commentators, and some in industry have taken to positioning consent and the *UN Declaration* as political and economic threats. Convoluted paternalistic arguments have also been advanced that somehow the implementation of the *UN Declaration* and consent will be to the detriment of Indigenous peoples. Often, these efforts to sow confusion and fear have relied upon lazy rhetorical conflation of consent with some idea of “veto”.<sup>2</sup>

At the same time, while there have been extensive and growing dialogues, conferences, papers, and analyses of consent in recent years, little of this literature has usefully and practically outlined how to operationalize it. Rather, much of it has focused on (often circular) descriptions and debates about what consent may or may not mean, and how it relates to consultation and accommodation.<sup>3</sup>

As well, and more importantly, much of this literature has failed to be grounded in Indigenous perspectives of consent and an understanding of Indigenous legal orders.

There is only so much that common and international law can tell us about what

2. Explanations that help explain the relationship between consent veto include: Roshan Danesh, “Rhetoric Matters When Discussing First Nations’ Role in Resource Decisions,” *The Globe and Mail*, December 9, 2016, <https://www.theglobeandmail.com/news/british-columbia/rhetoric-matters-when-discussing-first-nations-role-in-resource-decisions/article33293082/>; Paul Joffe, “‘Veto’ and ‘Consent’ – Significant Differences,” August 30, 2018, 34, <https://quakerservice.ca/wp-content/uploads/2018/10/Veto-and-Consent-Significant-differences-Joffe.pdf>.

3. Some excellent recent papers on the UN Declaration and its implementation, including consent include: Union of BC Indian Chiefs and Canadian Centre for Policy Alternatives, *True, Lasting Reconciliation: Implementing the United Nations Declaration on the Rights of Indigenous Peoples in British Columbia Law, Policy and Practices*, 2018, <http://www.deslibris.ca/ID/10098870>; Residential School History & Dialogue Centre, “Summary Report: Special Dialogue on Implementing the United Nations Declaration on the Rights of Indigenous Peoples in British Columbia,” December 2018, [https://irshdc.ubc.ca/files/2018/12/IRSHDC\\_UNDRIP\\_Report\\_Dec2018.pdf](https://irshdc.ubc.ca/files/2018/12/IRSHDC_UNDRIP_Report_Dec2018.pdf).

Indigenous consent means and how it is implemented by Indigenous peoples.<sup>4</sup>

This document is intended to help address some of these shortcomings and provide a grounding in how to understand and operationalize consent, including from Indigenous perspectives. Its genesis is in an earlier volume – *Advancing an Indigenous Framework for Consultation and Accommodation in BC* – produced by the First Nations Leadership Council in 2013.<sup>5</sup> While many of these themes were explored in that earlier work, this new paper, reflecting the moment of rupture we are in, specifically focuses on the meaning and implementation of consent. Its goal is specific: to provide theoretical and practical advice and perspectives on how to think about and operationalize consent on the ground.

This volume is in four parts, which are interrelated and build upon each other:

## **Part 1:**

**Legal and Political Understandings of Consent** describes how consent has been treated in international and domestic law, as well as our political discourses. This Part provides a survey of the predominant current trends in how consent is talked about.

## **Part 2:**

**Envisioning Consent** explores how consent must be properly understood in the context

4 An excellent volume that bridges some of this divide is: Centre for International Governance Innovation, “UNDRIP Implementation: More Reflections on the Braiding of International, Domestic and Indigenous Laws,” 2018, <https://www.cigionline.org/sites/default/files/documents/UNDRIP%20II%20Special%20Report%20lowres.pdf>.

5 First Nations Leadership Council, “Advancing an Indigenous Framework for Consultation and Accommodation in BC: Report on Key Findings of the BC First Nations Consultation and Accommodation Working Group,” 2013, [http://fns.bc.ca/wp-content/uploads/2016/10/319\\_UBCIC\\_IndigActionBook-Text\\_loresSpreads.pdf](http://fns.bc.ca/wp-content/uploads/2016/10/319_UBCIC_IndigActionBook-Text_loresSpreads.pdf).



of reconciling sovereignties, Indigenous governments and legal orders, title, and Indigenous self-determination and self-government. From this perspective, consent is only one possible emanation of proper jurisdictional and legal relations. This approach analyzes and critiques how current ways of thinking and acting have prioritized consultation and accommodation and as a result also mis-positioned what consent means by trying to fit it into the consultation paradigm. Arguments are made for a vision based on relations between distinct governments, co-operative federalism, and recognition of Indigenous authority and jurisdiction.

### **Part 3:**

**Operationalizing Consent** speaks about the work that Indigenous peoples, Crown governments, and third parties must do for consent to be implemented on the ground. The specific roles and responsibilities of First Nations, the Crown, and industry are examined. As well, models of consent-based decision-making are illustrated.

### **Part 4:**

**Recommendations for Moving Forward** provides specific concrete recommendations to First Nations, Crowns, and third parties on how to move from the status quo to the new world of consent. Specific actions for moving through this moment of transition in a coherent manner are proposed.

## PART 1: LEGAL AND POLITICAL UNDERSTANDINGS OF CONSENT

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Indigenous consent, expressed through a range of terms and ideas, has always been a part of the vision of proper relations with the Crown expressed by Indigenous peoples. This is recorded throughout post-contact history in the understanding of treaty relationships, in the patterns of interaction, sharing, and fellowship that were advanced, in petitions and declarations seeking fairness and justice, and through political and legal advocacy.

However, it is only recently that this long-standing commitment by Indigenous peoples to the standard of consent has become a part of broader legal and political discourse in Canada. Indeed, until very recently, Crown governments often consciously and consistently avoided the use of the term, trying to maintain their historic commitment to perspectives and policies grounded in denial of Indigenous governments, laws, jurisdictions, and rights.

With the emergence of consent as part of broader political and legal discourse, there now exists a small but growing body of political and legal statements about consent, and certain trends shaping how the subject is treated. **Part 1** sets out to provide an overview of the status quo of how consent is talked about in law and politics. This provides a foundation for **Part 2**, which will set out to critique that status quo and propose how consent must be understood and talked about in novel ways.

## LEGAL CONTEXT

In order to understand the meaning of consent, it is helpful to review how the term has been considered and used in both international law and Canadian constitutional law. In general terms it can be said that there has not been much legal consideration of free, prior, and informed consent, and there is no generally accepted legal definition of the term.

### 1. UN Declaration

The *UN Declaration* was adopted by the UN General Assembly in 2007. In 2010, the Harper government endorsed, with reservations, the *UN Declaration* and referred to it as an “aspirational document”.<sup>6</sup> In 2016, Canada endorsed it without reservation or qualification. Today, it has the consensus of all UN member states, with none formally in opposition.

The UN Declaration outlines “the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world” (article 43).<sup>7</sup> It does not create new rights. Rather, it is “an interpretative document that explains how the existing human rights are applied to Indigenous peoples and their contexts. It is a restatement of principles for postcolonial self-determination and human rights.”<sup>8</sup>

6 CBC News, “Canada Endorses Indigenous Rights Declaration,” CBC, November 12, 2010, <https://www.cbc.ca/news/canada/canada-endorses-indigenous-rights-declaration-1.964779>.

7 UN General Assembly, “United Nations Declaration on the Rights of Indigenous Peoples,” 2007, [https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP\\_E\\_web.pdf](https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf).

8 James Y. Henderson, “A snapshot in the journey of the adoption of the UN Declaration on the Rights of Indigenous Peoples,” *Justice as Healing*, Newsletter, Native Law Centre, University of Saskatchewan, vol. 13, No. 1, 2008, at 2-3.

Free, prior, and informed consent appears in six articles of the *UN Declaration*:

#### **Article 10**

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

#### **Article 11**

1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

#### **Article 19**

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

#### **Article 28**

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or

otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.

2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

## **Article 29**

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.

2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.

## **Article 32**

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connec-

The most attention has typically been paid to articles 10, 19, 28, and 32, which are most explicitly about land and resource development. However, as can be seen, the use of consent is broader than this, including in relation to cultural, social, intellectual, religious,

and spiritual aspects of life.

There are many other articles of the *UN Declaration* that are relevant to the question of consent without explicitly using the term. This includes the emphasis on Indigenous self-determination and self-government:

### **Article 3**

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

### **Article 4**

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

### **Article 5**

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Article 26 also speaks broadly to land and resource rights:

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

The importance of the *UN Declaration* and consent has been continually reaffirmed. For example, the General Assembly of the United Nations has reaffirmed the *UN Declaration* on many occasions.

The Supreme Court of Canada has not broadly considered provisions of the *UN Declaration* regarding consent, though it is an accepted principle of international and domestic law that instruments such as the *UN Declaration* can be used to interpret domestic law.

James Anaya, former UN Special Rapporteur, has identified that consent should not be understood as a general veto power and that it is the objective of consultation with Indigenous peoples.<sup>9</sup>

Mr. Anaya also stated, after a visit to Canada:

...as a general rule resource extraction should not occur on lands subject to aboriginal claims without adequate consultations with and the free, prior and informed consent of the indigenous peoples concerned....

The general rule identified here derives from the character of free, prior and informed consent *as a safeguard for the internationally recognized rights* of indigenous peoples that are typically affected by extractive activities that occur within their territories.<sup>10</sup>

9 For a summary of Anaya's perspectives see, in particular, paragraphs 21-25 in: Frank Iacobucci et al., "Free, Prior and Informed Consent in Canada Towards a New Relationship with Indigenous Peoples," July 12, 2016, <https://www.torlys.com/insights/publications/2016/07/part-ii-the-principles-of-free-prior-and-informed-consent>.

10 James Anaya, "Report of the Special Rapporteur on the Rights of Indigenous Peoples, James Anaya - Extractive Industries and Indigenous Peoples" (UN General Assembly), accessed July 26, 2019, [https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session24/Documents/A-HRC-24-41\\_en.pdf](https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session24/Documents/A-HRC-24-41_en.pdf).

There have also been interpretations and findings related to consent by Courts elsewhere, as well as by human rights bodies. A summary of the status of these developments was provided by the Expert Mechanism on the Rights of Indigenous Peoples in 2018.<sup>11</sup>

## 2. Canadian Constitutional Law

The genesis of consent in Canadian law is in how the common law interprets the fact that when Europeans arrived in what is now Canada, Indigenous peoples were already here and organized as Nations with political, legal, social, and cultural structures and systems. This fact means that, as common law, Indigenous sovereignty was recognized and must be the basis for any legal relationship that would be forged.

This was reflected in the *Royal Proclamation of 1763* which recognized the existence of Aboriginal Title and the need for treaties between Indigenous Nations and the British Crown in order for the Crown to access lands and resources. Chief Justice Beverley McLachlin explicitly interpreted the *Royal Proclamation* in these terms in 2009:

The English in Canada and New Zealand took a different approach [from Spain, France, and Australia], acknowledging limited prior entitlement of indigenous peoples, which *required the Crown to treat with them and obtain their consent before their lands could be occupied*. In Canada – indeed for the whole of North America – this doctrine was cast in legal terms by the Royal Proclamation of 1763, which *forbade settlement unless the Crown had first established treaties with the occupants*.<sup>12</sup>

11 Expert Mechanism on the Rights of Indigenous Peoples, “Free, Prior and Informed Consent: A Human Rights-Based Approach,” August 10, 2018, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/245/94/PDF/G1824594.pdf?OpenElement>.

12 Rt. Hon. Beverley McLachlin, P.C., Chief Justice of Canada, “Aboriginal Peoples and Reconciliation”, (2003) 9 Canterbury Law Review 240. [emphasis added]



The *Final Royal Commission on Aboriginal Peoples* similarly concluded: “the Royal Proclamation ... initiate[d] an orderly process whereby Indian land could be purchased for settlement or development. ... In future, lands could be surrendered only on a nation-to-nation basis, from the Indian nation to the British Crown, in a public process in which the assembled Indian population would be required to consent to the transaction.”<sup>13</sup>

Despite this established understanding of the *Royal Proclamation of 1763* there has been little judicial consideration of the meaning and nature of consent. Of course, this absence is largely a result of the history of colonialism in Canada and state policies that sought to deny Indigenous governments, rights, and territories.

The most extensive commentary on consent by the Supreme Court of Canada was in *Tsilhqot’in Nation* in [2014],<sup>14</sup> where Indigenous consent is discussed around a dozen different times. In *Tsilhqot’in Nation* Indigenous consent is confirmed as the standard that must be met by the Crown and third parties in relation to Aboriginal title lands and is accompanied by discussion of the Indigenous right to control the land and determine its uses.

In *Tsilhqot’in Nation* the court stated:

Once title is established, it may be necessary for the Crown to reassess prior conduct in light of the new reality in order to faithfully discharge its fiduciary

13 Royal Commission on Aboriginal Peoples, “Looking Forward, Looking Back”, *Report of the Royal Commission on Aboriginal Peoples* (Ottawa: Canada Communication Group, 1996), vol. 1, at 209-210. See also Brian Slattery, “Is the Royal Proclamation of 1763 a dead letter?”, *Canada Watch*, Fall 2013, [http://activehistory.ca/wp-content/uploads/2013/09/CW\\_Fall2013.pdf](http://activehistory.ca/wp-content/uploads/2013/09/CW_Fall2013.pdf), 6 at 6: “the Proclamation, like the Magna Carta, sets out timeless legal principles. ... Changes in circumstances have altered the way in which these principles apply, but the principles themselves are as fresh and significant as ever. ... [Indigenous] peoples hold legal title to their traditional territories, which cannot be settled or taken from them without their consent.”

14 *Tsilhqot’in Nation v. British Columbia*, 2 SCR 257 (SCC 2014).

duty to the title-holding group going forward. For example, if the Crown begins a project without consent prior to Aboriginal title being established, it may be required to cancel the project upon establishment of the title if continuation of the project would be unjustifiably infringing. (Paragraph 92)

More broadly, the court explicitly encouraged the movement towards consent-based relationships:

I add this. Governments and individuals proposing to use or exploit land, whether before or after a declaration of Aboriginal title, can avoid a charge of infringement or failure to adequately consult by obtaining the consent of the interested Aboriginal group. (paragraph 97)

Prior to the *Tsilhqot'in* decision one finds a few, though not extensive, references to consent. In *Delgamuukw v. British Columbia* [1997],<sup>15</sup> also in the context of Aboriginal Title, the Supreme Court of Canada stated:

Moreover, the other aspects of aboriginal title suggest that the fiduciary duty may be articulated in a manner different than the idea of priority. This point becomes clear from a comparison between aboriginal title and the aboriginal right to fish for food in *Sparrow*. First, aboriginal title encompasses within it a right to choose to what ends a piece of land can be put. The aboriginal right to fish for food, by contrast, does not contain within it the same discretionary component. This aspect of aboriginal title suggests that the fiduciary relationship between the Crown and aboriginal peoples may be satisfied by the involvement of aboriginal peoples in decisions taken with respect to their lands. There is always a duty of consultation. Whether the aboriginal group has been consulted is relevant to determining whether the infringement of aboriginal title is justified, in the same way that the Crown's failure to consult an aboriginal group with respect to the terms by which reserve land is leased may breach its fiduciary duty at common law: *Guerin*. The nature and scope of the duty of consultation will vary with the circumstances. In occasional cases, when the breach is less serious or relatively minor, it will be no more than a duty to

<sup>15</sup> *Delgamuukw v. British Columbia*, 3 SCR 1010 (C 1997).

discuss important decisions that will be taken with respect to lands held pursuant to aboriginal title. Of course, even in these rare cases when the minimum acceptable standard is consultation, this consultation must be in good faith, and with the intention of substantially addressing the concerns of the aboriginal peoples whose lands are at issue. In most cases, it will be significantly deeper than mere consultation. Some cases may even require the full consent of an aboriginal nation, particularly when provinces enact hunting and fishing regulations in relation to aboriginal lands. (paragraph 168)

In *Haida Nation v. British Columbia (Minister of Forests)* [2004]<sup>16</sup> the Supreme Court of Canada, in the context of considering the duty to consult and accommodate with respect to ‘asserted rights’, commented on consent in the following ways:

The Court’s seminal decision in *Delgamuukw, supra*, at para. 168, in the context of a claim for title to land and resources, confirmed and expanded on the duty to consult, suggesting the content of the duty varied with the circumstances: from a minimum “duty to discuss important decisions” where the “breach is less serious or relatively minor”; through the “significantly deeper than mere consultation” that is required in “most cases”; to “full consent of [the] aboriginal nation” on very serious issues. These words apply as much to unresolved claims as to intrusions on settled claims. (paragraph 24)

As for policy, the government points to practical difficulties in the enforcement of a duty to consult or accommodate unproven claims. If the duty to consult varies with the circumstances from a “mere” duty to notify and listen at one end of the spectrum to a requirement of Aboriginal consent at the other end, how, the government asks, are the parties to agree which level is appropriate in the face of contested claims and rights? And if they cannot agree, how are courts or tribunals to determine this? The government also suggests that it is impractical and unfair to require consultation before final claims determination because this amounts to giving a remedy before issues of infringement and justification are decided. (paragraph 30)

16 *Haida Nation v. British Columbia (Minister of Forests)*, 3 SCR 511 (SCC 2004).

This process does not give Aboriginal groups a veto over what can be done with land pending final proof of the claim. The Aboriginal “consent” spoken of in *Delgamuukw* is appropriate only in cases of established rights, and then by no means in every case. Rather, what is required is a process of balancing interests, of give and take. (paragraph 48)

The Supreme Court of Canada has not explicitly considered terms such as “free”, “prior”, and “informed” in relation to consent. However, Canadian law has evolved through development of the duty to consult and accommodate such that all of these elements can be assumed to be a part of the domestic understanding of consent. This is reflected in how the courts have articulated elements of the honour of the Crown that must be met, including good faith, the sharing of information, the necessity to fulfill duties and obligations prior to decisions being made, and the need for proper consideration of the perspectives of Indigenous peoples.

### 3. Indigenous Laws and Legal Orders

Canada is a multi-juridical society that includes common law, civil law, and Indigenous law.

For thousands of years, Indigenous peoples have been living and creating law, including law around decision-making about lands, waters, and resources, as well as laws around consent. The need for consent-based relations amongst Indigenous Nations is a very old and foundational concept. Across Canada, Indigenous peoples have established treaties and alliances amongst each other for a variety of purposes, but all to create order in relations premised on respect and recognition of each other.

The need for the shift to a paradigm of consent-based decision-making between the Crown and Indigenous peoples arises from the reality of recognizing and respecting the legitimacy of the continuity of Indigenous decision-making power and authority with respect to themselves and their lands, waters, and resources. Here, the recognition of the legitimacy and continuity of Indigenous laws, legal orders, and traditions is a transformative step in relations that requires a consent framework to coordinate decision-making in something like cooperative federalism.

Examples abound of the continuity and operation of Indigenous law. Though largely obscure to the Canadian public, Indigenous law continues to live, thrive, and evolve within Indigenous Nations. Notwithstanding the assault on its legitimacy and its denial by the policies of colonialism, it continues as part of the lived reality of Indigenous peoples. Like other legal orders and traditions, Indigenous law structures and orders everything from the most personal matters such as the naming of individuals, marriages, and adoption, to the most public matters such as ownership of land, resources, and Nations' obligations and duties to safeguard and steward those lands and resources.

As a recent example, the Tsleil-Waututh Nation made explicit use of Coast Salish Indigenous law in their own environmental assessment of the Kinder Morgan pipeline expansion project. In explaining the Indigenous law foundation of their assessment, they said:

The Tsleil-Waututh Stewardship Policy rests on the foundation of our ancestral laws and is interpreted in accordance with them. The following section of the assessment provides an overview of applicable legal principles

as laid out by Tsleil-Waututh teachings and other traditional and contemporary Coast Salish sources.<sup>17</sup>

## ***Political Context***

While the amount of commentary by governments about their understanding of Indigenous consent remains limited, there has been an increasing amount in recent years. As the summary below illustrates, governments have yet to provide coherent and consistent understandings of consent.

### **1. Government of Canada**

There has been a fairly clear evolution in the Government of Canada's statements regarding Indigenous consent.

When the Harper government endorsed (with qualification) the *UN Declaration* in 2010 it stated the following:

... In 2007, at the time of the vote during the United Nations General Assembly, and since, Canada placed on record its concerns with various provisions of the Declaration, including provisions dealing with lands, territories and resources; free, prior and informed consent when used as a veto; self-government without recognition of the importance of negotiations; intellectual property; military issues; and the need to achieve an appropriate balance between the rights and obligations of Indigenous peoples, States and third parties. These concerns are well known and remain. However, we have since listened to Aboriginal leaders who have urged Canada to endorse the Declaration and we have also learned from the experience of other countries. We are now confident that Canada can interpret the principles expressed in the Declaration in a manner that is consistent with our Constitution and legal framework.

<sup>17</sup> Treaty, Lands & Resources Department, Tsleil-Waututh Nation, "Assessment of the Trans Mountain Pipeline and Tanker Expansion Proposal," [Undated], <https://twnsacredtrust.ca/wp-content/uploads/2015/05/TWN-Assessment-Summary-11x17.pdf>.

Aboriginal and treaty rights are protected in Canada through a unique framework. These rights are enshrined in our Constitution, including our Charter of Rights and Freedoms, and are complemented by practical policies that adapt to our evolving reality. This framework will continue to be the cornerstone of our efforts to promote and protect the rights of Aboriginal Canadians...<sup>18</sup>

A government legal analysis at the time of the Harper government's endorsement also stated:

The Supreme Court of Canada has been clear – both before and after the UNDRIP was endorsed – that our constitutional framework does not give aboriginal groups a veto right in respect of asserted rights and title. Instead, the Court has imposed other requirements to achieve reconciliation while still recognizing government's right to govern.<sup>19</sup>

The Harper Government also rejected the Outcome document from the 2014 World Conference on Indigenous Peoples which stated:

We recognize commitments made by States, with regard to the United Nations Declaration on the Rights of Indigenous Peoples, to consult and cooperate in good faith with the indigenous peoples concerned ... in order *to obtain their free and informed consent prior to the approval of any project* affecting their lands or territories and other resources.<sup>20</sup>

Since the Trudeau government endorsed the *UN Declaration* without qualifications in 2016 there have been an increasing number of government statements about consent.

18 Aboriginal Affairs and Northern Development Canada, "Canada's Statement of Support on the United Nations Declaration on the Rights of Indigenous Peoples," event; fact sheet; reference material, November 12, 2010, <https://www.aadnc-aandc.gc.ca/eng/1309374239861/1309374546142>.

19 Canadian Environmental Assessment Agency [CEAA], "The Law of Canada in Relation to UNDRIP," [Undated], <https://ceaa-acee.gc.ca/050/documents/p63928/92200E.pdf>.

20 UN General Assembly, "Outcome Document of the High-Level Plenary Meeting of the General Assembly Known as the World Conference on Indigenous Peoples: Resolution / Adopted by the General Assembly," September 25, 2014, <https://undocs.org/pdf?symbol=en/A/RES/69/2>.

Principle 6 of the *Principles Respecting the Government of Canada's Relationship with Indigenous Peoples (Principles)* adopted by the Government of Canada and the Government of British Columbia (with minor amendments) state:

*6. 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 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.<sup>21</sup>

21 Government of Canada, "Principles Respecting the Government of Canada's Relationship with Indigenous Peoples."



The Former Minister of Justice and Attorney-General of Canada Jody Wilson-Raybould has also given a number of several talks discussing consent. In an address to the BC Business Council in April 2018, she articulates an understanding of consent that distinguishes it from consultation:

Second, we have tended to think about consent through the lens of the processes we currently used for consultation and accommodation, and that somehow consent involves doing what we have already been doing, with additional enhancements involving whether or not consent is achieved.

I would suggest that this is not a very helpful way of thinking about consent. Consent is not simply an extension of existing processes of consultation and accommodation, nor is the law of consultation – being heavily procedural in its orientation – a particularly practical or helpful way for thinking about how to operationalize consent. We need to see consent as part and parcel of the new relationship we seek to build with Indigenous Nations, as proper title and rights holders, who are reconstituting and rebuilding their political, economic, and social structures.

In this context there is a better way to think about consent...grounded in the purposes and goals of section 35 and the *UN Declaration*. Consent is analogous to the types of relations we typically see, and are familiar with, between governments. In such relations, where governments must work together, there are a range of mechanisms that are used to ensure the authority and autonomy of both governments is respected, and decisions are made in a way that is consistent and coherent, and does not often lead to regular or substantial disagreement.

These mechanisms are diverse, and can range from shared bodies and structures, to utilizing the same information and standards, to agreeing on long term plans or arrangements that will give clarity to how all decisions will be made on a certain matter or in a certain area over time. Enacting these mechanisms is achieved through a multiplicity of tools – including legislation, policy, and agreements.

The structures and mechanisms for achieving this consent, once

established, are also consistent over time and across types of decisions – they are known and transparent—roles and responsibilities are defined, and they are ready to be implemented when needed. One result of this is significant certainty.<sup>22</sup>

## 2. Government of British Columbia

Some Canadian Provinces have also made statements relevant to the issue of consent.

A few provinces have made explicit commitments around the *UN Declaration*. The previous Alberta government committed to the implementation of the *UN Declaration* in 2015. They have described their approach in the following terms:

The Alberta government is committed to renewing its relationship with Indigenous people based on trust and respectful engagement.

Our government’s intention is to transform our relationship with Indigenous communities so that First Nations, Metis and Inuit people have every opportunity to participate as equals in all aspects of Alberta society, while maintaining their cultures and unique identities.

One of the paths we are following to bring about this renewed relationship is the implementation of the principles of *the United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration).

Alberta is currently engaging with Indigenous leaders and representative groups to explore how best to implement the principles of the UN Declaration in a way that is consistent with the Canadian Constitution and Alberta law.

The former Government of Ontario in *The Journey Together: Ontario’s Commitment to Reconciliation with Indigenous Peoples* laid out its vision of reconciliation, which included the following:

22 Jody Wilson-Raybould and Department of Justice Canada, “The Recognition and Implementation of Rights Framework Talk,” April 27, 2018, <https://www.canada.ca/en/departement-justice/news/2018/04/the-recognition-and-implementation-of-rights-framework-talk-1.html>.

Many of the principles reflected in *the United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) are consistent with Ontario's approach to Indigenous relations and reconciliation, which is rooted in a commitment to establish and maintain constructive, co-operative relationships based on mutual respect that lead to improved opportunities for all Indigenous peoples. Ontario will work in partnership with Canada and Indigenous partners as the federal government moves forward on its national plan to implement UNDRIP, and will take a strong, supportive and active role in considering policy options to address UNDRIP.

The current BC NDP government committed to the adoption of the *UN Declaration* and the *Tsilhqot'in* decision as part of its election platform. This was reconfirmed in their "Confidence and Supply" agreement with the BC Green Party which states:

A foundational piece of this relationship is that both caucuses support the adoption of the UN Declaration on the Rights of Indigenous Peoples, the Truth and Reconciliation Commission calls- to-action and the *Tsilhqot'in* Supreme Court decision. We will ensure the new government reviews policies, programs and legislation to determine how to bring the principles of the Declaration into action in BC.<sup>23</sup>

Provincial governments have not been as explicit in talking about how they might implement free, prior, and informed consent specifically. Like the Government of Canada, the most direct statement is in the ten *Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples (Draft Principles)*. As well, BC has completed a "Commitment Document" with the First Nations Leadership Council which states:

23 BC Green Caucus and BC New Democrat Caucus, "2017 Confidence and Supply Agreement between the BC Green Caucus and the BC New Democrat Caucus," May 30, 2017, [https://thetyee.ca/Documents/2017/05/30/BC%20Green-BC%20NDP%20Agreement\\_vf%20May%2029th%202017%20copy.pdf](https://thetyee.ca/Documents/2017/05/30/BC%20Green-BC%20NDP%20Agreement_vf%20May%2029th%202017%20copy.pdf).

Indigenous Nations and peoples pre-existed and continue to exist today and have their own laws, governments, political structures, social orders, territories and rights inherited from their ancestors. This inherent right of self-government is an Aboriginal right recognized and affirmed under the Constitution. Indigenous peoples also have the right to self-determination, affirmed in the Declaration. By virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development. The standard of free, prior and informed consent is an element of the exercise of the right of self-government, as well as the Indigenous human right of self-determination. The Declaration (e.g. Articles 19 and 32), and common law, speak to the application of the standard of consent in Crown-Indigenous relations.<sup>24</sup>

### 3. Indigenous Governments

Indigenous governments have also frequently referred to consent, throughout history and today. It is not possible in this paper to review the full history of these statements and perspectives. However, a few points are worth emphasising:

- Indigenous peoples have been consistent over many generations in the expectation that consent is a standard that must be met for the use of lands and resources;
- The oral traditions and Indigenous understandings of many historic treaty relationships is that the treaties were intended to confirm a recognition of Indigenous rights, governments, law and jurisdictions within which the standard of consent would apply;
- Patterns of relations amongst Indigenous Nations in the creation of alliances and treaties have had mutual recognition and respect at their core and have required a consent-based approach to relations.

24 First Nations Leadership Council, “Joint Agenda: Implementing the Commitment Document - Shared Vision, Guiding Principles, Goals and Objectives,” May 10, 2018, [https://bcafn.ca/wp-content/uploads/2018/07/Vision-distribution\\_Sept19.pdf](https://bcafn.ca/wp-content/uploads/2018/07/Vision-distribution_Sept19.pdf).

## 4. Consent and Veto

A feature of public discourse about Indigenous consent has been perpetual dialogue about relationship between “consent” and “veto”. Every possible articulation of the relationship between these two terms is utilized:

- Those who wish to discredit or attack the need for Indigenous consent use the terms interchangeably in an effort to instil fear about its implications. One often sees rhetoric to the effect that no part of the Canadian population will be given a “veto” over resource development. Such rhetoric has been commonplace amongst politicians who wish to raise political division and fear about Indigenous consent. For example, former BC Premier Christy Clark stated “there are a few clauses [of the *UN Declaration*] that are really problematic....Those clauses are the ones that would seem to suggest that First Nations could have an absolute veto over resource development on any of their territories .”<sup>25</sup>
- Governments who are articulating support for the *UN Declaration*, such as the current federal and BC governments, are also careful to repeat that consent and veto are different, though often for the purposes of reducing fear about or opposition to the emphasis being placed on Indigenous consent. For example, Premier John Horgan, referring to mentions of free, prior, and informed consent in the *UN Declaration* stated that “nowhere in the UN declaration on the rights for indigenous peoples is there any reference to vetoes of any kind .”<sup>26</sup> BC Minister Lana Popham stated “Free, prior and informed consent means consultation, but it doesn’t mean a veto (for First Nations).”<sup>27</sup>

25 Justine Hunter, “Indigenous Rights Declaration Not Simple,” *The Globe and Mail*, October 28, 2016, <https://www.theglobeandmail.com/news/british-columbia/assessing-undrip/article32581384/>.

26 Vaughn Palmer, “NDP Grapples with Pipelines, Consent, and Reconciliation,” *Vancouver Sun*, January 14, 2019, <https://vancouver.sun.com/opinion/columnists/vaughn-palmer-ndp-grapples-with-pipelines-consent-and-reconciliation>.

27 Randy Shore, “First Nations ‘Encouraged’ by Popham’s Warning Shot to Fish Farms,” *Vancouver Sun*, October 19, 2017, <https://vancouver.sun.com/news/local-news/first-nations-encouraged-by-pophams-warning-shot-to-fish-farms>.

- Indigenous leaders rarely, if ever, use the term “veto” when speaking of their jurisdictional and governance authorities. However, it has become commonplace to speak of the “right to say yes or no”. At the same time, some leaders and experts have made the effort to distinguish between these terms, such as the statements cited earlier from Special Rapporteur Anaya. Grand Chief Stewart Philip has described consent in the following terms: “First Nations’ free, prior and informed consent is an integral and fundamental element of the UN Declaration on the Rights of Indigenous Peoples. Further, the legal and practical need to secure First Nations’ consent is featured in Delgamuukw, Haida and the Tsilhqot’in Supreme Court decisions. Consent is part of Canadian law.”<sup>28</sup>

In this multiplicity of voices, we see a reflection of the politically charged nature of the issue of Indigenous consent. As a basic standard and element of proper relations based on the reconciliation of Indigenous and Crown sovereignties, it represents a break from the predominant and entrenched patterns of the last 150 years of this country, including how land and resources have been used and Canada’s economy built. In this context, consent increasingly has become used as a rhetorical device to advance particular political agendas.

It is important to clarify the relationship between “consent” and “veto”. Simply stated, they are not the same. They have different meanings and uses. There are various analyses that illustrate this well.<sup>29</sup> A summary of key points on how the terms are different is as follows:

- The term “veto” does not appear in the *UN Declaration*.
- The term “veto” does not appear in the *Tsilhqot’in* decision.

28 UBCIC, “Consent,” November 6, 2016, <https://www.ubcic.bc.ca/consent>.

29 Joffe, “‘Veto’ and ‘Consent’ – Significant Differences”; Danesh, “Rhetoric Matters When Discussing First Nations’ Role in Resource Decisions.”

- The Supreme Court of Canada, in *Haida*, speaks of “full consent” as maybe being required on very serious issues, in the context of both unresolved claims and settled claims. (Paragraph 24) At the same time, the Supreme Court of Canada states that Indigenous peoples do not have a “veto” pending final proof of a claim. (Paragraph 48) This suggests “consent” and “veto” have different meanings.
- The Supreme Court of Canada has consistently emphasised that both the Crown and Indigenous peoples have limits on what they can each do pending claims resolution and has emphasised the importance of negotiations to find both interim and final solutions. Negotiations are a mechanism for reaching agreement – which includes obtaining consent.
- It is well established in domestic and international law that no rights are absolute. This is reflected in both the jurisprudence established by the Supreme Court of Canada regarding section 35, as well as the language of article 46 of the *UN Declaration*. The use of the term “veto” tends to reinforce a notion of absolute rights. Consent does not in the same way, which is reflected in how consent is the term used in both the *Tsilhqot’in* decision and the *UN Declaration*.

Paul Joffe summarizes many of these points when he states:

In the Indigenous context, there are significant differences between “veto” and “consent”. In contrast to “veto”, the term “consent” has been extensively elaborated upon in Canadian constitutional and international human rights law. Yet these essential legal sources and arguments have not been fairly considered. Indigenous peoples’ right of self-determination has not been applied at all.

In the landmark 2014 *Tsilhqot’in Nation* decision that addressed in detail Indigenous peoples’ consent, the term “veto” was not raised by the Supreme Court of Canada. The term “veto” is not used in the *UN Declaration on the Rights of Indigenous Peoples*. “Veto” implies an absolute power, with no balancing of rights. This is neither the intent nor interpretation of the UN Declaration, which includes some of the most comprehensive balancing provisions in any international human rights instrument.<sup>30</sup>

30 Joffe, “‘Veto’ and ‘Consent’ – Significant Differences.”

In addition to these compelling legal and technical reasons for why “consent” and “veto” cannot and should not be conflated, there are also conceptual and principled reasons for the distinction. Dr. Roshan Danesh has argued that “consent” and “veto” are distinct. The interchangeable use of the terms – whether out of ignorance, or as a deliberate attempt to create fear or confusion – is wrong and should stop.”<sup>31</sup> He provides a number of reasons to support this view. First, as discussed above, he notes the different ways these terms have been employed in the jurisprudence. Second, he argues that reconciliation as defined in law is between Indigenous and Crown sovereigns. He argues that:

This basic understanding of reconciliation explains why "veto" and "consent" are used, what they share, and how they are different. The Crown and aboriginal groups are different decision makers acting under different authorities. One does not "veto" the decision of the other. Neither has the power to reach into the other's jurisdiction and overrule the decision of the other. The relationship is one of difference and distinction – not of inferiority and superiority. Further, reflective of our understanding of government power in Canada's constitutional order, no government has absolute power.<sup>32</sup>

Third, given this understanding of reconciliation between sovereigns:

because the Crown and aboriginal groups are different decision makers with different authorities, contexts will arise where absent alignment between the decisions, which may be provided by aboriginal consent, things may not be able to proceed. At the same time, we know, for example in relation to aboriginal title, there are some narrow contexts where, despite a lack of consent, something may proceed given its particular character and compelling nature and demonstration that indigenous rights and responsibilities have been respected.<sup>33</sup>

31 Danesh, “Rhetoric Matters When Discussing First Nations’ Role in Resource Decisions.”

32 Danesh, “Rhetoric Matters When Discussing First Nations’ Role in Resource Decisions.”

33 Danesh, “Rhetoric Matters When Discussing First Nations’ Role in Resource Decisions.”



Flowing from this, Dr. Danesh argues that the use of the term “veto” invites conflict and uncertainty, while consent is inviting Indigenous and Crown actors to build the proper patterns of relations between them, including intergovernmental structures and processes.

## PART 2: ENVISIONING CONSENT

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The legal and political context outlined in **Part 1** is, of course, vital for understanding the meaning, scope, and nature of free, prior, and informed consent. However, as **Part 1** also demonstrates, there remains a limited amount of analysis by the courts or governments about consent and how it may be operationalized.

The lack of such analysis is compounded by certain tendencies in how consent has been talked about in public discourses. The discussion in **Part 1** about the distinction between “consent” and “veto” is one example of problematic tendencies in our discourses about consent. **Part 2** explores these public discourses in depth, and examines how consent has been envisioned. In particular, it identifies two different ways of talking and thinking about consent, and the meaning and principles that underlie them. Further, it is argued that the most legitimate lens for thinking and talking about consent is as an expression of the proper relationship between distinct Crown and Indigenous governments, jurisdictions, laws, and authorities.

### ***Understanding Consultation***

In recent years, and particularly since the decision of the Supreme Court of Canada in *Haida*, the Crown’s duties of consultation and accommodation have come to predominate discourse about section 35 of the *Constitution Act, 1982*. While important, the focus on consultation and accommodation has been, and continues to be, misplaced. This is seen in relation to consent, where a tendency has emerged to think about consent,

primarily through the lens of consultation, where other possibilities are more appropriate.

In order to understand this, it is helpful to examine the emergence of the law of consultation and accommodation.

The courts have used a framework of consultation and accommodation throughout the history of evolution of section 35 jurisprudence. While in *R. v. Sparrow* [1990]<sup>34</sup> the Supreme Court of Canada makes only passing references to consultation in the context of Crown efforts at justification for an infringement of an Aboriginal Right, by the time of the decisions in *R. v. Gladstone* [1996],<sup>35</sup> *R. v. Van der Peet* [1996]<sup>36</sup> and *Delgamuukw*<sup>37</sup> “consultation” and “accommodation” became one foundation of the Court’s way of describing Crown-Indigenous relations.

It was in 2004 in *Haida Nation v. British Columbia*, however, where consultation and accommodation became a primary preoccupation in articulating Indigenous-Crown relations. The focus in that case was whether the Crown had obligations to be met to Indigenous peoples regardless of whether Title and Rights had been proven in court or recognized in agreement. The answer was yes. The “honour of the Crown” is always operative in Indigenous-Crown relations, and one expression of this is a duty to consult and accommodate when asserted Title and Rights may be impacted by a proposed Crown action.

Out of that decision grew a required restructuring of Crown patterns of decision-making and engagement, acceleration of forms of capacity development amongst Indigenous

34 *R. v. Sparrow*, 1 SCR 1075 (C 1990).

35 *R. v. Gladstone*, 2 SCR 723 (C 1996).

36 *R. v. Van der Peet*, 2 SCR 507 (C 1996).

37 *Delgamuukw v. British Columbia*, 3 SCR.

peoples, new forms of agreement-making, and a vast expansion of litigation focused on whether the duty to consult and accommodate had been met

Often lost in this activity over the past 15 years was that the decision in *Haida* was about what needed to be done in the interim space and time when the Crown and Indigenous peoples had not sufficiently advanced processes of reconciliation between them, including the proper patterns of relations that respect and implement Indigenous Title and Rights. This is made explicit in the decision itself, where the Supreme Court of Canada states:

Where treaties remain to be concluded, the honour of the Crown requires negotiations leading to a just settlement of Aboriginal claims: *R. v. Sparrow*, [1990] 1 S.C.R. 1075, at pp. 1105-6. Treaties serve to reconcile pre-existing Aboriginal sovereignty with assumed Crown sovereignty, and to define Aboriginal rights guaranteed by s. 35 of the Constitution Act, 1982. Section 35 represents a promise of rights recognition, and “[i]t is always assumed that the Crown intends to fulfil its promises” (*Badger, supra*, at para. 41). This promise is realized and sovereignty claims reconciled through the process of honourable negotiation. It is a corollary of s. 35 that the Crown act honourably in defining the rights it guarantees and in reconciling them with other rights and interests. This, in turn, implies a duty to consult and, if appropriate, accommodate. (Paragraph 20)

The work of the Crown and Indigenous Nations is to reconcile sovereignties – which is the true meaning of treaty-making. Sovereignty, as is well-established in law, refers to governance and control by a people over a territory or area of land. Consultation and accommodation arise as a subset and expression of that overarching work, with particular relevance in the context of ensuring the Indigenous interest is protected as the broader work unfolds.

Since *Haida*, however, the subsidiary place of consultation and accommodation in the broader work of reconciling sovereignties has been obscured. A disproportionate focus has been placed on procedural aspects of the duty, steps to be followed, timing of actions, the roles to be played by industry and third parties, and structuring systems that provide evidence that obligations may have been fulfilled. Conversely, less time has been spent on the work of establishing effective and respectful mechanisms for decolonization and structuring of proper relations between governments.

There exists another dimension of the *Haida* decision that has often been de-emphasised but has since been confirmed in strong terms – namely that Indigenous Title and Rights are real and meaningful, regardless of whether they have been proven in court or affirmed in an agreement. This is one meaning of the ‘inherent’ nature of Indigenous Rights. Their existence and meaning are rooted in the pre-existing sovereignty of Indigenous peoples and do not find their source in the Constitution or any other act of the Crown.

In *Tsilhqot’in and Saik’uz First Nation and Stellat’en First Nation v. Rio Tinto Alcan Inc.*

[2015]<sup>38</sup> this was irrefutably confirmed. In *Tsilhqot’in*, the Court stated:

... At the time of assertion of European sovereignty, the Crown acquired radical or underlying title to all the land in the province. This Crown title, however, was burdened by the pre-existing legal rights of Aboriginal people who occupied and used the land prior to European arrival. The doctrine of *terra nullius* (that no one owned the land prior to European assertion of sovereignty) never applied in Canada ... (Paragraph 69)

38 *Saik’uz First Nation and Stellat’en First Nation v. Rio Tinto Alcan Inc.* (BCCA 2015).

In *Saik'uz and Stelat'en* the Court stated:

The effect of the ruling by the chambers judge is to create a unique prerequisite to the enforcement of Aboriginal title and other Aboriginal rights. Under this approach, these rights could only be enforced by an action by a court of competent jurisdiction or are accepted by the Crown. In my view, that would be justifiable only if Aboriginal title and other Aboriginal rights do not exist until they are so declared or recognized. However, the law is clear that they do exist prior to declaration or recognition. All that a court declaration or Crown acceptance does is to identify the exact nature and extent of the title or other rights.

[62] The proposition that Aboriginal rights exist prior to a court declaration or Crown acceptance is embodied in s. 35(1) of *the Constitution Act, 1982* (being Schedule B to the *Canada Act 1982* (U.K.), 1982, c. 11):

35 (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

[Emphasis added.]

The use of the words “recognized and affirmed” indicates that the Crown has already accepted the existing Aboriginal rights, and it is really just a matter of identifying what they are. (Paragraphs 61-62)

The importance of these statements is that they reinforce that the core work of Crown-Indigenous relations is establishing proper relations based on the reconciliation of sovereignties and the recognition and implementation of Indigenous Rights. This is distinct from the focus of consultation and accommodation, which is on preserving the Indigenous interest pending those proper relations being established.

### ***Consent as Beyond Consultation***

Understandings of consent have followed this broader pattern of discourse around

Aboriginal Title and Rights. There remains a predominant tendency to think and talk about consent as an extension of consultation and accommodation. From this perspective, consent effectively entails engaging and acting as the Crown and Indigenous governments are currently, with an additional step of confirming whether or not Indigenous consent has been received at the end of the process.

Such an understanding of consent is unhelpful for a number of reasons.

First, it ignores the current ineffectiveness of the consultation paradigm.

For First Nations, the growth of emphasis on consultation and accommodation over the past 15 years – while important and part of the overall shift to respect for Aboriginal Title and Rights – has also carried with it the imposition of significant burdens and responsibilities often without a corresponding increase in support and capacity for development for those roles. It is commonplace to hear from First Nations how they are inundated with hundreds, or even thousands, of referrals, which demand significant action, and do not have the capacity or resources to substantively address each one. As well, many First Nations have expressed and experienced concerns related to how properly addressing referrals requires the reallocation of resources from elsewhere in their government, as well as a recalibration of priorities, some of them quite urgent and pressing. Further compounding these challenges are what sometimes have been interpreted as deliberate strategies by Crown governments to ‘bury’ Nations in the process around referrals, while often avoiding substantive engagement on meaningful accommodations that actually matter.

For the Crown, properly consulting and accommodating has proven an elusive goal, that far more often than not it has failed to meet. This is evidenced by hundreds of court cases across the country about the Crown's consultation practices, the vast majority of which have been won by Indigenous peoples. The effect of this has been a paradoxical situation in which Crown governments 'engage' more with Indigenous peoples than they ever have in the past, and at the same time there is ever-greater legal, political, and economic uncertainty as a result of patterns of relations with Indigenous peoples. Combined with this is the fact that the expansion of consultation and accommodation has also required a significant change in the skillsets, processes, structures, and capacities that government has traditionally relied upon. It has been, and remains, a significant struggle for Crown governments to adjust accordingly .

For industry, their roles and responsibilities in consultation and accommodation processes remains an issue of significant challenge. While it is correct that the *Haida* decision confirmed that the duty to consult and accommodate rests with the Crown, and that only procedural aspects may be delegated to third parties, legal and practical realities demand that industry do more. On the one hand, as noted earlier, the fact that Aboriginal Title and Rights are real and meaningful, and not dependent upon court declaration or agreement, has a necessary corollary that third parties may be sued directly for impacting those rights (*Saik'uz and Stellat'en*). In effect, this means that for industry achieving Indigenous consent is the wisest course of action. As the Court stated in the *Tsilhqot'in* decision: "I add this. Governments and individuals proposing to use or exploit



land, whether before or after a declaration of Aboriginal title, can avoid a charge of infringement or failure to adequately consult by obtaining the consent of the interested Aboriginal group.” (Paragraph 97) As well, the nature of Crown processes, and their often insufficient nature, has contributed to industry often taking on broader roles, including, as is increasingly the industry standard, reaching agreements with First Nations that cover a full range of economic, environmental, and decision-making matters related to a project.

Second, beyond the impracticality of the current consultation paradigm, using consultation processes as a lens for thinking about consent fails to properly advance the foundational work of a fundamental transformation in relations based on government-to-government and Nation-to-Nation relationships that reconcile sovereignties. As distinct from thinking of consent as an extension of consultation processes, consent may be operationalized through the lens of building proper structures and processes between governments for decision-making that respects jurisdictions, laws, and authorities. In this sense, consent is inextricably linked with the work of advancing Indigenous self-determination, the inherent right of self-government, and the work led by Indigenous peoples to rebuild their governments and nations.

Former Minister of Justice and Attorney-General of Canada Jody Wilson-Raybould discussed these two ways of thinking about consent in an April 2018 speech:

We have tended to think about consent through the lens of the processes we currently use for consultation and accommodation, and that somehow consent involves doing what we have already been doing, with additional enhancements involving whether or not consent is achieved.

I would suggest that this is not a very helpful way of thinking about consent. Consent is not simply an extension of existing processes of consultation and accommodation, nor is the law of consultation – being heavily procedural in its orientation – a particularly practical or helpful way for thinking about how to operationalize consent. We need to see consent as part and parcel of the new relationship we seek to build with Indigenous Nations, as proper title and rights holders, who are reconstituting and rebuilding their political, economic, and social structures.

In this context there is a better way to think about consent...grounded in the purposes and goals of section 35 and the UN Declaration. Consent is analogous to the types of relations we typically see, and are familiar with, between governments. In such relations, where governments must work together, there are a range of mechanisms that are used to ensure the authority and autonomy of both governments is respected, and decisions are made in a way that is consistent and coherent, and does not often lead to regular or substantial disagreement.

These mechanisms are diverse, and can range from shared bodies and structures, to utilizing the same information and standards, to agreeing on long-term plans or arrangements that will give clarity to how all decisions will be made on a certain matter or in a certain area over time. Enacting these mechanisms is achieved through a multiplicity of tools – including legislation, policy, and agreements.

The structures and mechanisms for achieving this consent, once established, are also consistent over time and across types of decisions – they are known and transparent—roles and responsibilities are defined, and they are ready to be implemented when needed.<sup>39</sup>

39 Wilson-Raybould and Canada, “The Recognition and Implementation of Rights Framework Talk.”

## PART 3: OPERATIONALIZING CONSENT

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A constant challenge for Indigenous peoples in their advocacy for justice has been the implementation of established standards and principles that would, once effectively acted upon, help transform the conditions created by colonialism. While many standards and principles have been established and confirmed – time and again – they have continued to be ignored. Such is the case with section 35 of the *Constitution Act, 1982*. The promise of section 35 itself has been delayed through Crown governments demanding that these rights be proven in court or confirmed in an agreement before they will be respected and implemented. This pattern is also seen in the hundreds of judicial decisions which confirmed section 35 rights, but which have not been implemented. Stated another way, the legacy of denial of rights, as described earlier, remains a potent force today in limiting progress towards ending the marginalization and colonization of Indigenous peoples.

In some respects, we see this familiar pattern playing out in relation to consent. Indeed, patterns are already emerging where consent is much talked about, debated, demanded, and defined, but little active and tangible work is taking place to advance its practical implementation. **Part 3** provides pathways for the operationalization of consent. It examines what Indigenous Nations, Crown governments, and industry could be doing to be constructive actors in implementing consent on the ground. A series of models of consent-based decision-making are also discussed.

## ***Indigenous Nations and Operationalizing Consent***

As identified in **Part 1** and **Part 2**, a proper understanding of consent is as an expression of Indigenous self-determination and of the need to reconcile Indigenous sovereignty with assumed Crown sovereignty. This was exemplified in how consent is best understood as one standard of the relationship between Indigenous governments and Crown governments, and not merely as a type of process, or as an extension of the constitutional duty to consult and accommodate.

Fully operationalizing such an understanding of consent requires certain things of Indigenous Nations. All of these, in effect, relate to Indigenous Nations furthering the work of building their structures, processes, and mechanisms for the exercise of their decision-making and legal jurisdiction. Four critical aspects of this work are discussed: representation of the Title and Rights holder; clarifying decision-making authority; Indigenous decision-making and consent regimes; and building implementation capacity.

## ***Representation of the Title and Rights Holder***

Part of the *modus operandi* of colonization was to break up the governance structures which Indigenous peoples utilized to apply their laws and jurisdictions throughout their territories and make decisions about how lands and resources will be used. That has resulted in a contemporary reality today where many Indigenous Nations who exercised sovereignty historically, and continue to hold Title and Rights today, remain divided into smaller groupings, which may in varying ways be defined by aspects of the *Indian Act*, historic treaties, modern treaties, other contemporary agreements, or specific outcomes

or statements by the courts. One practical consequence of this is that there are often typically many Indigenous governments from the same Title and Rights holding group, seeking to advance governance and stewardship over the same territory.

This divisive legacy of colonialism has implications for the operationalization of consent.

Where these divisions exist, there will often be a lack of clarity about the *who* and *how* of Indigenous decision-making regarding lands and resources, including determinations concerning whether consent exists. As history has shown, where such lack of clarity exists, greater opportunity exists for Crown governments and third parties to minimize the full meaning and extent of Indigenous sovereignty, jurisdiction, Title, and Rights.

Stated more positively, as Indigenous Nations strengthen their structures and systems of representation over lands and resources throughout territory, the strength and clarity for operationalizing consent will be increasingly great. This is why the work of Indigenous Nation and government rebuilding, based on self-determination, is inextricably linked to fully operationalizing consent.

This emphasises the importance of the work that Indigenous Nations are already doing across British Columbia to rebuild their systems of governance that both reflect their historical groupings as distinct peoples, and to meet the realities of the contemporary world. As should be expected – consistent with the necessity of self-determination – one sees this work being undertaken in a range of diverse ways, defined by the histories, visions, and priorities of Indigenous peoples themselves.

Some examples of this Nation and government rebuilding work include the following:

- A number of Nations across British Columbia have enacted their constitutions pursuant to their own laws and jurisdictions. Like all constitutions, these address topics such as governmental structures, areas of power and jurisdiction, membership, voting, and rights and responsibilities. In many instances, these constitutions address territorial governance as a role, including the roles to be played by *Indian Act* band councils, as well as the roles and responsibilities of hereditary and elected leadership. There are many examples of such constitutions, such as those of the Constitution of the Haida Nation<sup>40</sup> and the Taku River Tlingit Constitution.<sup>41</sup>
- A number of Nations across British Columbia have built models of tribal government through establishment of tribal councils that exercise authority over certain matters that are territorial in nature, and/or relate to Title and Rights. The precise structure of these tribal governments varies, from hereditary or elected councils, to councils of all elected *Indian Act* chiefs. In some instances, these tribal governments utilize the *Societies Act* or legislative tools in addition to being established under their own Indigenous laws. There are examples of such structures across British Columbia, including the Tahltan Central Government, the T̓silhqot'in National Government, the Okanagan Nation Alliance, the Nlaka'pamux Nation Tribal Council, and the Shuswap Nation Tribal Council.
- While the vast majority of Nations across British Columbia do not have historic treaties with the Crown, there are a few Nations who through their historic treaty relationship with the Crown are working to implement proper relations based on the original vision of recognition of Indigenous sovereignty which was at the core of the treaty relationship. This has included efforts to implement jurisdictional regimes based on the original treaty promises. For example, the Snuneymuxw First Nation, that has a pre-Confederation treaty from 1854, entered into a reconciliation agreement with the Province in 2013<sup>42</sup>

40 Haida Nation, "Constitution of the Haida Nation," 2014, [http://www.haidanation.ca/wp-content/uploads/2017/03/HN-Constitution-Revised-Oct-2014\\_official-unsigned-copy.pdf](http://www.haidanation.ca/wp-content/uploads/2017/03/HN-Constitution-Revised-Oct-2014_official-unsigned-copy.pdf).

41 Taku River Tlingit First Nations Clan Members, "Taku River Tlingit First Nation Constitution Act, 1993," March 30, 1993, <http://trfn.com/wp-content/uploads/2014/08/trfn-constitution1.pdf>.

42 British Columbia and Snuneymuxw First Nation, "Snuneymuxw First Nation Reconciliation Agreement," March 27, 2013, [https://www2.gov.bc.ca/assets/gov/environment/natural-resource-stewardship/consulting-with-first-nations/agreements/snuneymuxw\\_reconciliation\\_agreement.pdf](https://www2.gov.bc.ca/assets/gov/environment/natural-resource-stewardship/consulting-with-first-nations/agreements/snuneymuxw_reconciliation_agreement.pdf).

that includes identifying work to establish the proper jurisdictional relationships based on the historic treaty relationship.

- A number of Nations across British Columbia are articulating their specific laws of consent, through establishment of decision-making and consent regimes across their Territory. Examples include the shíshálh Nation who have a decision-making policy and process which covers their entire territory, including all lands and resources.<sup>43</sup> Decision-making and consent regimes are discussed in more detail later.
- In some parts of British Columbia co-ordinated strategies and actions are being taken by groups of Indigenous Nations across a number of territories to establish regional arrangements that manage issues and resources that require or benefit from such efforts across broad geographic areas. One example is the 3 Nations-British Columbia Regional Partnership (Tahltan, Kaska, Tlingit).<sup>44</sup>

### ***Clarifying Decision-Making Authority***

A distinct but related issue to that of representation of the proper Title and Rights holder is the specific issue of who legitimately speaks for the Nation's government and has the authority to make decisions. While typically this issue is framed as one concerning the respective roles and responsibilities of hereditary and elected leadership, it more broadly speaks to the issue of ensuring that within a Nation there is legitimacy under its own laws rendered to who and how the Nation is making decisions.

Of course, there exists no single or common approach to this matter. The legitimacy of decision-making processes depends on the legal orders, traditions, and cultures of Indigenous peoples themselves. This is reflected in how today the issue of legitimacy of

43 shíshálh First Nation, "shíshálh Nation Lands and Resources Decision-Making Policy," May 1, 2013, <https://shishalh.com/wp-content/uploads/2018/10/Decision-Making-Policy.pdf>.

44 Kaska Dena Council, "3 Nations Win BC Premier's Award," *Kaska Dena Council* (blog), November 15, 2018, <https://kaskadenacouncil.com/3-nations-win-bc-premiers-award/>.

authority is dealt with through a multiplicity of ways. In some instances, it is addressed through internal delineation of the roles that will be played by hereditary, family, and elected leadership. In other instances, it is also addressed through processes of community participation in the decision-making process, including community ratification processes. In other instances, it is addressed through how constitutions and laws are articulated and relied upon.

One thing that is evident is that clarifying decision-making authority is an internal matter that Canadian courts are ill-equipped to deal with. When confronted with such questions, the courts often turn to common law legal tests and doctrines that were developed in a completely different context of questions of legal standing and representative proceedings (e.g. *Komoyue Heritage Society v. British Columbia (AG)* [2006];<sup>45</sup> *Campbell v. British Columbia (Forest and Range)* [2012])<sup>46</sup> Courts have also acknowledged the limitations of their own capacity and jurisdiction to deal with aspects of such matters regarding decision-making authority (*Wesley v. Canada* [2017])<sup>47</sup> Ultimately these matters can only properly be resolved by Nations themselves, based on their own laws.

### ***Indigenous Decision-making and Consent Regimes***

A significant element of operationalizing consent is Indigenous Nations expressing, under their own laws, their regimes for decision-making including for determining whether consent will be granted for a particular action or project. In effect, this is accomplished for Nations by expressing and implementing their laws regarding how they make

<sup>45</sup> *Komoyue Heritage Society v. British Columbia (AG)* (BCSC 2006).

<sup>46</sup> *Campbell v. British Columbia (Forest and Range)* (BCCA 2012).

<sup>47</sup> *Wesley v. Canada* (FC 2017).



decisions and determine consent. Such a regime can assist with ensuring that a Nation's connection with their territory is maintained as it wishes, and that Title and Rights are being respected. Such regimes are also part of directing the Crown and third parties on how to shift their conduct in appropriate ways that reflect recognition and advance reconciliation. By providing guidance to the Crown and third parties, better patterns of relations, and more appropriate models of agreement, can also be achieved.

Some elements of any regime include the following:

- A regime should make clear its Indigenous legal foundations grounded in the sovereignty and jurisdiction of the Nation. This may include illustration of how the Nation has always had laws and practices around authorization/consent, how these have always been used and exercised, and continue to be so today including through the regime. The regime could also express how Indigenous consent is enshrined in the *Declaration* and Canadian constitutional law. As part of this discussion of sources of authority, the Nation could define what it means by consent.
- A regime should lay out the basic structures and processes the Nation uses to make decisions. This could be done at a general level, or with significant detail that outlines every step and who does what.
- A regime could identify the types of information the Nation requires as part of its decision-making process. This may include the types of studies that are required, transparency regarding the proponent's dialogue and communication with others, and information regarding how the proposal relates to Title and Rights.
- A regime should lay out the substantive standards that a Nation applies in decision-making. This may include standards around how the proposal relates to the protection of Title and Rights, cumulative impacts, the location, scope, and nature of the project, particular environmental, social, or stewardship interests, and the relationship of proposal to the economic, social, environmental, and cultural objectives of the Nation.

- A regime should lay out what the potential outcomes are of the Nation's decision-making process (e.g. no consent, authorized with conditions, or authorized). This should include discussion of the steps a Nation may take to enforce its decisions.
- A regime should identify what is expected of the Crown and third parties as they move through the process. This could include discussion of how costs may be addressed, the potential for processes or other agreements to be completed, and what best practices for the Crown and proponents might be. It could also include guidance on who they should be engaging with, the form in which information should be provided, and other technical requirements.

### *Implementation Capacity*

One of the strategies of colonialism has been to erode the capacity and effectiveness of Indigenous governments to govern. This strategy has been pursued in a wide range of ways from limiting access to resources, to imposing administrative burdens, to creating disincentives to long-term capacity development within Indigenous organizations. Limited capacity can have real implications for the effectiveness of operationalizing consent. The full operationalization of consent requires predictability and reliability in how a Nation will approach decision-making and determinations of whether consent will be granted.

While some of these realities are changing, the challenges remain great. In **Part 4: Recommendations for Moving Forward**, specific strategies for increasing implementation capacity are provided .

## ***Crown Governments and Operationalizing Consent***

Just as Indigenous Nations have significant work to do to advance the implementation of proper Nation-to-Nation relationships based on reconciling sovereignties, in which consent is a common-place standard of conduct, Crown governments have significant work to do as well. Crown governments must transform long entrenched laws, policies, and practices that interfere with Indigenous self-determination and self-government, and prevent proper relations between Crown and Indigenous governments from flourishing.

Federal and provincial land and resource laws were developed and passed without proper consideration of the existence of Title and Rights. Indeed, it could be said that in most respects they were passed on the assumption that Title and Rights do not exist. This is seen in a range of ways including the following:

- Crown land and resource laws are primarily structured to reflect that the Crown decision is the only relevant decision regarding whether or not a project may proceed. They do not recognize the role, authority, or jurisdiction of Indigenous governments .
- Crown land and resource laws create decision-making powers and authorities which typically do not allow Crown decision-makers to enter into consent-based arrangements with Indigenous peoples or build and structure consent-based structures and processes. Efforts to do this are often understood to be an unlawful fettering of decision-making authority on principles of administrative law.
- Crown land and resource laws are typically premised on the (false) foundation that all lands and resources they purport to regulate are owned by the Crown, and not subject to Indigenous Title.
- Crown policies respecting Title and Rights – such as the federal *Comprehensive Claims Policy* and *Inherent Right of Self-Government Policy*

—are effectively denial based. At their core is the premise that Crown acknowledgement and agreement is needed for Title and Rights to be recognized and implemented. This also means that for Indigenous decision-making, jurisdiction, and authority, including the necessity for Indigenous consent, to be recognized it needs to be explicitly confirmed in an agreement. This is also seen in how the British Columbia Treaty Process has been implemented as a “political process” where the standards and principles of section 35 of the *Constitution Act, 1982* and the *UN Declaration* are in many respects not adhered to as part of treaty-making. One effect of this is that consent is typically not broadly operationalized through modern treaties.

In effect, Crown laws and policies need to be pulled back. They have encroached upon areas of jurisdiction and authority that are properly those of Indigenous Nations and taken up legal and political space for exercising control over the land. This encroachment rests upon denial of Title and Rights – the assumption that they do not exist. Laws and policies which recognize Title and Rights will look different, ensuring there is the space for the operation of Indigenous jurisdictions and laws, including the space for structuring proper consent-based decision-making processes.

It is important to acknowledge that some of these changes are beginning to emerge. Specifically, the following steps are beginning to set the stage for this transformative change by the Crown – however, progress has been inconsistent and, to date, many commitments have not been followed through.

- The federal government’s *Principles* – released in July 2017 – specifically recognizes Indigenous laws, jurisdictions, and governments, the importance of securing Indigenous consent, and the need for changes to federal laws, policies, and practices. A federal Working Group of Ministers has been formed to review laws, policies, and practices for alignment

with the recognition of section 35 rights, the *UN Declaration*, and the *Principles*. On May 22, 2018, the British Columbia government adopted a similar set of *Draft Principles* and began applying them.

- The federal government supported passage of Bill C-262, *United Nations Declaration on the Rights of Indigenous Peoples Act*, a private member's bill that requires the alignment of the laws of Canada with the *UN Declaration*. Bill C-262 did not pass through the Senate.
- The federal government has committed to passage of a recognition and implementation of Indigenous Rights framework that will include new laws and policies that entrench the recognition of Rights across government. However, work on the framework has stalled. The federal government did pass legislation on Indigenous languages (Bill C-91) and Indigenous children and families (Bill C-92) that reference the *UN Declaration*.
- The BC government and the First Nations Leadership Council have completed a "Commitment Document", updated in April 2018, which expresses a principled foundation for relations based on the recognition of Rights, and commits to completing a number of legislative priorities, including adopting a provincial version of Bill C-262 by fall 2019. BC also passed a new *Environmental Assessment Act* that includes references to the *UN Declaration* and obligations to assess whether consent has been achieved.

While these are steps, they are just starting points. They set the stage for the necessary legislative and policy reform by the Crown, but they do not yet give effect to it.

There exists another dimension that the Crown must address in order to be properly positioned for operationalization of consent. For decades, Crown governments have been led by legal interpretations that have been largely minimalist and denial-based in orientation. These legal positions have resulted in Indigenous peoples having to continually go to the courts to protect their rights and have them implemented. These Crown legal positions have included that all Title and Rights have been extinguished, and that,

if they have not been extinguished, they are minimal in scope, nature, and meaning.

This has included a consistent rejection of Indigenous self-determination, self-government, sovereignty, and the need for consent.

The depth and endurance of these legal positions should not be underestimated. For example, in September 2014, BCAFN Chiefs, by consensus, adopted four principles as a response to the *Tsilhqot'in* decision. The four principles stated:

1. Acknowledgement that all our relationships are based on recognition and implementation of the existence of Indigenous peoples' inherent title and rights, and pre-confederation, historic and modern treaties, throughout British Columbia.
2. Acknowledgement that Indigenous systems of governance and laws are essential to the regulation of lands and resources throughout British Columbia.
3. Acknowledgment of the mutual responsibility that all of our government systems shall shift to relationships, negotiations and agreements based on recognition.
4. We immediately must move to consent based decision-making and title based fiscal relations, including revenue sharing, in our relationships, negotiations and agreements.

On July 13, 2015, the Deputy Attorney-General sent a letter to the First Nations Leadership Council regarding the four principles which includes the following statements:

- "We are unaware of anything in Canadian law that gives effect to Indigenous governance authority either over Aboriginal title lands or beyond those lands."
- "Indigenous systems of governance are not required for the regulation of lands and resources in British Columbia."
- "...nothing in *Tsilhqot'in* provides for either First Nation governance or authority or jurisdiction over such [title] lands."

- “...there is nothing in the [*Tsilhqot’in*] decision to ‘implement’ outside of the declared title area. In particular, the decision does not require recognition of Aboriginal title, “consent-based” decision making or “title based” fiscal relations....”
- “Until claims to Aboriginal rights or Aboriginal title are determined by the court or through valid and binding agreement, the principles and framework for consultation and, as appropriate, accommodation, set out in *Haida* continue to apply to those claims.”
- “Indigenous peoples” is terminology used in international contexts such as the UNDRIP. The terminology has not, to my knowledge, yet been defined for use in the Canadian context.”

Such statements provide little space or foundation for proper Indigenous-Crown relations based on the recognition of Title and Rights, including the operationalization of consent. Rather, they can be interpreted as reflecting long-standing views that have contributed to legal conflict, and delaying progress. It is a hopeful sign that four years after such a letter both the federal and provincial governments have made multiple statements and commitments that appear to reject and counter such views.

### ***Industry and Operationalizing Consent***

Agreements between companies and Indigenous Nations about the use of lands and resources are now commonplace. While there remains a wide range of diversity amongst these agreements based on many factors, two features of these agreements typically relate to consent.

First, it could be suggested that, in many instances, agreements between companies and

Indigenous Nations de facto provide consent for a particular project or action. For example, many “impact and benefit” agreements often include, through a range of legal provisions and devices, Indigenous agreement to a project proceeding.

The challenge, however, remains that often these agreements are not entered into because of companies recognizing Indigenous Title and Rights, and the necessity for Indigenous consent. Indeed, often (though not always) these agreements continue to avoid the language of recognition and consent. There is also often an extreme reliance on legal language (e.g. releases) that is designed to limit or restrict Indigenous Title and Rights and the essential governance and legal roles of Indigenous Nations.

As well, it remains the case that Nations sometimes feel coerced or pressured to enter into agreements, rather than freely choosing the path they wish by the standards of free, prior, and informed consent. This arises because Nations are often faced with overwhelming challenges to exercise and enforce their legitimate authority and jurisdiction in the face of Crown laws and processes that are not based on recognition, along with pressing social and economic conditions that have to be addressed.

Second, a feature of these agreements is almost always related to building collaborative relations and structures, including how a company and Indigenous Nation will engage and work together with respect to proposed authorizations and approvals a company may need in the future. As such, one often finds decision-making processes and structures within agreements, including information gathering processes, technical teams, boards, and other mechanisms.



The challenge is that often these processes and structures are largely designed to facilitate, supplement, and plug into Crown processes of consultation and accommodation. They are often not designed to facilitate and ensure the consent of the Indigenous Nation that is required because of the governance and legal jurisdiction and authority of the Nation.

This is beginning to change. There are some emerging examples of companies and Indigenous Nations leading the way in crafting agreements which are based on recognition and the standard of consent. Such agreements can look starkly different – but in effect they share the orientation that they are structured around the acknowledgement of an Indigenous Nation as an essential, even primary, regulator for a project. This role as the regulator is an expression of Title and Rights, and the governance and legal roles of the Nation.

Such models of agreements may have a number of unique features including the following

- They reject a reliance on legal devices that limit or restrict Indigenous Rights (e.g. releases) and emphasise the Nation's authorization/consent for certain actions to take place as long as certain conditions are met.
- They do not limit a Nation's ability to take action (such as legal action), if they must, to ensure their Title and Rights are respected in relation to the project, though they often build collaborative mechanisms to be utilized prior to such action being taken.
- They build a process and structure for future decision-making about the project which obtains consent from the Nation about future authorizations and approvals prior to any approvals being sought from the Crown.

Industry needs to increasingly pioneer such new models of agreement in which consent is actually sought and operationalized into the future. Doing this is a prime vehicle for advancing and meeting industry's goals of predictability and clarity, while reflecting the realities of the age of recognition in which we are emerging.

### ***Models of Consent-Based Decision-Making***

What might models of consent-based decision-making between Indigenous and Crown governments look like?

As discussed in detail in **Part 2**, consent-based decision-making is not just an extended application of a process of consultation and accommodation. Rather, consent-based decision-making refers to the structures and mechanisms which distinct governments and jurisdictions use between them on matters where they both have a decision that must be made.

There are, of course, many ways in which governments can and do structure such decision-making between them. As a foundation to examining generally what different models may look like, three points are important to highlight. First, in **Part 1** we have already outlined critical issues including the meaning of “free, prior, and informed consent”, the distinction between “consent” and “veto”, and identified many of the core principles and standards implied by consent. We have not repeated these in this brief description of models of consent-based decision-making.

Second, there exist a number of models of “shared decision-making” (sometimes

referred to as collaborative or consensus decision-making) that have between First Nations and British Columbia and are in various stages of implementation. In some respects, aspects of some of these models reflect some of the models discussed below. However, only in a few exceptional ways do these agreements express, reflect, and implement the goal of achieving decision-making consistent with the standard of free, prior, and informed consent as defined in **Part 1. Appendix B** is a survey from 2019 – an update of a prior survey from 2016 – of models of agreement in British Columbia including models of shared decision-making.

Third, regardless of which model of consent-based decision-making may be utilized, there are broader tools that can be used to solidify and confirm a foundation of consent-based decision-making. For example, a First Nation and Crown government may both adopt a joint land use plan across a geographic area, including legal orders and directives for the implementation of that plan. Depending on the level of specificity of the plan, and assuming it is legally affirmed by both governments, a fundamental building block of consent-based decision-making is already in place. In such a context, it can be expected that efforts to achieve consent with respect to any particular decision will be significantly more effective and efficient to achieve.<sup>48</sup>

Building on these points, the following models of consent-based decision-making can be imagined:<sup>49</sup>

48 For a discussion of land use planning and Indigenous consent see: Roshan Danesh and Robert McPhee, “Operationalizing Indigenous Consent through Land-Use Planning,” *IRPP Insight*, no. 29 (July 2019): 24; As well, see the op-ed: Douglas White III (Kwulasultun), “Island Voices: Land-Use Planning Is a Path to Certainty,” *Times Colonist*, February 3, 2019, <https://www.timescolonist.com/opinion/op-ed/island-voices-land-use-planning-is-a-path-to-certainty-1.23621005>.

49 These models reflect and draw on ideas that Roshan Danesh has been advancing in various lectures, training, and writing, including in Danesh and McPhee, “Operationalizing Indigenous Consent through Land-Use Planning.”

Consent can be operationalized through a First Nation and the Crown government reaching an understanding that, in respect to a certain set of matters, one of the First Nation or Crown government will take the decision-making lead, including the application of the laws and processes of that jurisdiction. While the government that is agreed to not be in the lead may still have ancillary duties and actions they must take to meet their specific legal obligations, in practical effect the decision of the lead jurisdiction would stand as the decision to be applied in that circumstance.

In effect, this is an approach to structuring consent-based decision-making through the prior action of acknowledging a particular approach to the relationship between the jurisdictional spheres of the First Nation and Crown. Of course, from one vantage point there is nothing unique about such an approach to organizing decision-making authority between distinct orders of government. For example, such an approach is at the core of federal systems of government, including Canada, where certain matters fall exclusively within the jurisdiction and authority of the federal or provincial government, while there are other matters that touch on both federal and provincial jurisdiction.

Arguments can be made that in some respects, such an approach may be seen in certain historic treaties, where for example a treaty recognized a geographic area or resource activity of a Nation that the Crown could not, and would not, intrude upon. An example would be the pre-Confederation (Douglas) treaties on Vancouver Island and the recognition of the village sites, enclosed fields, and fisheries of the Indigenous signatories. Of course, the pattern since the signing of these treaties has been extreme Crown

resistance to such an understanding of the treaty relationship, and the outright ignoring and infringement of the treaties.

Consent-based decision-making can be operationalized through First Nation and Crown governments establishing, pursuant to their respective jurisdictions and laws, a joint body or structure that has the authority to make the final decision on behalf of both governments. Again, similar to clarifying jurisdictional relationships, this would be structuring of consent through the prior authorization of the mechanism through which a final, joint, consent-based decision would be made.

There are, of course, a vast array of forms such a jointly authorized decision-making body could take. They may take the form of political forums of leadership, technical boards made up of experts, or combinations of both. These would typically be supported by clear processes for decision-making, as well as standards and criteria to be met.

Regardless of the particular form a body may take, there are certain aspects that would always have to be addressed to ensure it is reflecting the meaning and nature of consent as described in **Part 1**. This would include: matters such as ensuring a proper and equitable role for the First Nation in determining who sits on the body; clarity on the role that Indigenous laws must play in informing the decision-making; structuring the decision-making process to ensure that a majoritarian dynamic cannot dominate (e.g. utilizing consensus approaches to final decisions); and ensuring the operating premises of the body are grounded in the recognition and implementation of Title and Rights.

There are not many current examples of such bodies; however, some of the elements

of such a model are found in the Archipelago Management Board for the Gwaii Haanas National Park Reserve.<sup>50</sup>

Consent-based decision-making can take place through acknowledgement that there will be two decisions on a particular matter, one by the First Nation and the other by a Crown government, and that there are agreed to structures, processes, and mechanisms to help ensure the harmony between these decisions. Such an approach is about having a system and understandings in place where consent in relation to any particular decision can be worked out. Unlike the previous models, where the First Nation and the Crown government have either recognized the other as the lead or handed off the decision to a joint body, in this model each government would be making their respective decisions on every matter to which the model applies, while utilizing certain approaches to ensure those decisions are harmonious at the end of the day.

There exists vast flexibility about how such models may be designed and implemented. A whole range of tools may be used to ensure the governments are on a consent-based path including joint committees, shared criteria for information and analysis, the development of joint recommendations to respective decision-makers, points throughout the process where agreement is needed

The most challenging and essential issue is ensuring that proper mechanisms are in place for how final decisions from the respective governments are dealt with, in particular where there is a situation of conflict between them. Are there mandated and required

50 Government of Canada Parks Canada Agency, "Park Management - Gwaii Haanas National Park Reserve, National Marine Conservation Area Reserve, and Haida Heritage Site," May 9, 2019, <https://www.pc.gc.ca/pn-np/bc/gwaiihaanas/info/coop>.

processes that must be followed where decisions are in conflict? What is the legal effect of respective decisions when there is a conflict (e.g. one government says proceed and the other says do not)? Are there certain contexts where the parties might agree in advance that the decision of one government may proceed even if not aligned with the decision of the other?

There are many models of shared decision-making currently in place which have elements of this model. However, these models – because of Crown government policies and positions – have not yet answered these critical questions about final decision-making in a way that is fully aligned with the standard of free, prior, and informed consent and the legal recognition of the jurisdiction and authority of Indigenous governments.

## PART 4: RECOMMENDATIONS FOR MOVING FORWARD

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Based on the discussion in this paper, a summary of some general recommendations for operationalizing consent include the following.

### ***For Nations***

The work of implementing consent is inextricably linked with organizing around the proper Title and Rights holder, government re-building, and legal revitalization. As such, recommendations are tied to supporting those endeavours. Examples of actions to be included:

- development of consent regimes – specifically articulate the Nation’s understanding and approach to issues of consent under its own laws, and how these relate to *UN Declaration* standards;
- passing laws around specific resources or areas regarding consent;
- making known and public the decision-making structure and how proponents and governments can work with it;
- developing options and approaches for dispute resolution based on traditional laws for when consent is not achieved;
- adopting a principled approach in all negotiations that reinforces the standards of consent. As an example, companies should be required to work with Nations as the “front-door”, with Crown processes contingent on passing through key aspects of Nations’ laws.

### ***For Crown***

Existing Crown legislation, policy, and practices are all insufficient for consent



operationalization. Some steps have been taken but are not entrenched. The Crown must take steps to deepen their approach, including:

- making space through legislative change – e.g. to vacate limitations in existing statutes;
- adopt a coherent approach to moving towards implementing the *UN Declaration* through federal and provincial legislation, supplemented by other legislation that sets standards for public officials based on recognition and implementation of Title and Rights and establishes new institutions and mechanisms to support Nation and government rebuilding;
- explicitly advance agreements that pilot multiple models of consent – beyond the limited current models;
- recognize no ‘one size fits all’ – the federal and provincial approach has to be through adoption of flexible and adaptable systems;
- be clear in articulating what consent means in the positive and not the negative (e.g. stop saying ‘not a veto’, educate the public by focusing on how consent is about how different governments align their decisions and use collaborative forms of dispute resolution to address differences);
- invest substantially in a multi-layered approach that achieves higher-level and strategic-level understandings such as through land use planning that then give a level of simplicity and focus to project-based decisions.

### ***For Industry***

Industry needs to shift to viewing Indigenous Nations as a jurisdictional door and not merely through economic partnership terms. They can begin the work toward proper implementation of consent approaches by:

- adopting models where Indigenous consent is pursued and confirmed prior to major Crown processes;
- for major projects, adopting and supporting the Indigenous approach to major project assessment including as a replacement to Crown processes;
- considering long-term relationship agreements that are beyond transactional project agreements where presence in a territory is long-term;
- supporting Nations in advocating for broader legislative and policy change that will stabilize the government-to-government and Nation-to-Nation models of decision-making, including operationalization of consent;
- recognizing that Nation-building is important to the success of any project agreement and implementation of said agreement and support it as determined by nations.

## APPENDIX A: GUIDE FOR DEVELOPING AN INDIGENOUS NATION DECISION-MAKING AND CONSENT REGIME – PREPARED IN 2015

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This short guide has been developed to assist Indigenous Nations in further developing and implementing their decision-making and consent regimes. The guide answers basic questions at a general level about the development of a regime and identifies a few drafting considerations to assist in beginning this work. This guide does not provide legal advice, but is intended to be helpful background information for Indigenous Nations, and your legal and technical advisors, as you continue the work of developing, drafting, and implementing your regimes.

For countless generations Indigenous peoples have governed their territories through Indigenous laws and systems of government. Like all sovereigns, Indigenous peoples – in diverse ways reflecting their own cultures, protocols and traditions – made decisions regarding how the territory could be used and who could use it.

Reflecting the sovereignty of Indigenous peoples, international law, through the *United Nations Declaration on the Rights of Indigenous Peoples*, recognizes the authority of Indigenous peoples over their lands and affirms the standard of free, prior, and informed consent as the basis for decision-making. Similarly, section 35(1) of the *Constitution Act, 1982* also affirms the standard of consent. In the historic *Tsilhqot'in* decision, the Supreme Court of Canada confirms that, wherever Aboriginal Title exists, the consent of the Indigenous Title-holder is required. The Court strongly encourages the full implementation of the standard of consent: “Governments and individuals proposing to use or

exploit land, whether before or after a declaration of Aboriginal title, can avoid a charge of infringement or failure to adequately consult by obtaining the consent of the interested Aboriginal group.” (Paragraph 97)

Today, Indigenous Nations are working in various ways to implement their laws on the ground and reconnect in proper ways with their territories through their modes of decision-making. One mechanism for doing this is through the development and implementation of a decision-making and consent regime throughout their territory so that the Crown, and all third parties, know the standards, processes, and structures a Nation applies in deciding whether their lands can be used and on what terms.

## 1. Why develop a decision-making and consent regime?

Indigenous Nations have been working to rebuild their systems of governance through many paths. This work involves applying the laws and teachings passed down over many generations, rebuilding and strengthening structures and processes of governing, articulating laws and policies in a diversity of ways, and deepening cohesion within governing institutions and communities. All of this work takes place in a context where Indigenous Nations are working to implement their Title and Rights and reconnect with territory.

A decision-making and consent regime is one tool that can assist Indigenous Nations in this pivotal work. Through developing a decision-making and consent regime, an Indigenous Nation can advance the following objectives:

1. *Implementation of Indigenous laws:* A regime is part of implementing Indigenous laws on the land. It is one mechanism through

which those laws are given expression, and made applicable to those who seek to use the land.

2. *Protecting a Nation's connection with the land, including culture, way of life, and Title and Rights:* A regime can assist with ensuring that a Nation's connection with their Territory is maintained as it wishes, and that Title and Rights are being respected.
3. *Re-establishing relationships on a proper foundation grounded in recognition and respect:* A regime is part of directing the Crown and third parties on how to shift their conduct in appropriate ways that reflect recognition and advance reconciliation. By providing guidance to the Crown and proponents, better patterns of relations, and more appropriate models of agreement, achieved.

### ***Drafting Considerations***

In effect, developing a decision-making and consent regime shows to all the world who seek to use your territory what the proper and appropriate pathway is for engaging with the Nation, how the Nation makes decisions, and what standards that will be applied. By doing this, a Nation exercises sovereignty.

Reflecting this, a decision-making and consent regime could make clear the following:

- That it is an expression of Indigenous sovereignty;
- That it is an implementation of Indigenous laws;
- That it upholds the Title and Rights of the Nation.

In drafting a regime Nations may wish to consider:

- Opening the regime with a statement of the Nation's sovereignty and historic, contemporary, and future connection with their territory;
- Make clear from the outset that the regime is an expression of Indigenous laws, and is an exercise of decision-making authority and jurisdiction pursuant to those laws;

- State that the regime is part of upholding and protecting the Title and Rights of the Nation.

As well, because regimes will relate to consultation and accommodation with the Crown, engagement with third parties, and be a tool for reconciliation, it is very important for Nations to have direct and independent legal and technical advice in the development, drafting, and review of a regime.

## 2. What are the key topics of a regime?

There are certain topics that should be addressed in any decision-making and consent regime. In particular, a regime could answer the following questions:

- *What are the sources of jurisdictional and legal authority for the regime?* The regime could make clear its Indigenous legal foundations grounded in the sovereignty and jurisdiction of the Nation. This may include illustration of how the Nation has always had laws and practices around authorization/consent, how these have always been used and exercised, and continue to be so today including through the regime. The regime could also express how Indigenous consent is part of the *UN Declaration* and Canadian constitutional law. As part of this discussion of sources of authority, the Nation could define what it means by consent.
- *How does the Nation make decisions and decide whether or not to authorize an activity?* The regime could lay out the basic structures and processes the Nation uses to make decisions. This could be done at a general level, or with significant detail that outlines every step and who does what.
- *What information does a Nation require in its decision-making?* The regime could identify the types of information the Nation requires as part of its decision-making process. This may include the types of studies that are required, transparency regarding the proponents' dialogue and communication with others, and information regarding how the proposal relates to Title and Rights.

- *What standards guide the Nation's decision-making?* The regime could lay out the substantive standards that a Nation applies in decision-making. This may include standards around how the proposal relates to the protection of Title and Rights, cumulative impacts, the location, scope, and nature of the project, particular environmental, social, or stewardship interests, and the relationship of the proposal to the economic, social, environmental, and cultural objectives of the Nation.
- *What are the potential outcomes of the Nation's decision-making process?* The regime could lay out the potential outcomes of the Nation's decision-making process (e.g. no consent, authorized with conditions, or authorized). This should include discussion of the steps a Nation may take to enforce its decisions.
- *What are the expectations on the Crown and third parties in the process?* The regime could identify what is expected of the Crown and third parties as they move through the process. This could include discussion of how costs may be addressed, the potential for process or other agreements to be completed, and what best practices for the Crown and proponents might be. It could also include guidance on who they should be engaging with, the form in which information should be provided, and other technical requirements.

### ***Drafting Considerations***

In preparing a regime, a Nation should consider how to ensure it is operational. It should have a 'how-to' aspect in that it is providing guidance to the Crown and third parties about how to move through the Nation's decision-making process.

At the same time, the regime should make sure it is clearly grounded in the laws of the Nation, as well as international and constitutional law. The regime is also part of the Nation's effort to advance reconciliation regarding Title and Rights.

A proposed structure that will help achieve these objectives follows below. This

structure is only one option.

**Opening Statement:** A statement articulating the Nation's values, vision, and sovereignty which is the basis from which the regime is developed

**Purpose:** A statement of the purpose of the regime

**Sources:** Provides an overview of the legal foundations and sources of authority for the regime -including in Indigenous, international, and constitutional law. This could include a discussion of the standard of consent – how it is defined, and what the Nation means by it.

**Scope:** Identifies to what the regime applies to – e.g. what kinds of decisions and what geographic area.

**Authorization and Approval Process:** Identifies elements of how decisions are made regarding whether a Nation's authorization will be granted. This could include details of who makes decisions, what the process is for decision-making, what information is required, and roles and responsibilities in the decision-making process.

**Standards:** Identifies the main criteria that inform a Nation's decision-making. These could include standards regarding Title and Rights, nature of relationships, impacts, and environmental stewardship.

**Enforcement:** Describes how a regime may be enforced

A Nation may also want to include other elements in a regime such as the following:

- Lists of best practices for the Crown and proponent;
- Lists of fees or costs for different elements of implementing the regime;
- Models of process agreements that the Nation uses in implementing the regime;
- Relevant maps.



### 3. Elements of Drafting, Operationalizing, and Implementing a Regime

Indigenous Nations have their own internal processes for developing and implementing decision-making and consent regimes and will be at different stages in undertaking this important work. This work requires many to be involved including Chiefs and Councils, Elders, community members, and legal and technical advisors.

A few additional general points to consider in doing this work include the following:

- It is important to have consistency in the application of regimes once they are adopted. As such, Nations should consider the resources and capacities that will be needed to implement the regime they are developing, and ensure those are in place.
- The Crown and third parties will respond in a range of ways to the development and implementation of a regime. Some will refuse to engage with it, while others may embrace it. Nations should expect and be prepared for this range of responses.
- It is important in preparing the regime that in addition to grounding it in Indigenous laws, that careful thought be given to how it aligns and reflects the constitutional law of Canada and the goal of reconciliation. This will impact the language chosen and some elements of the processes developed. Regimes will have a relationship to consultation and accommodation with the Crown, engagement with third parties, and whether consent is given. It should also be expected that regimes may appear in the record as part of court and other proceedings.
- Nations will often need to align other elements of their decision-making infrastructure to support the implementation of the regime. For example, letters to the Crown and third parties in response to referrals should be drafted around the regime.

## APPENDIX B: AN OVERVIEW OF FIRST NATION-BRITISH COLUMBIA AGREEMENTS OUTSIDE THE BCTC TREATY PROCESS – PREPARED MAY 2019

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Negotiations and agreements between First Nations and BC are changing. While we are early in this period of change, it is apparent that certain shifts are occurring through which solutions may emerge that address long-standing challenges in negotiations. In particular, there has been an intensification of efforts to negotiate agreements that are consistent with the legal principles articulated in the *Tsilhqot'in* decision, focused on the recognition and implementation of Title and Rights, and aligned with the standards of *the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration)*. A few examples of such agreements have been completed. As well, BC has adopted the *Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples (Draft Principles)* which signal a commitment to certain shifts in negotiations.

These changes indicate that we are in a moment of opportunity and innovation where First Nations may be able to advance models of negotiations and agreements that further and more appropriately address their priorities and visions and remove some of the obstacles that limited progress in the past. In particular, comprehensive pathways and new possibilities are emerging outside of the British Columbia Treaty Process (BCTC process).

To be clear, a long way to go remains, and systemic shifts – including in legislation and policy – are critical for negotiations and agreement-making to fully advance.

This overview summarizes where we are at today in agreement-making between First Nations and BC outside the BCTC process, and the new directions that appear to be emerging. The focus has been placed on agreements outside the BCTC process for a number of reasons including: (1) Significant innovation appears to be emerging in agreements outside the BCTC process; (2) There has been increased interest amongst UBCIC membership and from BC to examine potential future development of such agreements; (3) Other materials, resolutions, and analyses address matters regarding the BCTC process.

### ***The Agreement Landscape***

Agreement making between First Nations and BC has become a predominant focus of reconciliation efforts. Every First Nation is engaged in some way in negotiations with BC, and the provincial government itself estimates that at any given time it is involved in over 400 active negotiations with First Nations. In one form or another, all of these negotiations touch on issues of Aboriginal Title and Rights and have their genesis in the unresolved Land Question.

These negotiations, and the agreements that may flow from them, come in all shapes and sizes, with First Nations pursuing their distinct priorities and visions. At the same time, however, laws, policies, and practices of BC have generally limited the models of agreements and what might be addressed within them.

Until 2018, the typical categories of agreements could be summarized as follows:

**Treaty Agreements:** BC has always privileged the BCTC process as the venue for negotiations since its founding in 1993. Since that time, four modern treaties have been completed. Today, it is estimated there are around 25 active negotiations through the BCTC process.

**Incremental Treaty Agreements:** Over the last six years BC began negotiating interim agreements called Incremental Treaty Agreements (ITA) with some First Nations in the BCTC process. Approximately twenty-three have been completed to date. Most ITAs have been about the transfer of land parcels prior to the completion of a final treaty.

**Program Agreements:** The vast majority of the negotiations and agreements between First Nations and BC have been related to ‘programs’ established by BC to address land and resource matters, and to provide a form of “accommodation” and/or economic opportunity. These negotiations and agreements are relatively transactional in nature. Examples include agreements that share forestry benefits (e.g. Forest Consultation and Revenue Sharing Agreements – the number of these is over a hundred across the Province), that share portions of the Province’s mineral revenue tax (e.g. Economic and Community Development Agreements – there are less than twenty such agreements), and agreements that share benefits related to LNG development (e.g. Natural Gas Pipeline Benefits Agreements – there are over sixty such agreements).

**Decision-Making Agreements:** Some agreements are particularly focused on how decision-making takes place regarding land and resources matters and are called by various names, including “strategic engagement agreements”, “framework agreements”, and “shared decision-making agreements”. There are about a dozen such agreements, all of which involve multiple First Nations

**Reconciliation/Government-to-Government Agreements:** These agreements are very diverse in nature and scope, and range from addressing specific matters between a First Nation and BC to establishing an overarching framework through which reconciliation of Aboriginal Title and Rights may be pursued. There are about a dozen such agreements, most of which involve multiple First Nations. Some of these also include components more typically seen in a decision-making agreement.

Since 2018 a few new agreements have been completed that indicate change from these typical categories.

The ***shíshálh* Foundation Agreement** was signed in October 2018, and provides substantial immediate benefits and measures, as well as a long-term set of milestones regarding Title and Rights implementation, consent based decision-making, the application of *shíshálh* laws and jurisdiction and other matters. BC has labelled this model of agreement “Comprehensive Reconciliation Agreements”.

A Letter of Understanding was completed in December 2018 between the Province and the ‘Namgis First Nation, the Kwikwasut’inuxw Haxwa’mis First Nations, and Mamalilikulla First Nation, regarding aquaculture in the Broughton Archipelago and consent-based decision-making. The LOU provides for an orderly joint decision-making process and transition from current aquaculture practices in the Broughton Archipelago aligned with the standards of the *UN Declaration*.

A number of other new agreements that reflect some changes from past models are reported to be nearing completion.

### ***What is changing?***

Until recent shifts in agreements and negotiations, relatively consistent patterns could be identified in the agreements signed outside of the BCTC process in the previous few decades.

To be clear, program agreements, reconciliation agreements, and decision-making

agreements have been venues for a number of First Nations to advance their visions and priorities and have often been the product of their tremendous advocacy and work. For many First Nations, agreements have also provided benefits and opportunities, and paths to deepen relations and achieve shifts out of the status quo.

At the same time, certain limitations have been imposed in negotiations and agreements as a matter of law, policy, and practice by BC. Specifically, through these agreements:

- With few exceptions, BC has not been willing to formally recognize and implement Title and Rights or Indigenous laws, governments, and jurisdiction.
- BC has not been typically willing to design and implement models of joint or consent-based decision-making.
- While forms of economic sharing are often achieved through these agreements, they were typically not based on the economic value of Aboriginal Title and Rights.
- BC has often expected acknowledgements, admissions, or releases regarding consultation and accommodation, and/or impacts and infringements on Indigenous rights that are problematic for many First Nations.

A by-product of this has been, for example, that many shared decision-making agreements from the past decade have been largely structured around procedural aspects of the duty to consult, rather than structuring a proper relationship between Indigenous and Crown laws and jurisdictions. Another by-product has been that many reconciliation agreements have been limited in their substantive scope, including what benefits and measures could be included, and the range of topics addressed. One reason for this was

BC maintaining the position that the primary venue for broader substantive measures or comprehensive relations had to be through the BCTC process.

As well, many of the types of agreements prior to 2018 were largely created by BC to meet specific interests and priorities they had around gaining support for particular forms of land and resource development. These models were not designed or advanced by the province to address recognition and implementation of Title and Rights, reflect the legal principles of the *Tsilhqot'in* decision, meet the standards of the *UN Declaration*, or achieve the distinct priorities and visions of First Nations. *(Note: Attached to this memo is a summary of the key themes seen in agreements prior to 2018.)*

The changes we have seen since 2018 indicate that these long-standing limitations in negotiations and agreements outside the BCTC process are beginning to be addressed. The evidence for this is found both in new policy commitments from the BC government that have implications for negotiations, as well as the details of the few new agreements that have been completed. However, to be clear, it is early days of change and massive work remains to be done.

### ***Policy Commitments***

The BC Government has endorsed the UN Declaration and its implementation. The *UN Declaration* has numerous implications for negotiations and agreements, including the following:

- The *UN Declaration* articulates, recognizes, and affirms the inherent rights of Indigenous peoples including Indigenous self-determination and self-government (e.g. articles 3 and 4), and rights regarding lands and resources, consent, and application of jurisdiction and laws (e.g. articles 18, 19, 20, 28, 29, and 32).
- States are expected to take positive action in consultation and co-operation with Indigenous peoples to uphold the human rights of Indigenous peoples articulated in the *UN Declaration* (article 38).
- Just and fair procedures for the resolution of conflicts and effective remedies for infringements of Indigenous rights are required (article 40).
- Indigenous peoples have a right to recognition, observance, and enforcement of treaties, agreements, and other constructive arrangements (article 37)

In a broad sense it can be said that many of the minimum standards of the *UN Declaration* have not been reflected or met in agreement models in BC. Meeting the standards around recognition of Rights, self-determination, self-government, Indigenous jurisdiction, decision-making, and laws stated in the *UN Declaration* require changes to the typical agreement models that BC has been willing to enter. As well, the general historic pattern of BC defining the parameters and models of agreements and then offering to “negotiate” with First Nations is not aligned with the right of self-determination or the requirements for co-operation and collaboration in the *UN Declaration*.

The *Draft Principles*, which are grounded in the *UN Declaration*, contain many elements that are directly related to negotiations. Principle 1 explicitly expresses the shift towards recognition: “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.” The implication of this for negotiations and agreements is made clear in Principle 5 where the historic pattern of BC defining parameters and types of agreements is rejected, and that the substance of agreements must be based on recognition:

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.

Principle 9 also rejects the idea of “final” treaties and agreements:

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 *Draft Principles* appear to direct BC to negotiate agreements that are: (1) focused on the recognition and implementation of Title and Rights; (2) respectful of Indigenous laws, governments, and jurisdictions; (3) guided by the priorities and visions of First Nations; (4) adaptable, flexible, and open to change; (5) without any bias or preference for any particular process or model, such as the BCTC process. This suggests a significant shift from predominant practices in BC in recent decades.

In addition to the endorsement of the *UN Declaration and the Draft Principles*, BC has announced a range of ongoing reviews and measures that may have a further impact on negotiations and agreement-making. Two important developments are:

- In November 2018, the Premier committed to the passage of legislation to implement the *UN Declaration*. The legislation is expected in fall 2019. How this legislation may open new space for negotiations and agreements is something to closely monitor.
- In 2018, the First Nations Leadership Council and BC released an updated *Commitment Document and Concrete Actions: Transforming Laws, Policies, Processes and Structures*. Action 5 in the *Concrete Actions* states:  
**ACTION 5:** New Approaches to Effective Negotiations and Dispute Resolution First Nations, BC, and all citizens will all benefit from “better” outcomes from negotiations and consultation/engagement processes. Better outcomes include outcomes that may be reached more expeditiously and with less expense, have more flexibility, be more substantive and fair, and be more responsive to specific needs, interests and issues. To support this, new approaches to negotiations and associated dispute resolution options will be designed and implemented, incorporating and borrowing from both western and Indigenous models of interaction and resolution. The following specific initiatives will be advanced:

**Goal:** Design and establishment of a range of negotiation and dispute resolution models: Reflecting on existing reports discussing the barriers and challenges to successful negotiations, assess gaps and possibilities for new approaches that will be more appropriate, effective, constructive, and successful.

**Outcomes:** By end of Year One: Development of a joint set of innovative and creative principles for how negotiations may be conducted in new ways and collating existing material.

Work on the Concrete Actions is just beginning.

### ***New Agreements***

Two new agreements completed in 2018 – the *shíshálh* Foundation Agreement and the LOU on the Broughton Archipelago – both illustrate a change from the typical agreement models towards approaches more aligned with the recognition and implementation of Title and Rights, the *UN Declaration*, and the *Draft Principles*.

Importantly, both agreements are about the priorities and visions determined by the First Nations involved and the models of agreement are new. They do not fit into the types of agreements we have seen before and much of the subject matter they contain are topics which BC previously limited from addressing in negotiations.

The *shíshálh* agreement is the first comprehensive agreement that covers all aspects of the relationship between *shíshálh* and BC out of the BCTC process. It is a flexible, long-term arrangement that will continue to grow and develop over time, while also providing *shíshálh* substantial immediate benefits and compensation that were not available to it in previous BC agreement models. Some examples from the *shíshálh* Foundation

Agreement that indicate new directions are :

- Explicit statements and commitments around the recognition and implementation of *shíshálh* Title and Rights, the *UN Declaration*, as well as *shíshálh* jurisdiction and laws.
- Explicit commitments to implement consent-based decision-making models supported by the immediate adoption of new decision-making structures and processes.
- Commitment to completion of a joint land use plan.
- Immediate benefits and measures including significant lands for economic, cultural, and social purposes, and approximately \$75 million in immediate compensation, capacity funds, and supports for *shíshálh* governance, culture, and community development. Additional lands, compensation, and economic measures will be implemented throughout the life of the agreement.
- Establishment of new dispute resolution mechanisms and processes.
- Agreed targets and milestones regarding all aspects of the relationship between *shíshálh* and BC to be implemented in stages over the next 25 years.
- Maintenance of *shíshálh* legal rights to use the courts to protect and uphold their Title and Rights. The agreement does not provide legal “certainty” in ways that BC has historically demanded.

The LOU on the Broughton Archipelago and the subsequent outcomes of the work pursuant to the LOU significantly advance resolution of a long outstanding and serious matter that BC had not been open to negotiating and resolving previously. This resolution was accomplished through commitments and arrangements that were not typically previously reflected in agreements including

- Implementation of a consent-based decision-making process grounded in articles 19 and 32 of the *UN Declaration*.

- Recognition of Indigenous laws, jurisdictions, and Title and Rights of the First Nations.
- Establishment of new structures and processes for government to government decision-making and dispute resolution grounded in the UN Declaration.
- Agreement on an orderly transition from open-pen finfish aquaculture and substantive measures to protect wild salmon, including addressing economic and environmental aspects of the transition.

It is reported that a number of other First Nations are close to completing important new agreements. The details of these agreements will further help to illustrate the new directions that may be emerging and what significant challenges remain.

### ***Where are we headed?***

Recent policy and agreement developments indicate that a moment of opportunity exists where past negotiation and agreement patterns could be significantly transformed. Agreements outside the BCTC process are emerging as an innovative and growing space where the recognition and implementation of Indigenous Rights may occur, comprehensive and long-term relations established, significant and sometimes transformative benefits and measures provided, and acknowledgement of Indigenous laws, governments, and jurisdictions supported.

It remains, however, early days in assessing this shift, and whether and how it will advance. A major focus for First Nations should be how to advance and accelerate this shift through joint strategies, as well as strategies within respective tables and processes. It is

also vitally important that First Nations systematically advance the view that acting consistent with the standard of Indigenous self-determination in the UN Declaration means that agreements are grounded in the priorities and visions of First Nations, and that models are open, co-designed, and not pre-determined by categories of agreements set through internal BC processes.

As well, there are many critical issues that BC still must demonstrate it is shifting its practices on to demonstrate we are truly moving to an era of agreements grounded in the recognition of Title and Rights and the UN Declaration. These include the divisive practice of impacting the Title and Rights of neighbouring Nations.

As well, increasingly, as agreements become focused on proper Title implementation and the inherent right of self-government, First Nations will have to address the issue of how they will further organize as proper Title and Rights holders, including as governments entering into agreements. Significant work and leadership will have to be shown by Nations to strategically bring forward and advance their visions and priorities and how these may be constructively reflected and implemented through agreements, and how challenges, including those related to territorial boundaries and governance capacity, can be addressed through Indigenous laws and legal orders.

## APPENDIX C: SUMMARY OF AGREEMENTS OUTSIDE THE BCTC PROCESS PRIOR TO 2018

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In 2016, UBCIC completed an analysis of agreements between First Nations and British Columbia outside of the BCTC Process, focusing on “Reconciliation Agreements” and “Decision-Making Agreements”. The key findings from that analysis were as follows:

### ***Reconciliation Agreements:***

1. “Reconciliation Agreement” is not a term that describes any particular content of an agreement and does not reflect a particular or fixed set of mandates.
2. Reconciliation agreements often set the stage, at a high level, for broader and more expansive negotiations.
3. Reconciliation agreements have included some substantive measures that constitute a form of accommodation, such as land transfers or other economic and environmental benefits.
4. Reconciliation agreements do not recognize, define, limit, surrender, or extinguish Aboriginal Title and Rights.
5. Reconciliation agreements, while often framed as a step on the path of reconciliation, have not to date resulted in any final reconciliation agreements, treaties, or other comprehensive agreements.

### ***Decision-Making Agreements***

1. “Decision-Making Agreement” is not a term with set or defined meaning and does not refer to a particular set of principles, standards, structures or approaches.
2. Decision-making agreements are primarily, though not exclusively, about how procedural consultation will take place, and many have a focus on structuring and routinizing provincial decision-making.
3. Decision-making agreements do not legally recognize First Nations’ inherent jurisdiction or governance authority and largely exist within current legislation and policy.

4. The standard of consent is not present in any decision-making agreements, though the agreements can lead to increased engagement and influence in decision-making.
5. Decision-making agreements often provide necessary capacity support for First Nations to build up their decision-making processes and structures.





## MEMORANDUM OF UNDERSTANDING ON COOPERATION AND COMMUNICATION

BETWEEN



CHEAM FIRST NATION  
DISTRICT OF KENT  
SCOWLITZ FIRST NATION  
SEABIRD ISLAND BAND  
STÓ:LŌ TRIBAL COUNCIL  
STS'AILES FIRST NATION



VILLAGE OF HARRISON HOT SPRINGS



\*\*\*\*\*

**WHEREAS** Cheam First Nation, District of Kent, Scowlitz First Nation, Seabird Island Band, Stó:lō Tribal Council, Sts'ailes First Nation, and the Village of Harrison Hot Springs (hereafter known as the Parties) have a common interest in developing a collaborative working relationship which will benefit our communities;

**AND WHEREAS** the Parties also have shared interests in cooperative intergovernmental relationships, including those between each Party before and after treaties are signed;

**AND WHEREAS** cooperative working relationships between governments build effective communications and trust. Collaborative actions in areas such as economic development and natural resources management contribute directly to the health and well being of our communities;

**NOW THEREFORE LET IT BE RESOLVED** that this Memorandum of Understanding represents a commitment by the Parties to work together to promote cooperative relationships between the Parties.

## **PRINCIPLES**

1. Mutual respect for each Party's mandates, policies, areas of jurisdiction and that the Protocol on Cooperation and Communication does not fetter the individual mandates of the Parties;
2. Cooperation in exchange, development and distribution of information that is relevant to on-going projects of mutual benefit; and
3. Acknowledgement that good relations between neighbours are required for all citizens to benefit and to accomplish more together.

## **GENERAL OBJECTIVES**

The Parties have the following mutual objectives:


1. Promote understandings of interests of First Nations and Local Governments including participation in each other's events wherever possible;
2. Provide opportunities for relationship building between the Parties such as through the UBCM annual "Community to Community Forum" which encourages dialogue between the community leaders on the areas of common interest. This includes Economic Development, Natural Resource Management affecting the environment, (Fraser River, Salmon Enhancement, Erosion, Flood Control, Gravel Removal and Waste Management), Education Training, Tourism, Emergency Measures, Affordable Service Delivery, Agriculture and Cooperative Land Use Planning;
3. To identify and collaborate on areas of mutual benefit;
4. Encourage and promote effective methods of dispute resolution between the Parties. A dispute resolution committee shall be struck with equal representation from the Parties who will select an independent Chair; and
5. The Parties agree to continue to support existing "Community to Community Forum" to further the objectives stated in the Agreement.

## **IMPLEMENTATION**

The Parties agree to meet and review joint initiatives and projects as well as general progress on the above objectives and will strike working groups as necessary to develop and implement priority areas.

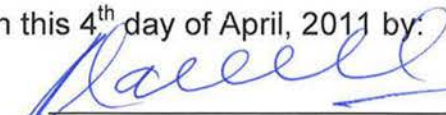
SIGNED on behalf of **Cheam First Nation** on this 4<sup>th</sup> day of April, 2011 by:

  
Chief Lincoln Douglas

  
(Witnessed by)  
Print Name:

SIGNED on behalf of the **District of Kent** on this 4<sup>th</sup> day of April, 2011 by:

  
Mayor Lorne Fisher

  
Wallace Mah, Chief Administrative Officer

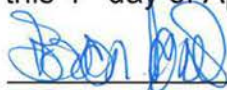
SIGNED on behalf of **Scowlitz First Nation** on this 4<sup>th</sup> day of April, 2011 by:

  
Chief Andy Phillips

  
(Witnessed by)  
Print Name:


SIGNED on behalf of **Seabird Island Band** on this 4<sup>th</sup> day of April, 2011 by:

  
Chief Clem Seymour

  
(Witnessed by)  
Print Name:


SIGNED on behalf of **Stó:lō Tribal Council** on this 4<sup>th</sup> day of April, 2011 by:

  
Grand Chief Clarence Pennier

  
(Witnessed by)  
Print Name:

SIGNED on behalf of the **Sts'ales First Nation** on this 4<sup>th</sup> day of April, 2011 by:

  
Chief Willie Charlie

  
(Witnessed by)  
Print Name:

SIGNED on behalf of the **Village of Harrison Hot Springs** on this 1<sup>st</sup> day of March,  
2012 by:

  
\_\_\_\_\_  
Mayor Leo Facio

  
\_\_\_\_\_  
Ted Tisdale  
Chief Administrative Officer

To: Electoral Area Services Committee

Date: 2020-03-10

From: Reg Dyck, Manager of Electoral Area Emergency Management File No: 2830-23

**Subject: Appointment of Ken Howsam as Deputy Fire Chief of the Hemlock Valley Volunteer Fire Department**

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### RECOMMENDATION

**THAT** Ken Howsam be appointed as the Deputy Fire Chief of the Hemlock Valley volunteer Fire Department in accordance with the Fraser Valley Regional District Bylaw No. 1474, 2018.

### STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

### BACKGROUND

The Hemlock Valley Volunteer Fire Department's Deputy Fire Chief position was vacated in May of 2019, with the appointment of then Deputy Chief Harbord as Fire Chief at that time.

### DISCUSSION

Ken Howsam has been a member of the Hemlock Valley Fire Department since June 2018 and has past experience in a First Responder role. He has the support of Fire Chief Harbord and the members of the Hemlock Valley Volunteer fire Department. Staff also supports this appointment and are confident that Ken Howsam will be able to fulfill the responsibilities of the Deputy Fire Chief position

### COST

There are no costs associated with this report

### COMMENTS BY:

**Tareq Islam, Director of Engineering & Community Services:** Reviewed and supported.

**Mike Veenbaas, Director of Financial Services:**

Reviewed and supported.

**Jennifer Kinneman, Acting Chief Administrative Officer:**

Reviewed and supported.

To: Fraser Valley Regional District Board

Date: 2020-03-18

From: David Bennett, Planner II

File No: 3360-23-2019-02

**Subject: The purpose of Zoning Amendment Bylaw No. 1525, 2019 is to amend the Comprehensive Development 1 (CD-1) zone to permit the construction of Enclosed Decks in the Bridal Falls RV Resort located at 53480 Bridal Falls Road, Electoral Area D.**

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### RECOMMENDATION

**THAT** proposed *Fraser Valley Regional District Zoning Amendment Bylaw No. 1525, 2019* be given second and third reading.

### STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

### PRIORITIES

### BACKGROUND

#### Proposal Description

The purpose of Bylaw No. 1525, 2019 is to amend the Comprehensive Development 1 (CD-1) zone at the Bridal Falls RV Resort, 53480 Bridal Falls Road, to permit the construction of Enclosed Decks in the resort. Enclosed Decks are only intended to provide for weather and wind protection and may only be constructed of safety glass panels that are mounted on hardware allowing for the panels to be opened. Enclosed Decks must not increase habitable space (e.g. cannot be a bedroom or washroom).

The Public Hearing has now closed. To avoid the requirement to hold another public hearing, the Regional Board may not receive any new information with respect to these bylaws. This report is a summary of applications and does not constitute new information.

Attached for information:

Fraser Valley Regional District Zoning Amendment Bylaw No. 1525, 2019.

A Public Hearing was held on February 26, 2020.

The Fraser Valley Regional District Board may now receive the public hearing report (attached).

Staff recommend that proposed "Fraser Valley Regional District Zoning Amendment Bylaw No. 1525, 2019" be given second and third reading. However, the Regional Board may also consider the following options:

Option 1:       **THAT** proposed "Fraser Valley Regional District Zoning Amendment Bylaw No. 1525, 2019" be referred to the Electoral Area Services Committee for further consideration; or

Option 2:       **THAT** a decision with respect to proposed "Fraser Valley Regional District Zoning Amendment Bylaw No. 1525, 2019" be postponed to the next regular meeting of the Fraser Valley Regional District Board [or other date]; or

Option 3:       **THAT** proposed "Fraser Valley Regional District Zoning Amendment Bylaw No. 1525, 2019" not be given any further readings and that the application for rezoning be refused.

## **DISCUSSION**

The public hearing was held on February 26, 2020.

Director Dickey was delegated to hold the hearing; his public hearing report is attached.

Approximately 22 members of the public attended the hearing.

During the Public Hearing, two (2) speakers provided comments in support of the bylaw. Prior to the public hearing five (5) written submissions were provided, one (1) submission stated support for the bylaw and four (4) provided comment. The public hearing report is attached separately.

The Fraser Valley Regional District Board may now receive the public hearing report. Staff recommend that proposed "Fraser Valley Regional District Zoning Amendment Bylaw No. 1525, 2019" be given second and third reading.

Prior to consideration of Bylaw Adoption, the developer will be required to address the deficiencies identified in the FVRD's July 24 2018 letter. The deficiencies are related to subdivision requirements.

## **COST**

Zoning Amendment fee of \$2500 paid by the applicant.

**COMMENTS BY:**

**Graham Daneluz, Director of Planning & Development**      Reviewed and Supported.

**Mike Veenbaas, Director of Financial Services**      No further financial comments.

**Jennifer Kinneman, Acting Chief Administrative Officer**      Reviewed and supported.



**FRASER VALLEY REGIONAL DISTRICT**

**Bylaw No. 1525, 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. 1525, 2019*.

**2) TEXT AMENDMENT**

a) *That Zoning Bylaw [No. 75] for Electoral Area D, 1976 of the Regional District of Fraser Cheam*, be amended:

- i. In Section 2702 CONDITIONS OF USE by deleting the table, in its entirety and replacing it with the following:

Type of Use and Structures	Minimum Strata Lot Size Required for Types of Uses and Structures.	
	130m <sup>2</sup>	222m <sup>2</sup>
One (1) Recreational Vehicle	Permitted	Permitted
One (1) Holiday Cottage	NOT permitted	Permitted
One (1) Shed - Maximum Size 9.3m <sup>2</sup> (100 sq ft)	Permitted	Permitted
One (1) Open Deck	NOT permitted	Permitted
One (1) Ramada	Permitted	Permitted only on strata lots with a recreational vehicle.
		Not permitted on any strata lot with a Holiday Cottage.

Enclosed Deck (e.g. Arizona room/sunroom)	NOT Permitted	Permitted subject to further regulations of this Bylaw.
Any structure that is attached to a Recreational Vehicle or a Holiday Cottage	NOT Permitted	NOT Permitted
The use of a bunk house, shed or similar structures for sleeping accommodation.	NOT Permitted	NOT Permitted

- ii. In Section 2704 LOT COVERAGE by deleting "The maximum lot coverage of all structures on a strata lot shall not exceed 50% of the gross strata lot area. For the purpose of calculating lot coverage, structures include; Recreational Vehicles, Holiday Cottages, Sheds, Open Decks, Ramadas and similar structures." and replacing it with: "The maximum lot coverage of all structures on a strata lot shall not exceed 50% of the gross strata lot area. For the purpose of calculating lot coverage, structures include: Recreational Vehicles, Holiday Cottages, Sheds, Open Decks, Enclosed Decks, Ramadas and similar structures."

- iii. In Section 2707 BUILDING REGULATIONS by adding:

"Notwithstanding Division One, for the purposes of Division Twenty Seven, an Enclosed Deck means: an Open Deck enclosed with single pane safety glass panels mounted on a railing system that allows for the glass panels to be opened to provide ventilation.

Enclosed Decks shall be permitted provided that:

- i. The Enclosed Deck is constructed on a strata lot where a Holiday Cottage has been placed;
- ii. The Enclosed Decks shall not be constructed on any strata lot where a Recreational Vehicle is placed;
- iii. The Enclosed Deck must not be used as habitable space; and
- iv. The Enclosed Deck floor area must not exceed 20 square metres. "

- iv. In Section 2078 SITING REGULATIONS by inserting the following row at the bottom of the table:

Enclosed Deck	2.5m	1.5m	1.5m	4.5m
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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 28<sup>th</sup> day of January 2020

PUBLIC HEARING WAS HELD THIS 26<sup>th</sup> day of February 2020

READ A SECOND TIME THIS day of

READ A THIRD TIME THIS day of

APPROVED BY THE MINISTRY  
OF TRANSPORTATION AND  
INFRASTRUCTURE THIS

3<sup>rd</sup> day of MARCH 2020

ADOPTED THIS day of

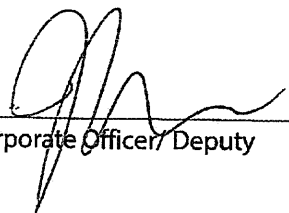
\_\_\_\_\_  
Chair/Vice Chair

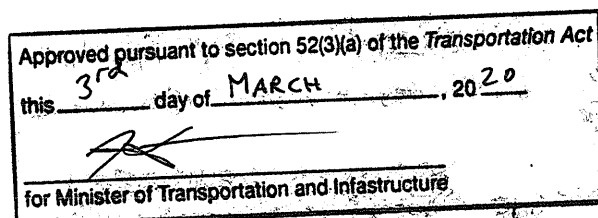
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Corporate Officer/Deputy

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. 1525, 2019* as read a first time by the Board of Directors of the Fraser Valley Regional District on the 28<sup>th</sup> day of January 2020.

Dated at Chilliwack, B.C. this

  
\_\_\_\_\_  
Corporate Officer/Deputy



## PUBLIC HEARING REPORT

**TO:** Regional Board of Directors

**FROM:** Dickey, Electoral Area D

**HEARING DATE:** February 26, 2020

**RE:** Public Hearing on Fraser Valley Regional District Zoning Amendment Bylaw 1525, 2019.

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A Public Hearing was held for Fraser Valley Regional District Zoning Amendment Bylaw No. 1525, 2019 on February 26, 2020 at 7:15, in the Clubhouse at 53480 Bridal Falls Road.

Prior to the public hearing at 7:00, FVRD staff provided an information overview of Bylaw No. 1525 in a verbal presentation and an informal public information meeting occurred after the presentation from 7:00 to 7:15.

There were approximately 22 members of the public present.

Members of the Regional Board present were:  
Bill Dickey, Director, Area D, Chairperson

Members of the Fraser Valley Regional District staff present were:  
Graham Daneluz, Director of Planning and Development  
David Bennett, Planner II

Chairperson Dickey called the Public Hearing to order at 7:15. The hearing was convened pursuant to Part 14 – Division 3 of the Local Government Act in order to consider Fraser Valley Regional District Zoning Amendment Bylaw 1525 2019. In accordance with subsections 1 and 2 of Section 466, the time and place of the public hearing was advertised in the February 19<sup>th</sup> 2020 and February 21<sup>st</sup> 2020 editions of the Chilliwack Progress newspaper.

### **Bylaw 1525 2019**

Chairperson Dickey stated that the purpose of Bylaw 1525 is to amend the Comprehensive Development 1 (CD-1) zone to permit the construction of Enclosed Decks in the Bridal Falls RV Resort located at 53480 Bridal Falls Road, BC. Enclosed Decks are only intended to provide for weather and wind protection and may only be constructed of safety glass panels that are mounted on hardware allowing for the panels to be opened. Enclosed Decks must not increase habitable space (cannot be a bedroom or washroom).

Chairperson Dickey acknowledged there were 5 written submissions for Bylaw No. 1525 2019 provided in advance of the meeting. The Chairperson noted the written comments were available at the public hearing

for viewing and would be included in the public hearing record. Written comments received prior to the Public Hearing are attached as Appendix "A".

2 oral comments were provided. Oral comments are summarized below in the order which they were provided:

Laura Nisbet #49 45918 Knight Road, Chilliwack

Stated that the enclosed decks will enhance the units for the user's enjoyment and will enhance resale value.

Mark Murphy #17 53480 Bridal Falls Road, Area D

Stated that enclosed decks are of no concern. Stated that residents knew that the enclosed decks were not permitted but installed them anyway. Stated that the developer had flouted the zoning regulations with no repercussions. Stated that if a neighbor encloses their deck it will not impact him.

The Chairperson asked three times for comments. Hearing no further comments, the public hearing for Bylaw 1525 2019 was concluded.

The Chairperson concluded the meeting at 7:30.

We, the undersigned, certify these Public Hearing minutes as correct.

Respectfully submitted,

---

Bill Dickey, Chairperson

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David Bennett, Recorder

Appendix "A": Written Comments Received Prior to Public Hearing

Sent: February 22, 2020 3:20 PM  
To: Planning Info <planning@fvrd.ca>  
Subject: Re Amendment Bylaw No. 1525,2019

We received a letter stating above noted meeting for Wednesday Feb 26,2020.  
We would like to confirm if this Amendment when in place will changes affect the current property taxes.

Thank you,

Barb Nichols & Rudy Stobbe  
Sent from my iPhone

Sent: February 24, 2020 4:21 PM  
To: Planning Info <planning@fvrd.ca>  
Subject: Re: Re Amendment Bylaw No. 1525,2019

Thank you for your response. I see this amendment will have nothing to do with property taxes. So will this amendment change zoning for our complex?

Thanks,  
Barb & Rudy

Sent from my iPhone



Sent: February 25, 2020 5:50 PM  
To: Planning Info <[planning@fvrd.ca](mailto:planning@fvrd.ca)>  
Subject: Bridal Falls Resort bylaw 1525

To whom it may concern

Concerning the new amended bylaw 1525. Our bylaw 1525. Our only concern with the bylaw amendment is we would like to be assured the zoning won't be changed and our taxes won't go up now or in the future if more encloses are added.

Thank you Richard and Dale Eppele lot 4 .

To Whom it may concern:

We unfortunately will not be available to attend the Public Hearing on Wednesday, February 26, 2020 at 7:15 pm, but would like my voice heard regarding the glass enclosed decks.

We are in full support of amending the by-law to allow including the enclosed decks at Bridal Falls RV Resort. Not only are they beneficial for weather and wind protection, but they also provide bug and rodent protection and patio furniture protection from the elements. All of which the residents here experience on a full time basis, especially as the construction at this resort is yet to be completed.

Thank you for your time and consideration in this matter.

Residents of Lot 27 and Lot 84  
Brian and Karen Dewsbury.

Feb 24 2020

**Fraser Valley Regional District/Planning & Development**

Re: Fraser Valley Regional District Electoral Area D Zoning Amendment Bylaw No. 1525, 2019

Public Hearing, Wednesday, February 26, 2020 at the Clubhouse, 53480 Bridal Falls Road, Rosedale

**To Whom This May Concern:**

As per my conversation with David, on the phone on February 24 2020.

I would like to bring to your Attention the Enclosed Decks, which you are deciding if you should issue a permit for. They have been installed on homes on a steady bases, since the sign was installed requesting a hearing to allow for a Permit to make them legal. I would be interested to know what it is going to take to make them so they are going to be provided for weather and wind protection only.

Some of the decks that have been enclosed in the park have been insulated in the floors and ceilings. They have a fire place for heat and blinds installed on the windows for privacy. These rooms are being used for increased habitable space at this point already. (Complete with furniture, lamps, tables, TV, and more)

This park is Permitted for use as a Campground- Holiday Park, where a connection to both water and sewer system is provided. The maximum site or lot coverage is not to exceed 45%.

Due to the extra large Homes and Enclosed in Decks this has also cause a problem with parking areas at some homes.

Going forward these desks have been very tastefully done. But I purchased my cottage by the rules set out by the FVRD for the approvable of this park and these rules are not being followed or checked upon. I do not want someone in the future, at a later date rezoning this park because the zoning was amended to allow permits to be obtained to do different things in the park when this was to be a park that you could only use 45% of your spaces for enclosed areas with no permitted structures allowed. With these Enclosed Desks how close will this bring each unit side by side? There are limits for this that also needs to be followed. I feel that the Developers of this park have broken any rules they think they can get away with and now you want to award them with more things instead of making them follow the guide lines they were given. I believe the Developers and the Strata were aware that these Enclosed Desk where not allowed in this park before they approved them to be installed. These had not been approved by FVRD, and they were installed any ways. This is not right.

My biggest question is, how do you monitor that these Decks will not be used for habitable space? I do not think you can.

Thank you, Beverly and Brian Leeming, Lot # 5

November 29, 2018

**File Numbers: 3320-20-2016-00635**

BRIDAL FALLS RV PARK INC. BC0865655  
Box A – 53480 Bridal Falls Road  
Rosedale, BC V0X 1X1

And

201-45793 Luckakuck Way  
Chilliwack, BC V2R 5S3

c/o Mr. Ron Sturm and Mr. Terry Dirks and Mr. Arnold Poettcker

By email: [REDACTED]

Dear Mr. Sturm, Mr. Dirks and Mr. Poettcker:

**RE: 53480 Bridal Falls Road – Bridal Falls RV Cottage Resort**

Further to my attached letter of July 24, 2018, the following items remain outstanding, and require your immediate attention and confirmation:

1. Storage of materials on adjacent Crown Lands to the south observed.



The FVRD does not have confirmation of approval from the Province for material storage. You advised that you have written authorization/approval from the Province and will submit a copy of this approval for this material storage to the FVRD. Alternatively, please remove all materials from the adjacent Crown Lands and initiate the installation of the required fencing to prevent further trespass and material storage.

**Action Required:**

**Please submit a copy of your authorization from the Province, or remove all materials from the adjacent Crown Lands.**



2. A number of enclosed decks were inspected during the site inspection on July 10, 2018 as noted in the photographs below:





Enclosed Decks (e.g. Arizona room/sunroom) are expressly prohibited on any lot within the development under the Comprehensive Development 1 (CD-1) Zone. The enclosed decks inspected all included floor to ceiling glass sliding panels on tracks that could be opened. Some of the glass panels included blinds. You clarified that all glass enclosures were approved by Bridal Falls RV Park and are all installed to your standards using a Lumon Retractable Frameless Glass Windbreak standard.

The rationale for the Comprehensive Development 1 (CD-1) Zone excluding "Enclosed Deck (e.g. Arizona room/sunroom) and specifically referencing "One (1) Open Deck", was based upon the desire to allow for construction of Open Decks under 215 sq ft without Building Permits. This is in keeping with the allowance to place of Holiday Cottages without Building Permits and for placement of sheds under 100 sq ft. without Building Permits. During the rezoning review, decks were expressly considered as Open Decks and not habitable space because the sanitary sewer capacity is calculated based on seasonal occupancy of sites and maximums of 1-2 bedrooms. Enclosing open decks may lead to additional occupancy and sewage flows and may require further review.

The "Recreational Vehicles" and "Holiday Cottages" are defined in the Comprehensive Development 1 (CD-1) Zone to not require the issuance of a Building Permit. Open decks that are less than 20 m<sup>2</sup> (215 sq.ft) do not require issuance of a building permit. Enclosed decks require issuance of a building permit. The CD zone was specifically written to exclude enclosed decks/sunrooms/Arizona rooms so that site users would not have to obtain building permits if they constructed open decks under 20 m<sup>2</sup>. Changes to the CD zone to allow enclosed decks will require an application for a zoning amendment. I have reviewed this matter with Paul Gipps, CAO who has confirmed that Building Permits are required for the construction of the enclosed decks.

#### **Action Required:**

**Please submit an application for rezoning to amend the Comprehensive Development 1 (CD-1) Zone to permit the enclosed decks. As you discussed with Paul Gipps, the intent will be to:**

- 1. Amend the Zoning Bylaw to permit enclosed decks;**
  - 2. Establish guidelines for the enclosed decks (Lumon product on tracks);**
  - 3. Require a Building Permit for the enclosed Decks; and**
  - 4. Establish standard Building Permit drawings and specifications for each "style" of enclosed deck, to streamline the Building Permit process for each individual strata lot owner.**
3. Fire Hydrants – On December 20, 2017 it was brought to your attention that the condition of a Fire Hydrant within Phase I meant that it was unlikely to be able to be used by FVRD Emergency Services. You stated that the hydrants are in process of being raised or relocated.



**Action Required:** Please advise when this work is completed, so that the Popkum Fire Department can be advised.<sup>184</sup>

July 24, 2018

**File Numbers: 3320-20-2016-00635**

BRIDAL FALLS RV PARK INC. BC0865655  
Box A – 53480 Bridal Falls Road  
Rosedale, BC V0X 1X1

c/o RON STURM

By email: [REDACTED]

Dear Mr. Sturm:

**RE: 53480 Bridal Falls Road – Bridal Falls RV Cottage Resort**

Further to complaints received by the FVRD, David Bennett, Planner 2 and I conducted a site inspection on May 17, 2018 and we met with you on site on July 10, 2018. The following is a summary of our discussion and the FVRD review of the Lumon Retractable Frameless Glass windbreaks installed on a few decks of the Holiday Cottage units.

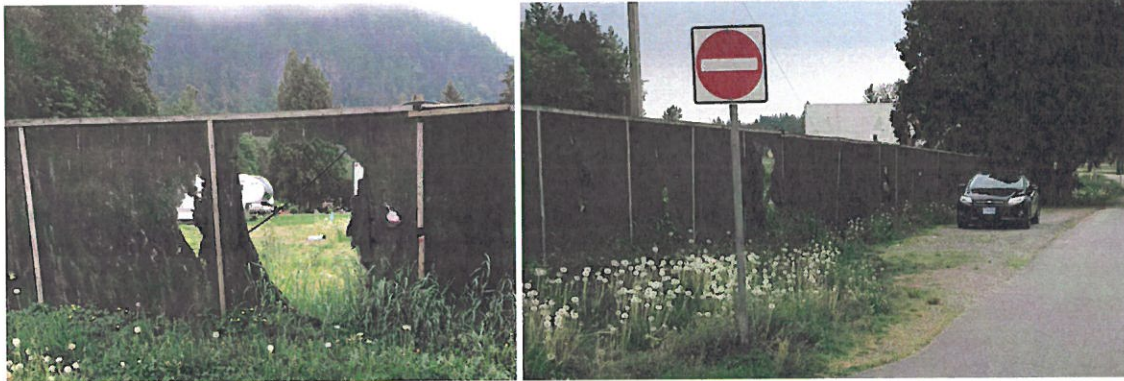
1. In accordance with registered covenant CA4044029 fencing must be installed on the top of all retaining walls in excess of 1.20m as detailed on the Fencing/Retaining Wall Plan prepared by Civic Consultants Ltd. and dated July 28, 2014, a copy of which is attached hereto. You advised that this will be completed with the completion of each phase of development, and this is acceptable to the FVRD.



Fencing is required throughout the development on all walls over 1.2m



2. The Comprehensive Development 1 (CD-1) Zone Section 2709 requires screening of the development around the exterior of the development composed of a hedge of compact plant or tree material, a decorative wooden fence, a masonry wall, a chain-link fence, a natural vegetative view obstructing barrier, or a combination thereof. Portions of the existing temporary fence constructed with fabric screen do not meet the Zoning Bylaw requirement.



It is acknowledged that your site is under development. My intent is to bring to your attention that screening is required prior to completion of the last phase of the development. As we discussed, you advised that this fencing and screening will be completed with the later phases of the development. However, prior to registration of Phase III of the subdivision, fencing adjacent to neighbouring Crown Lands is required to prevent trespass, the FVRD is holding a letter of credit for this fence. The neighbouring Crown lands are discussed further in point 3 below.

3. Storage of materials on adjacent Crown Lands to the south was observed.



The FVRD does not have confirmation of approval from the Province for material storage. You advised that you have written authorization/approval from the Province and will submit a copy of this approval for this material storage to the FVRD. Alternatively, please remove all materials from the adjacent Crown Lands and initiate the installation of the required fencing to prevent further trespass and material storage.



4. A number of enclosed decks were inspected during the site inspection on July 10, 2018 as noted in the photographs below:





Enclosed Decks (e.g. Arizona room/sunroom) are expressly prohibited on any lot within the development under the Comprehensive Development 1 (CD-1) Zone. The enclosed decks inspected all included floor to ceiling glass sliding panels on tracks that could be opened. Some of the glass panels included blinds. You clarified that all glass enclosures were approved by Bridal Falls RV Park and are all installed to your standards using a Lumon Retractable Frameless Glass Windbreak standard.

The rationale for the Comprehensive Development 1 (CD-1) Zone excluding "Enclosed Deck (e.g. Arizona room/sunroom) and specifically referencing "One (1) Open Deck", was based upon the desire to allow for construction of Open Decks under 215 sq ft without Building Permits. This is in keeping with the allowance to place of Holiday Cottages without Building Permits and for placement of sheds under 100 sq ft. without Building Permits. During the rezoning review, decks were expressly considered as Open Decks and not habitable space because the sanitary sewer capacity is calculated based on seasonal occupancy of sites and maximums of 1-2 bedrooms. Enclosing open decks may lead to additional occupancy and sewage flows and may require further review.

The "Recreational Vehicles" and "Holiday Cottages" are defined in the Comprehensive Development 1 (CD-1) Zone to not require the issuance of a Building Permit. Open decks that are less than 20 m<sup>2</sup> (215 sq.ft) do not require issuance of a building permit. Enclosed decks require issuance of a building permit. The CD zone was specifically written to exclude enclosed decks/sunrooms/Arizona rooms so that site users would not have to obtain building permits if they constructed open decks under 20 m<sup>2</sup>. Changes to the CD zone to allow enclosed decks will require an application for a zoning amendment. I have reviewed this matter with Paul Gipps, CAO who has confirmed that Building Permits are required for the construction of the enclosed decks.

Please submit an application for rezoning to amend the Comprehensive Development 1 (CD-1) Zone to permit the enclosed decks. As you discussed with Paul Gipps, the intent will be to:

1. Amend the Zoning Bylaw to permit enclosed decks;
  2. Establish guidelines for the enclosed decks (Lumon product on tracks);
  3. Require a Building Permit for the enclosed Decks; and
  4. Establish standard Building Permit drawings and specifications for each "style" of enclosed deck, to streamline the Building Permit process for each individual strata lot owner.
5. Fire Hydrants – On December 20, 2017 it was brought to your attention that the condition of a Fire Hydrant within Phase I meant that it was unlikely to be able to be used by FVRD Emergency Services. You stated that the hydrants are in process of being raised or relocated. Please advise when this work is completed, so that the Popkum Fire Department can be advised.




6. Emergency Access. The FVRD Planning Department understands that the FVRD Popkum Fire Department requested that you ensure that an EMS Key Vault be installed for after-hours access to the development, and that this access has been provided. In addition, as detailed in the Ministry of Transportation and Infrastructure's preliminary approval for phase I, a vehicle storage lane will be required on Cheam Road if a gate for the main access to the site is to be placed immediately adjacent the road. Please co-ordinate this work with the Ministry and provide the Popkum Fire Department with the requested access keys.

As we discussed May 17, 2018 and July 10, 2018 you requested that for any future site inspections, that you be invited to attend. In the future I will invite you to attend future site inspections.

Should you require additional information, please contact me at 604-702-5004 or toll-free at 1-800-528-0061.

Sincerely,



Margaret-Ann Thornton  
Director of Planning & Development

Att: Fencing/Retaining Wall Plan (Civic Consultants)  
Rezoning application link on FVRD website:

<http://www.fvrd.ca/assets/Services/Documents/Planning~and~Development/Application~Forms~and~Resources/Zoning%20Application%20Form.pdf>

cc: Bill Dickey, Director of Electoral Area D  
Paul Gipps, Chief Administrative Officer  
Graham Daneluz, Deputy Director of Planning & Development  
David Bennett, Planner 2  
Louise Hinton, Bylaw Compliance and Enforcement Officer

To: Fraser Valley Regional District Board

Date: 2020-03-18

From: Julie Mundy, Planner 1

File No: 3920-20 -1546, 2019

**Subject: Zoning Amendment Bylaw No. 1546, 2019 for cannabis land uses in Electoral Area D**

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### RECOMMENDATION

**THAT** *Fraser Valley Regional District Electoral Area D Zoning Amendment Bylaw No. 1546, 2019* be given second and third reading.

**AND THAT** *Fraser Valley Regional District Electoral Area D Zoning Amendment Bylaw No. 1546, 2019* be adopted.

### STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

### BACKGROUND

The FVRD Regional Board adopted a Land Use Policy for Cannabis Production, Processing, and Retail Sales in the Electoral Areas in October 2019. Staff are working to implement this policy in two phases. Phase one addresses Electoral Areas not wanting to encourage cannabis land uses, while Phase 2 will create enabling regulations for Electoral Areas that do want to support cannabis land uses.

The purpose of Zoning Amendment Bylaw No. 1546, 2019 is to revise *Zoning Bylaw No. 75* to:

- 1) Provide definitions for Cannabis, Cannabis Dispensary, and Cannabis Production Facility in Electoral Area D, and
- 2) Prohibit Cannabis Dispensary and Cannabis Production Facility uses in all zones in Electoral Area D

Proposed Bylaw No. 1546, 2019 will add definitions, specify prohibited uses in Electoral Area D, and remove any reference to a Medical Marihuana Grow Operation.

The bylaw received first reading from the FVRD Regional Board on October 22, 2019.

## DISCUSSION

The public hearing for *Bylaw No. 1546, 2019* was held on February 20, 2020. Director Dickey was delegated to hold the hearing; his public hearing report is attached. Nine (9) members of the public attended the public hearing; however, no written or oral comments were submitted into the public record.

The Public Hearing has now closed. To avoid the need to hold another public hearing, the Regional Board may not receive new information with respect to this bylaw. This report is a summary of the bylaw and public hearing, and does not constitute new information.

### *Bylaw Changes*

After the public hearing, proposed Bylaw 1546, 2019 was changed to align the definition of cannabis with the definition of cannabis in the federal Cannabis Act. This change does not alter the permitted uses in the bylaw.

In accordance with Section 470 of the Local Government Act, the procedure after the public hearing is as follows:

After a public hearing, the council or board may, without further notice or hearing,

- (a) Adopt or defeat the bylaw, or
- (b) Alter and then adopt the bylaw, provided that the alteration does not
  - i. Alter the use
  - ii. Increase the density
  - iii. Without the owner's consent, decrease the density of any area from that originally specified in the bylaw

Accordingly, the Fraser Valley Regional District Board may now receive the public hearing report and may consider the following options:

### **OPTION 1      2<sup>ND</sup> / 3<sup>RD</sup> Readings & Consideration of Adoption (Staff recommendation)**

**THAT** *Fraser Valley Regional District Electoral Area D Zoning Amendment Bylaw No. 1546, 2019* be given second and third readings.

**AND THAT** *Fraser Valley Regional District Electoral Area D Zoning Amendment Bylaw No. 1546, 2019* be adopted.

The Board is able to give 2nd Reading, 3rd Reading and, by separate resolution, adopt *Bylaw No. 1546 2019* at the same meeting. Section 4.24.3 of *FVRD Board and Committee Procedures Bylaw No. 1305, 2015*, states that, "...any bylaw which does not require approval, consent, or assent under the provisions of the Act or any other enactment prior to the adoption of the bylaw may be adopted at the same meeting of the Board at which it passed third reading, provided the motion for adoption receives an

affirmative vote of at least two-thirds (2/3) of the votes cast, otherwise, a Board must not adopt a bylaw on the same day it has given the bylaw Third Reading.”

With this option, property owners can still apply to rezone an individual property to allow for cannabis land uses. As FVRD proceeds with creating enabling regulations for cannabis land uses in other areas, the community will have an opportunity to revisit the zoning regulations if desired.

Alternatively, the Board may wish to consider:

**OPTION 2      Refer to EASC for further consideration**

**THAT** *Fraser Valley Regional District Electoral Area D Zoning Amendment Bylaw No. 1546, 2019* be referred to the Electoral Area Services Committee for further consideration.

**OPTION 3      Defer**

**THAT** consideration of proposed *Fraser Valley Regional District Electoral Area D Zoning Amendment Bylaw No. 1546, 2019* be deferred to the next regular meeting of the Fraser Valley Regional District Board [or other date]; or

**OPTION 4      Refuse**

**THAT** *Fraser Valley Regional District Electoral Area D Zoning Amendment Bylaw No. 1546, 2019* not be given any further readings.

**COST**

No fee is levied for Zoning Bylaw amendments initiated by the Fraser Valley Regional District. The costs associated with the public hearing are provided for in the EA Planning budget.

**COMMENTS BY:**

**Graham Daneluz, Director of Planning & Development:** Reviewed and supported

**Mike Veenbaas, Director of Financial Services:**                      No further financial comments.

**Jennifer Kinneman, Acting Chief Administrative Officer:** Reviewed and supported.

**ATTACHEMENTS**

- Draft Bylaw - *Fraser Valley Regional District Electoral Area D Zoning Amendment Bylaw No. 1546, 2019*
- Public Hearing Report, Bylaw 1546, 2019



**FRASER VALLEY REGIONAL DISTRICT**  
**Bylaw No. 1546, 2019**

A Bylaw to Amend the Zoning for Electoral Area D

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**WHEREAS** the Fraser Valley Regional District Board of Directors ("the Board") wishes 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. 1546, 2019*.

**2) TEXT AMENDMENT**

a) *That Zoning Bylaw (No. 75) for Electoral Area D, 1976 of the Regional District of Fraser-Cheam* be amended by:

- i. In DIVISION ONE, by inserting, in the appropriate alphabetical order, the following new definitions:

"CANNABIS means cannabis as defined in the *Cannabis Act (Canada)*."

"CANNABIS DISPENSARY means a business or service used for dispensing, selling or distributing CANNABIS or any product or thing containing CANNABIS, for any purpose including medical use."

"CANNABIS PRODUCTION FACILITY means a business or service growing, cultivating, germinating, producing, storing, warehousing or packaging any product or thing containing CANNABIS."

- ii. In DIVISION ONE, by deleting the definition for MEDICAL MARIHUANA GROW OPERATION in its entirety.
- iii. In DIVISION ONE, by deleting the definition for FARM USE in its entirety and replacing it with the following:

"FARM USE means a use providing for the growing, rearing, producing and harvesting of primary agricultural products; includes the processing and storage of the agricultural products grown, reared, produced or harvested on an individual farm, the storage of machinery, implements and supplies necessary to the farming use, and the repair of the



machinery and implements necessary to the said use; includes the keeping of dogs, horses, cattle, sheep, swine, poultry, pigeons, doves, bees, fur-bearing animals or other livestock, the growing of fruits, mushrooms, vegetables and nursery stock, and the storage of feeds and fertilizers required for the farming use; excludes CANNABIS PRODUCTION FACILITY and all manufacturing, processing, storage and repairs not specifically included in this definition."

- iv. In DIVISION ONE, by deleting the definition for INDUSTRIAL USE in its entirety and replacing it with the following:

"INDUSTRIAL USE means a use providing for the processing, fabricating, assembling, storing, transporting, distributing, wholesaling, testing, servicing, repairing, wrecking, or salvaging of goods, materials or things; includes the operation of truck terminals, docks, railways, bulk loading and storage facilities, and incidental office and retail sales; excludes CANNABIS PRODUCTION FACILITY."

- v. In DIVISION THREE, Section 4 Prohibited Uses of Land, Buildings and Structures, by adding the following after Section 4 (e):

"(f) CANNABIS PRODUCTION FACILITY and CANNABIS DISPENSARY"

### 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	22 <sup>nd</sup> day of October 2019
PUBLIC HEARING WAS HELD THIS	20 <sup>th</sup> day of February, 2020
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

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Chair/Vice Chair

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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. 1546, 2019* as read a third time by the Board of Directors of the Fraser Valley Regional District on the

Dated at Chilliwack, B.C. this

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Corporate Officer/ Deputy

DRAFT

## PUBLIC HEARING REPORT

**TO:** Regional Board of Directors

**FROM:** Bill Dickey, Electoral Area D

**HEARING DATE:** February 20, 2020

**RE:** Public Hearing on Fraser Valley Regional District Electoral Area D Zoning Amendment Bylaw 1546, 2019

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A Public Hearing was held for Fraser Valley Regional District Electoral Area D Zoning Amendment Bylaw 1546, 2019 on February 20, 2020 at 7:05 p.m., in the Rosedale Traditional Community School at 50850 Yale Road, Rosedale.

Prior to the public hearing, Director Dickey introduced the bylaw amendment and provided information about the meeting format. Julie Mundy, Planner 1, gave a brief PowerPoint presentation about the purpose and intent of Bylaw No. 1546, 2019. An informal public information meeting followed the presentation.

There were 9 members of the public present.

Members of the Regional Board present were:  
Bill Dickey, Director, Area D, Chairperson

Members of the Fraser Valley Regional District staff present were:  
Graham Daneluz, Director of Planning & Development  
Julie Mundy, Planner 1

Chairperson Dickey called the Public Hearing to order at 7:05 p.m. The hearing was convened pursuant to Part 14 – Division 3 of the Local Government Act in order to consider Fraser Valley Regional District Electoral Area D Zoning Amendment Bylaw 1546, 2019. In accordance with subsections 1, 2, and 3 of Section 466, the time and place of the public hearing was advertised in the February 12<sup>th</sup> and February 14<sup>th</sup> editions of the Chilliwack Progress newspaper.

### **Bylaw 1546, 2019**

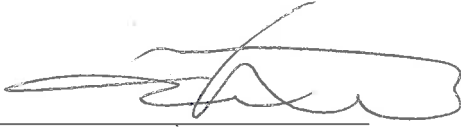
Chairperson Bill Dickey stated that the purpose of Bylaw 1546, 2019 is to amend the text of Zoning Bylaw No. 75, 1976 to 1) provide definitions for Cannabis, Cannabis Dispensary, and Cannabis Production Facility, and 2) to prohibit Cannabis Dispensary and Cannabis Production Facility uses in Electoral Area D.

There were no written submissions for Bylaw 1546, 2019.

The Chairperson asked three times for comments. Hearing no comments, the public hearing for Bylaw 1546, 2019 was concluded. The Chairperson concluded the meeting at 7:11 p.m.

We, the undersigned, certify these Public Hearing minutes as correct.

Respectfully submitted,



Bill Dickey, Chairperson



Digitally signed by  
Julie Mundy  
Date: 2020.03.04  
13:55:02 -08'00'

Julie Mundy, Recorder

To: Fraser Valley Regional District Board

Date: 2020-03-18

From: Julie Mundy, Planner 1

File No: 3920-20 -1547, 2019

**Subject: Zoning Amendment Bylaw No. 1547, 2019 for cannabis land uses in Electoral Areas E and H**

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### RECOMMENDATION

**THAT** *Fraser Valley Regional District Electoral Areas E and H Zoning Amendment Bylaw No. 1547, 2019* be given second and third reading.

**AND THAT** *Fraser Valley Regional District Electoral Areas E and H Zoning Amendment Bylaw No. 1547, 2019* be adopted.

### STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

### BACKGROUND

The FVRD Regional Board adopted a Land Use Policy for Cannabis Production, Processing, and Retail Sales in the Electoral Areas in October 2019. Staff are working to implement this policy in two phases. Phase one addresses Electoral Areas not wanting to encourage cannabis land uses, while Phase 2 will create enabling regulations for Electoral Areas that do want to support cannabis land uses.

The purpose of Zoning Amendment Bylaw No. 1547, 2019 is to revise *Zoning Bylaw 66* to:

- 1) Provide definitions for Cannabis, Cannabis Dispensary, and Cannabis Production Facility in Electoral Areas E and H, and
- 2) Prohibit Cannabis Dispensary and Cannabis Production Facility uses in all zones in Electoral Areas E and H

Proposed Bylaw No. 1547, 2019 will add definitions, specify prohibited uses in Electoral Areas E and H, and remove any reference to a Medical Marihuana Grow Operation.

The bylaw received first reading from the FVRD Regional Board on October 22, 2019.

## DISCUSSION

The public hearing for *Bylaw 1547, 2019* was held on February 18, 2020. Director Dickey was delegated to hold the hearing; his public hearing report is attached. Approximately 45 member of the public attended the public hearing. Submissions entered into the public record include:

- 9 oral submissions made at the public hearing; 2 speakers were in favour of the bylaw, and 7 speakers opposed the bylaw
- 2 written submission provided in advance of the public hearing; one was for information, and one opposed the bylaw
- 2 written submissions emailed to Director Dixon prior to the start of the public hearing which support the bylaw

The Public Hearing has now closed. To avoid the need to hold another public hearing, the Regional Board may not receive new information with respect to this bylaw. This report is a summary of the bylaw and public hearing, and does not constitute new information.

### *Bylaw Changes*

After the public hearing, proposed Bylaw No. 1547, 2019 was changed to align the definition of cannabis with the definition of cannabis in the federal Cannabis Act. This change does not alter the permitted uses in the bylaw.

In accordance with Section 470 of the Local Government Act, the procedure after the public hearing is as follows:

After a public hearing, the council or board may, without further notice or hearing,

- (a) Adopt or defeat the bylaw, or
- (b) Alter and then adopt the bylaw, provided that the alteration does not
  - i. Alter the use
  - ii. Increase the density
  - iii. Without the owner's consent, decrease the density of any area from that originally specified in the bylaw

Accordingly, the Fraser Valley Regional District Board may now receive the public hearing report and may consider the following options:

### **OPTION 1      2<sup>ND</sup> / 3<sup>RD</sup> Readings & Consideration of Adoption (Staff recommendation)**

**THAT** *Fraser Valley Regional District Electoral Areas E and H Zoning Amendment Bylaw No. 1547, 2019* be given second and third readings.

**AND THAT** *Fraser Valley Regional District Electoral Areas E and H Zoning Amendment Bylaw No. 1547, 2019* be adopted.

The Board is able to give 2nd Reading, 3rd Reading and, by separate resolution, adopt *Bylaw No. 1547 2019* at the same meeting. Section 4.24.3 of *FVRD Board and Committee Procedures Bylaw No. 1305, 2015*, states that, "...any bylaw which does not require approval, consent, or assent under the provisions of the Act or any other enactment prior to the adoption of the bylaw may be adopted at the same meeting of the Board at which it passed third reading, provided the motion for adoption receives an affirmative vote of at least two-thirds (2/3) of the votes cast, otherwise, a Board must not adopt a bylaw on the same day it has given the bylaw Third Reading."

With this option, property owners can still apply to rezone an individual property to allow for cannabis land uses.

Staff will draft enabling regulations for cannabis land uses in Electoral Area E as part of phase 2 of implementing the Land Use Policy for Cannabis Production, Processing, and Retail Sales. Electoral Area H will have an opportunity to revisit the zoning regulations at this time.

Alternatively, the Board may wish to consider:

**OPTION 2      Refer to EASC for further consideration**

**THAT** *Fraser Valley Regional District Electoral Areas E and H Zoning Amendment Bylaw No. 1547, 2019* be referred to the Electoral Area Services Committee for further consideration.

**OPTION 3      Defer**

**THAT** consideration of proposed *Fraser Valley Regional District Electoral Areas E and H Zoning Amendment Bylaw No. 1547, 2019* be deferred to the next regular meeting of the Fraser Valley Regional District Board [or other date]; or

**OPTION 4      Refuse**

**THAT** *Fraser Valley Regional District Electoral Areas E and H Zoning Amendment Bylaw No. 1547, 2019* not be given any further readings.

**COST**

No fee is levied for Zoning Bylaw amendments initiated by the Fraser Valley Regional District. The costs associated with the public hearing are provided for in the EA Planning budget.

**COMMENTS BY:**

**Graham Daneluz, Director of Planning & Development:** Reviewed and supported

**Mike Veenbaas, Director of Financial Services:** No further financial comments.

**Jennifer Kinneman, Acting Chief Administrative Officer:** Reviewed and supported.

**ATTACHEMENTS**

- Draft Bylaw - *Fraser Valley Regional District Electoral Areas E and H Zoning Amendment Bylaw No. 1547, 2019*
- Public Hearing Report, Bylaw 1547, 2019



**FRASER VALLEY REGIONAL DISTRICT**  
**Bylaw No. 1547, 2019**

A Bylaw to Amend the Zoning for Electoral Areas E and H

---

**WHEREAS** the Fraser Valley Regional District Board of Directors ("the Board") wishes to amend *Zoning Bylaw (No. 66) for Electoral Area E, 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 Areas E and H Zoning Amendment Bylaw No. 1547, 2019*.

**2) TEXT AMENDMENT**

a) *That Zoning Bylaw (No. 66) for Electoral Area E, 1976 of the Regional District of Fraser-Cheam* be amended by:

- i. In DIVISION ONE, by inserting, in the appropriate alphabetical order, the following new definitions:

"CANNABIS means cannabis as defined in the *Cannabis Act (Canada)*."

"CANNABIS DISPENSARY means a business or service used for dispensing, selling or distributing CANNABIS or any product or thing containing CANNABIS, for any purpose including medical use."

"CANNABIS PRODUCTION FACILITY means a business or service growing, cultivating, germinating, producing, storing, warehousing or packaging any product or thing containing CANNABIS."

- ii. In DIVISION ONE, by deleting the definition for MEDICAL MARIHUANA GROW OPERATION in its entirety.
- iii. In DIVISION ONE, by deleting the definition for FARM USE in its entirety and replacing it with the following:

"FARM USE means a use providing for the growing, rearing, producing and harvesting of primary agricultural products; includes the processing and storage of the agricultural products grown, reared, produced or harvested on an individual farm, the storage of machinery, implements and supplies necessary to the farming use, and the repair of the

machinery and implements necessary to the said use; includes the keeping of dogs, horses, cattle, sheep, swine, poultry, pigeons, doves, bees, fur-bearing animals or other livestock, the growing of fruits, mushrooms, vegetables and nursery stock, and the storage of feeds and fertilizers required for the farming use; excludes CANNABIS PRODUCTION FACILITY and all manufacturing, processing, storage and repairs not specifically included in this definition."

- iv. In DIVISION ONE, by deleting the definition for INDUSTRIAL USE in its entirety and replacing it with the following:

"INDUSTRIAL USE means a use providing for the processing, fabricating, assembling, storing, transporting, distributing, wholesaling, testing, servicing, repairing, wrecking, or salvaging of goods, materials or things; includes the operation of truck terminals, docks, railways, bulk loading and storage facilities, and incidental office and retail sales; excludes CANNABIS PRODUCTION FACILITY."

- v. In DIVISION THREE, Section 3.2 Prohibited Uses of Land, Buildings and Structures, by adding the following after Section 2 (e):

"(f) CANNABIS PRODUCTION FACILITY and CANNABIS DISPENSARY"

### 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	22 <sup>nd</sup> day of October, 2019
PUBLIC HEARING WAS HELD THIS	18 <sup>th</sup> day of February, 2020
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 Electoral Areas E and H Zoning Amendment Bylaw No. 1547, 2019* as adopted by the Board of Directors of the Fraser Valley Regional District on the

Dated at Chilliwack, B.C. this

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Corporate Officer/ Deputy

DRAFT

## PUBLIC HEARING REPORT

**TO:** Regional Board of Directors

**FROM:** Bill Dickey, Electoral Area D

**HEARING DATE:** February 18, 2020

**RE:** Public Hearing on Fraser Valley Regional District Electoral Area E and H Zoning Amendment Bylaw 1547, 2019

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A Public Hearing was held for Fraser Valley Regional District Electoral Area E and H Zoning Amendment Bylaw 1547, 2019 on February 18, 2020 at 7:05 p.m., in the Columbia Valley Community Centre at 1202 Kosikar Road, Lindell Beach.

Prior to the public hearing, Director Dixon introduced the bylaw amendment and provided context about the meeting format. Julie Mundy, Planner 1, gave a brief PowerPoint presentation about the purpose and intent of Bylaw No. 1547, 2019. An informal public information meeting followed the presentation.

There were approximately 45 members of the public present.

Members of the Regional Board present were:

Bill Dickey, Director, Area D, Chairperson  
Taryn Dixon, Director, Area H  
Orion Engar, Director, Area E

Members of the Fraser Valley Regional District staff present were:

Graham Daneluz, Director of Planning & Development  
Julie Mundy, Planner 1

Chairperson Bill Dickey called the Public Hearing to order at 7:03 p.m. The hearing was convened pursuant to Part 14 – Division 3 of the Local Government Act in order to consider Fraser Valley Regional District Zoning Amendment Bylaw 1547, 2019. In accordance with subsections 1, 2, and 3 of Section 466, the time and place of the public hearing was advertised in the February 12<sup>th</sup> and February 14<sup>th</sup> editions of the Chilliwack Progress newspaper.

### **Bylaw 1547, 2019**

Chairperson Bill Dickey stated that the purpose of Bylaw 1547, 2019 is to amend the text of Zoning Bylaw No. 66, 1976 to 1) provide definitions for Cannabis, Cannabis Dispensary, and Cannabis Production Facility, and 2) to prohibit Cannabis Dispensary and Cannabis Production Facility uses in Electoral Area E and H.

Chairperson Dickey acknowledged there were two written submissions for Bylaw No. 1547, 2019 provided in advance of the meeting. The Chairperson noted the written comments were available at the public

hearing for viewing and would be included in the public hearing record. Also received were two written comments emailed to Director Dixon prior to the start of the public meeting. As these comments were received prior to the Public Hearing, they will form part of the public record. All written comments received prior to the Public Hearing are attached as Appendix "A".

Nine oral comments were provided. Oral comments are summarized below in the order which they were provided:

**1) Steve Croner, 1000B Columbia Valley Road, Area H**

Mr. Croner stated he is in support of cannabis cultivation and processing in Columbia Valley. He stated people should be able to grow indoors. He added there should be a happy medium, perhaps with property size limits and setbacks to allow for indoor growing.

**2) Toby Fleenor, 41627 Henderson Road, Area H**

Mr. Fleenor stated he is in support of the bylaw.

**3) Cameron Fortin**

Mr. Fortin stated he supports cannabis production. He stated he was diagnosed with diabetes 15 years ago and grows high CBD organic cannabis to help with the pain. He adds the medicine is beneficial as it increases insulin absorption. Mr. Fortin stated cannabis producers should be allowed everywhere, and that it is against human rights to prohibit it. He adds that odour should not be a reason for prohibition as Chilliwack as other odours such as manure that are allowed.

**4) Klaus Waldhor, 1426 Frost Road, Area H**

Mr. Waldhor states he is opposed to odour and light issues associated with cannabis. He states it is an issue when many people are impacted by the actions of a few. Mr. Waldhor stated he is opposed to cannabis activities until smell issues are addressed.

**5) Jacqueline Fleenor, 41627 Henderson Ave, Area H**

Ms. Fleenor stated she supports cannabis production in the area. She stated there is no industry in the area and that local jobs are needed. She added the criminal element can be controlled if cannabis is regulated.

**6) Francis Struys, 814 Iverson Road, Area H**

Mr. Struys stated he is in favour of cannabis production. He noted that Health Canada can address odours through regulation. He stated that indoor controlled environments can do a better job at controlling odours than outdoor production; if odour is the concern, then indoor production should be supported. Mr. Struys concluded that people with small lots should have the opportunity to make a living with the crops they choose.

**7) Morne Van Der Watt, 1291 Columbia Valley Road, Area H**

Mr. Van Der Watt stated that this is a sticky issue. He would like to see a system to process applications and work with applicants rather than a simple yes or no answer. Mr. Van Der Watt believes one solution is to have a cannabis board to review items with an open agenda. He stated odour is not a huge concern when buildings are constructed properly. Mr. Van Der Watt added there have been bad experiences with cannabis. He believes that shutting down the industry will promote criminality, and that we need a middle approach to the issue.

**8) Heidi Struys, 814 Iverson Road, Area H**

Ms. Struys stated she has lived in the ALR for most of her life. She stated she is in favour of all types of farming and does not believe farming should be limited based on building type. Ms. Struys added that all farms have odour and noise, and stated that we should not specify types of farming that we do not like.

**9) Marianne C., 915 Iverson Road, Area H**

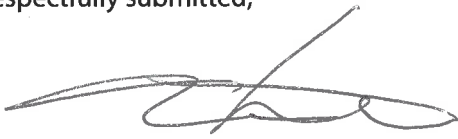
Ms. C. stated ALR land is farm land, and that people should be able to farm whatever they like.

The Chairperson asked three times for comments. Hearing no further comments, the public hearing for Bylaw 1547, 2019 was concluded.

The Chairperson concluded the meeting at 7:20 p.m.

We, the undersigned, certify these Public Hearing minutes as correct.

Respectfully submitted,



Bill Dickey, Chairperson



Digitally signed by  
Julie Mundy  
Date: 2020.03.04  
15:01:42 -08'00'

Julie Mundy, Recorder

**Subject:** FW: Cannabis Public Hearing

**From:** Steve Croner

**Date:** February 17, 2020 at 7:41:44 PM PST

**To:** Taryn Dixon

**Subject: Re: Cannabis Public Hearing**

Hi Taryn,

Looking forward to the meeting tomorrow and discussing bylaw 1547.

Hope to discuss growing inside for recreational and medicinal purposes.

I would also like to discuss different types of affordable building options including containers.

We will definitely be wanting an extensive explanation of why certain electoral areas will be permitted for growing and production and why (especially ours) others will not be allowed. When it is deemed a farm use crop and is legal.

See you tomorrow...thanks for holding the meeting.

On Thu, Feb 6, 2020 at 7:29 PM Taryn Dixon <[tdixon@fvrd.ca](mailto:tdixon@fvrd.ca)> wrote:

Hi Steve

How are you doing? I just wanted to let you know there is a public hearing coming up for Area H that pertains to Cannabis Zoning Regulation- Cannabis Production, Processing and Retail Sales in the Electoral Areas. I thought you might be interested. The date and time are below and the link has a lot of information.

Thanks Steve.

Taryn

\* February 18, 2020<x-apple-data-detectors://0> – Electoral Area E & H

\* 6:30 P.M.<x-apple-data-detectors://1> at Columbia Valley Community Centre, [1202 Kosikar Road, Lindell Beach](#)<x-apple-data-detectors://2>

\* <https://www.fvrd.ca/EN/meta/events/events-list/public-meetings-hearings/cannabis-zoning-public-hearing.html>

Taryn Dixon

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**Subject:** FW: Cannabis Zoning

**From:** Anne Lindberg  
**Subject: Re: Cannabis Zoning**  
**Date:** February 15, 2020 at 11:46:25 AM PST  
**To:** Taryn Dixon

To: Director Dixon

As residents of District H, we are very apposed to any development or expansion of cannabis industry in Columbia Valley.

Columbia Valley is noted for quality clean air, quietness, darkness at night, relative safety, simple living and some traditional farming.

The introduction of the cannabis industry will produce the opposite. The valley will have: smells that reek, bright lights, excessive water use and run off, fortress like production sites, security and safety issues, and traffic and road issues( which are already a problem).

We, as residents of Columbia Valley appeal to Regional District H to protect the country living of this beautiful, peaceful, unique valley.

Thank you,  
Terry and Anne Lindberg

On Fri, Feb 14, 2020 at 9:17 AM Taryn Dixon <[tdixon@fvr.ca](mailto:tdixon@fvr.ca)> wrote:

Hi Anne,  
It was great to connect with you. Here is the info.

I just wanted to make sure you were aware of this upcoming Public Hearing. While FVRD cannot supersede provincial and federal rules around growing cannabis, we are able to create zoning bylaws with regard to processing and retail sales. If you are unable to attend but would like to provide input, please feel free to send me an email. You are welcome to share this email with others living in the area. [tdixon@fvr.ca](mailto:tdixon@fvr.ca). Thanks so much.

Taryn

<https://www.fvr.ca/assets/Services/Documents/Planning~and~Development/Planning~Document~Library/Cannabis%20Zoning%20Regulation%20Information%20Package.pdf>



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**Subject:**

FW: Cannabis zoning

**From:** Tim Rivers

**Date:** February 18, 2020 at 5:48:05 PM PST

**To:** Taryn Dixon

**Subject:** Cannabis zoning

Hi Taryn

Cheryl and I unfortunately will not be making it to tonight's meeting. I have just returned from a humanitarian trip to Mexico and have developed quite a nasty cold, possibly involving an infection from mould mitigation.

I would however, like to voice our strong opposition to allowing any foothold to be gained in our community by any facet of cannabis production, processing, or sales.

Both the horrible smells associated with cannabis production, and the undesirable and often unstable people that would be drawn to our community would hugely impact the quality of life of the majority of the residents of the Columbia Valley.

This is of great concern for the following reason. Over the last number of years as we've had to deal with homeless encampments, squatters, increased break ins, vicious dogs, and an unstable, some would rightly say unhinged, resident who has been a part of the grow-op culture, we have seen a very disturbing trend, which I know you have had to battle on our behalf. That trend, all too consistent, is the unwillingness of various levels of government to enforce existing laws and bylaws to protect the quality of life of the large majority of property owners, choosing rather to do little or nothing, thereby protecting all the rights of an extremely small group of individuals, often with little or no financial stake in the community, leaving the majority of this community with a degradation, often quite serious, to their quality of life.

I have zero faith that any government regulations would either be effective, or be enforced, to protect our sense of safety, peace, and true love of where we live. I do fear that if our voices and our concerns are not listened to, at some point, someone is going to feel frustrated enough and threatened enough to take action outside of the law. While I don't advocate any such response, I think it's almost inevitable if we are continually being told, by inaction, to just live with things that threaten our way of life.

Taryn, this is by no means directed at you. I think you work hard on our behalf in a system that wants problems to just go away on their own. I think there will be a price to pay down the road for that approach, either by all of us, or through a tax revolt, or through unlawful activity, but someone has to start actually dealing with the issues we face. Adding the Pandora's Box of issues that cannabis production would bring, well I think the regional district has demonstrated that they don't have the will or the capacity to tackle those.

Respectfully

Tim & Cheryl Rivers

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**Subject:** FW: Cannabis Zoning

**From:**

**Date:** February 18, 2020 at 6:03:13 PM PST

**To:** Taryn Dixon <[tdixon@fvrd.ca](mailto:tdixon@fvrd.ca)>

**Subject: Re: Cannabis Zoning**

My preference would be for people to apply for rezoning.

Thanks!

On Feb. 18, 2020 5:52 p.m., Taryn Dixon <[tdixon@fvrd.ca](mailto:tdixon@fvrd.ca)> wrote:

Thanks Karen I will send your concerns on. Basically I'm looking for info about whether Area H wants anyone to grow, anywhere or if the preference is to out in the restrictions we can and then have people apply for a rezoning if they wish a large scale operation. What is allowed is growing in soil and fvrd has No say over that . I'm trying to get a feel whether or not people want it wide open or some controls.

If you read the bylaw that I sent and like it, it would be most helpful if you send an email to [Gdaneluz@fvrd.ca](mailto:Gdaneluz@fvrd.ca) indicating you support the proposed Area H zoning. Alternately, if you don't support it you can email him that too.

Right now there really are no systems to address your concerns but in a few year when the laws and regulations are out in place provincially and federally, there might be a way to manage odours , noise, light etc.

I hope that helps. If you email it becomes part of the official record and I will use it to help make a decision.

Thanks Karen  
Taryn

Sent from my iPhone

On Feb 18, 2020, at 5:44 PM, Karen Steegstra wrote:

Hi Taryn,

I have sick girl and won't be able to make it tonight.

My concerns:

- \* greenhouses that are lit all night

- \*odour

\*possible noise from fans

\*who would be able to grow, ie. can people with criminal records have a legal grow op?

Thanks for hosting this!

-----Original Message-----

From: Taryn Dixon <[tdixon@fvrd.ca](mailto:tdixon@fvrd.ca)>

To:

Sent: Fri, Feb 14, 2020 6:02 pm

Subject: Re: Cannabis Zoning

Thanks Karen . If you can't attend but want to provide formal feedback. You are welcome to email me. The proposed zoning basically does not allow for Large scale production, processing and retail sales. If it is approved and someone wants to put in a large scale production facility they would need to apply for rezoning and then the neighbours would have an opportunity for input.

Enjoy the weekend and Happy Family Day.

Taryn

Taryn Dixon

FVRD Director, Area H

604 819 7000

Sent from my iPad

To: Fraser Valley Regional District Board

Date: 2020-03-18

From: Julie Mundy, Planner 1

File No: 3920-20 -1548, 2019

**Subject: Zoning Amendment Bylaw No. 1548, 2019 for cannabis land uses in Electoral Area F**

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### RECOMMENDATION

**THAT** *Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1548, 2019* be given second and third reading.

**AND THAT** *Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1548, 2019* be adopted.

### STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

### BACKGROUND

The FVRD Regional Board adopted a Land Use Policy for Cannabis Production, Processing, and Retail Sales in the Electoral Areas in October 2019. Staff are working to implement this policy in two phases. Phase one addresses Electoral Areas not wanting to encourage cannabis land uses, while Phase 2 will create enabling regulations for Electoral Areas that do want to support cannabis land uses.

The purpose of Zoning Amendment Bylaw No. 1548, 2019 is to revise *Zoning Bylaw No. 559* to:

- 1) Provide definitions for Cannabis, Cannabis Dispensary, and Cannabis Production Facility in Electoral Areas F, G, and part of C as geographically covered by *Zoning Bylaw No. 559*, and
- 2) Prohibit Cannabis Dispensary and Cannabis Production Facility uses in all zones in Electoral Area F

Proposed Bylaw No. 1548, 2019 will add definitions, specify prohibited uses in Electoral Area F, and amend the list of permitted uses in the following zones: A-1, A-2, A-3, M-1 and M-2.

The bylaw received first reading from the FVRD Regional Board on October 22, 2019.

## DISCUSSION

The public hearing for *Bylaw No. 1548, 2019* was held on February 12, 2020. Director Dickey was delegated to hold the hearing; his public hearing report is attached. Approximately 60 member of the public attended the public hearing. Submissions entered into the public record include:

- 22 oral submissions made at the public hearing; 13 distinct speakers were in favour of the bylaw, 4 distinct speakers opposed the bylaw, and 5 people spoke a second time
- 1 written submission provided in advance of the public hearing which opposed the bylaw
- 1 written submission provided during the public hearing in support of the bylaw

The Public Hearing has now closed. To avoid the need to hold another public hearing, the Regional Board may not receive new information with respect to this bylaw. This report is a summary of the bylaw and public hearing, and does not constitute new information.

### *Bylaw Changes*

After the public hearing, proposed Bylaw No. 1548, 2019 was changed to align the definition of cannabis with the definition of cannabis in the federal Cannabis Act. This change does not alter the permitted uses in the bylaw.

In accordance with Section 470 of the Local Government Act, the procedure after the public hearing is as follows:

After a public hearing, the council or board may, without further notice or hearing,

- (a) Adopt or defeat the bylaw, or
- (b) Alter and then adopt the bylaw, provided that the alteration does not
  - i. Alter the use
  - ii. Increase the density
  - iii. Without the owner's consent, decrease the density of any area from that originally specified in the bylaw

Accordingly, the Fraser Valley Regional District Board may now receive the public hearing report and may consider the following options:

### **OPTION 1      2<sup>ND</sup> / 3<sup>RD</sup> Readings & Consideration of Adoption (Staff recommendation)**

**THAT** *Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1548, 2019* be given second and third readings.

**AND THAT** *Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1548, 2019* be adopted.

The Board is able to give 2nd Reading, 3rd Reading and, by separate resolution, adopt *Bylaw No. 1548 2019* at the same meeting. Section 4.24.3 of *FVRD Board and Committee Procedures Bylaw No. 1305, 2015*, states that, "...any bylaw which does not require approval, consent, or assent under the provisions

of the Act or any other enactment prior to the adoption of the bylaw may be adopted at the same meeting of the Board at which it passed third reading, provided the motion for adoption receives an affirmative vote of at least two-thirds (2/3) of the votes cast, otherwise, a Board must not adopt a bylaw on the same day it has given the bylaw Third Reading.”

With this option, property owners can still apply to rezone an individual property to allow for cannabis land uses. As FVRD proceeds with creating enabling regulations for cannabis land uses in other areas, the community will have an opportunity to revisit the zoning regulations if desired.

Alternatively, the Board may wish to consider:

**OPTION 2      Refer to EASC for further consideration**

**THAT** *Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1548, 2019* be referred to the Electoral Area Services Committee for further consideration.

**OPTION 3      Defer**

**THAT** consideration of proposed *Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1548, 2019* be deferred to the next regular meeting of the Fraser Valley Regional District Board [or other date]; or

**OPTION 4      Refuse**

**THAT** *Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1548, 2019* not be given any further readings.

**COST**

No fee is levied for Zoning Bylaw amendments initiated by the Fraser Valley Regional District. The costs associated with the public hearing are provided for in the EA Planning budget.

**COMMENTS BY:**

**Graham Daneluz, Director of Planning & Development:** Reviewed & supported

**Mike Veenbaas, Director of Financial Services:**              No further financial comments.

**Jennifer Kinneman, Acting Chief Administrative Officer:** Reviewed and supported.

## ATTACHEMENTS

- Draft Bylaw - *Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1548, 2019*
- Public Hearing Report, *1548, 2019*



**FRASER VALLEY REGIONAL DISTRICT**  
**Bylaw No. 1548, 2019**

A Bylaw to Amend the Zoning for Electoral Area F

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**WHEREAS** the Fraser Valley Regional District Board of Directors ("the Board") wishes to amend *Dewdney-Alouette Regional District Land Use and Subdivision Regulation Bylaw 0559-1992*;

**THEREFORE** the Board enacts as follows:

**1) CITATION**

This bylaw may be cited as *Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1548, 2019*.

**2) TEXT AMENDMENT**

a) *That Dewdney-Alouette Regional District Land Use and Subdivision Regulation Bylaw 0559-1992* be amended by:

- i. In PART 200, by inserting, in the appropriate alphabetical order, the following new definitions:

"CANNABIS means cannabis as defined in the *Cannabis Act (Canada)*."

"CANNABIS DISPENSARY means a business or service used for dispensing, selling or distributing CANNABIS or any product or thing containing CANNABIS, for any purpose including medical use."

"CANNABIS PRODUCTION FACILITY means a business or service growing, cultivating, germinating, producing, storing, warehousing or packaging any product or thing containing CANNABIS."

- ii. In PART 400 – GENERAL PROVISIONS, Section 402 Prohibited Uses, by adding the following after Section 402(3):

"(4) Within Electoral Area F as shown on Schedule D to Bylaw No. 559, 1992, CANNABIS PRODUCTION FACILITY, CANNABIS DISPENSARY and MEDICAL MARIHUANA GROW OPERATION are Prohibited Uses."

- iii. In PART 400 – GENERAL PROVISIONS, Section 403 Agricultural Uses, , by deleting Section 403 (1) in its entirety and replacing it with the following:

### Agricultural Land Reserve

(1) Notwithstanding this bylaw, all lands within an Agricultural Land Reserve are subject to the provisions of the *Agricultural Land Commission Act*, S.B.C. 2002, c. 36, and the regulations thereto. Where land within the Agricultural Land Reserve is also within a zone established under this bylaw, the bylaw shall be binding only insofar as it is not contrary to the *Agricultural Land Commission Act* and regulations thereto."

- iv. In PART 400 – GENERAL PROVISIONS, by deleting Section 414 in its entirety and replacing it with the following:

#### "414 MEDICAL MARIHUANA GROW OPERATION

##### Application

(1) A Medical Marihuana Grow Operation:

- (a) Shall be permitted in the A-1, A-2, A-3, M-1, and M-2 zones, except within Electoral Area F as shown on Schedule D to Bylaw No. 559, 1992; and
- (b) Shall be permitted in the R-1, R-2, R-3, R-4, R-5, and R-6 zones, except within Electoral Area F as shown on Schedule D to Bylaw No. 559, 1992."

- v. In PART 500-UPLAND AGRICULTURE, by deleting Section 501(1) in its entirety and replacing it with the following:

##### "Permitted Uses

(1) Subject to the provisions of this bylaw and the *Agricultural Land Commission Act*, the following uses and no others are permitted in the A-1 zone:

##### Permitted Uses

##### Reference

Residential Use	Section 405
General Agricultural Use	Section 403
Intensive Agricultural Use	Section 403
Accessory Boarding Use	Section 405
Accessory Cottage Industry	Section 406
Accessory Employee Residential Use	Section 405
Accessory Family Residential Use	Section 405
Accessory Home Occupation Use	Section 407
Dog Kennel Use	Section 408
Accessory Off-Street Parking Use	Section 409
Accessory Outdoor Storage Use	Section 410
Accessory Produce Sales Use	Section 412
Public Use	Section 200
Medical Marihuana Grow Operation	Section 414

1(b) Notwithstanding Section 501(1a) of this bylaw, where a parcel is zoned UPLAND AGRICULTURE (A-1) within the boundaries of Electoral Area F, as shown on the map included as Schedule D to Bylaw No. 559, 1992, Medical Marihuana Grow Operation is not a permitted use."

- vi. In PART 502 – FLOODPLAIN AGRICULTURE, by deleting Section 502(1) in its entirety and replacing it with the following:

"Permitted Uses

(1) Subject to the provisions of this bylaw and the *Agricultural Land Commission Act*, the following uses and no others are permitted in the A-2 zone:

<u>Permitted Uses</u>	<u>Reference</u>
Residential Use	Section 405
General Agricultural Use	Section 403
Intensive Agricultural Use	Section 403
Accessory Boarding Use	Section 405
Accessory Cottage Industry	Section 406
Accessory Employee Residential Use	Section 405
Accessory Family Residential Use	Section 405
Accessory Home Occupation Use	Section 407
Dog Kennel Use	Section 408
Accessory Off-Street Parking Use	Section 409
Accessory Outdoor Storage Use	Section 410
Accessory Produce Sales Use	Section 412
Public Use	Section 200
Medical Marihuana Grow Operation	Section 414

1(b) Notwithstanding Section 502(1a) of this Bylaw, where a parcel is zoned FLOODPLAIN AGRICULTURE (A-2) within the boundaries of Electoral Area F, as shown on the map included as Schedule D to Bylaw No. 559, 1992, Medical Marihuana Grow Operation is not a permitted use."

- vii. In PART 503 – AGRICULTURAL MARKET, by deleting Section 503(1) in its entirety and replacing it with the following:

"Permitted Uses

(1) Subject to the provisions of this bylaw and the *Agricultural Land Commission Act*, the following uses and no others are permitted in the A-3 zone:

<u>Permitted Uses</u>	<u>Reference</u>
Residential Use	Section 405
General Agricultural Use	Section 403
Intensive Agricultural Use	Section 403
Accessory Agricultural Market Use	Section 403
Accessory Cottage Industry	Section 406
Accessory Employee Residential Use	Section 405

Accessory Family Residential Use	Section 405
Accessory Home Occupation Use	Section 407
Accessory Off-Street Parking Use	Section 409
Accessory Outdoor Storage Use	Section 410
Accessory Produce Sales Use	Section 412
Public Use	Section 200
Medical Marihuana Grow Operation	Section 414

1(b) Notwithstanding Section 503(1a) of this bylaw, where a parcel is zoned AGRICULTURAL MARKET (A-3) within the boundaries of Electoral Area F, as shown on the map included as Schedule D to Bylaw No. 559, 1992, Medical Marihuana Grow Operation is not a permitted use."

- viii. In PART 901 – GENERAL INDUSTRIAL, by deleting Section 901(1) in its entirety and replacing it with the following:

"Permitted Uses

(1) Subject to the provisions of this bylaw, the following uses and no others are permitted in the M-1 zone:

<u>Permitted Uses</u>	<u>Reference</u>
Residential Use	Section 405
General Industrial Use	Section 200
Resource Use	Section 200
Accessory Off-Street Parking Use	Section 409
Accessory Outdoor Storage Use	Section 410
Medical Marihuana Grow Operation	Section 414

1(b) Notwithstanding Section 901(1a) of this bylaw, where a parcel is zoned GENERAL INDUSTRIAL (M-1) within the boundaries of Electoral Area F, as shown on the map included as Schedule D to Bylaw No. 559, 1992, Medical Marihuana Grow Operation is not a permitted use."

- ix. In PART 902 – HEAVY INDUSTRIAL, by deleting Section 902(1) in its entirety and replacing it with the following:

"Permitted Uses

(1) Subject to the provisions of this bylaw, the following uses and no others are permitted in the M-2 zone:

<u>Permitted Uses</u>	<u>Reference</u>
Residential Use	Section 405
Heavy Industrial Use	Section 200
General Industrial Use	Section 200
Resource Use	Section 200
Accessory Off-Street Parking Use	Section 409
Accessory Outdoor Storage Use	Section 410

Accessory Retail Use  
Medical Marihuana Grow Operation

Section 200  
Section 414

1(b) Notwithstanding Section 901(1a) of this bylaw, where a parcel is zoned HEAVY INDUSTRIAL (M-2) within the boundaries of Electoral Area F, as shown on the map included as Schedule D to Bylaw No. 559, 1992, Medical Marihuana Grow Operation is not a permitted use."

### 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 22<sup>nd</sup> day of October 2019

PUBLIC HEARING WAS HELD THIS 12<sup>th</sup> day of February 2020

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 F Zoning Amendment Bylaw No. 1548, 2019* as read a third time by the Board of Directors of the Fraser Valley Regional District on the

Dated at Chilliwack, B.C. this

\_\_\_\_\_  
Corporate Officer/ Deputy

## PUBLIC HEARING REPORT

**TO:** Regional Board of Directors

**FROM:** Bill Dickey, Electoral Area D

**HEARING DATE:** February 12, 2020

**RE:** Public Hearing on Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1548, 2019

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A Public Hearing was held for Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw 1548, 2019 on February 12, 2020 at 7:30 p.m., in the Hatzic Prairie Community Hall at 10845 Farms Road, Mission, BC.

Prior to the public hearing, Director Davidson introduced the bylaw amendment and provided context about recent legislative changes that have informed the policy direction being taken in Electoral Area F. Julie Mundy, Planner 1, gave a brief PowerPoint presentation about the purpose and intent of Bylaw No. 1548, 2019. An informal public information meeting followed the presentation.

There were approximately 60 members of the public present.

Members of the Regional Board present were:

- Bill Dickey, Director, Area D, Chairperson
- Hugh Davidson, Director, Area F
- Wendy Bales, Director, Area C

Members of the Fraser Valley Regional District staff present were:

- Graham Daneluz, Director of Planning & Development
- Julie Mundy, Planner 1

Chairperson Bill Dickey called the Public Hearing to order at 7:30. The hearing was convened pursuant to Part 14 – Division 3 of the Local Government Act in order to consider Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw 1548, 2019. In accordance with subsections 1, 2, and 3 of Section 466, the time and place of the public hearing was advertised in the January 31<sup>st</sup>, 2020 and February 7<sup>th</sup>, 2020 editions of the Mission City Record newspaper.

### **Bylaw 1548, 2019**

Chairperson Dickey stated that the purpose of Bylaw 1548, 2019 is to amend the text of Zoning Bylaw No. 559, 1992 to 1) provide definitions for Cannabis, Cannabis Dispensary, and Cannabis Production Facilities in Electoral Areas F, G and part of C, and 2) prohibit Cannabis Dispensary, Cannabis Production Facilities, and Medical Marihuana Grow Operations in Electoral Area F.

Chairperson Dickey acknowledged there was one written submission for Bylaw No. 1548 provided in advance of the meeting; the submission was in opposition to the bylaw. The Chairperson noted the written comments were available at the public hearing for viewing and would be included in the public hearing record. Written comments received prior to the Public Hearing are attached as Appendix "A".

There was one written comment provided during the Public Hearing; the comment is in favour of the bylaw. It is attached as Appendix "B".

Twenty-two oral comments were provided; thirteen distinct speakers were in favour of the bylaw and four speakers opposed to the bylaw. Five people spoke a second time. Oral comments are summarized below in the order which they were provided:

Support / Opposed to bylaw

**1) John Conroy, 12699 Stave Lake Road, Area F**

**Opposed**

Mr. Conroy stated he submitted a written submission as part of the public record. He is a lawyer who has been involved in ACMPR. He is concerned with the inclusion of the Medical Marihuana Grow Operation definition as it may impose on personal freedoms. He is also concerned that the definition of cannabis is too broad and will exclude hemp uses. Mr. Conroy states that the ALC considers cannabis production a farm use and that should be enough of a rationale to allow it. He believes the prohibition approach is problematic as regulation will help ensure good production / safety practices. Mr. Conroy states he is unclear about the reasons for limiting dispensaries, as they do not cause problems.

**2) Dick Ainsworth, 13530 Sylvester Road, Area F**

**Support**

Mr. Ainsworth stated the proposed bylaw gives us time to see what happens in other areas. He added that it is very difficult to take back permissions once they are in place, and that is it possible to relax the rules in the future.

**3) Rob Ireland, 12912 Stave Lake Road, Area F**

**Support**

Mr. Ireland stated he is in support of bylaw, as we are early in the cannabis game.

**4) Kate Albrecht, 12000 Sylvester Road, Area F**

**Support**

Ms. Albrecht stated she is in support of the bylaw and wishes to err on the side of caution. Changes can be made later on if warranted.

**5) Gord Gould, 35300 Riverside Road, Area F**

**Support**

Mr. Gould stated he is in favour of the bylaw. He adds that there needs to be enforcement and transparency about any future grow operations.

**6) Bryan Bouchir, 11741 Stave Lake Road, Area F**

**Support**

Mr. Bouchir stated he is in support of the proposal and that it is easier to change things latter rather than to move too quickly now.

**7) Elizabeth Price, 35893 Hartley Road, Area F**

**Support**

Ms. Price stated there has been many changes to the regulations surrounding cannabis, and suggests we slow down and err on the side of caution. She states it will be difficult to go back if cannabis land uses are opened up now.

**8) Sheila Ogilvie, 14770 Sylvester Road, Area F**

**Support**

Ms. Ogilvie stated she is in favour of complete prohibition of cannabis. She is concerned about legal challenges and is concerned about protecting the land.

**9) Norman Karding, 11788 Farms Road, Area F**

**Support**

Mr. Karding stated he is in favour of the bylaw.

**10) John Bouchir, 11741 Stave Lake Road, Area F**

**Support**

Mr. Bouchir stated he supports the bylaw.

**11) Justin Price, 35893 Hartley Road, Area F**

**Opposed**

Mr. Price stated that he is not in support of the bylaw. He stated that years ago he read a book and watched a movie called Dune that is about the debacle surrounding 'spice' which is similar to the cannabis of today. He comments that regulation of the industry is necessary, but that prohibition does not work. Prohibition has not worked in the past, and it will not work in the future. Mr. Price adds that prohibition will drive the industry underground and may open a Pandora's Box of issues. He adds that cannabis is one of the few cash crops that are viable.

**12) Mr. S Karting, 11786 Farms Road, Area F**

**Support**

Mr. Karting stated he is in favour of the bylaw.

**13) Elisabetta Pellizzari, 12978 Stave Lake Road, Area F**

**Opposed**

Ms. Pellizzari stated that prohibition does not work, and that greater regulations are needed.

**14) Lindsay Gould, 35300 Riverside Road, Area F**

**Support**

Ms. Gould stated she is in favour of the bylaw and comments that we need to get in front of the issue.

**15) Lynne Strange, 13969 Sylvester Road, Area F**

**Support**

Ms. Strange stated she is in favour of the bylaw.

**16) Ron Parkes, 34640 Timbercove Road, Area F**

**Support**

Mr. Parkes stated he is in favour of the bylaw.

**17) Heather Morlacci, 13372 Stave Lake Road, Area F**

**Opposed**

Ms. Morlacci stated she is a 40 year resident of the area and has seen lots of illegal grow-ops. She states that she has witnessed a fire from a grow-up and that proper systems are needed to regulate the industry. Ms. Morlacci adds that she does not want to see greenhouses in Hatzic Valley in order to help keep the area dark. She states that she agrees with comments provided by Mr. J Conroy about regulating cannabis.

**18) John Conroy, 12699 Stave Lake Road, Area F**

**2<sup>nd</sup> time speaking**

Mr. Conroy asked if the intent of FVRD consolidating their bylaws is to provide a unified approach across the region. Mr. Conroy clarified that his question is to be his oral comment for the public record.

**19) John Bouchir, 11741 Stave Lake Road, Area F**

**2<sup>nd</sup> time speaking – Support**



Mr. Bouchir stated that additional enforcement capacity is needed to control the existing situation. He adds that the industry needs to be controlled so that it does not explode.

**20) Justin Price, 35893 Hartley Road, Area F**

**2<sup>nd</sup> time speaking – Opposed**

Mr. Price stated that FVRD needs to think on behalf of the public. Many of the people working / owning land in the neighbourhood do not live locally. He adds that regulations are needed to stop the bad behavior of non-residents. Mr. Price notes that existing facilities will meet demand, and that the way forward is through regulation, and not prohibition.

**21) Sheila Ogilvie, 14770 Sylvester Road, Area F**

**2<sup>nd</sup> time speaking**

Ms. Ogilvie stated that taking land out of the ALR is one way to solve the cannabis issue.

**22) Dick Ainsworth, 13530 Sylvester Road, Area F**

**2<sup>nd</sup> time speaking – Support**

Mr. Ainsworth stated he was in support of the bylaw, and that we can see how things work in other areas to understand how to effectively regulate the industry.

The Chairperson asked three times for comments. Hearing no further comments, the public hearing for Bylaw 1548, 2019 was concluded.

The Chairperson concluded the meeting at 8:10.

We, the undersigned, certify these Public Hearing minutes as correct.

Respectfully submitted,



Bill Dickey, Chairperson



Digitally signed by  
Julie Mundy  
Date: 2020.02.20  
14:36:02 -08'00'

Julie Mundy, Recorder

**From:** John Conroy  
**Sent:** Monday, February 10, 2020 4:42 PM  
**To:** Hugh Davidson  
**Cc:**  
**Subject:** CANNABIS - FVRD Electoral "F" Rezoning public meeting and hearing Feb 12  
Submissions by John Conroy  
**Attachments:** FVRD Submissions JC on Cannabis Policy.docx  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Hugh,

Sharie forwarded to me your first email with respect to the February 12 public meeting about rezoning impacting Electoral Area " F " in so far as Cannabis is concerned and I then received a further and more comprehensive package that you forwarded from FVRD Staff on February 4, 2020 and then a further email from Julie Munday at FVRD also advising of the public meeting, so I am copying Sharie and Julie Munday on this email and with the attached submission.

As you know from our brief discussions and from the formal "Notice" under s.7 of the **Cannabis Act** that I recently sent to Graham Danaluz at the FVRD, FVRD Fire Protection Services and the RCMP, which I copied you, notifying all of our intention through "The Conroy Project" to establish a "Micro production and processing Cannabis facility" in a portion of an old horse riding ring near a barn at the top of our property near the road that is within the Agricultural Land Reserve (ALR ). I pointed out the area when you visited that day about the 'internet hub' issue and I attached photos and specific details about the container pod system with the "Notice".

It is my opinion that because the front 10 or so acres of our property, and particularly that specific location, is within the ALR, the "structure"(containers) that we propose to place in that location falls within the definitions in s. 8(2) of the **Agricultural Land Reserve Use Regulation** as 'a structure' where (a) 'the structure' "(i) was constructed for the purpose of growing crops inside it, including but not limited to producing cannabis lawfully...." And meets the other requirements and will have the additional effect of restoring to "farm use" a part of that ALR land not currently being used for such a purpose, all of which was outlined in detail in the "Notice".

Consequently by virtue of the provisions of the **BC Agricultural Land Commission Act (ALC)** and the **Agricultural Land Reserve Use Regulations**, as well as the purposes of that legislation and the specific recognition of the paramountcy of that Provincial legislation over the proposed FVRD Zoning By Law amendments in s.403 to the effect that that Act (the ALC ) and regulations thereunder prevail in the event of any conflict with the bylaw, so our proposal, because it is in the ALR, is not specifically affected by the proposed by law amendments.

In other words, any attempt to prohibit such a defined "Farm use" by the FVRD in the ALR, except as ALC permitted, is and will be of no force and effect.

However, even though it is my opinion that the proposed amendments do not apply to our proposed project, my experience in the laws pertaining to cannabis as counsel involved in almost all of the significant cannabis cases compels me to make this submission with respect to the many defects in the proposed Zoning bylaw amendment proposals as per the attached detailed submission that hopefully is of some assistance.

Clearly we are opposed to any "prohibitionist" or "lock down" provisions and are of the view that the recent ALR amendments will prevent any further buildings such as those on the prairie and any future facilities will, unless exempt

from the FVRD building and licensing and other by laws, which is unlikely, will apply and ensure reasonable developments consistent with the other aspects of the by laws.

John

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**Submissions with respect to the FVRD proposal to amend the consolidated Zoning Bylaw No.559, for Area 'G', and portions of Areas 'C' and 'F' by Bylaw 1548, 2019 to prohibit Cannabis production and distribution within Electoral area "F" and in particular "Medical Marihuana Grow Operations" .**

It is my understanding that as a result of the establishment, including the erection of a number of buildings on Hatzic Valley Prairie, pertaining to Cannabis production under the federal Cannabis Act and regulations, that certain members of the community have complained and are seeking to prohibit any further such facilities - to lock them down – to use their terminology, so that there can be no additional 'nonconforming uses' and in the future applications will have to be made to vary the zoning on an individual basis.

This prohibitionist position is taken by the Electoral Area Directors **D (Popkum/Bridal Falls)**, **H (Cultus Lake/Columbia Valley/Lindell Beach)** and **F (McConnell Creek - Hatzic Prairie)** whereas the Directors from Electoral Areas **A (Boston Bar/North Bend/Canyon Alpine)**; **B (Yale/Choate/Dogwood Valley/Emory Creek/Laidlaw/Othello/Ruby Creek/Spuzzum/Sunshine Valley)**; **C (Sasquatch Country)**; **E (Chilliwack River Valley)** and **G (Nicomen Island/ Deroche/Dewdney/Hatzic Island)** take a contrary position and support Cannabis production and processing as land uses subject to ensuring that all negative impacts are mitigated.

Currently, the Federal legislation provides for an ability to possess, produce, process, store and sell for medical or other purposes and Provincial legislation provides for the distribution of social/recreational cannabis, with the sale of medical cannabis being reserved to the federal government. It is unclear whether the proposed amendments to the Zoning bylaw are intended to apply to all or just some of the following currently permitted uses under the federal and provincial legislation?

The proposed definition of 'cannabis' is different to that contained in both the federal and provincial legislation and is broad enough to also cover 'industrial hemp', which is simply a cannabis plant or any part of that plant in which the concentration of THC is 0.3% w/w or less in the flowering heads or leaves and which is governed by the Industrial Hemp Regulations (IHR) now also under the Cannabis Act.

**Social production, possession and use – not medical nor agricultural - A combination of ss. 9 and 12 of the Cannabis Act allow the production or cultivation of up to 4 plants of any size per household and the storage of that product and the possession of up to 30 g of that product or its equivalent when one is out and about. This can take place inside the residence/household or on its surrounding adjacent land or in an outbuilding on that land and is not a 'business or service' and one does not have to be in the ALR to do so. It needs to be made clear that the by law amendment is targeting commercial operations and does not include personal production.**

**Medical possession, production and distribution – Also, currently a person who has been "medically approved" by a medical doctor for the possession and use of cannabis for medical purposes becomes a "registered person" pursuant to the Access to Cannabis for Medical Purposes regulations contained in Part 14 of the Cannabis regulations pursuant to the Cannabis Act 2018 and either obtains a supply**

to fulfill that prescription/authorization by registering with an existing Federal licensed producer(LP) that will service them online and ship it to them by mail to their designated address or to their doctor or the address of a caregiver or other entity licensed to sell medical cannabis or they can go to an entity that is currently licensed to sell cannabis (without possession), such as Shoppers Drug Mart, where they register and have the medicine sent to them by a Licensed Producer directly or an entity licensed to sell medical cannabis (with possession), whereby the licensed producer ships to the entity, such as a not-for-profit Compassion Club Society and the members access their medicine there or the patient registers to produce the cannabis for themselves(PPL) with the number of plants, and whether indoor or outdoor, determined by their application and according to a formula in the regulations that depends upon their authorized or prescribed daily dosage or has an approved Designated Grower (DGL) produce those plants for them. A medically approved patient is entitled possess up to a maximum of 150 g person depending upon their dosage, again calculated according to a formula set out in the regulations.

Since the decision in R v. Parker <http://johnconroy.com/library/parker2.pdf> in the Ontario Court of Appeal, in 2001, a decision that Canada did not appeal to the Supreme Court of Canada, the government of Canada has been required to provide a medical exemption to the drug laws, designed with the purpose of protecting health, which was then the Narcotic Control Act, followed by the Controlled Drugs and Substances Act, and now the Cannabis Act, to medically approved patients.

Since R v Smith <https://www.canlii.org/en/ca/scc/doc/2015/2015scc34/2015scc34.html> in the Supreme Court of Canada in 2015, a medically approved patient is entitled to possess cannabis in any of its forms and consequently, in the absence of a wholesale or retail supply in forms other than dried, has been compelled to try and make their own, by themselves or through their Club, unless obtained from an unlawful source.

Since Allard v Canada, [http://johnconroy.com/pdf/ORDER-T-2030-13\\_20140321\\_OR\\_E\\_O\\_VAN\\_20140321110555\\_MNS\\_2014\\_FC\\_280.pdf](http://johnconroy.com/pdf/ORDER-T-2030-13_20140321_OR_E_O_VAN_20140321110555_MNS_2014_FC_280.pdf) <https://www.canlii.org/en/ca/fct/doc/2016/2016fc236/2016fc236.html> [http://johnconroy.com/pdf/Judgment-\(Final\)\(RHD\).pdf](http://johnconroy.com/pdf/Judgment-(Final)(RHD).pdf) in 2014 through 2016, also a case that the government of Canada did not appeal, it has become settled law that the government has to provide reasonable access to Cannabis as medicine to medically approved patients to prevent the violation of their constitutional rights under s. 7 of the Canadian Charter of Rights and Freedoms that forms part of the Canadian Constitution, to the security of their person and the right not to be deprived thereof except in accordance with principles of fundamental justice. To deny someone reasonable access to medicine authorized by a doctor for their health violates s.7. A violation of one's constitutional rights entitles one to an appropriate and just remedy under s.24(1).

The main, although not exclusive, focus of the proposed amendments to the Zoning bylaw for Electoral area " F" appears to focus on the "medical marihuana grow operation" or production or distribution for medical purposes and therefore fails to take into account the developments in the law since Parker, and particularly Allard, and it is respectfully submitted that the FVRD does not have jurisdiction to prohibit or otherwise unreasonably regulate production of cannabis for medical

purposes by a patient or designated grower caregiver for that patient and the extent to which they can regulate a standard or micro commercial licensed producer, licensed to sell for medical purposes, is also questionable if it limits 'reasonable access' by the patient.

**Agricultural** - it has now been settled since July 13, 2018, as a result of the amendments to the Agricultural Land Reserve regulations pursuant to the Agricultural Land Reserve Act and in particular by s. 8 thereof, that the production of cannabis in any of its forms is a "farm use" and cannot be prohibited, but it can only be produced and processed in accordance with these regulations, namely outside in the field in soil or in a greenhouse in soil and precluding any further production inside a building that does not have a base consisting entirely of soil, unless in a facility constructed before and since July 2018 for the production of food.

The FVRD cannot authorize the production of cannabis in forms not authorized by the ALC any more than it can prohibit those forms that are authorized by the ALC. Consequently, there will be no more large instructed buildings, producing cannabis in Hatzic Valley, unless they have a base consisting entirely of soil or otherwise comply with the ALR regulations.

The prohibitionist approach in relation to Electoral Area F is inconsistent with the purposes established for the Agricultural Land Reserve, that comprises some 53% of Hatzic Valley, namely to promote agriculture and is also inconsistent with its Official Community Plan that includes the promotion of agriculture, as well as introducing an inconsistent approach to this "farm use" product between the various Electoral Areas in the FVRD instead of a unified, consistent approach throughout the Fraser Valley, one of the purposes of the FVRD.

**Commercial Production and Processing** - These types of production and processing are covered by the various licenses available under the Cannabis Act and regulations by way of standard licenses or micro licenses to cultivate, process, engage in analytical testing, sales, research and a cannabis drug license a license to sell for medical purposes is a subclass of a general license for sale. These are all federal licenses. Originally these licenses were to produce cannabis for medical purposes for patients under the original Marihuana Medical Access Regulations (MMAR) followed by the Marihuana for Medical Purposes Regulations (MMPR) and then Access to Cannabis for Medical Purposes Regulations (ACMPR) and that are now part 14 under the Cannabis regulations. Consequently, all production, processing and sales were for medical purposes. However, since October 17, 2018, the federal government delegated to the provinces, the role of distributing non - medical cannabis and all existing licenses became licenses under the Cannabis Act and in British Columbia an LP can produce for the recreational market by providing their products to the BC Liquor Distribution Branch (LDB) that in turn places the products the various provincially and local government licensed retail stores. The provincial legislation expressly provides that they are not engaged in the sale of medical cannabis.

These operations are subject to FVRD Zoning, Licensing and Building and other bylaws. A standard or micro production facility would require licensing and any processing might require an accessory farm use building. If in the ALR they are subject to those regulations as well.

**Distribution** - by virtue of the Cannabis Act October 17, 2018, the federal government delegated to the provinces and territories the power to distribute social/recreational cannabis and on October 17, 2019 added provision for extracts, edibles and topicals to that market. While each province and territory has a slightly different approach the British Columbia approach is through the LDB where license producers sell their products to the LDB that places them without preference to the various dispensaries.

These operations are subject to FVRD Zoning, Licensing and possibly building and other bylaws.

Why is the FVRD seeking to prohibit, as opposed to regulating these businesses by way of its zoning, Licensing, and other bylaws the same as any other businesses such as those dispensing alcohol and tobacco and prescribed drugs? Why shouldn't Chuck's Market and perhaps the Husky station be permitted to sell lawful cannabis in various forms along with tobacco and other legal products that they currently sell?

Why should farming/production operations be precluded from having "farm gate sales" as occurs in the wine industry? What is the basis for this prohibitionist approach now that Cannabis use is now legal?

Here is what the provincial Agricultural Land Commission Act requires and applies to 53% or more of Hatzic valley:

#### **A. AGRICULTURE LAND COMMISSION ACT (emphasis added and comments in blue)**

**1. The purposes of the Agricultural Land Commission** are set out in **section 6** of the Act as follows:

- (a) to preserve the agricultural land reserve;
- (b) **to encourage farming of land within the agricultural land reserve** in collaboration with other communities of interest;
- (c) to encourage **local governments**, first Nations, the government and its agents **to enable and accommodate farm use of land within the agricultural land reserve and uses compatible with agriculture in their plans, bylaws and policies.**

**2. The Act** defines "**construct**" to mean **(b) to place on land a new structure that is fully or partially prefabricated** and defines "**farm use**" to include **(iii) a purpose designated as a farm use by regulation.**

**3. Section 18 of the Act** that deals with '**Restrictions on approving land uses and subdivision**' and provides in subsection (3) that an approving body may approve or permit a building or structure to be constructed or altered on agricultural land only if the building or structure (a) is not a residential structure **and will be used for a farm use** or a permitted non- farm use.

**4. Section 11.2 of the Act** is with respect to applications to the Executive Committee on the referral by the Commission and may be appropriate here as being of provincial importance and raising an issue that

is novel or otherwise of the for the administration of the Act and may substantially affect more than 1 panel region.

5. Otherwise, **section 25 of the Act** deals with applications by owners to the Commission for certain uses and **section 26** provides for the delegation of such powers over such applications to local governments.

6. Importantly, **s. 46** deals with Conflicts with bylaws and provides:

**46(1)** In this section, "bylaw" means

(a) **a bylaw, made by a local government, that adopts a regional growth strategy, an official settlement plan, an official community plan, an official development plan or a zoning bylaw,**

(b) any other bylaw respecting land use in a local government's jurisdiction made by a local government under any other enactment, and

(c) a law of a first nation government respecting land use within the first nation's settlement lands.

(2) A local government in respect of its bylaws and a first nation government in respect of its laws **must ensure consistency with this Act, the regulations and the orders of the commission.**

(3) **Subject to subsection (4), nothing in this Act affects or impairs the validity of a local government bylaw or a first nation government law relating to the use of land in the agricultural land reserve.**

(4) **A local government bylaw or a first nation government law that is inconsistent with this Act, the regulations or an order of the commission has, to the extent of the inconsistency, no force or effect.**

(5) **Without limiting subsection (4), a local government bylaw or a first nation government law is deemed to be inconsistent with this Act if it**

(a) allows a use of land in the agricultural land reserve that is not permitted under this Act, or

(b) contemplates a use of land that would **impair or impede the intent of this Act**, the regulations or an order of the commission, whether or not that use requires the adoption of any further bylaw or law, the giving of any consent or approval or the making of any order.

(6) A local government bylaw or a first nation government law that provides **restrictions on farm use, residential use or soil or fill use of land in the agricultural land reserve additional to those provided under this Act is not, for that reason alone, inconsistent with this Act and the regulations.**

(7) This section applies only to local government bylaws or first nation government laws made after August 26, 1994.

7. The **Regulations pursuant to the ALR Act** set out, among other provisions, the provisions with respect to **Cannabis** in **section 8**. that came into effect **July 13, 2018** as set out below in detail.



**8. Farm uses that may not be prohibited are provided for in section 4 as follows:**

- s.4.** The farm uses referred to in this Part may not be prohibited
- (a) by a local government enactment except a bylaw under section 552 [*farming area bylaws*] of the *Local Government Act*, or
  - (b) by a first nation government law, if the activity is conducted on settlement lands.

**9. Section 5 provides with respect to “Necessary structures and ancillary services” under Part 2 Farm Uses that:**

**s.5(1)** subject to any limits and conditions set out in this Part, the use of agricultural land to **construct**, maintain or operate any of the following **is designated as a farm use and may not be prohibited**, as described in section 4:

- (a) a structure, other than a residential structure, that is necessary for a farm use;**
  - (b) a driveway or utility that is necessary for a farm use
- (2) For greater certainty, subsection (1) (a) includes all of the following:
- (a) a greenhouse;
  - (b) a structure for use in an intensive livestock operation or for mushroom production;
  - (c) and aquaculture facility.

**10. S. 8 of the Agricultural Land Reserve Use Regulation declares the production of *Cannabis* in any of its forms to be a “farm use” that cannot be prohibited if the cannabis is produced**

- (1) (a) outdoors in the field, **or**
- (b) inside a structure that, **subject to subsection (2)**, has a base consisting entirely of soil,
- (2) The use of agricultural land for producing cannabis lawfully may not be prohibited, as described in section 4 if the cannabis is produced inside a structure that meets both of the following conditions:**
- (a) the structure** was, before July 13, 2018,
    - (i)** constructed for the purpose of growing crops and inside it, including but not limited to producing cannabis lawfully, **or**
    - (ii)** under construction for the purpose referred to in subparagraph (i), if that construction

- (A) was being conducted in accordance with all applicable authorization's and enactments, **and**
- (B) continues without interruption from the date it began until the date the structure is completed, other than work stoppages considered reasonable in the building industry;

(b) the structure has not been altered since July 13, 2018 to increase the size of its base or to change the material used as its base.

THIS MEANS THAT UNLESS THE 'STRUCTURE' FALLS WITHIN THE EXEMPTION IN S.8(2) THERE CAN BE NO MORE PRODUCTION OF CANNABIS INSIDE A STRUCTURE UNLESS IT HAS A BASE CONSISTING ENTIRELY OF SOIL BUT IT'S PRODUCTION IN ANY FORM IS A 'FARM USE' AND CANNOT OTHERWISE BE PROHIBITED.

IT ALSO MEANS THAT THE FVRD CANNOT PROHIBIT CANNABIS PRODUCTION IN ACCORDANCE WITH THE ALC ACT NOR CAN IT AUTHORIZE SUCH PRODUCTION IN A MANNER NOT AUTHORIZED BY THE ALC ACT.

THERE CAN BE NO MORE BUILDINGS WITHOUT A SOIL BASE PRODUCING CANNABIS IN THE ALR, UNLESS CONSTRUCTED FOR THE PURPOSE OF PRODUCING FOOD, SINCE JULY 2018.

Here is what our Official Community Plan currently provides:

### **B. Fraser Valley Regional District Official Community Plan for Hatzic Valley, Electoral Area "F" Bylaw No. 0999, 2010 SCHEDULE 0999-B**

#### **OFFICIAL COMMUNITY PLAN (emphasis added in green)**

##### **3.1 Vision for Hatzic Valley**

This Official Community Plan is guided by the following vision for the future of Hatzic Valley:

##### **3.2 Plan Objectives**

The following seven objectives have guided the policies of this Plan:

1. protect ground and surface water and maintain hydrological functions;
2. responsibly steward the environment;
3. respect geological and hydrological processes, reduce hazards where feasible, and avoid unacceptable risks to people and property;
4. enhance sustainable agriculture by reserving agricultural lands for farming,

minimizing conflicts between farm and non-farm uses; and, supporting the viability and sustainability of the agricultural sector;

5. accommodate housing needs primarily through infill development on rural and residential lands;

6. enhance community liveability and rural landscape aesthetics; and,

7. encourage a range of rural land uses, supported by appropriate servicing levels, that sustain the community and environment.

### 3.3 Regional Context

The Plan objectives and policies of the Hatzic Valley, Electoral Area “F” Official Community Plan must respond not only to local circumstances, but also to the regional context. The Fraser Valley Regional District *Choices for Our Future: Regional Growth Strategy*, adopted in 2004, outlines a broad framework for achieving sustainable, socially responsible, and environmentally sound communities which protect agricultural and rural areas and make efficient use of public facilities, services, land and other resources.<sup>7</sup>

Official community plans (OCPs) are a primary means of implementing the Regional Growth Strategy (RGS). OCPs apply the broad goals of the Regional Growth Strategy to local communities and provide detailed policies for achieving those goals. Section 865 of the Local Government Act requires that all bylaws adopted by the Regional District be consistent with the Regional Growth Strategy. A discussion of the regional context and the compatibility of this Plan with the RGS follows.

FVRD is nearly 14,000 square kilometres in area, yet over 90% of the population resides on less than 1% of the land base. Only a small portion of the Region, mostly located in the fertile Fraser Valley floor, is considered habitable. Most development pressure is directed to this small area. However, growth on the valley floor is greatly constrained by the Agricultural Land Reserve and the floodplain of the Fraser River and its tributaries. As a result, growth in the Region will generally be accommodated by redeveloping urban centres at higher densities and by new development in upland areas within the Urban Growth Boundaries established in the RGS.

The rate of population growth in the Fraser Valley is expected to slow down in relation to the past decade. Still, the population is anticipated to double over the next twenty to thirty years to approximately 450,000. RGS policies direct the development necessary to accommodate this population growth to municipalities. For example, the District of Mission – located immediately west of the Plan area – is expected to grow from 34,505 peoples about 70,000 by 2031, an increase of 90%. This growth is expected in the southwest and downtown parts of the community. Nonetheless, it remains that Hatzic Valley will be subject to development pressures.

The value placed on the natural areas and agricultural lands – and their perceived contribution to the regional environment and landscape – will increase over time as the Region develops and the population increases. The Plan area provides visual qualities; sustains fish and wildlife populations; affords opportunities for recreation and nature

study; and, gives a sense of proximity to wilderness. All of these are central to the idea many residents have of the liveability and appeal of the Region. And certainly, the upland and riparian habitats of the Plan area make a significant contribution to the biodiversity of the Region.

<sup>7</sup> Fraser Valley Regional District. *Choices for our Future: Regional Growth Strategy*. 2004.

<sup>8</sup> Canada Census, 2006.

<sup>9</sup> Urban Futures Institute. *Population Growth and the Context for Managing Change*. January, 2005.

The Official Community Plan for Hatzic Valley shares the growth management goals of the Regional Growth Strategy (RGS), particularly the RGS goals to:

- ☐ support and enhance the agricultural sector;
- ☐ protect the natural environment and promote environmental stewardship;
- ☐ protect and manage rural and recreational lands;
- ☐ achieve sustainable economic growth;
- ☐ minimize development costs to communities and the risks associated with geotechnical and environmental constraints; and,
- ☐ manage water, energy resources and waste responsibly.

This community plan is consistent and complementary with *Choices for our Future, Regional Growth Strategy for the Fraser Valley Regional District*

#### 4.4 Agricultural Uses

Approximately 2,235 hectares of land within the Plan area is in the Agricultural Land Reserve (ALR). This amounts to a little over one third of the entire Plan area and about 58% of the total area of private lands. One half of all private properties within the Plan are at least partly within the ALR. Clearly, agriculture and the Agricultural Land Reserve are vital in every way to Hatzic Valley.

ALR lands are identified on *Map 1*.

Lands designated AGRICULTURAL are shown on *Schedule 2 –Designations*.

In recent years, agricultural uses in Hatzic Valley have, in some locations, intensified with the transition to blueberry and nursery plant production. However, traditional farm uses in Hatzic Valley – forage and dairy – remain important as does Christmas tree production. Residential uses and hobby farms are common on smaller parcels in McConnell Creek.

Hatzic Valley is a part of the Fraser Valley agricultural region - one of the most productive places to farm in the world due to its soil conditions, long growing season, abundant water resources, and proximity to urban areas and transportation. Not surprisingly, agricultural land in the Fraser Valley is both in demand and in short supply.<sup>13</sup>

Hatzic Valley has a number of advantages for farming. It has abundant, good quality water, large parcel sizes, lands available for farming and, a cohesive, well-defined community of agricultural lands generally free from encroachment by incompatible uses. Soil conditions vary, but Class 2 and 3 soils with water and terrain limitations are most common.<sup>14</sup> Inadequate drainage and flooding are significant problems for agriculture on Hatzic Prairie. The Ministry of Agriculture estimates that about 212 hectares of agricultural land in Hatzic Valley is marginalized by flooding. Loss of productivity due to poor drainage and flooding is estimated to be between \$832,000 and \$2,230,000 per year.<sup>15</sup> Flooding is described in Section 8.0 of this Plan.

Drainage challenges are related to the highwater table of Hatzic Prairie; the low elevation and low gradient of streams; and, sedimentation in agricultural watercourses and drainages which reduces conveyance capacity. The responsibility for maintenance of highway ditches lies with the Ministry of Transportation & Infrastructure. Farmers are responsible for maintaining on-farm ditches.

In response to flooding and drainage problems, a portion of Lagace Creek was straightened in the 1940's to improve conveyance. However, property lines were not changed to respond to the new stream alignment and they continue to follow its former path and, in some locations, the former stream bed remains Crown land. As a result, a number of parcels in this area are divided by the stream and have portions that are inaccessible and likely unusable to the property owners. This situation is shown in Figure 4-A.

Rationalizing property boundaries in this area would support more efficient agricultural use of the land and may also provide opportunities to secure access and sites for flood reduction infrastructure (such as sediment traps) and other community benefits. On the other hand, the existing strips of Crown land that follow the former stream bed (shown in white in Figure 4-A) could, as they stand, provide opportunities for enhancing stream functions, managing sediment and providing community amenities that may be lost if property boundaries change. In any case, replotting schemes are complex, involve significant costs, and require broad landowner support. Fraser Valley Regional District currently has no plans to undertake one.

This Plan only documents the issue and raises the potential of replotting for future consideration if circumstances warrant it.

The policies below **complement** those of the **AGRICULTURAL designation in Section 5.1 of this Plan to support agriculture in Hatzic Valley and ensure its long-term viability.**

It is the policy of the Regional Board that:

**4.4.1 The Regional Board will work with the Agricultural Land Commission to provide for a broader range of agricultural opportunities and uses which:**

- ☐ are supplementary and ancillary to farm use;
- ☐ support value-added activities that improve farm viability;
- ☐ are consistent with the environmental policies of this plan; and,
- ☐ will not jeopardize the long term productivity of farmland.

4.4.2 The Regional Board should consider the development of a plan or policy to guide the provision of seasonal farm labour accommodations.

4.4.3 The Regional Board should seek funding and partnerships with the Ministry of Agriculture and others for the development of an Agriculture Plan for Hatzic Valley to establish a guiding vision for local agriculture and a series of strategies that will ensure its long-term viability.

4.4.4 The Regional Board particularly encourages soil-based agricultural uses that emphasize sustainable farm practices, do not impact ground and surface water quality, and implement environmental farm plans.

4.4.5 The Regional Board supports the continued development of safe and efficient drainage control works following environmentally sound engineering practices.

4.4.6 The Regional District will liaise with the Ministry of Transportation & Infrastructure, the Ministry of Agriculture, Fisheries & Oceans Canada, and Hatzic Valley farmers regarding the maintenance of road-side ditches that impact agricultural drainage.

4.4.7 The Regional District will encourage partnership with the agricultural community, senior governments and private enterprise to promote the development of the agricultural sector in Hatzic Valley.

4.4.8 The Regional Board may consider the feasibility and desirability of a replotting scheme to rationalize property boundaries along Lagace Creek approximately between Stave Lake and Dale Roads, particularly if it is desired by affected landowners and if it would reduce flooding, manage sedimentation, improve the use of agricultural land, or provide community amenities.

<sup>13</sup> Kim Sutherland, Regional Agrologist, Ministry of Agriculture & Lands. *Agriculture in Electoral Area F in the Context of the Fraser Valley*. Presentation to the Electoral Area "F" Advisory Planning Commission. Sept 24, 2009.

<sup>14</sup> Province of British Columbia, Ministry of Environment. *Land Capability for Agriculture, Langley-Vancouver Map Area, Dewdney*. 1985. Class 2 soils have minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both. Class 3 soils have limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

<sup>15</sup> Ministry of Agriculture & Lands. *Economic Impact of Flooding on Hatzic Prairie and Economic Potential of the Area*. Draft. July, 2005.

## 5.1 AGRICULTURAL (A)

About 58% of private land within the Plan area is in the Agricultural Land Reserve (ALR), including a significant number of large, intact agricultural parcels. Some agricultural parcels are also in the 1:200 year floodplain of the Fraser River, a

contributing factor to the high quality soils found in the area. Plan policies aim to preserve farm land within the Official Community Plan area. Designating farm lands as AGRICULTURAL will ensure that only agricultural uses and uses associated with and complementary to agriculture are permitted.

Generally, land within the AGRICULTURAL designation is also within the ALR, but not in all cases. The Agricultural Land Commission Act, regulations thereto, and Orders of the Commission take precedence on matters of land use and subdivision in the ALR.

The Regional Board assists in the administration of ALR land by commenting on applications for subdivision, non-farm use, and exclusion of land from the ALR. The policies established in this Plan will provide guidance for future Regional Board comments on these applications.

It is the policy of the Regional Board that:

### General Policies

5.1.1 Agricultural land shall be preserved by preventing the fragmentation of farm parcels, retaining large agricultural parcels, and avoiding the introduction of incompatible uses.

5.1.2 The agricultural economy and land base should be protected and enhanced by providing for a variety of uses that are supplementary and ancillary to a farm use which support farm incomes without jeopardizing the long term viability of farm land.

### Designation Policies

5.1.3 This Plan designates land with some or all of the following characteristics as AGRICULTURAL:

- ☐ within the Agricultural Land Reserve;
- ☐ suitable for farming; and,
- ☐ within flood hazard area.

5.1.4 AGRICULTURAL areas may be extended or created through Plan amendment where additional areas suited to farm production are identified through an application process or pursuant to the Agricultural Land Commission Act.

5.1.5 Where land presently within the Agricultural Land Reserve is, pursuant to the Agricultural Land Commission Act, excluded from the Agricultural Land Reserve; exempted by the Agricultural Land Commission Act; or exempted by Regulations or an Order of the Commission; the provisions of the Official Community Plan shall be binding and

the land shall remain in the AGRICULTURAL designation unless and until the land is re-designated by bylaw amendment.

## Use Policies

5.1.6 AGRICULTURAL areas shall be used for only

- ☐ **agricultural;**
- ☐ **conservation;**
- ☐ **park and park reserve;**
- ☐ **recreation;**
- ☐ silviculture;
- ☐ **single family residential;**
- ☐ **accessory residential;** and,
- ☐ **associated rural residential** uses.

5.1.7 AGRICULTURAL areas in the Agricultural Land Reserve are subject to the provisions of the Agricultural Land Commission Act and the regulations and orders of the Agricultural Land Commission. The Act and the regulations generally prohibit or restrict non-farm use, unless otherwise permitted or exempted by the Commission.

5.1.8 Where a non-farm use is in place, and a non-farm use is approved by the Agricultural Land Commission, the Fraser Valley Regional District Board may consider rezoning to permit the non-farm use as approved by the Agricultural Land Commission. In these cases the land shall remain designated AGRICULTURAL.

5.1.9 In keeping with the variety of uses associated with agricultural lands, accessory farm uses shall be permitted provided that all uses of Agricultural Land Reserve lands are in accordance with the provisions of the Agricultural Land Commission Act, regulations thereto, and Orders of the Commission.

5.1.10 The Regional Board may consider site-specific zoning amendments to permit seasonal farm labour accommodations on agricultural parcels where all of the following conditions apply:

- a. the land is within the Agricultural Land Reserve;
- b. the parcel is classified as “Farm” under the British Columbia Assessment Act; and,
- c. the seasonal farm labour accommodation use is incidental to and necessary for a farm operation on the same farm unit.

5.1.11 The removal of soil or placing of fill on land in AGRICULTURAL areas shall be undertaken only in accordance with the Agricultural Land Reserve Use, Subdivision and Procedure Regulation and, where applicable, FVRD Soil



Removal and Deposit Bylaw No. 0729, 2006.

5.1.12 Pursuant to Section 21 of the Private Managed Forest Land Act, forest management activities shall be permitted on lands classified as private managed forest land.

5.1.13 Agri-tourism uses which are ancillary or supplementary to a farm use may be supported provided that parking and other servicing needs can be met on-site and the operation is compatible with surrounding agricultural uses.

5.1.14 Potential conflicts between intensive agricultural operations and other land uses should be minimized by establishing minimum separation distances between incompatible uses and by edge planning to avoid land use conflicts.

5.1.15 Preservation and enhancement of existing agricultural operations in the AGRICULTURAL designation shall have priority over newly proposed nonfarm uses.

5.1.16 While the matter of intensive agricultural uses within the Agricultural Land Reserve is not within the jurisdiction of the Regional District, the objectives of the Regional Board concerning intensive agricultural uses within AGRICULTURAL areas are:

- a. intensive agricultural uses should not occur on parcels with less than four (4) hectares of arable land;
- b. intensive agricultural uses should be sited with consideration to adjoining properties, adjacent land uses and riparian areas; and,
- c. intensive agricultural uses should be proportionate to the capability of the land and the receiving environment to sustain the use.

5.1.19 New parcels created by subdivision within the AGRICULTURAL areas shall be configured to maximize agricultural suitability and minimize potential conflicts between farm and non-farm uses.

The ALC has declared that cannabis production in any of its forms is a “farm use” and as such, at least within the Agricultural Land Reserve and other zones designated ‘agricultural’, comprising more than 50% of Hatzic Valley, cannot be prohibited by the FVRD so long as it’s in accordance with the ALR regulations and to take a prohibitionist approach is inconsistent with the purposes of the ALR Act and the Hatzic Valley Official Community Plan to promote agricultural production. Furthermore, for a minority of directors to take a prohibitionist approach is incompatible with the intentions of the FVRD to harmonize and develop consistency in the regulations between the various Electoral areas.

Here is a draft of the existing Bylaw and with proposed amendments in **red**, other statutory references in **green** and comments in **blue**)

## **DEWDNEY-ALOUETTE REGIONAL DISTRICT LAND USE AND SUBDIVISION REGULATION ESTABLISHING BYLAW NO. 559-1992**

Fraser Valley Regional District Page 1 Consolidated Zoning Bylaw No. 559, Area “G” Portions of “C” and “F” DEWDNEY-ALOUETTE REGIONAL DISTRICT LAND USE AND SUBDIVISION REGULATION BYLAW NO. 559-1992

A Bylaw to Make Effective Regulations for The Management of Development Within Portions of Electoral Areas B, C, D and E of The Dewdney-Alouette Regional District

WHEREAS pursuant to Part 29 of the Municipal Act, R.S.B.C. 1979, c.290, the Dewdney Alouette Regional District has the power to make regulations for the management of development within the Regional District;

NOW THEREFORE the Board of the Dewdney-Alouette Regional District in open meeting assembled enacts as follows:

PART 100 - TABLE OF CONTENTS

PART 200 – DEFINITIONS

### **Existing definition**

MEDICAL MARIHUANA GROW OPERATION means the cultivation, growth, storage or distribution, testing or research of marihuana for medical purposes as lawfully permitted and authorized under the applicable federal or provincial law. [Byl # 1257, 2014]

This definition is clearly out of date as the term “marihuana” no longer exists as a matter of law and has been replaced by the term “cannabis”.

Further, it appears to be an old the definition that existed prior to the conclusion of the litigation (from Parker 2001 to Smith 2015 and Allard 2016 set out above) surrounding the right of medically approved patients to reasonable access to their medicine to prevent the violation of the security of their person in a manner inconsistent with principles of fundamental justice, contrary to section 7 of the Canadian Charter of Rights and Freedoms that forms part of our Constitution.

It follows that any attempts by the FVRD to unreasonably limit the production of Cannabis by a medically approved patient for their own medical purposes, or by a designated grower for medically approved patients pursuant to permits issued under part 12 of the Cannabis Act regulations or grandfathered under the prior federal Medical Marihuana Access regulations (MMAR) pursuant to the final injunction granted in Allard v Canada 2016 FC 236 (FCTD) of February 4, 2016 by Justice Phelan, would violate the section 7 Charter constitutional rights of such patients and entitle them to an appropriate and just remedy pursuant to s. 24 Charter that could include monetary damages and costs.

### Proposed amendments

**“CANNABIS means all species and genus of the flowering plant in the family cannabaceae, whether growing or not, including the seed and clone of such plants”**

This definition is inconsistent with the definitions in the Federal Cannabis Act and regulations, as well as provincial cannabis legislation and is broad enough to include within it not only the production of cannabis in any of its forms, but also industrial hemp.

**“CANNABIS DISPENSARY means a business or service used for dispensing, selling or distributing CANNABIS or any product or thing containing CANNABIS, for any purpose including medical use.”**

This definition is broad enough to include a ‘designated grower’ under part 12, the Access to Cannabis for Medical Purposes provisions of the Cannabis regulations, as well as those grandfathered under the former MMAR and it fails to take into account the distinction between provincial social/recreational dispensaries in relation to which the provincial legislation expressly says do not apply to medical cannabis and the federal “license to sell medical cannabis” either without possession, such as Shoppers Drug Mart or with possession such as the pending application, of the BC Compassion Club Society.

**“CANNABIS PRODUCTION FACILITY means a business or service growing, cultivating, germinating, producing, storing, warehousing or packaging any product or thing containing CANNABIS.”**

This definition is broad enough to include a personal producer or designated grower under the former MMAR or the current ACMPR under part 12 of the Cannabis Act who are authorized to produce for medical purposes as well as a standard or micro licensed producer under the Cannabis Act. To unreasonably limit the reasonable access to which medically approved patients are entitled to prevent the violation of their constitutional rights may result in constitutional litigation seeking damages and similarly limiting a licensed producer that is licensed to sell for medical purposes may also run afoul of the Charter.

This does not mean that such producers are exempt from all bylaws. They are subject to all reasonable bylaws, such as requiring electrical and fire inspections, preventing noxious odors or lights etc.

By virtue of section 8 (possession up to 30 g when out and about) and section 12 (production) of the Cannabis Act, an adult is permitted to cultivate, propagate, store and harvest up to 4 cannabis plants of any size at any one time in their dwelling house (4 per household not per person) and the definition of “dwelling house” for purposes of section 12 includes any land that is adjacent to the residence and immediately contiguous land that is attributable to it, including a yard, garden, or any similar land and any building or structure on any such land.

Presumably, it is not the intention of the FVRD to interfere in any unreasonable way with a ‘residents’ ability to produce 4 plants of any size and to harvest and process, including storing such product, subject only to the 30 g limitation when out and about, nor similarly to unreasonably interfere with the

right of a medically approved patient to produce for themselves or a designated grower to produce for them and other provisions of the ACMPR with respect to numbers of permits at any one location and the amount that medical patients Assessment of up to a maximum 150 g.

**For ease of reference**

**Cannabis Act (since October 17,2019)**

**cannabis** means a cannabis plant and anything referred to in Schedule 1 but does not include anything referred to in Schedule 2. (*cannabis*)

**SCHEDULE 1(Subsections 2(1) and 151(1))**

- 1 Any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not, other than a part of the plant referred to in Schedule 2
- 2 Any substance or mixture of substances that contains or has on it any part of such a plant
- 3 Any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained

**SCHEDULE 2(Subsections 2(1) and 151(1) and Schedule 1)**

- 1 A non-viable seed of a cannabis plant
- 2 A mature stalk, without any leaf, flower, seed or branch, of such a plant
- 3 Fibre derived from a stalk referred to in item 2
- 4 The root or any part of the root of such a plant

**cannabis accessory** means

- **(a)** a thing, including rolling papers or wraps, holders, pipes, water pipes, bongs and vaporizers, that is represented to be used in the consumption of cannabis; or
- **(b)** a thing that is deemed under subsection (3) to be represented to be used in the consumption of cannabis. (*accessoire*)

**cannabis plant** means a plant that belongs to the genus *Cannabis*. (*plante de cannabis*)

**distribute** includes administering, giving, transferring, transporting, sending, delivering, providing or otherwise making available in any manner, whether directly or indirectly, and offering to distribute. (*distribuer*)

**produce**, in respect of cannabis, means to obtain it by any method or process, including by

- **(a)** manufacturing;
- **(b)** synthesis;

- **(c)** altering its chemical or physical properties by any means; or
- **(d)** cultivating, propagating or harvesting it or any living thing from which it may be extracted or otherwise obtained. (*production*)

**sell** includes offer for sale, expose for sale and have in possession for sale. (*vente*)

See also the **Cannabis Regulations** and the separate **Industrial Hemp Regulations (IHR)** that are now also pursuant to the **Cannabis Act** and in particular the definition of “**industrial hemp**” in s.1(2) of those regulations, as follows:

**(2)** For the purposes of the Act and these Regulations, **Industrial hemp** means a cannabis plant - or any part of that plant- in which the concentration of THC is 0.3%w/w or less in the flowering heads and leaves.

The provincial **Cannabis Control and Licensing Act** defines “**cannabis**”, “**cannabis accessory**” and “**cannabis plant**” as having the same meaning as the **Cannabis Act (Canada)** subject to any prescribed modifications. Section 2 of the Act provides that, unless the Act or regulations provide otherwise Parts 3 (General Rules) and 4 (Licenses) the Act do not apply to ‘**medical cannabis**’ and none of the provisions of the Act apply to ‘**industrial hemp**’.

#### PART 300 - ADMINISTRATION

##### 301 IMPLEMENTATION AND TITLE

##### 302 ENFORCEMENT

#### PART 400 - GENERAL PROVISIONS

##### 401 ESTABLISHMENT OF ZONES

##### 402 PROHIBITED USES

**(1) Except where expressly permitted in a zone, each use of land is prohibited in that zone.**

(2) The keeping of more than three (3) dogs per parcel is prohibited, except where the zone specifically permits a dog kennel use. (See regulations in Section 408)

(3) The keeping of any carnivorous animal (other than a domestic dog) weighing over 24 kilograms or any poisonous reptile, regardless of its size, is prohibited in all zones.

“(4) Within Electoral Area F as shown on Schedule D to Bylaw No. 559, 1992, CANNABIS PRODUCTION FACILITY, CANNABIS DISPENSARY and MEDICAL MARIHUANA GROW OPERATION are Prohibited Uses.”

This attempted prohibition of everything by the FVRD as tantamount to an attempt to exercise a “criminal law power” which is reserved to the federal government and one which it still exercises pursuant to the Cannabis Act and regulations.

As indicated above, it is in violation of the Canadian Constitution, and specifically section 7 of the **Canadian Charter of Rights and Freedoms** insofar as it purports to apply to the possession and production and possible sale of cannabis for medical purposes’

It is also inconsistent with provincial legislation such as the **Agricultural Land Reserve Act** based on the Agricultural Land Commission having declared all forms of cannabis production to be “a farm use” and having set out the parameters for its production consistent with the purposes of the ALR, which applies to in excess of 50% of the Hatzic Valley.

It is also inconsistent with its own **Official Community Plan** in relation to the promotion of agricultural uses and fails to recognize cannabis production as a legitimate farm agricultural use in comparison to other crops.

It is also inconsistent with the **objectives of the FVRD** to consolidate and provide consistency in bylaws throughout the entire region as between the different Electoral Area’s and other local governments region by creating three somewhat isolated Electoral areas taking a prohibitionist approach and the majority of five, including those adjacent to Electoral Area F, taking a more reasonable individual case-by-case approach to future applications.

As currently worded, this provision would appear to apply to those MMAR medically approved patients protected by **2016 Allard injunction** and medical producers, whether personal or designated as well as those currently permitted under **Part 14 of the Cannabis Act regulations**, the **Access to Cannabis for Medical Purposes** provisions and fails to take into account the distinctions between the provincial recreational/social dispensaries and then license producers, license to sell medical cannabis that is so primarily online and through the mail.

The prohibition with respect to medical marihuana production facilities is particularly out of date and problematic and will result in unreasonably limiting reasonable access by medically approved patients resulting in a violation of their s. 7 Charter rights to the security of their person in obtaining medicine prescribed for their doctor for their health condition and the right not to have such arbitrarily taken away or removed.

#### 403 AGRICULTURAL USES

##### **Agricultural Land Reserve**

- (1) Notwithstanding this Bylaw, all lands within an Agricultural Land Reserve are subject to the provisions of the Agricultural Land Commission Act, R. S. B. C. 1979, c. 9 regulations thereto and orders of the Commission.

In PART 400 – GENERAL PROVISIONS, Section 403 Agricultural Uses, by deleting Section 403 (1) in its entirety and replacing it with the following:

##### **Agricultural Land Reserve**

- (1) Notwithstanding this bylaw, all lands within an Agricultural Land Reserve are subject to the provisions of the Agricultural Land Commission Act, S.B.C. 2002, c. 36, and the regulations thereto. Where land within the Agricultural Land Reserve is also within a zone established under this bylaw, the bylaw shall be binding only insofar as it is not contrary to the Agricultural Land Commission Act and regulations thereto.”

This reaffirms the paramountcy of the provincial legislation in the form of the Agricultural Land Commission Act, over any FVRD or local government bylaws. Of course, the Canadian Charter of Rights and Freedoms is the supreme law of the land and is binding on all levels of government.

### **Intensive Agricultural Use**

- (2) An Intensive Agricultural Use:

(a) except as restricted by the Agricultural Land Commission Act, shall be permitted only within the A-1 and A-2 zones; and

### **General Agricultural Use**

- (3) A General Agricultural Use:

(a) shall be permitted in the R-1, R-2, R-3 R-6 and P-5 [Byl # 0725, 2006] zones; and

(b) except as restricted by the Agricultural Land Commission Act, shall be permitted within the A-1 and A-2 zones; and

(c) involving the keeping of animals, other than household pets, shall not be permitted on a parcel less than 1.0 hectare in area within the R-1, R-2, R-3, RS-1 and RS-2 zones.

(4) Within the RS-1 and RS-2 zones the keeping of livestock shall be limited to four animals per hectare provided the parcel is greater than 1.0 hectare in area.

### **Accessory Agricultural Market Use**

- (5) An Accessory Agricultural Market Use:

(a) shall be permitted in the A-3 zone;

(b) shall be in accordance with all regulations and orders of the Agricultural Land Commission Act, including any order pertaining to farm retail sales in the agricultural land reserve;

(c) shall involve the retail sale of agricultural products grown on the parcel upon which the accessory agricultural market use is located and/or grown on other parcels within the Regional District that form and are managed as part of the same farm operation;

(d) may involve the retail sale of agricultural products that are not grown on the parcel upon which the accessory agricultural market use is located or on other parcels within the Regional District managed as

part of the same farm operation, provided that the sale of these off-farm grown products shall be in accordance with the regulations and orders of the Agricultural Land Commission Act;

(e) may involve the retail sale of non-agricultural products, but limited to the following products:

(i) snacks and drinks;

(ii) baked goods;

(iii) souvenirs, maps, postcards, booklets, newspapers, or similar materials for tourists and the travelling public;

(iv) tobacco products;

(v) handicrafts; or

(vi) gardening materials or supplies; provided that the sale of these non-farm products shall be in accordance with the regulations and orders of the Agricultural Land Commission Act;

(f) shall be limited to the extent that the area of the market used for the sale of non-agricultural products plus off-farm grown products shall not exceed 1/3 of the total area of the market used for the retail sale of all products, or 75 square metres, whichever is less;

(g) shall be limited to an overall retail area of 225 square metres;

(h) may have a sign or signs located on the same parcel upon which the accessory agricultural market use is located, up to a maximum sign area (including any signage located upon the market building itself) of 10 square metres;

(i) shall have on-site parking provided in accordance with Section 409 of this Bylaw;

(j) shall be sited in accordance with Section 412 of this Bylaw.

404 TRADE AND COMMERCIAL

405 RESIDENTIAL USES

406 ACCESSORY COTTAGE INDUSTRY USE

407 ACCESSORY HOME OCCUPATION USE

408 DOG KENNEL USE

409 ACCESSORY OFF-STREET PARKING USE

410 ACCESSORY OUTDOOR STORAGE USE

411 SCREENING



#### 412 SITING FOR BUILDINGS, STRUCTURES AND USES

#### 413 SUBDIVISION AND DEVELOPMENT CONTROL

iv. In PART 400 – GENERAL PROVISIONS, by deleting Section 414 in its entirety and replacing it with the following:

##### “414 MEDICAL MARIHUANA GROW OPERATION Application

##### (1) A Medical Marihuana Grow Operation:

(a) Shall be permitted in the A-1, A-2, A-3, M-1, and M-2 zones, except within Electoral Area F as shown on Schedule D to Bylaw No. 559, 1992; and

(b) Shall be permitted in the R-1, R-2, R-3, R-4, R-5, and R-6 zones, except within Electoral Area F as shown on Schedule D to Bylaw No. 559, 1992.”

As indicated above, any unreasonable limitation on a medically approved patients right to reasonable access to their medicine that results in a violation of security their person in an arbitrary manner in violation of section 7 of the Charter is unconstitutional and will entitle them to an appropriate and just remedy under section 24 of the Charter. Furthermore, this provision fails to distinguish between commercial standard or micro production, even if for medical purposes and personal or designated grower production under the ACMPR or Allard injunction.

#### PART 500 - AGRICULTURAL ZONES

#### 501 UPLAND AGRICULTURE (A-1)

v. In PART 500-**UPLAND AGRICULTURE**, by deleting Section 501(1) in its entirety and replacing it with the following:

##### “Permitted Uses

(1) Subject to the provisions of this bylaw and the Agricultural Land Commission Act, the following uses and no others are permitted in the A-1 zone:

Permitted Uses Reference

Residential Use Section 405

General Agricultural Use Section 403

Intensive Agricultural Use Section 403

Accessory Boarding Use Section 405

Accessory Cottage Industry Section 406

Accessory Employee Residential Use Section 405

Accessory Family Residential Use Section 405

Accessory Home Occupation Use Section 407

Dog Kennel Use Section 408

Accessory Off-Street Parking Use Section 409

Accessory Outdoor Storage Use Section 410

Accessory Produce Sales Use Section 412

Public Use Section 200

Medical Marihuana Grow Operation

Section 414 1(b) Notwithstanding Section 501(1a) of this bylaw, where a parcel is zoned UPLAND AGRICULTURE (A-1) within the boundaries of Electoral Area F, as shown on the map included as Schedule D to Bylaw No. 559, 1992, Medical Marihuana Grow Operation is not a permitted use.”

See the comments above with respect to this section that appears after each specific use and appears to violate the rights of medically approved patients arising out of decisions from Parker to Allard to reasonable access to their medicine to prevent a violation of their constitutional rights.

## 502 FLOODPLAIN AGRICULTURE (A-2)

vi. In PART 502 – **FLOODPLAIN AGRICULTURE**, by deleting Section 502(1) in its entirety and replacing it with the following:

“Permitted Uses (1) Subject to the provisions of this bylaw and the Agricultural Land Commission Act, the following uses and no others are permitted in the **A-2 zone**:

Permitted Uses Reference

Residential Use Section 405

General Agricultural Use Section 403

Intensive Agricultural Use Section 403

Accessory Boarding Use Section 405

Accessory Cottage Industry Section 406

Accessory Employee Residential Use Section 405

Accessory Family Residential Use Section 405

Accessory Home Occupation Use Section 407

Dog Kennel Use Section 408

Accessory Off-Street Parking Use Section 409

Accessory Outdoor Storage Use Section 410

Accessory Produce Sales Use Section 412

Public Use Section 200

Medical Marihuana Grow Operation

Section 414 1(b) Notwithstanding Section 502(1a) of this Bylaw, where a parcel is zoned FLOODPLAIN AGRICULTURE (A-2) within the boundaries of Electoral Area F, as shown on the map included as Schedule D to Bylaw No. 559, 1992, Medical Marihuana Grow Operation is not a permitted use.”

[See comments above the constitutionality of this provision](#)

### 503 AGRICULTURAL MARKET (A-3)

vii. In PART 503 – **AGRICULTURAL MARKET**, by deleting Section 503(1) in its entirety and replacing it with the following:

“Permitted Uses (1) Subject to the provisions of this bylaw and the Agricultural Land Commission Act, the following uses and no others are permitted in the A-3 zone:

Permitted Uses Reference

Residential Use Section 405

General Agricultural Use Section 403

Intensive Agricultural Use Section 403

Accessory Agricultural Market Use Section 403

Accessory Cottage Industry Section 406

Accessory Employee Residential Use Section 405

Accessory Family Residential Use Section 405

Accessory Home Occupation Use Section 407

Accessory Off-Street Parking Use Section 409

Accessory Outdoor Storage Use Section 410

Accessory Produce Sales Use Section 412

Public Use Section 200

Medical Marihuana Grow Operation

Section 414 1(b) Notwithstanding Section 503(1a) of this bylaw, where a parcel is zoned AGRICULTURAL MARKET (A-3) within the boundaries of Electoral Area F, as shown on the map included as Schedule D to Bylaw No. 559, 1992, Medical Marihuana Grow Operation is not a permitted use.”

See comments above with respect to the constitutionality of this provision.

#### PART 600 - RURAL ZONES

601 RURAL 1 (R-1)

602 RURAL 2 (R-2)

603 RURAL 3 (R-3)

604 RURAL 4 (R-4)

605 RURAL 5 (R-5)

606 RURAL 6 (R-6)

#### PART 700 - RURAL RESIDENTIAL ZONES

701 RURAL RESIDENTIAL 1 (RS-1)

702 RURAL RESIDENTIAL 2 (RS-2)

703 RESORT RESIDENTIAL 1 (RST-1)

704 RESORT RESIDENTIAL 2 (RST-2)

#### PART 800 - TRADE AND COMMERCIAL SERVICE ZONES

801 NEIGHBOURHOOD COMMERCIAL (C-1)

802 PUBLIC HOUSE COMMERCIAL (C-2)

803 OUTDOOR RECREATION (OR)

804 MOTEL CAMPGROUND (MC)

805 TOURIST CAMPSITE (TC)

## PART 900 - INDUSTRIAL PROCESSING AND MANUFACTURING ZONES

### 901 GENERAL INDUSTRIAL (M-1)

viii. In PART 901 – **GENERAL INDUSTRIAL**, by deleting Section 901(1) in its entirety and replacing it with the following:

“Permitted Uses (1) Subject to the provisions of this bylaw, the following uses and no others are permitted in the M-1 zone:

Permitted Uses Reference

Residential Use Section 405

General Industrial Use Section 200

Resource Use Section 200

Accessory Off-Street Parking Use Section 409

Accessory Outdoor Storage Use Section 410

Medical Marihuana Grow Operation

Section 414 1(b) Notwithstanding Section 901(1a) of this bylaw, where a parcel is zoned GENERAL INDUSTRIAL (M-1) within the boundaries of Electoral Area F, as shown on the map included as Schedule D to Bylaw No. 559, 1992, Medical Marihuana Grow Operation is not a permitted use.”

[See comments above respect to the constitutionality of this provision](#)

### 902 HEAVY INDUSTRIAL (M-2)

ix. In PART 902 – **HEAVY INDUSTRIAL**, by deleting Section 902(1) in its entirety and replacing it with the following:

“Permitted Uses (1) Subject to the provisions of this bylaw, the following uses and no others are permitted in the M-2 zone:

Permitted Uses Reference

Residential Use Section 405

Heavy Industrial Use Section 200

General Industrial Use Section 200

Resource Use Section 200

Accessory Off-Street Parking Use Section 409

Accessory Outdoor Storage Use Section 410

Accessory Retail Use Section 200

Medical Marihuana Grow Operation

Section 414 1(b) Notwithstanding Section 901(1a) of this bylaw, where a parcel is zoned HEAVY INDUSTRIAL (M-2) within the boundaries of Electoral Area F, as shown on the map included as Schedule D to Bylaw No. 559, 1992, Medical Marihuana Grow Operation is not a permitted use.”

See comments above with respect to the constitutionality of this provision

PART 1000 - INSTITUTIONAL SERVICE ZONES

1001 CIVIC ASSEMBLY (P-1)

1002 CIVIC INSTITUTIONAL (P-2)

1003 PERSONAL CARE INSTITUTIONAL (P-3)

1004 CEMETERIES

1005 RESTRICTED USE (P-5)

1006 PRIVATE RESORT (P-6)

SCHEDULES ATTACHED B1 – PARALLEL AND 90o PARKING LAYOUT AND DIMENSIONS

B2 – ANGLE PARKING LAYOUT AND DIMENSIONS SCHEDULES UNDER SEPARATE COVER

C1 – C18 MAPS OF ZONE BOUNDARIES

D – BOUNDARIES OF ELECTORAL AREA “F”

### **Comments regarding the Corporate Report of October 8, 2019 File No. 0340-30-EA Planning Policies**

This report sets out the Alternatives being proposed by Electoral areas D,H and F compared to Electoral areas, A B,C,E and G generally that are discussed above and attaches as Appendix A a ‘Policy and Procedure’ document with respect to “Land Use Policy for Cannabis Production, Processing and Retail Sales in the Electoral areas and goes on to provide what is referred to as “direction and intent” as detailed in a Chart that appears to set out in more specific detail the differing policies between the differing Electoral areas and can be summarized as follows:

1. **Retail Sales** - not supported by any Electoral areas, and all proposals to be reviewed on a site by site basis, including public consultation;

Why are all of the Electoral areas opposed to any retail sales as are permitted for alcohol and tobacco other drugs? Why should the residence of the FVRD be required to go elsewhere to purchase cannabis? Some medical dispensaries been around for over 25 years without any problems at least five years without any demonstrable significant problems. The history of “prohibition” demonstrates that to apply that policy in the face of public demand simply results in the matter underground continues in an unregulated stead of the preferable regulated environment.

2. **Cannabis Growing** - supported by five Electoral areas - A, B, C, E and G, subject to ensuring all negative impacts are mitigated but not supported by three namely D, H and F, except where permitted by Federal and Provincial legislation;  
Submissions with respect to this are indicated in detail above – prohibition didn’t work in the past and most local government inspectors in my experience do not want to return to the past, having come to learn that the use of civil local government procedures are much more effective at ensuring compliance than the use of the criminal law.
3. **Cannabis Processing (as a standalone land-use or accessory to cannabis growing or other uses)** - supported by five electoral areas - A, B, C, E and G, subject to ensuring all negative impacts are mitigated but not supported by three, namely Electoral areas D, H,F, except where permitted by Federal or Provincial legislation.  
It is submitted that processing of farm or any agricultural products should be permitted on site subject to mitigating negative impacts in the same way that such are permitted for other agricultural products.

The document, then sets out another Chart with respect to impacts to be mitigated in all Electoral Areas, such as minimizing odors, light spill, impacts on aquifer and water use, minimizing waste, minimizing impacts to environments such as creeks, limiting use of buildings to cannabis and farm uses limiting nonagricultural uses, as well as aesthetics and public safety, all of which are perfectly understandable and reasonable.

However, references also made to “avoid Rural communities,” which requires some explanation.

**Notwithstanding my view that proposed amendments, it clearly and are of the view that Most importantly the document refers to “prohibit cannabis use within a residence” that requires definition and clarification. Perhaps a representative of the FVRD can explain what lawful jurisdiction they might have to legislate with respect to what goes on in a person’s private residence in relation to the consumption and use of cannabis in any of its many forms, for both medical and social purposes.**

All of which is respectfully submitted,

**John W. Conroy QC, Barrister, residing since 1973, with Sharie Conroy at 12699 Stave Lake Rd in McConnell Creek, BC**

My name is Lynne Fry I live at  
13916 Stave Lake Rd Mission  
I support your bylaw of Prohibition  
on Cannabis.

Thank You!

February 12 2020. Lynne Fry



To: Electoral Area Services Committee

Date: 2020-03-10

From: Andrea Antifaeff, Planner I

File No: 3920-20 1572 & 1573

**Subject: Cultus Lake Advisory Planning Commission Repeal Bylaw No. 1572, 2020 and FVRD Development Procedures Amendment Bylaw No. 1573, 2020**

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### RECOMMENDATION

**THAT** the Fraser Valley Regional District Board consider giving three readings and adoption to the bylaw cited as *Fraser Valley Regional District Cultus Lake Park Advisory Planning Commission Repeal Bylaw No. 1572, 2020*;

**AND THAT** the Fraser Valley Regional District Board consider giving three readings and adoption to the bylaw cited as *Fraser Valley Regional District Development Procedures Amendment Bylaw No. 1573, 2020*;

**AND FURTHER THAT** the Fraser Valley Regional District Board direct staff to proceed with the planning application referral process to Cultus Lake Park as outlined in this corporate report.

### STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

### BACKGROUND

The Cultus Lake Advisory Planning Commission (APC) was established in 2018 to assist with the implementation of the Cultus Lake Park Zoning Bylaw No. 1375, 2016 and to generally advise the FVRD Board on matters related to land use, community planning and the preparation of bylaws. The Cultus Lake APC has met six times since its establishment.

Recently, Director Dixon, Fraser Valley Regional District staff and Cultus Lake Park representatives and staff have been meeting to explore opportunities to improve the process for receiving Cultus Lake Park input on planning matters within the Park.

## DISCUSSION

### Advisory Planning Commission Bylaw 1378, 2016

The *Cultus Lake Advisory Planning Commission Bylaw No. 1378, 2016*, established an Advisory Planning Commission (APC) for Cultus Lake Park. The idea of the APC was to provide recommendations to the Electoral Area Director, the Electoral Area Services Committee and the FVRD Board regarding planning, development and land use within Cultus Lake Park. The APC is comprised of the Commissioners elected to the Cultus Lake Park Board.

Through conversations between Taryn Dixon, Electoral Area H Director, Cultus Lake Park Commissioners and staff and FVRD staff, it has been determined that the APC is not meeting the needs of the parties involved. The FVRD has been asked to re-evaluate the process for obtaining comments from CLP on planning matters under consideration by the FVRD Board.

### Planning Application Referrals

Decisions on planning applications that stem from FVRD bylaws are the responsibility of the FVRD Board as set out in the *Local Government Act*. The Board carries the responsibility for these decisions and any liability that flows from them. Some decisions that the FVRD Board make have the potential to affect other agencies. Where this is the case, the Regional District seeks input from these agencies through a referral process.

Cultus Lake Park is responsible for roads, parking, public lands, waste collection services and other matters within the park. As a result, decisions made by the FVRD Board on planning applications may affect the Park. A referral process will ensure that any comments CLP wish to provide about development applications before the FVRD Board will be considered by the Board.

Referrals to Cultus Lake Park will follow will be sent as follows:

Who	FVRD staff will prepare and send a referral to Cultus Lake Park. Cultus Lake Park staff will process the referral and return comments to the FVRD within referral response timelines (or requested extended timeline).
What	Planning applications (Development Variance Permits, Temporary Use Permits and Zoning amendments) that may affect matters within the jurisdiction of Cultus Lake Park will be referred to Cultus Lake Park for comment from the viewpoint of Cultus Lake Park bylaws, regulations and policies. Public notice and input will be a separate process undertaken by the FVRD in accordance with FVRD bylaws and the <i>Local Government Act</i> .
When	Referrals will be sent upon receipt and intake of the application so that comments may be received (usually within 30 days) before the FVRD Board Meeting when the application would normally be considered. Where the 30 days referral timeline does not provide adequate time for response, Cultus Lake Park may request and receive an extension to the response time.
Why	It is the sole responsibility of the FVRD Board to address planning and development applications that stem from FVRD bylaws. Cultus Lake Park has jurisdiction over Park lands, roads, parking on roads and public lots, waste collection and other matters within the Park.

	FVRD development approvals may affect matters within the jurisdiction of Cultus Lake Park and referrals will provide an effective opportunity for Cultus Lake Park to identify impacts and provide comments from the perspective of their bylaws, regulations and policies.
How	Applications with a cover letter will normally be sent by email to the Cultus Lake Park CAO.

The referral process outlined above would not replace the public notification process required for planning application processes. For example, for a development variance permit application, all neighbours within 30 metres of the subject property will receive a notice in the mail describing the application and providing details of the date and time when the application will be considered by the FVRD Board. Neighbours will submit their comments directly to FVRD.

#### Development Procedures Bylaw No. 1377, 2016

An amendment to the Development Procedures Bylaw is also required as a result of the Cultus Lake APC bylaw being repealed and moving to a referral process for planning applications. The FVRD Development Procedures Bylaw needs to be amended to delete the following text:

- 3.1 *"Cultus Lake Park" means the lands identified in the Cultus Lake Park Act as forming Cultus Lake Park.*
- 4.2 *Development Variance Permit applications, Temporary Use Permit application and amendment applications concerning land within Cultus Lake Park shall be referred to the Advisory Planning Commission for Cultus Lake Park and the recommendations of the Advisory Planning Commission shall be considered by the Electoral Area Services Committee and Board.*

#### **COST**

There will be a cost savings to FVRD with the repeal of the Cultus Lake APC Bylaw. In addition, the referral process should streamline application processing and result in savings for applicants.

#### **CONCLUSION**

Staff recommend that proposed Fraser Valley Regional District Cultus Lake Advisory Planning Commission Repeal Bylaw No. 1572, 2020 and Fraser Valley Regional District Development Procedures Amendment Bylaw No. 1573, 2020 be given three readings and adoption and that the Fraser Valley Regional District Board direct staff to proceed with the planning application referral process to Cultus Lake Park as outlined in this corporate report. The proposed referral process is consistent with how the FVRD currently manages inter-agency referrals. It should streamline the process while still providing an effective opportunity for Cultus Lake Park to provide their comments on applications.

**COMMENTS BY:**

**Graham Daneluz, Director of Planning & Development:**

Reviewed and supported.

**Mike Veenbaas, Director of Financial Services:**

No further financial comments.

**Jennifer Kinneman, Acting Chief Administrative Officer:**

Reviewed and supported.

**FRASER VALLEY REGIONAL DISTRICT  
BYLAW NO. 1572, 2020**

**A bylaw to Repeal Fraser Valley Regional District Cultus Lake Park  
Advisory Planning Commission Establishment Bylaw No. 1378, 2016**

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The Board of Directors of the Fraser Valley Regional District enacts as follows:

**1) CITATION**

This bylaw may be cited as *Fraser Valley Regional District Cultus Lake Park Advisory Planning Commission Repeal Bylaw No. 1572, 2020*.

**2) REPEAL**

*Fraser Valley Regional District Cultus Lake Park Advisory Planning Commission Establishment Bylaw No. 1378, 2016* and any amendments thereto are hereby repealed.

**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 Cultus Lake Park Advisory Planning Commission Repeal Bylaw No. 1572, 2020* as adopted by the Board of Directors of the Fraser Valley Regional District on the \_\_\_\_\_

Dated at Chilliwack, B.C. this

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Corporate Officer/Deputy

DRAFT

**FRASER VALLEY REGIONAL DISTRICT  
BYLAW NO. 1573, 2020**

**A bylaw to amend Development Procedures Bylaw No. 1377, 2016**

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**WHEREAS** the Board of Directors of the Fraser Valley Regional District (the “Board”) wishes to amend *Fraser Valley Regional District Development Procedures Bylaw No. 1377, 2016*.

**THEREFORE** the Board enacts as follows:

**1) CITATION**

This bylaw may be cited as *Fraser Valley Regional District Development Procedures Amendment Bylaw No. 1573, 2020*.

**2) ENACTMENTS**

That *Fraser Valley Regional District Development Procedures Bylaw No. 1377, 2016*, as amended, is amended by:

- a) Deleting, under Section 3 (Definitions) the definition of “Cultus Lake Park”;
- b) Deleting Section 4.5.2 in its entirety.

**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 Development Procedures Amendment Bylaw No. 1573, 2020* as adopted by the Board of Directors of the Fraser Valley Regional District on the

Dated at Chilliwack, B.C. this

\_\_\_\_\_  
Corporate Officer/Deputy

DRAFT



To: Electoral Area Services Committee  
From: Reg Dyck, Manager of EA Emergency Services

Date: 2020-03-10  
File No: 3920-20

**Subject: Draft Bylaw 1579, 2020 Electoral Area Volunteer Fire Department Establishment and Regulation.**

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### RECOMMENDATION

**THAT** the Fraser Valley Regional District consider giving three readings and adoption to the bylaw cited as *Fraser Valley Regional District Electoral Area Volunteer Fire Department Establishment and Regulation Amendment Bylaw No. 1579, 2020*

### STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

### PRIORITIES

### BACKGROUND

There have been changes to some of the volunteer fire departments' remuneration over the past number of years that have not been captured in Schedule B of the bylaw. This is being brought forward to update Schedule B and to input the changes approved by the Electoral Area Services Committee and the Board for the 2020 financial plan. Schedule A will also need an update as the Hemlock Valley Volunteer Fire Department is now recognized as a First Responder Fire Department.

### DISCUSSION

EA Directors may recommend, from time to time, increasing remuneration rates and honorariums to EA fire departments as an appreciation of the fire department members' service provided to the community.

As the remuneration schedule is embedded within the bylaw, Schedule B must be amended to reflect any changes.

Electoral Area B Director Dennis Adamson has asked for an additional honorarium for the Yale Volunteer Fire Department's Fire Chief position of \$3,000.00 starting January 1<sup>st</sup> of 2020.

The North Fraser Fire Chief's remuneration is changed from an honorarium to a paid part-time position beginning in 2020.

A separate line showing a \$25.00 callout rate has been added for EA volunteer firefighters who assist with responding to and verifying an event on behalf of emergency services. Staff feels this will be a cost and time-effective way to gather initial information of a potential emergency.

Other changes have been made to update Schedule B to reflect the true honorariums paid out to department members who take on leadership and administration roles within the fire department.

Hemlock Valley Fire Department has been using a point system that is described in Schedule B.

Schedule A has been adjusted to reflect Hemlock Valley Fire Departments' recognition as a First Responder fire hall.

## **COST**

The cost of the honorariums, the \$25.00 callout rate for Emergency Services, and the North Fraser Fire Chief position are reflected in the 2020 financial plans.

## **COMMENTS BY:**

**Tareq Islam, Director of Engineering & Community Services**

Reviewed and supported.

**Mike Veenbaas, Director of Financial Services**

Reviewed and supported.

**Jennifer Kinneman, Acting Chief Administrative Officer**

Reviewed and supported.

**FRASER VALLEY REGIONAL DISTRICT  
BYLAW NO. 1579, 2020**

**A bylaw to amend the Electoral Area Volunteer Fire Department regulations**

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**WHEREAS** the Board of Directors of the Fraser Valley Regional District ("the Board") wishes to amend *Fraser Valley Regional District Electoral Area Volunteer Fire Department Establishment and Regulation Bylaw No. 1474, 2018*, as amended.

**THEREFORE** the Board enacts as follows:

**1) CITATION**

This bylaw may be cited as the *Fraser Valley Regional District Electoral Area Volunteer Fire Department Establishment and Regulation Amendment Bylaw No. 1579, 2020*.

**2) ENACTMENTS**

That Fraser Valley Regional District Bylaw No. 1474, 2018, as amended, is amended by:

- a. Deleting "Schedule A" in its entirety and replacing it with the "Schedule A" attached hereto and forming an integral part of this bylaw;
- b. Deleting "Schedule B" in its entirety and replacing it 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 Electoral Area Volunteer Fire Department Establishment and Regulation Amendment Bylaw No. 1579, 2020* 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. 1579, 2020**  
**Schedule A**

**FIRE PROTECTION SERVICE LEVELS**

- A) FVRD volunteer fire departments are required and authorized to provide, at minimum, all aspects of the Exterior Operations Service Level as defined in the Playbook.
- B) Additionally, all FVRD volunteer fire departments are also authorized, but not required, to provide all aspects of the Interior Operations Service Level as defined in the Playbook but only if each of the following conditions are met at any given incident:
- 1) There is a bona fide reason to enter a structure that requires Interior Operations such as:
    - a. a real expectation that there is a life to be saved, or
    - b. that the structure and contents may be saved from demolition without risk to Members; and
  - 2) That there are sufficient Members on scene clearly identified as having completed the Interior Operations training and have that training documented on file; and
  - 3) That all Worksafe BC requirements and operational guideline requirements have been implemented properly and fully as part of all Interior Operations.
- C) Each volunteer fire department is also authorized to provide services as follows:

<b>Service/Activity</b>	<b>Boston Bar/North</b>	<b>Chilliwack River Valley</b>	<b>Columbia Valley</b>	<b>Hemlock Valley</b>	<b>North Fraser</b>	<b>Popkum</b>	<b>Yale</b>
Fire Suppression	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
First Responder Medical	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Auto-Extrication	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Low-Angle Rope Rescue	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public Fire and Life Safety Education	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

- 1) Fire Suppression: Structural Fire Suppression consisting of primarily defensive (exterior) strategies and tactics. Fire Suppression excludes offensive (interior) strategies or tactics unless the Incident Commander has conducted a risk/benefit analysis and has determined that it is safe to deploy offensive tactics, and a Rapid Intervention Team (RIT) has been established as per established Standard Operating Guidelines.
- 2) First Responder Medical: The delivery of pre-hospital care under a formal agreement between the Fraser Valley Regional District and British Columbia

Emergency Health Services and meeting the First Responder Scope of Practice as mandated by British Columbia Emergency Health Services.

**FRASER VALLEY REGIONAL DISTRICT BYLAW NO. 1579, 2020**

**Schedule B**

**ELECTORAL AREA VOLUNTEER FIRE DEPARTMENT REMUNERATION**

DEPARTMENT	PRACTICE RATE	CALLOUT RATE	EMERGENCY SERVICES CALLOUT RATE*	PAYROLL CYCLE	FIRE CHIEF HONORARIUM ANNUAL	DEPUTY/ASST F/C HONORARIUM	CAPTAIN HONORARIUM ANNUAL	TRAINING OFFICER HONORARIUM ANNUAL	LIEUTENANT HONORARIUM ANNUAL	FIREFIGHTER DUES ANNUAL	ADMIN HONORARIUM
BOSTON BAR	\$15.00	\$15.00	\$25.00	1/YR (Dec)	\$1,450.00	\$1,130.00				\$120.00	\$15.00 per occurrence
CHILLIWACK RIVER VALLEY	\$15.00	\$20.00	\$25.00	1/YR	\$2500.00	\$1000.00	\$500.00	\$750.00		\$120.00	
COLUMBIA VALLEY	\$20.50	\$25.00	\$25.00	1/YR (Nov)	\$2500.00	\$1,250.00	\$550.00	\$600.00		\$100.00	\$1,250.00/YR
NORTH FRASER	\$20.00	\$25.00	\$25.00	QUARTERLY	Paid Position	\$1,800.00	\$1,200.00		\$600.00	\$112.00	
POPKUM	\$20.00	\$25.00	\$25.00	1/YR (Nov)	\$3,000.00	\$2,500.00	\$1,500.00	\$1,000.00	\$750.00	\$200.00	\$1,000.00/YR
YALE	\$5,000.00 TOTAL HONORARIUM TO DEPARTMENT		\$25.00	1/YR (SEPT)	\$3,000.00						

HEMLOCK VALLEY: Hemlock Valley Fire Department works on a point system:

- For each 2 hour training session a member receives 1 point.
- Full day (6-hour- 9:00 - 15:00) training session count for 3 points.
- Those attending full day training outside of the Hemlock Fire Protection area receive 4 points per day of training.
- Incident Responses are broken down into 2 hour segments with the first 2 hours awarded for any incidents less than 2 hours.
- Attendance at recognized community service event is awarded a single point for the participation time.
- Maintenance work around the hall is also awarded points as long as a work sheet is filled in with an explanation of the work performed, time started and time finished.

At the end of the year the total points for all the members is added up and this number is divided into the dollars available in the Firefighters Allowance fund in the remuneration budget line to come up with a per-point dollar value. This dollar value is then multiplied by the number of points the individual member has accumulated over the year to come up with an honorarium amount. In order to receive an honorarium, members must attend a minimum of five (5) training sessions (So if the point value was \$11.00 per point and the member had accumulated 25 points their stipend would be \$275.00 Someone with 15 points would receive \$165.00.)

\* For Electoral Area Fire Department Members who are called out to assist the Emergency Services Department and provide initial information of a potential emergency or lack thereof.

DRAFT

To: Electoral Area Services Committee  
From: Pam Loat, Legislative Coordinator

Date: 2020-03-10  
File No: 3920-20

**Subject: Search and Rescue Grant in Aid Extended Service Repeal Bylaw No.1584, 2020**

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### RECOMMENDATION

**THAT** the Fraser Valley Regional District Board consider giving three readings to *Fraser Valley Regional District Search and Rescue Grant in Aid Extended Service Repeal Bylaw No. 1584, 2020*.

### STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

### BACKGROUND

The FVRD currently funds search and rescue programs within all FVRD Electoral Areas and most member municipalities through the sub-regional service area established by *Fraser Valley Regional District Sub-Regional Search and Rescue Service Area Establishment Bylaw No. 0688, 2005*. The City of Abbotsford is the only member municipality not included as a participant in this service.

There are also three extended services established in 1991 by the Regional District of Fraser-Cheam (RDFC) for the sole purposes of providing grants in aid for search and rescue programs within current Electoral Areas B, C, E and H. There are no remaining funds that were requisitioned through these old RDFC extended services.

### DISCUSSION

At the time when Bylaw No. 0688, 2005 was adopted, the grant in aid extended services were not repealed or merged into the sub-regional search and rescue service area. This bylaw is a housekeeping matter to repeal the now obsolete RDFC extended services established by the following bylaws:

- *Hope Volunteer Search and Rescue Grant-in-Aid Extended Service Establishment Bylaw No. 881, 1989;*



- *Kent/Harrison Hot Springs Search and Rescue Grant-in-Aid Extended Service Establishment Bylaw No. 882, 1991;*
- *Chilliwack Volunteer Search and Rescue Team Grant-in-Aid Extended Service Establishment Bylaw No. 896, 1989*

## **CONCLUSION**

Search and rescue programs are currently funded through the FVRD sub-regional service established by Bylaw No. 0688, 2005, and therefore the RDFC grant in aid extended services for Electoral Areas B, C, E and H are obsolete and no longer required.

## **COST**

None.

## **COMMENTS BY:**

**Jaime Reilly, Acting Director of Corporate Affairs**

Reviewed and supported.

**Mike Veenbaas, Director of Financial Services**

Reviewed and supported.

**Jennifer Kinneman, Acting Chief Administrative Officer**

Reviewed and supported.

**FRASER VALLEY REGIONAL DISTRICT  
BYLAW NO. 1584, 2020**

**A Bylaw to repeal Search and Rescue Grant-in-aid Extended Service Area Bylaws**

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**WHEREAS** the Regional District of Fraser Cheam Board of Directors adopted *Hope Volunteer Search and Rescue Grant-in-Aid Extended Service Establishment Bylaw No. 881, 1989*; *Kent/Harrison Hot Springs Search and Rescue Grant-in-Aid Extended Service Establishment Bylaw No. 882, 1991*; and *Chilliwack Volunteer Search and Rescue Team Grant-in-Aid Extended Service Establishment Bylaw No. 896, 1989* on April 16, 1991 for the purpose of funding grants-in-aid to search and rescue programs in current Electoral Areas B, C, E and H;

**AND WHEREAS** the Board of Directors of the Fraser Valley Regional District ("the Board") adopted *Fraser Valley Regional District Sub-Regional Search and Rescue Service Area Establishment Bylaw No. 0688, 2005* on July 25, 2006 for the purpose of making contributions to search and rescue programs for all Electoral Areas and select member Municipalities;

**AND WHEREAS** the Board wishes to repeal the Regional District of Fraser Cheam Extended Service Bylaws as funding is now provided through the Sub-Regional Search and Rescue Service;

**THEREFORE** the Board enacts as follows:

**1) CITATION**

This bylaw may be cited as *Fraser Valley Regional District Search and Rescue Grant in Aid Extended Service Repeal Bylaw No. 1584, 2020*.

**2) 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.

**3) REPEAL**

The following Regional District of Fraser Cheam Bylaws and any amendments thereto are hereby repealed:

- a. *Hope Volunteer Search and Rescue Grant-in-Aid Extended Service Establishment Bylaw No. 881, 1989*;
- b. *Kent/Harrison Hot Springs Search and Rescue Grant-in-Aid Extended Service Establishment Bylaw No. 882, 1991*;
- c. *Chilliwack Volunteer Search and Rescue Team Grant-in-Aid Extended Service Establishment Bylaw No. 896, 1989*

**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

APPROVED BY THE INSPECTOR  
OF MUNICIPALITIES 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 Search and Rescue Grant in Aid Extended Service Repeal Bylaw No. 1584, 2020* as read a third time by the Board of Directors of the Fraser Valley Regional District on the

Dated at Chilliwack, B.C. this

\_\_\_\_\_  
Corporate Officer/Deputy

To: Electoral Area Services Committee  
From: Pam Loat, Legislative Coordinator

Date: 2020-03-10  
File No: 3920-20

**Subject: Service Area Amendment Bylaw Nos. 1586, 2020; 1587, 2020; 1588, 2020 and 1589, 2020**

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### RECOMMENDATION

That the Fraser Valley Regional District Board consider giving three readings to:

- *Fraser Valley Regional District Boston Bar and North Bend Fire Protection Service Area Amendment Bylaw No. 1586, 2020;*
- *Fraser Valley Regional District Area A Garbage Disposal Service Area Amendment Bylaw No. 1587, 2020;*
- *Fraser Valley Regional District Townsite of Yale Water Supply and Distribution Local Service Area Amendment Bylaw No. 1588, 2020; and*
- *Fraser Valley Regional District Deroche Water System Service Area Amendment Bylaw No. 1589, 2020.*

### STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services  
Support Healthy & Sustainable Community

### BACKGROUND

In December of 2019 and January of 2020, several service area amendment bylaws were adopted to increase requisition amounts for the Boston Bar and North Bend Fire Protection; Area A Garbage Disposal; Yale Water Supply and Distribution System and Deroche Water System Service Areas. The increases to the maximum requisitions under all of these bylaws were less than 25%, and so these bylaws were adopted without Ministry approval pursuant to BC Regulation 113/2007 [Regional District Establishing Bylaw Approval Exemption Regulation].

The Ministry of Municipal Affairs and Housing has since advised us that because these bylaws also amended the method of calculating the amounts from a total requisition amount for the service area in a flat dollar amount to a rate per \$1000 applied to the taxable value of land and improvements within

the service area, that Ministry approval is, in fact, required. This type of amendment is not exempt from Inspector approval under BC Regulation 113/2007.

## **COST**

None.

## **CONCLUSION**

In order for the FVRD's bylaws to be valid, we are required to repeal and replace the following recently adopted service area amendment bylaws:

- *Fraser Valley Regional District Boston Bar and North Bend Fire Protection Service Area Amendment Bylaw No.1554, 2019;*
- *Fraser Valley Regional District Area A Garbage Disposal Service Area Service Area Amendment Bylaw No.1553, 2019;*
- *Fraser Valley Regional District Townsite of Yale Water Supply and Distribution Local Service Area Amendment Bylaw No. 1552, 2020;*
- *Fraser Valley Regional District Deroche Water System Service Area Amendment Bylaw No. 1551, 2019*

The new bylaws must receive approval from the Inspector of Municipalities after third reading and prior to adoption.

## **COMMENTS BY:**

**Mike Veenbaas, Director of Financial Services**

Reviewed and supported.

**Jennifer Kinneman, Acting Chief Administrative Officer**

Reviewed and supported.

**FRASER VALLEY REGIONAL DISTRICT  
BYLAW NO. 1586, 2020**

**A Bylaw to increase the requisition limit for the  
Boston Bar and North Bend Fire Protection Local Service Area**

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**WHEREAS** *Regional District of Fraser-Cheam Boston Bar and North Bend Fire Protection Local Service Area Establishment Bylaw No. 899, 1990* was adopted on May 1, 1990;

**AND WHEREAS** the maximum annual requisition for the Area Boston Bar and North Bend Fire Protection Local Service Area is currently \$100,000;

**AND WHEREAS** the Fraser Valley Regional District Board of Directors ("the Board") wishes to increase the maximum amount that may be requisitioned under Bylaw No. 899, 1990 and to change the method for calculating this value to a property value tax rate;

**AND WHEREAS** consent on behalf of electoral participating areas has been obtained;

**THEREFORE** the Board enacts as follows:

**1) CITATION**

This bylaw may be cited as *Fraser Valley Regional District Boston Bar and North Bend Fire Protection Service Area Amendment Bylaw No.1586, 2020*.

**2) ENACTMENTS**

That *Regional District of Fraser-Cheam Boston Bar and North Bend Fire Protection Local Service Area Establishment Bylaw No. 899, 1990* be amended by deleting Section 4 in its entirety and substituting the following:

"The maximum that may be requisitioned annually for the service established by this bylaw is an amount equal to that which could be raised by a property value tax rate of \$2.46/\$1000 applied to the net taxable value of the land and improvements within the Service Area."

**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) REPEAL**

*Fraser Valley Regional District Boston Bar and North Bend Fire Protection Service Area Amendment Bylaw No.1554, 2019* is hereby repealed.

**5) READINGS AND ADOPTION**

READ A FIRST TIME THIS                      day of

READ A SECOND TIME THIS                      day of

READ A THIRD TIME THIS                      day of

APPROVED BY THE INSPECTOR  
OF MUNICIPALITIES this                      day of

ADOPTED THIS                      day of

\_\_\_\_\_  
Chair/Vice-Chair

\_\_\_\_\_  
Corporate Officer/Deputy

**6) CERTIFICATION**

I hereby certify the foregoing to be a true and correct copy of *Fraser Valley Regional District Boston Bar and North Bend Fire Protection Service Area Amendment Bylaw No.1586, 2020* as adopted by the Board of Directors of the Fraser Valley Regional District on

Dated at Chilliwack, BC on

\_\_\_\_\_  
Corporate Officer/Deputy

**FRASER VALLEY REGIONAL DISTRICT  
BYLAW NO. 1587, 2020**

**A Bylaw to increase the requisition limit for the Area A Garbage Disposal Service Area**

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**WHEREAS** *Fraser Valley Regional District Area A Garbage Disposal And Collection Conversion and Amendment Bylaw No. 0440, 2001* was adopted on March 27, 2001;

**AND WHEREAS** the maximum annual requisition for the Area A Garbage Disposal Service Area is currently \$150,000;

**AND WHEREAS** the Fraser Valley Regional District Board of Directors ("the Board") wishes to increase the maximum amount that may be requisitioned under Bylaw No. 0440, 2001 and to change the method of for calculating this value to a property value tax rate;

**AND WHEREAS** consent on behalf of electoral participating areas has been obtained;

**THEREFORE** the Board enacts as follows:

**1) CITATION**

This bylaw may be cited as *Fraser Valley Regional District Area A Garbage Disposal Service Area Amendment Bylaw No. 1587, 2020*.

**2) ENACTMENTS**

That *Fraser Valley Regional District Area A Garbage Disposal And Collection Conversion and Amendment Bylaw No. 0440, 2001* be amended by deleting Section 2 (e) in its entirety and substituting the following:

"The maximum that may be requisitioned annually for the service established by this bylaw is an amount equal to that which could be raised by a property value tax rate of \$2.60/\$1000 applied to the net taxable value of the land and improvements within the Service Area."

**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) REPEAL**

*Fraser Valley Regional District Area A Garbage Disposal Service Area Service Area Amendment Bylaw No.1553, 2019* is hereby repealed.

**5) READINGS AND ADOPTION**



READ A FIRST TIME THIS                      day of

READ A SECOND TIME THIS                      day of

READ A THIRD TIME THIS                      day of

APPROVED BY THE INSPECTOR  
OF MUNICIPALITIES this                      day of

ADOPTED THIS                      day of

\_\_\_\_\_  
Chair/Vice-Chair

\_\_\_\_\_  
Corporate Officer/Deputy

**6) CERTIFICATION**

I hereby certify the foregoing to be a true and correct copy of *Fraser Valley Regional District Area A Garbage Disposal Service Area Amendment Bylaw No. 1587, 2020* as adopted by the Board of Directors of the Fraser Valley Regional District on

Dated at Chilliwack, BC on

\_\_\_\_\_  
Corporate Officer/Deputy

**FRASER VALLEY REGIONAL DISTRICT  
BYLAW NO. 1588, 2020**

**A Bylaw to increase the requisition limit for the  
Townsite of Yale Water Supply and Distribution Local Service Area**

---

**WHEREAS** *Fraser Valley Regional District Townsite of Yale Water Supply and Distribution Local Service Area Conversion and Amendment Bylaw No. 0292, 1999* was adopted on April 27, 1999;

**AND WHEREAS** the maximum annual requisition for the Townsite of Yale Water Supply and Distribution Local Service Area is currently \$25,000;

**AND WHEREAS** the Fraser Valley Regional District Board of Directors ("the Board") wishes to increase the maximum amount that may be requisitioned under Bylaw No. 0292, 1999 and to change the method for calculating this value to a property value tax rate;

**AND WHEREAS** consent on behalf of electoral participating areas has been obtained;

**THEREFORE** the Board enacts as follows:

**1) CITATION**

This bylaw may be cited as *Fraser Valley Regional District Townsite of Yale Water Supply and Distribution Local Service Area Amendment Bylaw No. 1588, 2020*.

**2) ENACTMENTS**

That *Fraser Valley Regional District Townsite of Yale Water Supply and Distribution Local Service Area Conversion and Amendment Bylaw No. 0292, 1999* be amended by deleting Section 2 (g) in its entirety and substituting the following:

"The maximum that may be requisitioned annually for the service established by this bylaw shall be an amount equal to that which could be raised by a property value tax rate of \$2.03/\$1000 applied to the net taxable value of the land and improvements within the Service Area."

**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) REPEAL**

*Fraser Valley Regional District Townsite of Yale Water Supply and Distribution Local Service Area Amendment Bylaw No. 1552, 2020* is hereby repealed.

**5) READINGS AND ADOPTION**

READ A FIRST TIME THIS                      day of

READ A SECOND TIME THIS                      day of

READ A THIRD TIME THIS                      day of

APPROVED BY THE INSPECTOR  
OF MUNICIPALITIES this                      day of

ADOPTED THIS                      day of

\_\_\_\_\_  
Chair/Vice-Chair

\_\_\_\_\_  
Corporate Officer/Deputy

**6) CERTIFICATION**

I hereby certify the foregoing to be a true and correct copy of *Fraser Valley Regional District Townsite of Yale Water Supply and Distribution Local Service Area Amendment Bylaw No. 1588, 2020* as adopted by the Board of Directors of the Fraser Valley Regional District on

Dated at Chilliwack, BC on

\_\_\_\_\_  
Corporate Officer/Deputy

**FRASER VALLEY REGIONAL DISTRICT  
BYLAW NO. 1589, 2020**

**A Bylaw to increase the requisition limit for the Deroche Water System Service Area**

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**WHEREAS** *Dewdney-Alouette Regional District Deroche Water System Local Service Area Establishment Bylaw No. 608-1992* was adopted on December 14, 1992;

**AND WHEREAS** the maximum annual requisition for the Deroche Water System Service Area is currently \$15,000;

**AND WHEREAS** the Fraser Valley Regional District Board of Directors ("the Board") wishes to increase the maximum amount that may be requisitioned under Bylaw No. 608-1992 and to change the method for calculating this value to a property value tax rate;

**AND WHEREAS** consent on behalf of electoral participating areas has been obtained;

**THEREFORE** the Board enacts as follows:

**1) CITATION**

This bylaw may be cited as *Fraser Valley Regional District Deroche Water System Service Area Amendment Bylaw No. 1589, 2020*.

**2) ENACTMENTS**

That *Dewdney-Alouette Regional District Deroche Water System Local Service Area Establishment Bylaw No. 608-1992* be amended by deleting Section 4 (b) in its entirety and substituting the following:

"The maximum that may be requisitioned annually for the service established by this bylaw is an amount equal to that which could be raised by a property value tax rate of \$0.76/\$1000 applied to the net taxable value of the land and improvements within the Service Area."

**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) REPEAL**

*Fraser Valley Regional District Deroche Water System Service Area Amendment Bylaw No. 1551, 2019* is hereby repealed.

**5) READINGS AND ADOPTION**

READ A FIRST TIME THIS                      day of

READ A SECOND TIME THIS                      day of

READ A THIRD TIME THIS                      day of

APPROVED BY THE INSPECTOR  
OF MUNICIPALITIES this                      day of

ADOPTED THIS                      day of

\_\_\_\_\_  
Chair/Vice-Chair

\_\_\_\_\_  
Corporate Officer/Deputy

**6) CERTIFICATION**

I hereby certify the foregoing to be a true and correct copy of *Fraser Valley Regional District Deroche Water System Service Area Amendment Bylaw No. 1589, 2020* as adopted by the Board of Directors of the Fraser Valley Regional District on

Dated at Chilliwack, BC on

\_\_\_\_\_  
Corporate Officer/Deputy

To: Electoral Area Services Committee  
From: Mike Veenbaas, Director of Financial Services

Date: 2020-03-10  
File No:

**Subject: Boston Bar Water System Capital Reserve Establishment Bylaw**

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### RECOMMENDATION

**THAT** the Fraser Valley Regional District give three readings and adoption to *Fraser Valley Regional District Boston Bar Integrated Water System Service Area Reserve Fund Establishment Bylaw No. 1590, 2020*.

#### STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

#### PRIORITIES

Priority #2 Air & Water Quality

### BACKGROUND

Sections 373 of the *Local Government Act* and 188 of the *Community Charter* allows the Board to establish, by bylaw, a reserve fund for a specified purpose and direct that money be placed to the credit of that reserve fund. Funds placed into this reserve can only be used for the service area and purpose noted in the establishment bylaw.

### DISCUSSION

Annual transfers from the operating budget, in addition to any unplanned operating surplus have been set aside in an Appropriated Surplus account. While these funds are restricted in that they can only be used for the Boston Bar Integrated Water System service, they are not restricted to items of a purely capital nature – building, equipment and infrastructure. Strong finance management practices suggest having funds that are earmarked for capital should be placed into a capital reserve to ensure they will be used for the intended purposes at some future date.

**COST**

There are no costs associated with establishing a reserve fund. Any funds placed into the capital reserve will be used as part of the adopted financial plan.

**CONCLUSION**

In order to establish a capital reserve for the Boston Bar Water System, a reserve fund establishment bylaw must be adopted.

**COMMENTS BY:**

**Jennifer Kinneman, Acting Chief Administrative Officer:**

Reviewed and supported.

**FRASER VALLEY REGIONAL DISTRICT  
BYLAW NO.1590, 2020**

**A Bylaw to establish a reserve fund for the  
Boston Bar Integrated Water Supply and Distribution System Service Area.**

---

**WHEREAS** *Fraser Valley Regional District Boston Bar Integrated Water Supply and Distribution System Service Area Establishment Bylaw No. 0991, 2009* was adopted by the Fraser Valley Regional District Board of Directors ("the Board") on March 9, 2010;

**AND WHEREAS** a reserve fund may be established by bylaw for a specified purpose so that money can be placed to the credit of that reserve fund;

**THEREFORE** the Board enacts as follows:

**1) CITATION**

This bylaw may be cited as *Fraser Valley Regional District Boston Bar Integrated Water System Service Area Reserve Fund Establishment Bylaw No. 1590, 2020*.

**2) ENACTMENTS**

- a) There shall be and is hereby established a reserve fund to be known as the Boston Bar Integrated Water System Service Area Reserve Fund.
- b) Monies from current revenue, or, as available, from general revenue surplus, or as otherwise provided in the *Community Charter and Local Government Act* may be paid into this fund.
- a) Monies from the Boston Bar Integrated Water Supply and Distribution System Service Area Reserve Fund may be used for capital projects, land, machinery or equipment and extensions or renewal of existing capital works relative to the provision of water supply and distribution services.

**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 Boston Bar Integrated Water System Service Area Reserve Fund Establishment Bylaw No. 1590, 2020* as adopted by the Board of Directors of the Fraser Valley Regional District on

Dated at Chilliwack, B.C. on

\_\_\_\_\_  
Corporate Officer/Deputy

To: Electoral Area Services Committee

Date: 2020-03-10

From: David Bennett, Planner II

File No: 3360-23-2016-04

**Subject: Gateway Commercial Rezoning application for lands near the junction of Highway 9 and Highway 1 to facilitate the development of new commercial land uses. A gas station, drive-thru restaurants, carwash and other local and highway commercial land uses are**

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### RECOMMENDATION

**THAT** the motion granting first reading to the bylaw cited as *Fraser Valley Regional District Zoning Amendment Bylaw No. 1431, 2017* be rescinded;

**THAT** *Fraser Valley Regional District Zoning Amendment Bylaw No. 1431, 2017* be given a new first reading;

**THAT** *Fraser Valley Regional District Zoning Amendment Bylaw No. 1431, 2017* be forwarded to Public Hearing;

**THAT** the Fraser Valley Regional District Board delegate the holding of the Public Hearing with respect to the proposed *Fraser Valley Regional District Zoning Amendment Bylaw No. 1431, 2017* 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 *Fraser Valley Regional District Zoning Amendment Bylaw No. 1431, 2017*;

**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 *Fraser Valley Regional District Zoning Amendment Bylaw No. 1431, 2017* 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 the Public Hearing with respect to proposed *Fraser Valley Regional District Zoning Amendment Bylaw No. 1431, 2017*, 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 *Fraser Valley Regional District Zoning Amendment Bylaw No. 1431, 2017*.

### STRATEGIC AREA(S) OF FOCUS

Foster a Strong & Diverse Economy

Support Healthy & Sustainable Community  
Provide Responsive & Effective Public Services

**PRIORITIES**  
Priority #4 Tourism

## BACKGROUND

### PROPERTY DETAILS

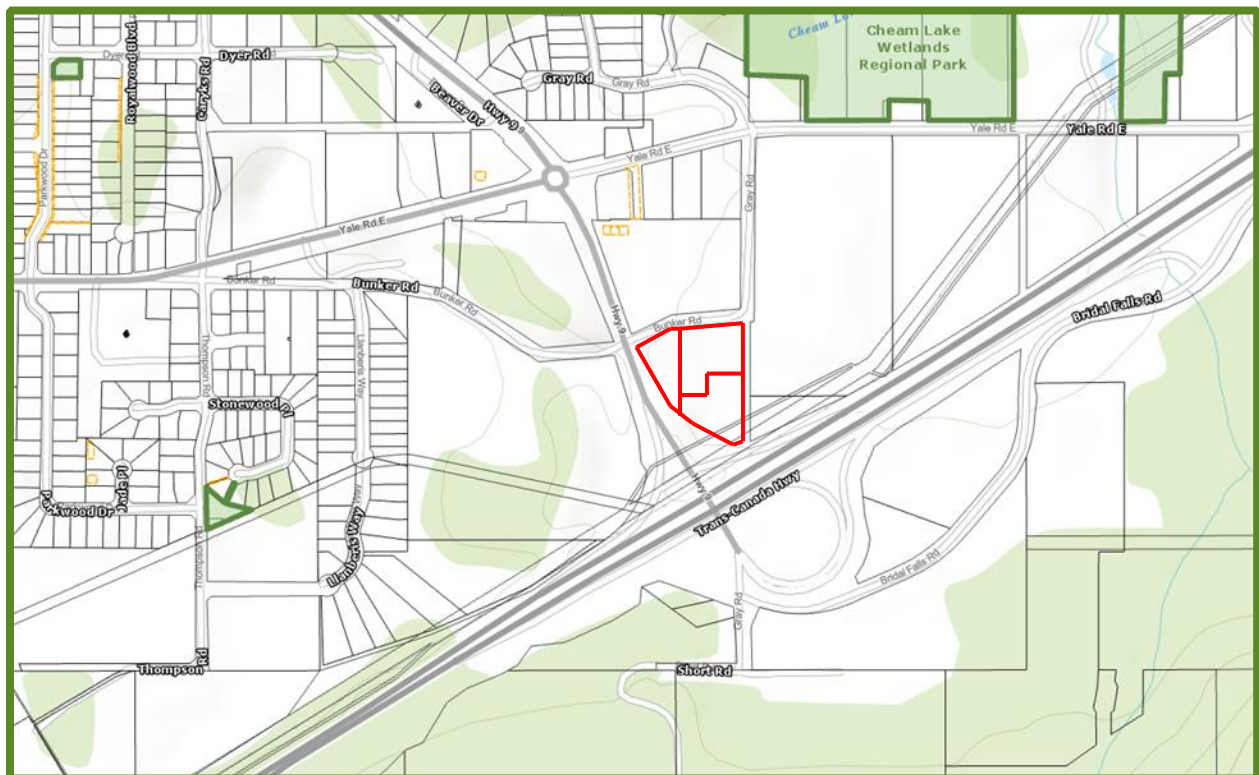
<b>Electoral Area</b>	D	
<b>Address</b>	53022 Bunker Road (same address for two properties) and 53032 Bunker Road	
<b>PID</b>	012-446-505 (extra PID 007-468-261) and 012-446-475	
<b>Folio</b>	733.06434.015 (same folio for second property) and 733.06435.000	
<b>Lot Size</b>	3.06 Acres (cumulative)	
<b>Owner</b>	0993044 BC Ltd	
<b>Current Zoning</b>	Country Residential (CR)	
<b>Current OCP</b>	Highway Tourist Recreation Commercial Areas	
<b>Current Use</b>	Residential, Agricultural	
<b>Development Permit Areas</b>	5-D West Popkum Commercial DPA; 6-D Riparian Areas DPA	
<b>Agricultural Land Reserve</b>	No	
<b>Hazards</b>	No	

### ADJACENT ZONING & LAND USES

<b>North</b>	<b>^</b>	Gateway Commercial (C-5), Commercial, Bare land
<b>East</b>	<b>&gt;</b>	Rural (R), Agricultural
<b>West</b>	<b>&lt;</b>	Suburban Residential 3 (SBR-3); Hwy 9, and Residential development
<b>South</b>	<b>v</b>	Country Residential (CR), Bare land, TransCanada Hwy



NEIGHBOURHOOD MAP



## **File History**

*Fraser Valley Regional District Zoning Amendment Bylaw No. 1431, 2017* was given First Reading on September 20<sup>th</sup> 2017. The applicants have since revised their proposal. The proposal no longer includes RV Storage. To proceed as amended, the FVRD Board may consider rescinding first reading, and giving a new first reading to the bylaw as amended.

After completing conceptual design drawings, the applicants hosted two (2) public information meetings. The next step will be a public hearing.

**Proposed Zone**                      C-5 Gateway Commercial

**Proposed Uses** Drive-Thru Restaurants  
Convenience Stores  
Gas Station  
Commercial Retail  
Carwash

## **DISCUSSION**

### **C-5 Gateway Commercial Zone**

The C-5 Gateway Commercial zone was developed for the Popkum area to provide for Highway Commercial, Local Commercial, Motel or Motor Hotel, Accessory One family Residential and Accessory Signs uses in areas which are located on major transportation routes and are compatible with surrounding land uses. The C-5 zone was first applied to the Petro Canada commercial project immediately north of the subject lands in 2011. For certainty, commercial truck parking and fueling are prohibited in the C-5 zone.

LOCAL COMMERCIAL USE means a commercial use intended to serve the day-to-day needs of the local population residing in the vicinity of the local commercial use; includes general stores, convenience stores, small personal service establishments and artisan-craft workshop uses.

HIGHWAY COMMERCIAL means a commercial use located adjacent, or nearly adjacent, to routes of travel of regional significance which is intended to serve the needs of an itinerant motoring population; includes service stations, gas bars, restaurants and tourist information booths, but excludes major tourist recreation commercial uses, local and local tourist commercial uses, and the stopping, parking, storing, fuelling, washing or other servicing of Commercial Trucks unless the Commercial Truck is stopping or parking for the sole purpose of delivering goods to the property where it is stopped or parked.

**RV Storage Proposal**                      **Removed**

The developers removed proposed RV storage from the application in response to community concerns presented at previous public information meetings. The bylaw was re-written to reflect this change. To

proceed as amended, the FVRD Board may consider rescinding first reading, and giving a new first reading to the bylaw.

### **Site Servicing**

In accordance with the Fraser Valley Regional District Subdivision and Development Servicing Bylaw, a commercial development on a 2.1 ha lot may be served by an onsite sanitary system.

Other aspects of site servicing such as storm water may be resolved at the development permit and building permit stage should the rezoning be considered and approved by the FVRD Board. The proposed car washes require specific review for wastewater disposal and management in the storm water management plan. This will be addressed at the development permit stage.

### **Form and Character Development Permit**

The Highway 1 and Highway 9 interchange area is a highly visible location and the main gateway through the Popkum community. The current Official Community Plan has a comprehensive form and character development permit area for commercial developments. Residents have expressed concern that commercial uses should not detract from the surrounding residential uses or the natural environment. The aesthetic quality and integrity of the environment is vital to the appeal and success of the community.

The property is located in Development Permit Area 5-D. After consideration of adoption of the zoning bylaw and prior to subdivision, a Development Permit must be obtained. The Development Permit Area requires the applicant to provide an engineering study, certified by a Professional Engineer registered in the Province of British Columbia, which demonstrates that the development will not lead to degradation of the ground water regime or other environmental problems in the long term. Aspects of the development relating to form and character, as well as protection of the environment will be addressed during the Development Permit process. This will occur after rezoning.

The development permit will address:

- Protection of the Environment –Sanitary Sewer, Storm Water
- Parking
- Borders Landscaping and Screening
- Pedestrian Linkages
- Building Design
- Screening
- Tree planting

The site's current grading includes a relatively steep drop-off next to the Highway 1 off-ramp and there is a small knoll on the property near Bunker Road. These features will require cutting and filling. All of the existing trees on the property will be removed. New trees are required as part of development permit conditions. Trees are required in landscaping as well as within the parking areas.

### **Public Consultation**

The FVRD strongly encourages development applicants to discuss their proposals with neighbours. Early neighbourhood consultation where developers host a public open house is a consistent approach taken for rezoning applications in Popkum. The applicants hosted two public information meetings:

March 14, 2018

Public comment highlights: Concerns with RV parking, lighting and building design.

February 11, 2020

Public comment highlights: Glad to see the RV parking removed. Encouraged by possible major franchise chain tenants. Wanting to see more local services.

The developer's meeting summaries are attached.

In accordance with the FVRD First Nations Engagement policy, it is recommended that a notice and referral of the proposed bylaw be referred to the Sto:Lo Nation via Sto:Lo Connect referral system prior to the public hearing.

The bylaw will be forwarded to the Ministry of Transportation and Infrastructure.

### **Proposal Revisions**

The developer amended their proposal after the March 2018 meeting to respond to community concerns and comments. Specifically, the RV storage area was removed from the proposal. The developer also made changes to the form and character of the buildings.

### **COST**

2017 Commercial Rezoning Application Fee \$5,000.00 paid

### **CONCLUSION**

The proposed zoning amendment is consistent with the Official Community Plan. It is recommended that the Fraser Valley Regional District Board consider a new first reading of bylaw 1431, 2017 as outlined in the recommendation section of this report in order to proceed with the technical and public review process.

**COMMENTS BY:**

**Tareq Islam, Director of Engineering & Community Services** Review and supported.

**Graham Daneluz, Director of Planning & Development** Review and supported.

**Mike Veenbaas, Director of Financial Services** No further financial comments.

**Jennifer Kinneman, Acting Chief Administrative Officer:** Reviewed and supported.



## FRASER VALLEY REGIONAL DISTRICT

### Bylaw No. 1431, 2017

#### A Bylaw to Amend the Zoning for Electoral Area D

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**WHEREAS** the Fraser Valley Regional District Board of Directors (“the Board”) has deemed it advisable to amend *Zoning Bylaw 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. 1431, 2017*.

#### 2) **MAP AMENDMENT**

- a) That Schedule A of *Zoning Bylaw for Electoral Area "D", 1976 of the Regional District of Fraser-Cheam* be amended by rezoning the lands described as:

Lot 5 EXCEPT: FIRSTLY PART SUBDIVIDED BY PLAN 55636; SECONDLY: PART ON PLAN 51771; THIRDLY: PART PLAN 30153; FOURTHLY: PART PLAN 21995; SECTION 6 TOWNSHIP 3 RANGE 28 WEST OF THE SIXTH MERIDIAN YALE DIVISION YALE DISTRICT PLAN 1985

and

PARCEL “A” (REFERENCE PLAN 7077) LOT 4 SECTION 6 TOWNSHIP 3 RANGE 28 WEST OF THE SIXTH MERIDIAN NEW WESTMINSTER DISTRICT PLAN 1985

and

LOT 4 EXCEPT: FIRSTLY: PARCEL “A” (REFERENCE PLAN 7077); SECONDLY: PART ON PLAN 51771; THIRDLY: PART ON PLAN 30153; FOURTHLY: PART ON PLAN 21995 SECTION 6 TOWNSHIP 3 RANGE 28 WEST OF THE SIXTH MERIDIAN YALE DIVISION YALE DISTRICT PLAN 1985

and as outlined in heavy black outline and cross-hatched on Zoning Amendment Map Schedule 1431-A, from the Country Residential (CR) zone to Gateway Commercial (C-5) zone, as shown on Map Schedule 1431-A.

- b) That the map appended hereto as Zoning Amendment Map Schedule 1431-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	18 <sup>th</sup> day of March, 2020
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

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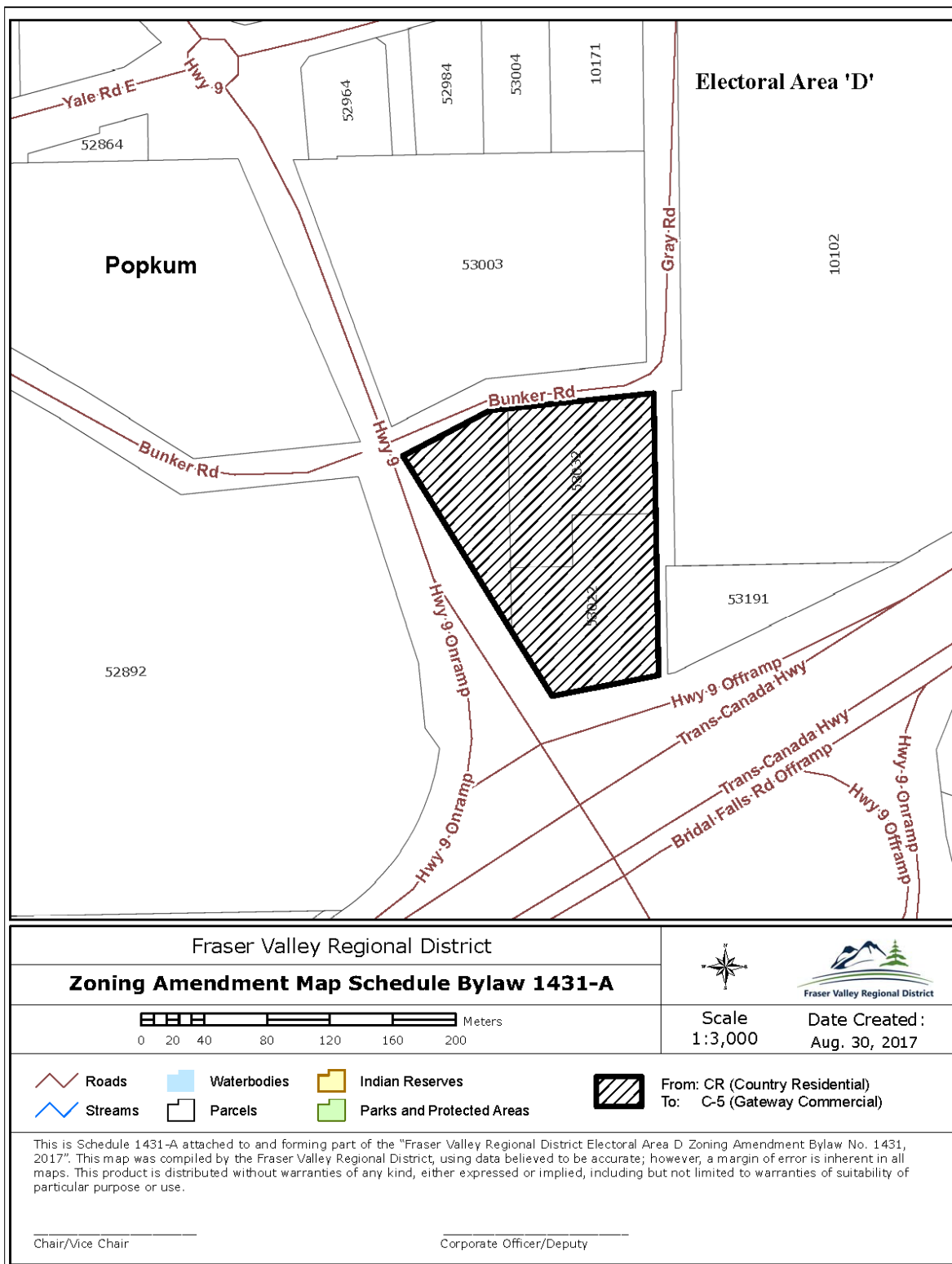
Corporate Officer/Deputy**5) CERTIFICATION**

I hereby certify the foregoing to be a true and correct copy of *Fraser Valley Regional District Electoral Area D Zoning Amendment Bylaw No. 1431, 2017* 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



March 20, 2018

PLG file #: 12-989

FVRD file #: 3920-20

**Summary of March 14, 2018 Public Information Meeting for  
53022 & 53032 Bunker Road, Electoral Area D**

Location: Cafeteria Room at Rosedale Traditional Community School  
50850 Yale Road, Rosedale, British Columbia V0X 1X2

Date: March 14, 2018

Time: 6:00 PM – 8:00 PM

**Advertisements/Invitations**

Invitations to the Public Information Meeting ("PIM") were provided to the Fraser Valley Regional District ("FVRD"), who subsequently mailed the invitations to five (5) local residents. A copy of the invitation is attached for your reference.

**Project Representatives**

Owners:	Tejinder Brar
Pacific Land Resource Group Inc.:	Bhupinder Sidhu
	Christopher Correia
	Rosa Shih
Pacific Rim Architecture Ltd.:	Peter Padley

**Government Representatives**

Fraser Valley Regional District:	Bill Dickey
	Margaret-Ann Thornton
	David Bennett

**Format**

The format of the Public Information Meeting was conducted as an Open House, where details on the application were provided on display boards. Any questions or comments concerning the information presented were answered by the owners, representatives of Pacific Land Resource Group Inc., or the representative of Pacific Rim Architecture Ltd.

**Attendees**

Approximately 20 people attended the Public Information Meeting, with 19 entries to the sign-in sheet. Three people were unable to attend the PIM and requested information on the

application be provided to them. A copy of the display boards was provided to each person via email. A copy of the sign-in sheet is attached.

### **Comment Form Response Summary**

Pacific Land Resource Group Inc. requested attendees to fill out a Comment Form to highlight any comments or questions they may have had concerning the application. Eight comment forms were received (six Comment Forms in person and two via email) and are summarized below. A copy of each Comment Form is attached.

General Comments:

- Supportive of the project;
- Provide a variety of different businesses;
- Want a restaurant in the area;
- Want any future businesses to exclude cannabis and liquor stores;
- Concerned about the appearance of RV storage;
- Ensure the site is visually attractive, as it serves as the gateway to the neighbourhood;
- Ensure adjacent roads are safe and do not slow traffic;
- Improve cycling/pedestrian infrastructure in the area;
- Increase attention to urban design, including increase in patio space, pavement design, and a water feature; and
- Improve landscaping along western edge of the site.

Sincerely,

**PACIFIC LAND RESOURCE GROUP INC.**

Christopher Correia, RPP, MCIP

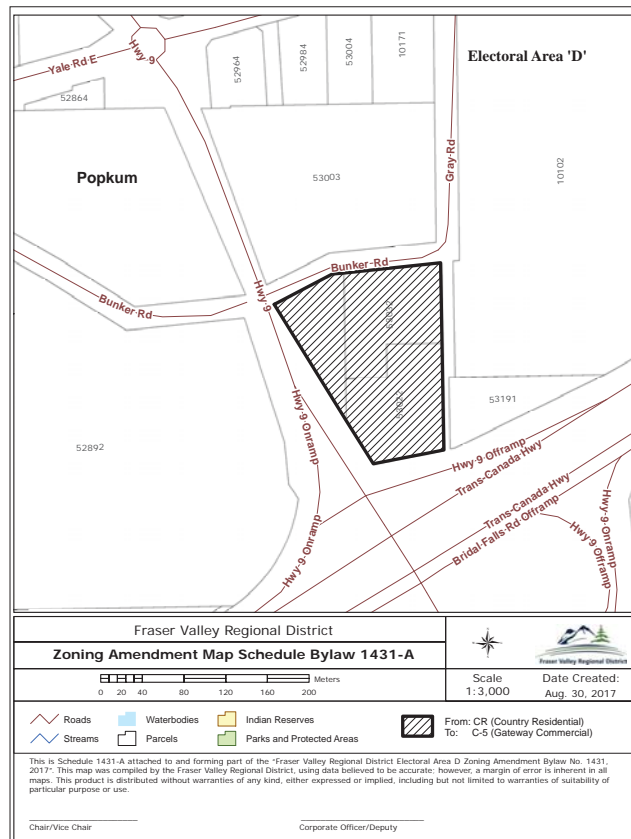
Attachments

CC: Tejinder Brar  
Bhupinder Sidhu

## INVITATION TO PUBLIC INFORMATION MEETING

You are invited to attend a meeting where representatives from Pacific Land Group will present details on an application for rezoning to support new commercial land uses, which may include a gas station, restaurants, RV storage, and other local and highway commercial land uses.

The purpose of this meeting is to provide details on the application and receive feedback from the public.



**When:**

**Wednesday, March 14. Attend any time between 6:00 PM to 8:00 PM.**

**Where:**

**Cafeteria Room**

**Rosedale Traditional Community School  
50850 Yale Road, Rosedale, B.C. V0X 1X2**

Please join us. If you are unable to attend this meeting and would like information regarding this application, please contact Christopher Correia at 604-501-1624 or [christopher@pacificlandgroup.ca](mailto:christopher@pacificlandgroup.ca)

## Welcome. We Appreciate Your Input!

Public Information Meeting Comment Form.

Pacific Land Group has submitted a development application for new commercial land uses, including a gas station, restaurants, local shops, and recreational vehicle storage.

Please return your completed comment form to the comment box before you leave. Thank you.

### Please tell us about yourself:

Name: Bill & Agnes Toews

Address: 9974 Parkwood Dr

Telephone: [REDACTED]

Email: [REDACTED]

### Do you have any comments or questions on the application?

- Do not like the idea of a trailer parking -
- could be an eye sore especially if we end up with trailer trash parking with ugly tarps blowing around. & who will "police" this?
- No "POT" shop.

## Welcome. We Appreciate Your Input!

Public Information Meeting Comment Form.

Pacific Land Group has submitted a development application for new commercial land uses, including a gas station, restaurants, local shops, and recreational vehicle storage.

Please return your completed comment form to the comment box before you leave. Thank you.

### Please tell us about yourself:

Name: PATRICIA BATE  
Address: 52684 PARICROSE WYND  
Telephone: [REDACTED] Email: \_\_\_\_\_

### Do you have any comments or questions on the application?

- VERY CONCERNED THAT THE RV STORAGE WILL BE AN EYESORE !!! THIS IS THE FIRST THING PEOPLE WILL SEE AS THEY ENTER THIS AREA !!!
- THERE ARE ALREADY 2 LIQUOR STORES CLOSE BY !! NO MORE SHOULD BE ALLOWED !!
- NO 'POT' SHOPS  
LEGAL MARIJUANA SHOP → NO !!
- PLAY GROUND INSTEAD OF RV STORAGE  
OR GREEN SPACE



# Welcome. We Appreciate Your Input!

## Public Information Meeting Comment Form.

Pacific Land Group has submitted a development application for new commercial land uses, including a gas station, restaurants, local shops, and recreational vehicle storage.

Please return your completed comment form to the comment box before you leave. Thank you.

### Please tell us about yourself:

Name: Jon g

Address: 53449 Yale Road

Telephone: [REDACTED] mail: [REDACTED]

### Do you have any comments or questions on the application?

Need a big/good Restaurant  
in the area

## Welcome. We Appreciate Your Input!

### Public Information Meeting Comment Form.

Pacific Land Group has submitted a development application for new commercial land uses, including a gas station, restaurants, local shops, and recreational vehicle storage.

Please return your completed comment form to the comment box before you leave. Thank you.

### Please tell us about yourself:

Name: Jackie Eves

Address: 52721 PARKROSE WYND ROSEDALE

Telephone: [REDACTED] Email:

### Do you have any comments or questions on the application?

- Am concerned that the RV Parking Area will become an eye sore.
- Would not want to have marijuana shop so close to our residential area. (pot)
- This area is the gateway to our neighborhood so we would like the area to be attractive. :i  
Concerned re: RV storage.

## Welcome. We Appreciate Your Input!

### Public Information Meeting Comment Form.

Pacific Land Group has submitted a development application for new commercial land uses, including a gas station, restaurants, local shops, and recreational vehicle storage.

Please return your completed comment form to the comment box before you leave. Thank you.

### Please tell us about yourself:

Name: André Harold Dancs

Address: ~~415~~ 9808 Thompson Road

Telephone: [REDACTED] Email: [REDACTED]

### Do you have any comments or questions on the application?

- Security is a concern of mine.
- fence around the RV Storage should be high and Aestheticly pleasing.
- On and off main road driving should be safe and not slow traffic down

## Welcome. We Appreciate Your Input!

Public Information Meeting Comment Form.

Pacific Land Group has submitted a development application for new commercial land uses, including a gas station, restaurants, local shops, and recreational vehicle storage.

Please return your completed comment form to the comment box before you leave. Thank you.

### Please tell us about yourself:

Name:

Donna Hamlyn

Address:

52684 PARKROSE WYND

Telephone:

[REDACTED]

Email:

[REDACTED]

### Do you have any comments or questions on the application?

PLEASE NO MORE LIQUOR STORES &  
NO POT SHOP!

RV STORAGE FEELS LIKE IT  
WILL BE AN EYESORE TO OUR  
BEAUTIFUL LANDSCAPE!

## Christopher Correia

---

**From:** Fred Eves [REDACTED]  
**Sent:** Thursday, March 15, 2018 1:02 PM  
**To:** Christopher Correia; dbennett@fvrd.ca; Bill Dickey  
**Subject:** Zoning Amendment ZON00052 to Commercial Gateway.

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi,

My wife and I attended this very well presented information session. Full marks to FVRD, Pacific Land Group and the owner for providing this public information meeting.

Here are my initial thoughts/comments which I shared with you all as FVRD reps, Pacific Development Group and owner were:

1. The proposal for RV storage lot under the BC Hydro Power lines generally would detract from the development of the area due to inevitable nature of such RV storage lots. Such RV storage lots tend to be eyesores with high security fences and bright lighting. The architect offered that lighting could be reduced as done now due to bylaws in metro Toronto area. This would be an improvement, but in the end it will still be a brightly lit RV storage lot at the very gateway to our community.
2. The proposed three, Phase 1 buildings along Hwy 9 all face inwards leaving "back of commercial building" presentation as you enter our community from Hwy 1 via Hwy 9. I suggested that 12-15 high rear walls of gas stations and fast food drive-thru restaurants are generally not a plus for sight lines from Hwy 9 and everything should be done to green up and softened this perspective as a "gateway" development into our neighbourhood. Perhaps landscaping using large, mature evergreens or the like would be helpful. However, I think this would require effort by FVRD and/or province to make such changes along Hwy 9.
3. With respect to the growing residential development in the area, the local benefits of this commercial gateway development come chiefly in Phase 2. Phase 1 is geared mainly to the traveling public with its gas station and the two fast food drive-thru restaurants. This being said, there are significant pedestrian/cycling access issues getting to this new commercial development by the local residents as pedestrians/cyclists. Suggestions I heard of tunnelling under Hwy 9 or building a pedestrian/cycling overpass over it are likely not the answer. It seems that we need controlled crossings at the near by traffic circle. The overly tight and busy traffic circle is not pedestrian/cycling friendly and in fact somewhat dangerous for all ages to attempt to navigate safely. The good news is that FVRD and provincial highways department have time to budget and execute such changes at the traffic circle.

I shared the above on the Popkum Ratepayers Facebook site and would appreciate if these thoughts/comments are captured as a local resident feedback.

Many thanks for hosting and providing this public forum for community feedback. Good luck with your development and I hope to continue to participate in the public process leading up to this development proposal.

Best Regards,  
Fred Eves  
[REDACTED]



## Welcome. We Appreciate Your Input!

Public Information Meeting Comment Form.

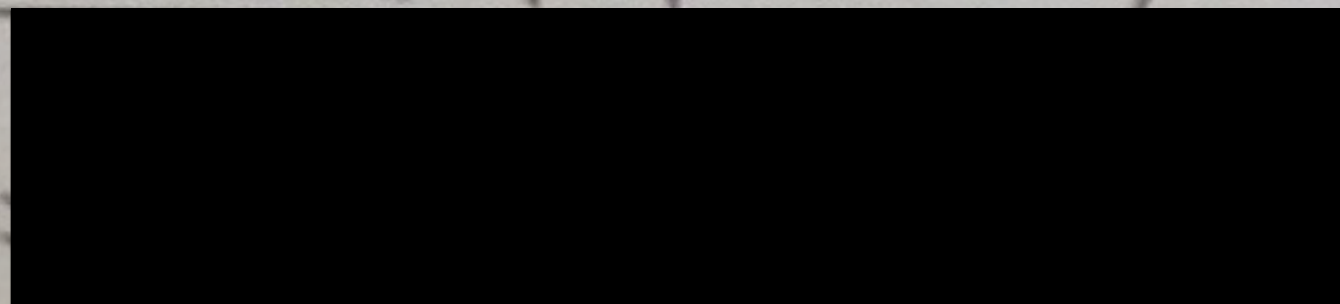
Pacific Land Group has submitted a development application for new commercial land uses, including a gas station, restaurants, local shops, and recreational vehicle storage.

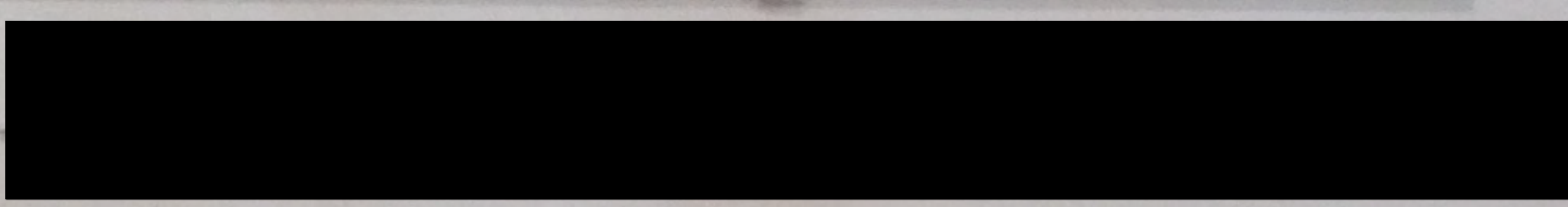
Please return your completed comment form to the comment box before you leave. Thank you.

### Please tell us about yourself:

Name: Gudrun Anderson

Address: 53694 Dyer Rd Rosedale

Telephone: 

Email: 

### Do you have any comments or questions on the application?

I personally like the development proposal in general and it will be a nice addition to bring this area further alive. Existing businesses will only profit from this plan.

However, I have a few items to suggest.

1. If thread around the centre building would be made of cobble stone or stamped concrete, it will give it more of a plaza feel, more inviting and aesthetically pleasing than regular pavement.

2. A sitting area with a water feature (fountain) in the north east corner would not only add a more relaxed feeling, it would also provide a place to meet for the community, a resting place for people driving through and an opportunity for local musicians to put on a bit of music during the summer. The sound of water would also divert a bit of the traffic noise.

3. While I am not in favour of drive through restaurants (most of them are linked to fast food chains which we find everywhere we go) and the creation of more garbage is enhanced, private venues (Mexican, Thai, Vegetarian, Steak house) would be more favourable and make this place more of a destination rather than a convenient 5 min pit stop, given the fact that many visitors drive out to see the wetlands and Bridal veil falls.

4. Creating maximum patio spaces facing the mountains would make any eating experience unique, creating a nice hang out for locals as well.

5. In terms of businesses, I would favour

- souvenir shop with native and local art
- Fruit and veggie market (mostly local) or deli
- Local brewery
- Bulk food /eco store (no packaging), as an environmental alternative
- Bank

(To be successful, you must be different, good luck)



February 20, 2020

PLG file #: 12-989

FVRD file #: 3920-20

**Summary of February 11, 2020 Public Information Meeting for  
53022 & 53032 Bunker Road, Electoral Area D**

Location: Cafeteria Room at Rosedale Traditional Community School  
50850 Yale Road, Rosedale, British Columbia V0X 1X2

Date: February 11, 2020

Time: 6:00 PM – 8:00 PM

**Advertisements/Invitations**

Invitations to the Public Information Meeting ("PIM") were provided to the Fraser Valley Regional District ("FVRD"), who subsequently mailed the invitations to twenty (20) local residents. A copy of the invitation is attached for your reference.

**Project Representatives**

Owners:	Tejinder Brar
	Bhupinder Sidhu
Pacific Land Resource Group Inc.:	Laura Jones
	Rosa Shih
	Tyler Erickson
Pacific Rim Architecture Ltd.:	Peter Padley

**Government Representatives**

Fraser Valley Regional District:	David Bennett
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**Format**

The format of the Public Information Meeting ("PIM") was conducted as an Open House, where details on the application were provided on display boards for attendees to review. A video of the site model also displayed. Any questions or comments concerning the information presented were answered by the owners, representatives of Pacific Land Resource Group Inc., or the representative of Pacific Rim Architecture Ltd. A copy of the display boards is attached for reference.

**Attendees**

The PIM took place in the Cafeteria Room of Rosedale Traditional Community School at 50850 Yale Road, Rosedale. Approximately 15-20 people attended the Public Information Meeting, with 13 entries recorded in the sign-in sheet. A copy of the sign-in sheet is attached.

## Comment Form Response Summary

Pacific Land Resource Group Inc. requested attendees to fill out a Comment Form to highlight any comments or questions they may have had concerning the application. Five comment forms were received in person and are summarized below. A copy of each Comment Form is attached.

### General Comments:

- Supportive of the revised proposal;
- Consider a variety of businesses including a large grocery store, pharmacy, and bank as a high priority and convenient store and fast-food restaurants as a low priority;
- Anticipate the traffic impact for the development;
- Ensure the buildings and rooflines are visually attractive;
- Preference in some types of shops such as fresh produce stores, a brewpub or restaurant chain giving a sense of community to local residents;
- Supportive of the new proposal, especially abandoning the RV storage;
- Express keenness regarding commercial development in Popkum;
- Ensure pedestrian safety is a priority.

### Conclusion

The overall response to the revised proposal was positive, with the majority of people who attended the PIM choosing not to submit written feedback. There were some recommendations regarding the preferred type of local shops. The main concern expressed by one of the residents was related to the traffic impact and the other concern by a resident was aesthetic perspectives of the proposal and suggested considering ESSO gas station as a precedent.

A traffic study was completed by Bunt & Associates which determined the impact of the proposed development on the local road network and recommended building a right-turn lane at Bunker Road to access the proposed development. The Ministry of Transportation and Infrastructure has reviewed this recommendation and supported the proposal as an acceptable improvement to the local road network.

Regarding the aesthetic perspective, new commercial buildings and structures have pitched roofs to reflect the surrounding mountains, to preserve a feeling of openness along the highway and roads and to provide broad sightlines to mountains and the sky. The buildings are designed to complement a pedestrian scale and focus. There is a cohesive visual relationship between buildings, structures and supporting signs in terms of roof pitches, proportion, height, materials, fenestration and design theme.

The purpose of the February 11, 2020 PIM was to present the recent changes to the proposal. Residents were generally interested in the revised proposal and removing the RV storages with minimal concerns regarding the recent reconfiguration of the site layout.

We trust the above provides you with a summary of feedback received from the PIM. Copies of comment sheets submitted at the PIM are attached for reference.

Sincerely,

**PACIFIC LAND RESOURCE GROUP INC.**

Laura Jones, MCIP, RPP



Attachments

Public Information Meeting ("PIM") Letter  
PIM Display Boards  
Attendee Sign-In Sheet  
Comment Forms

CC: Tejinder Brar  
Bhupinder Sidhu

# Welcome to the Public Information Meeting

**Thank you for coming!**

Pacific Land Group is undertaking a development application for a highway commercial development at **53022 and 53032 Bunker Road**. We want to obtain your feedback on the details of the development application.

If you have questions, please ask one of the representatives from Pacific Land Group.

Please sign in and take a comment form to record your feedback. The form can be dropped off in the comment box once you are finished.



# Site Context

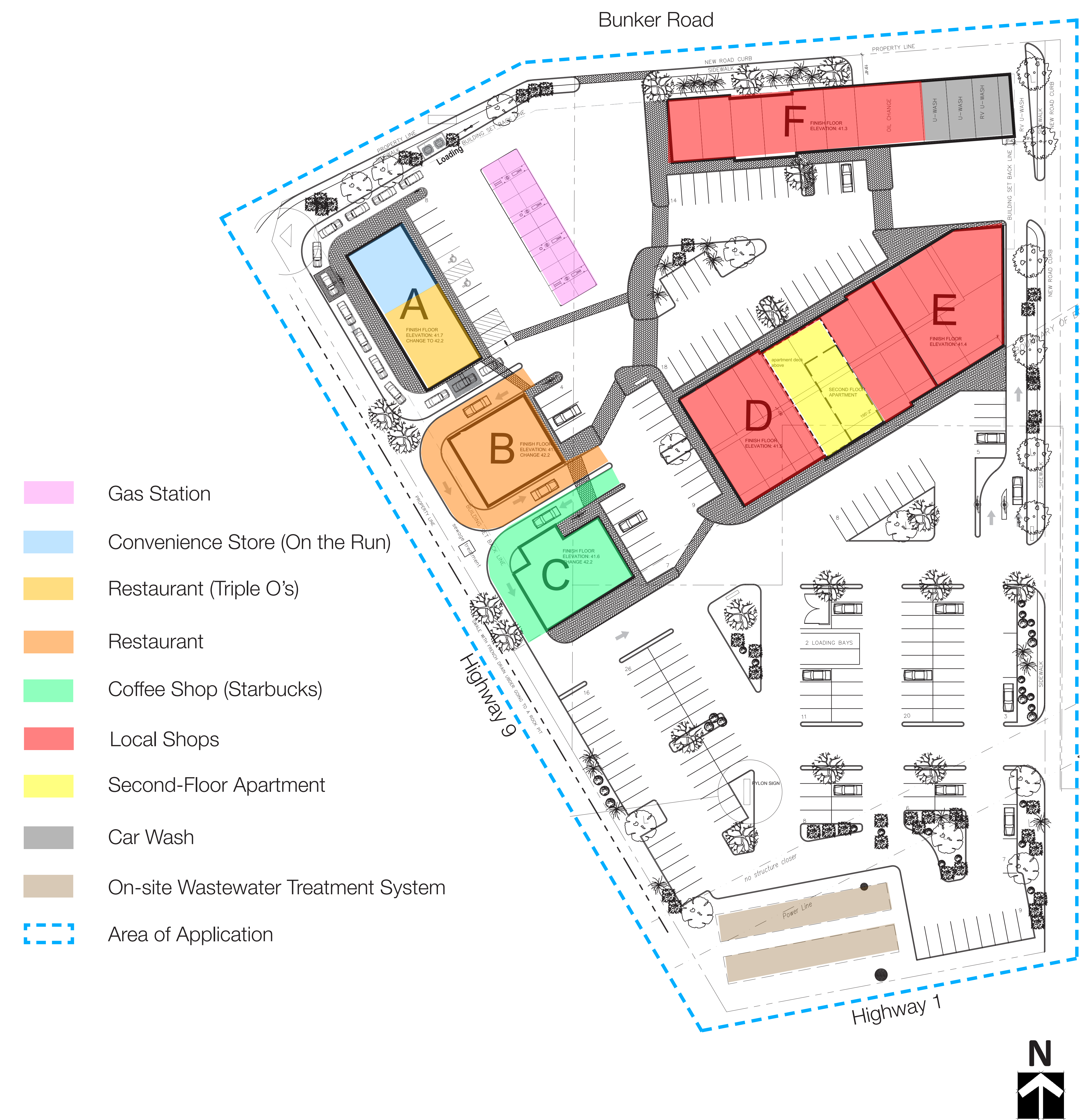
Properties involved include 53022 and 53032 Bunker Road. The proposed development is situated at the entrance to Rosedale, at the intersection of Highway 1 and Highway 9.





# The Proposal

New commercial land uses are proposed on this property, including: a gas station, car wash, restaurants, coffee shop, among other local and highway commercial land uses. These services are proposed to accommodate anticipated residential development in the neighbourhood.





# Project Rendering



Looking South East from Bunker Road



# Project Rendering





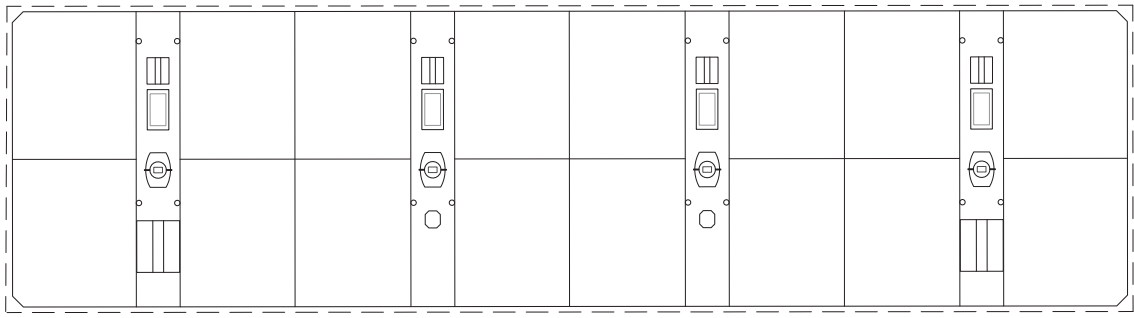
# Project Rendering



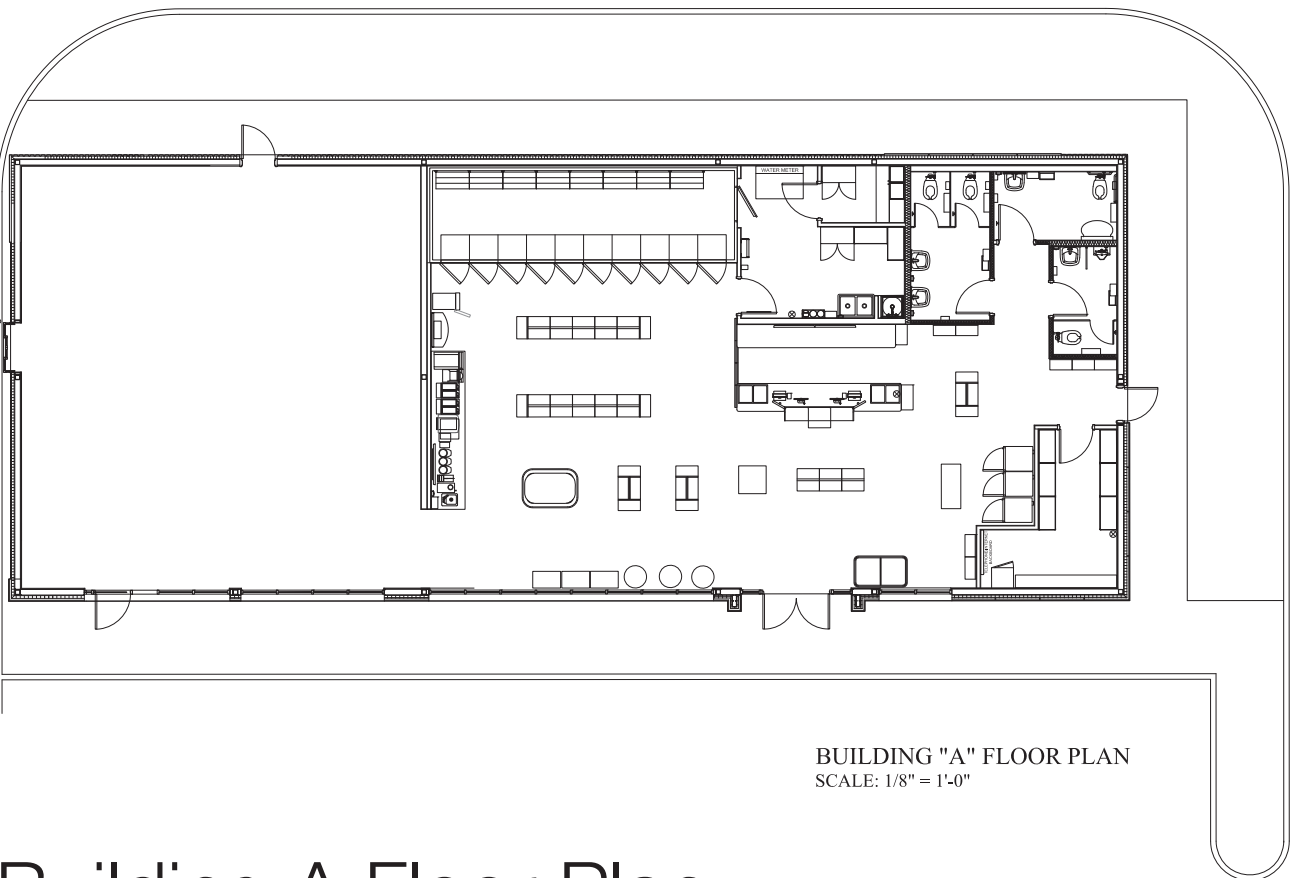


# Proposed Elevations

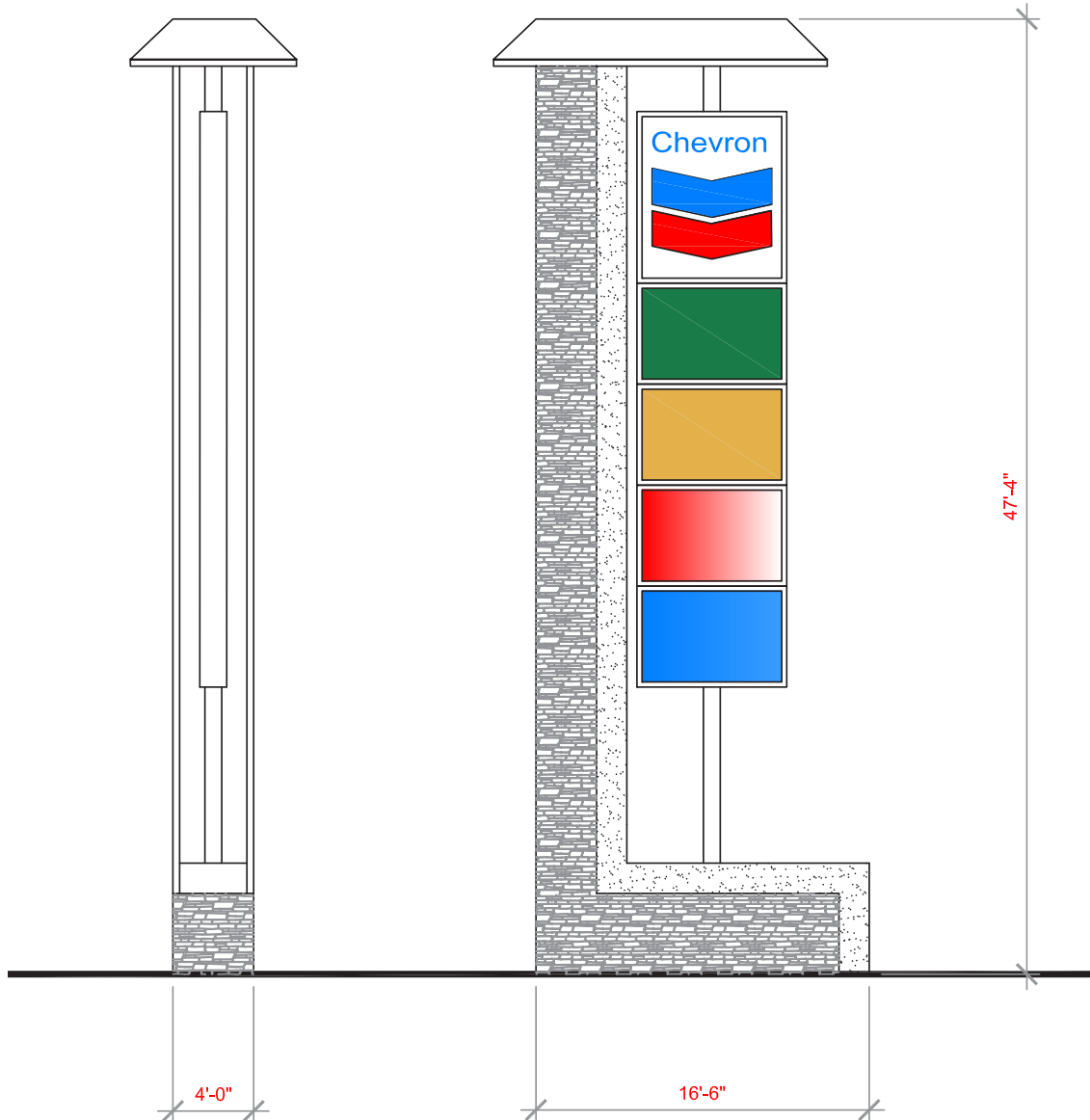
## Building A - Gas Station, Convenience Store and Restaurant



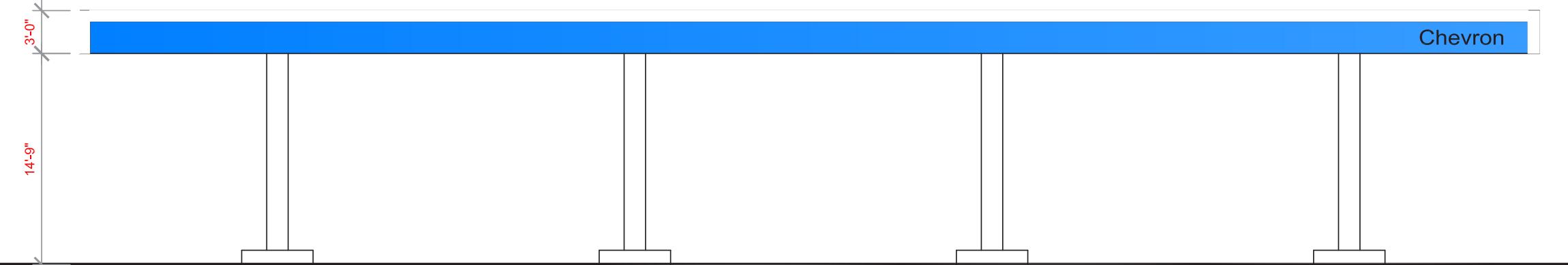
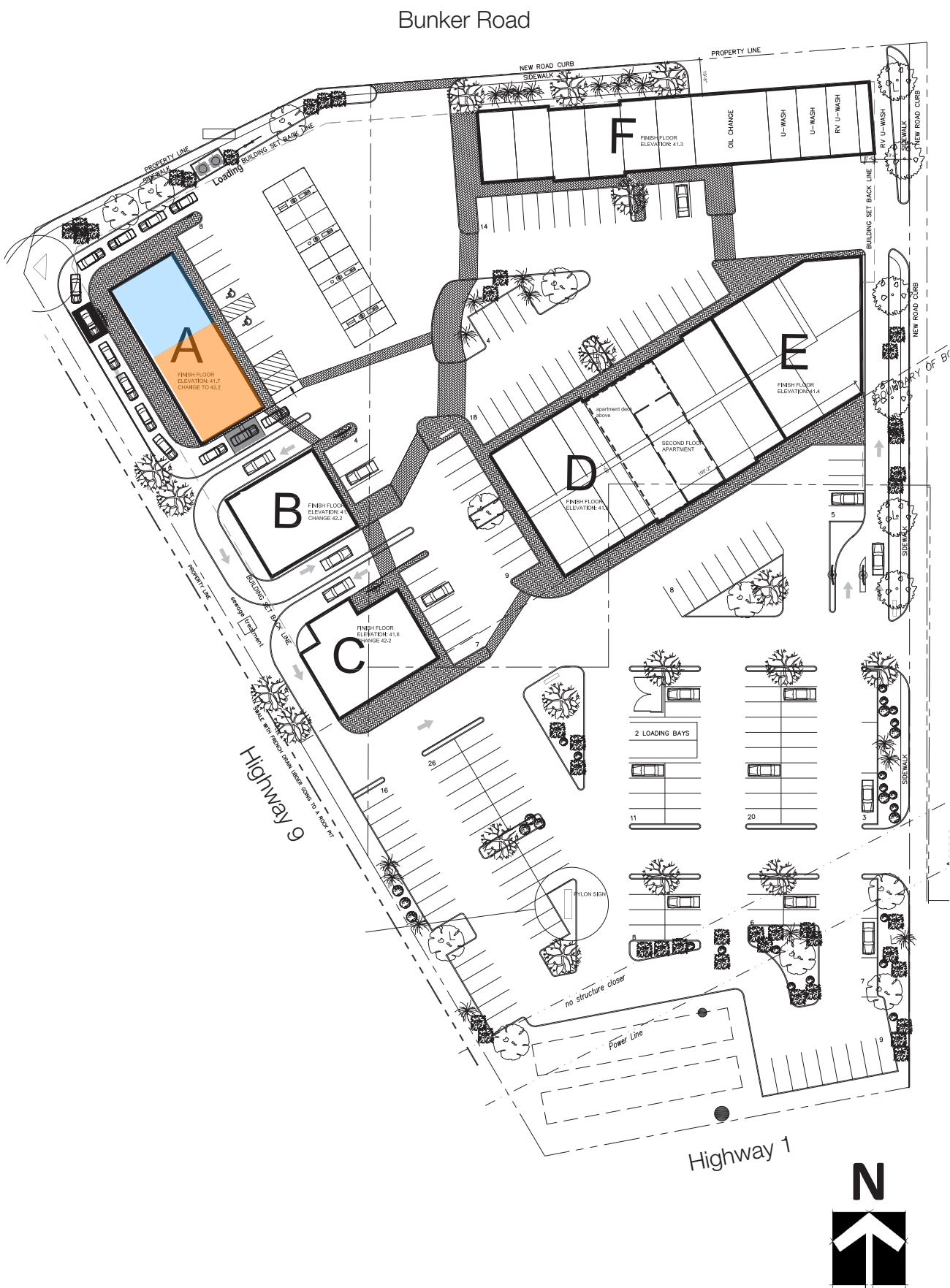
Plan of Fuel Islands



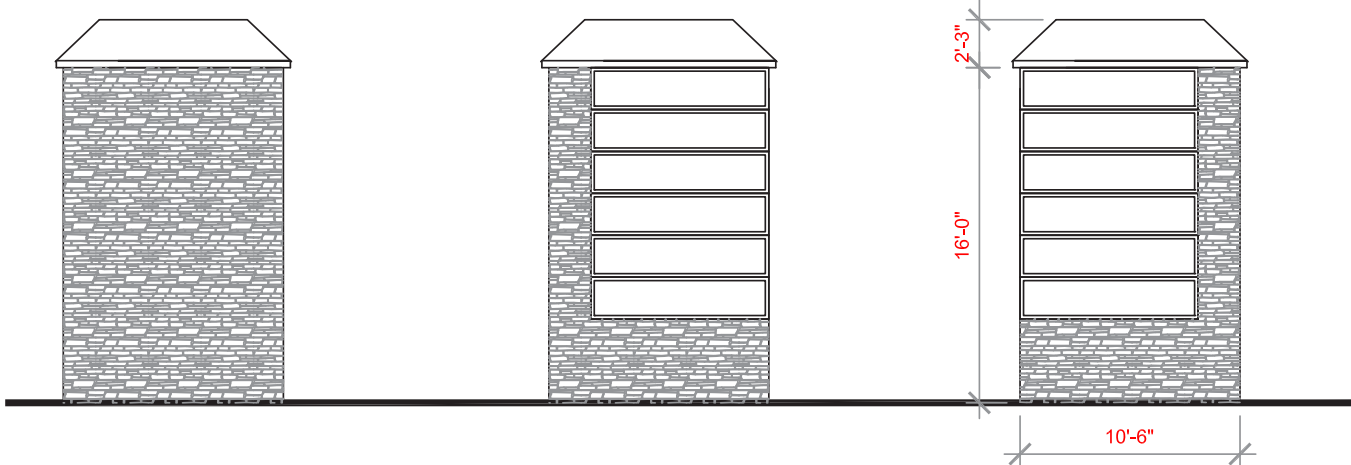
Building A Floor Plan



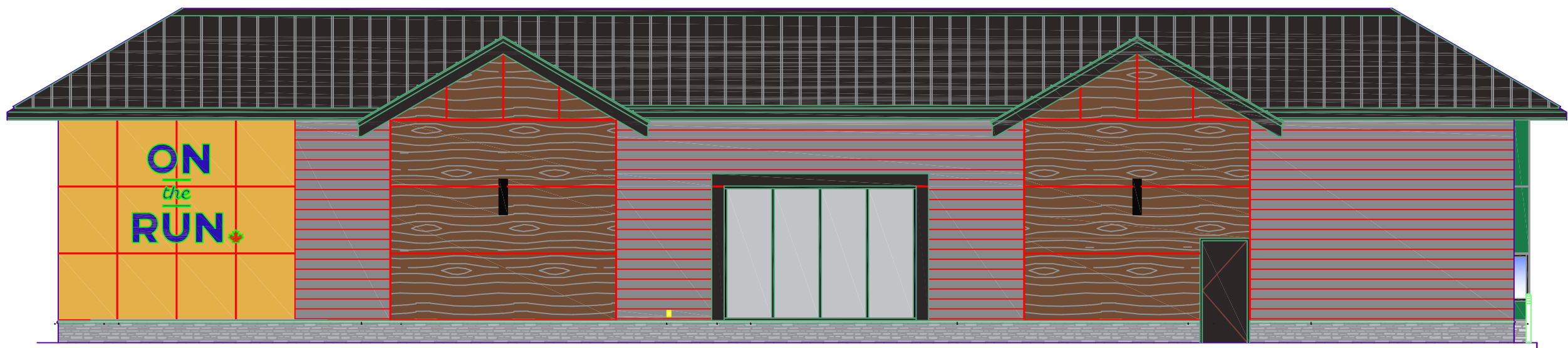
Free-standing Commercial Signs Elevation



Fuel Islands Elevation



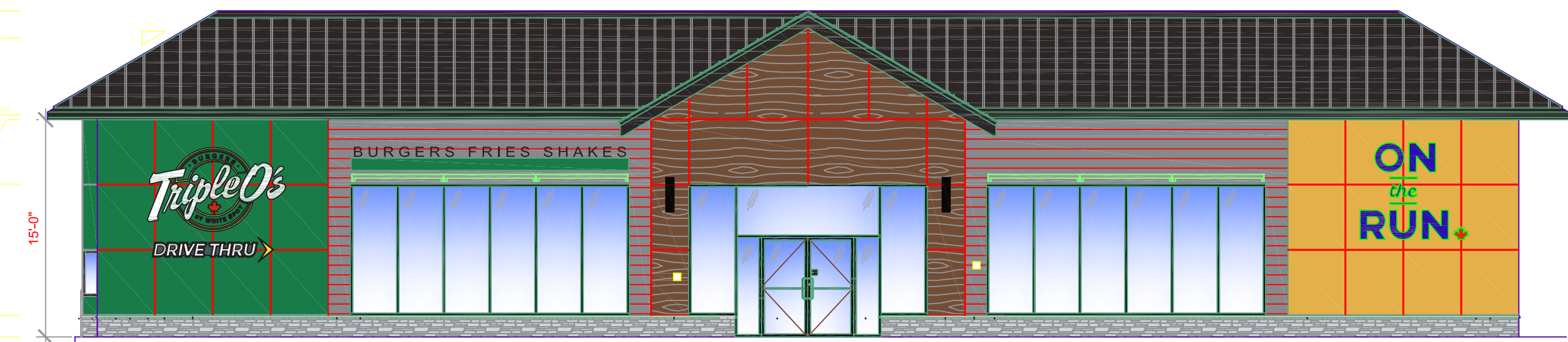
### BUILDING A



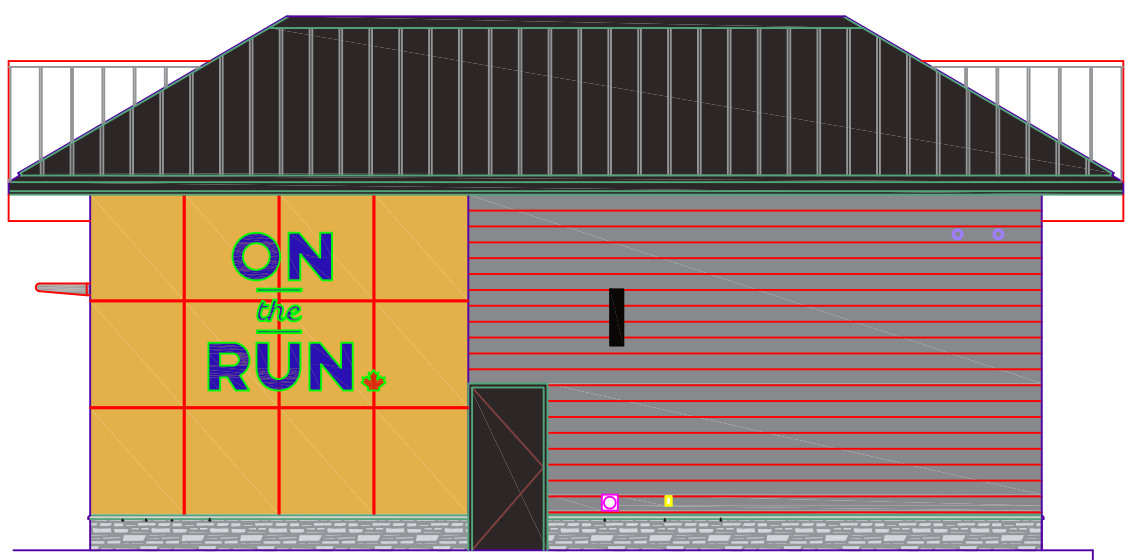
West Elevation



South Elevation



East Elevation

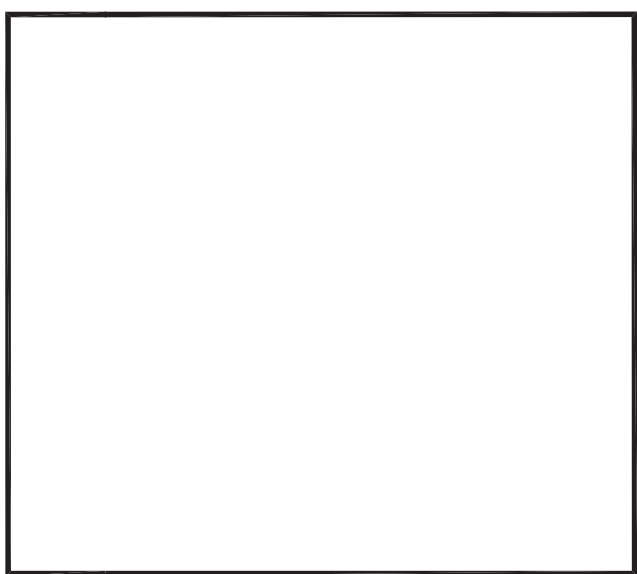


North Elevation

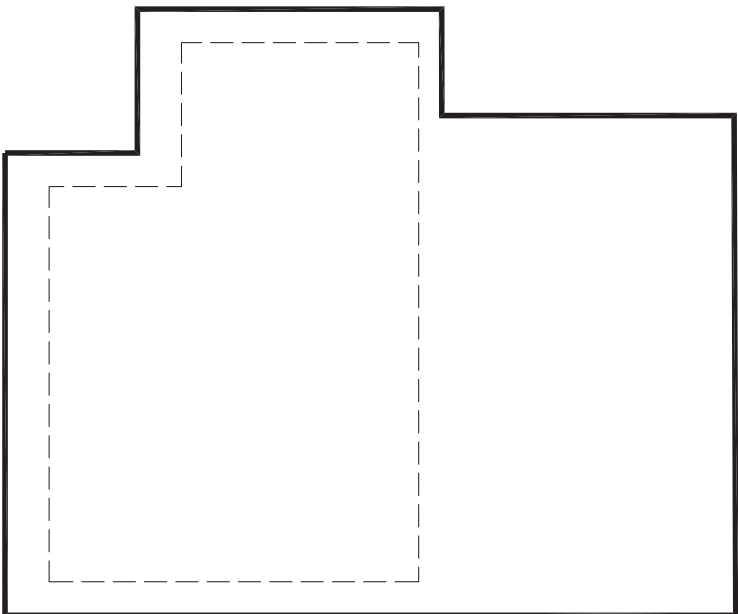


# Proposed Elevations

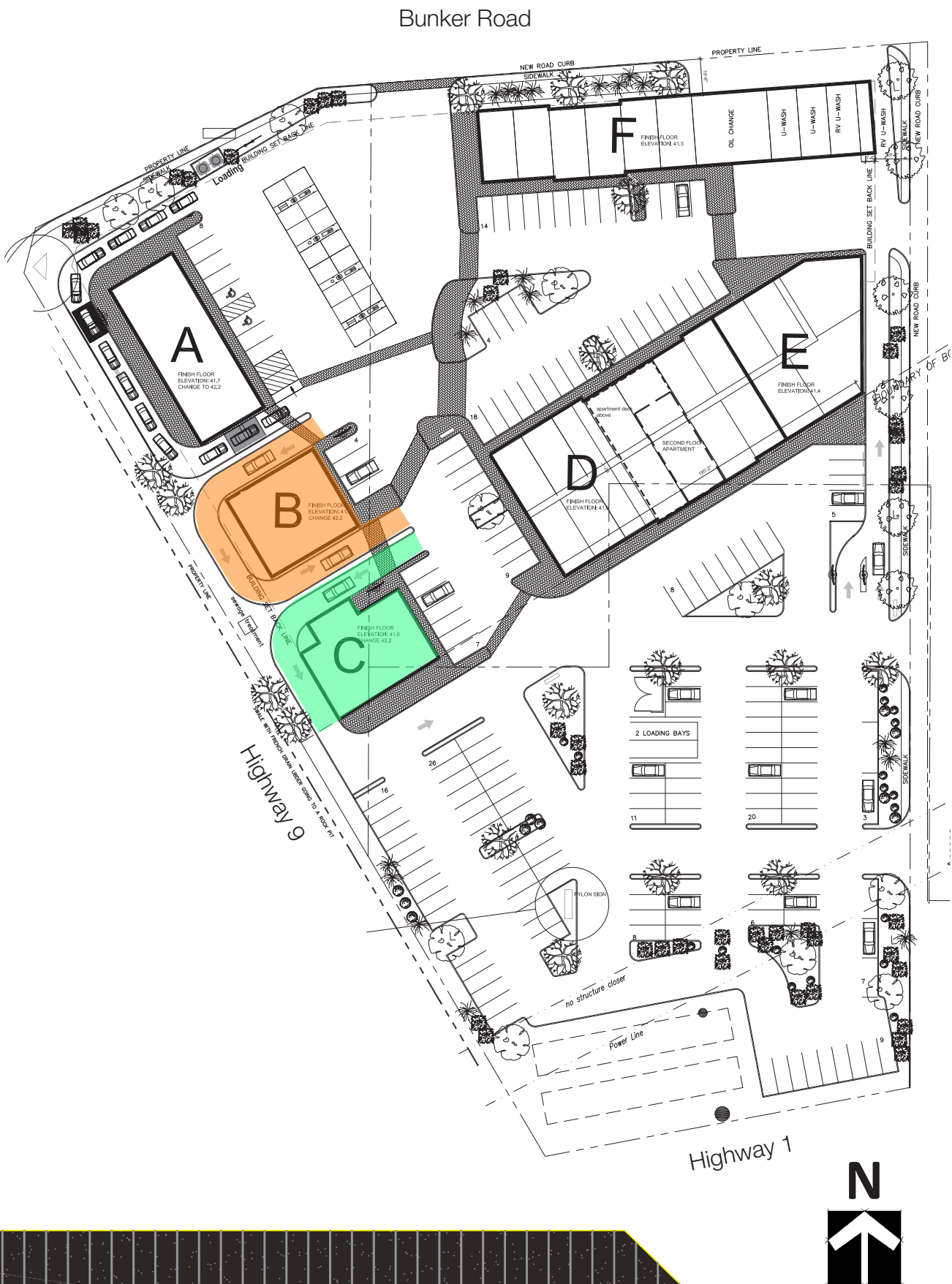
## Buildings B & C - Restaurant & Coffee Shop



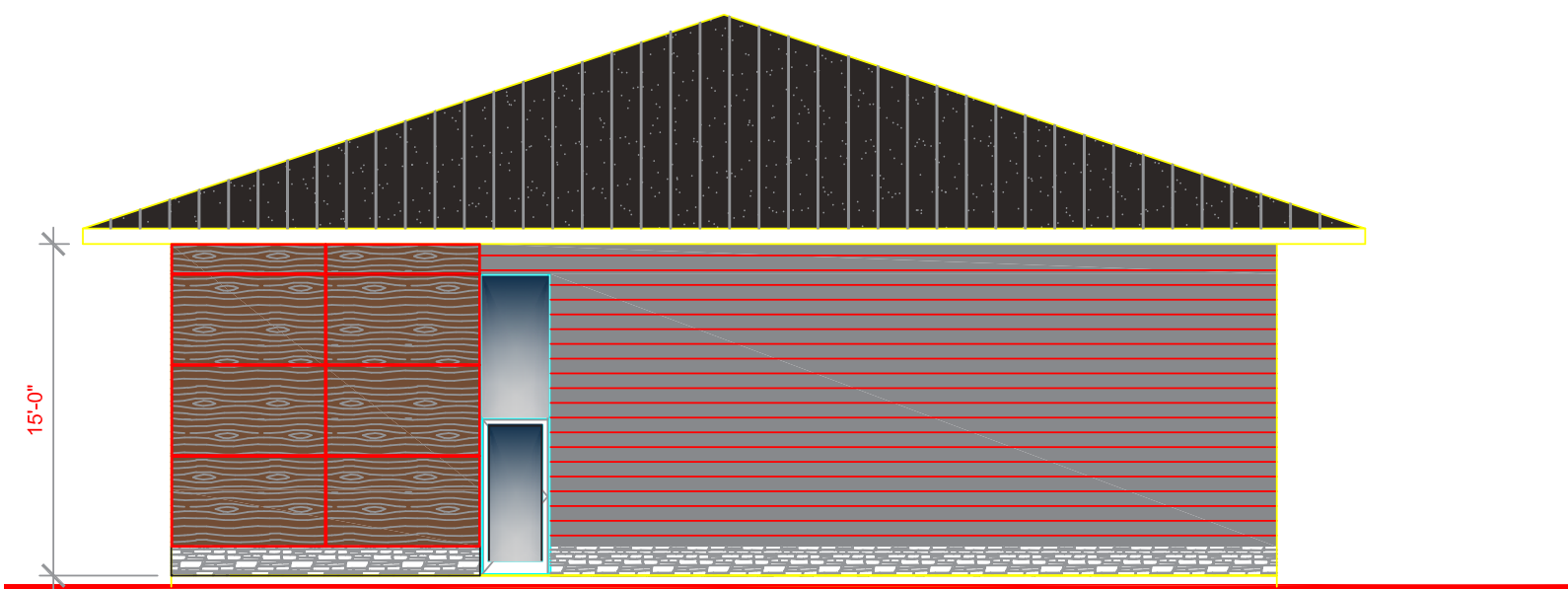
Building B Floor Plate



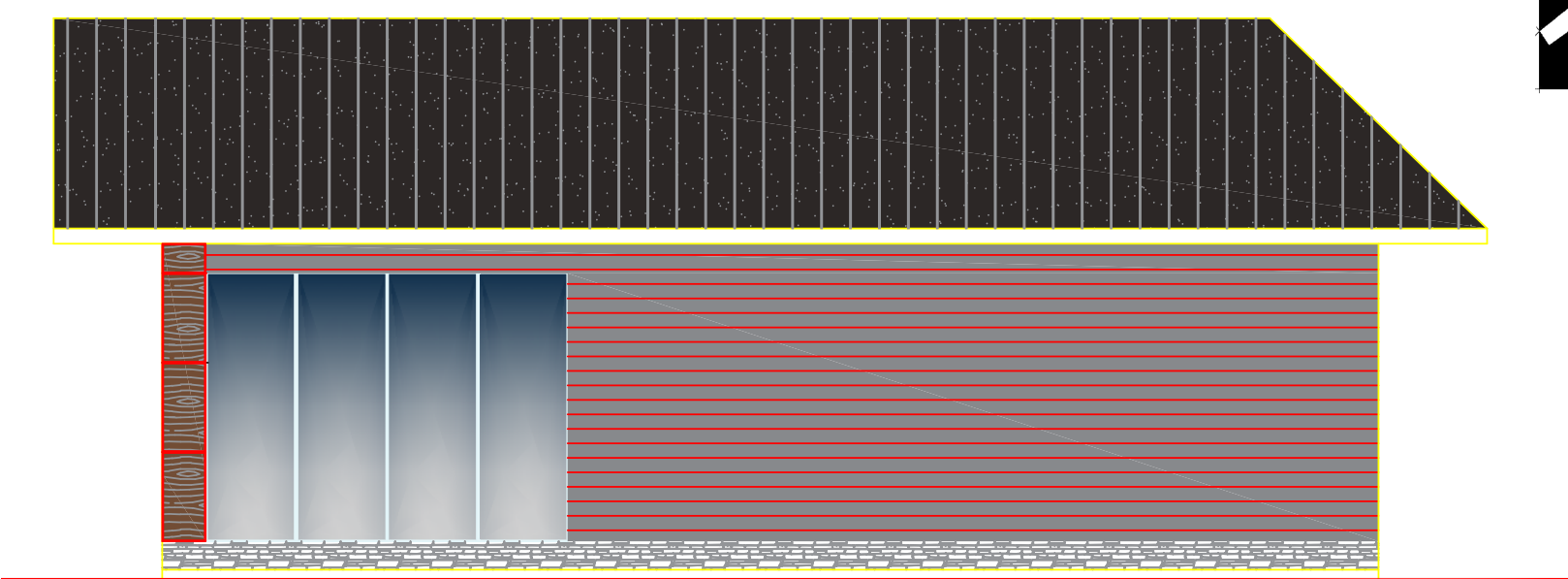
Building C Floor Plate



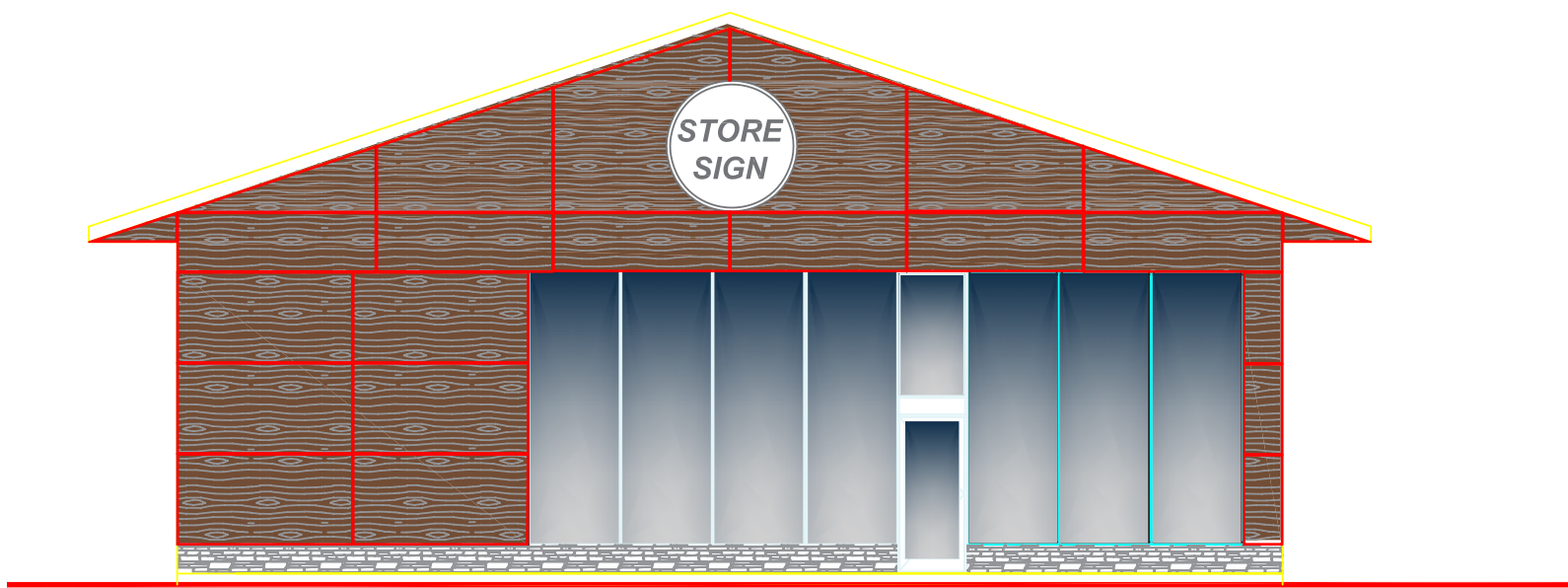
### BUILDING B



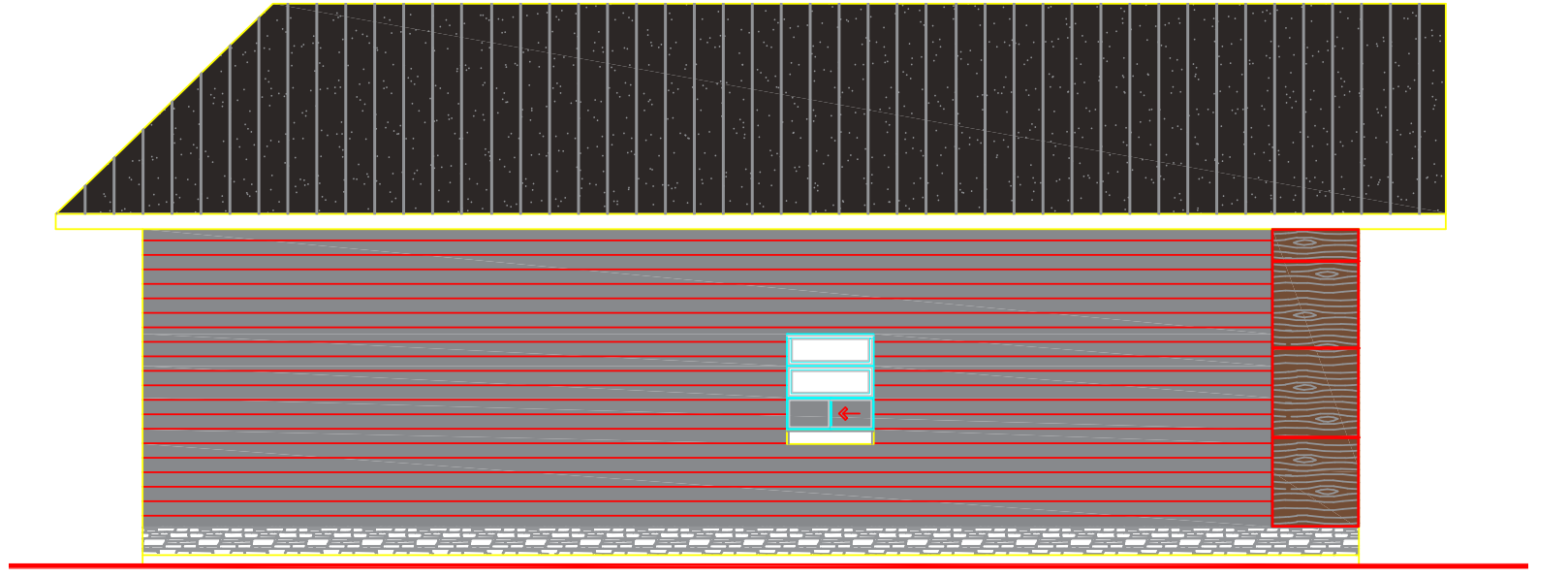
West Elevation



North Elevation

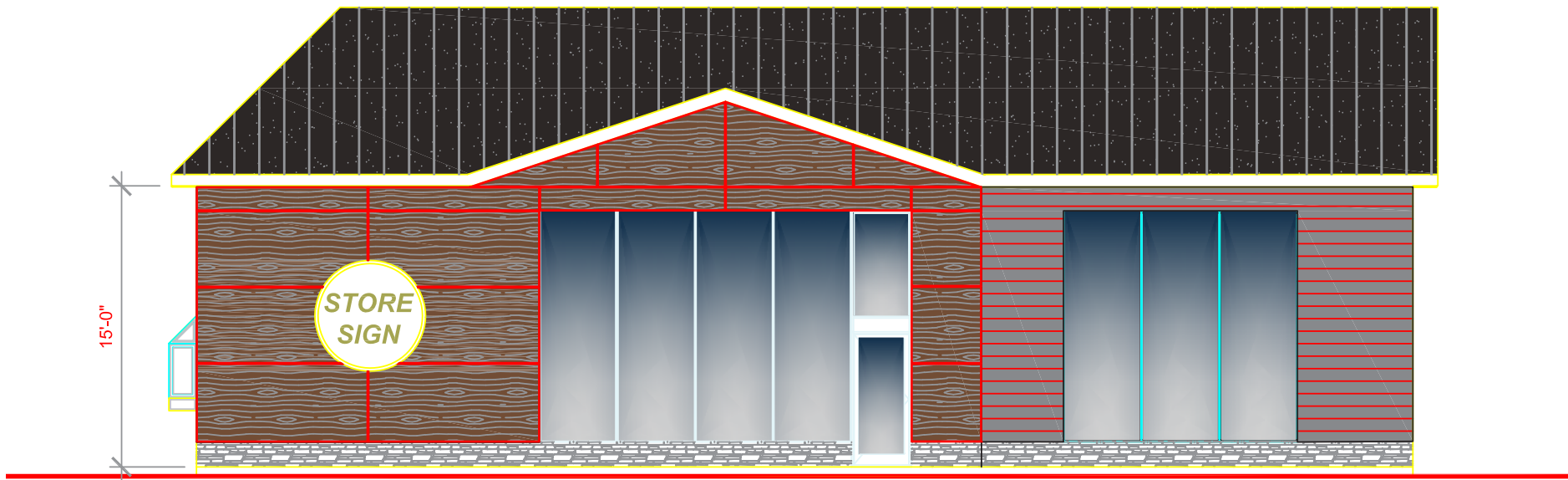


East Elevation

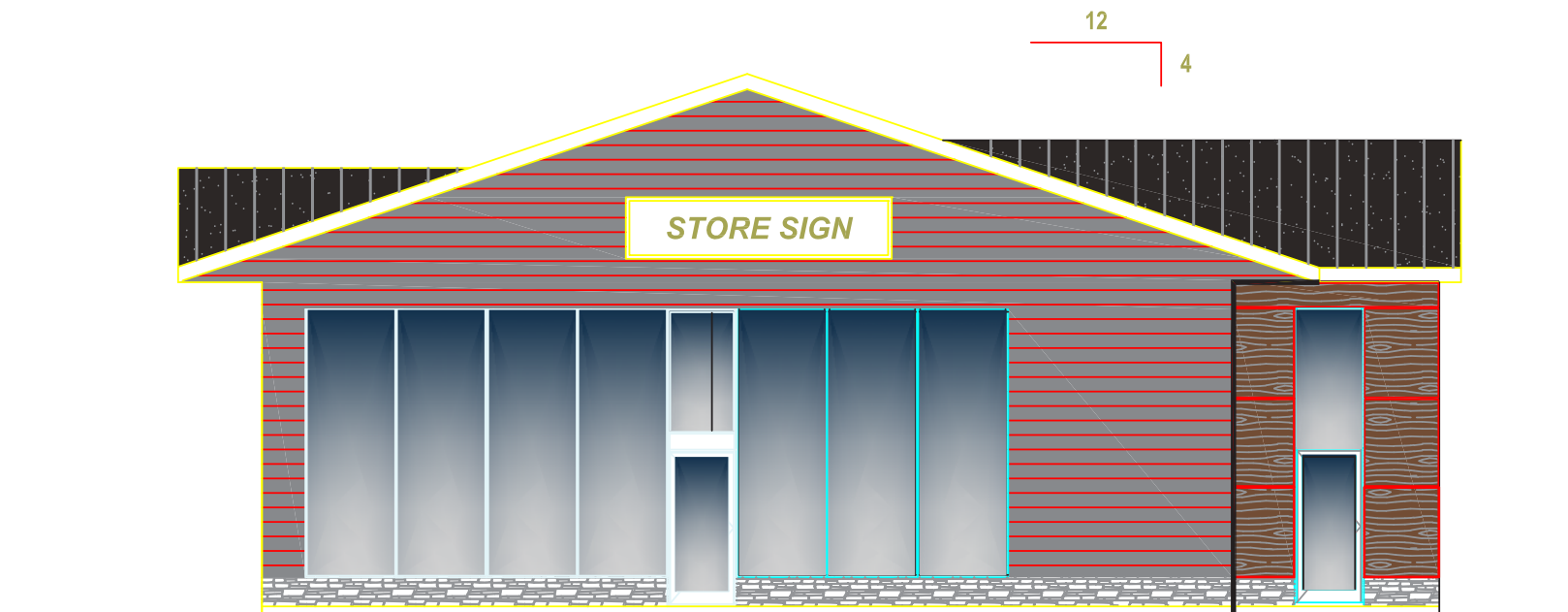


South Elevation

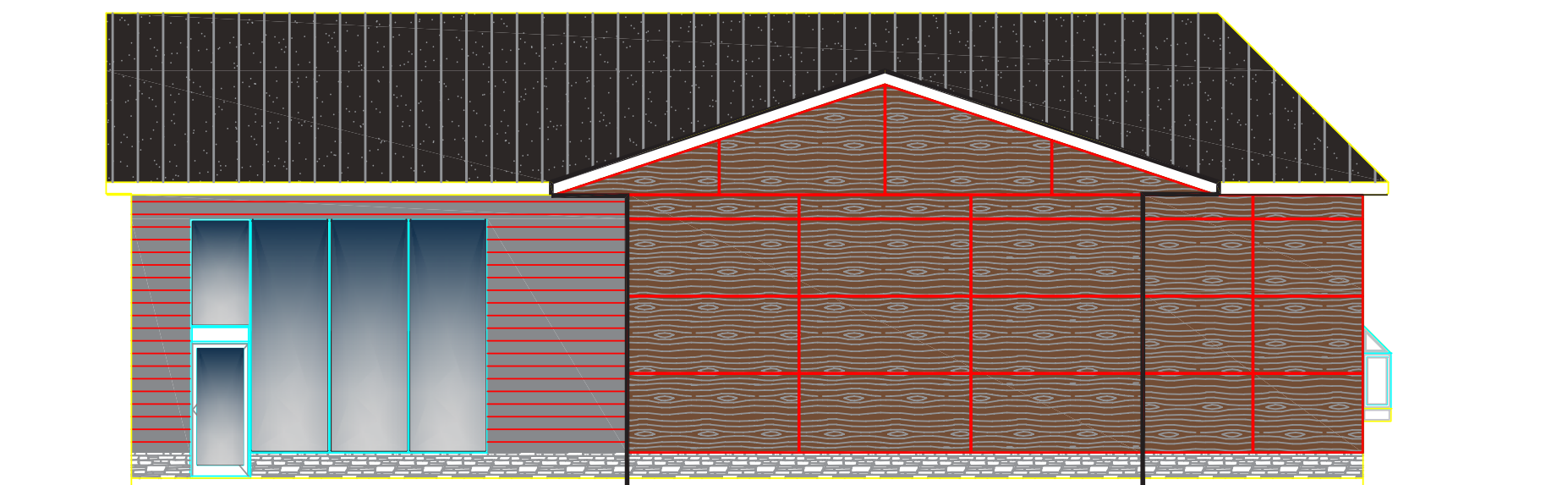
### BUILDING C



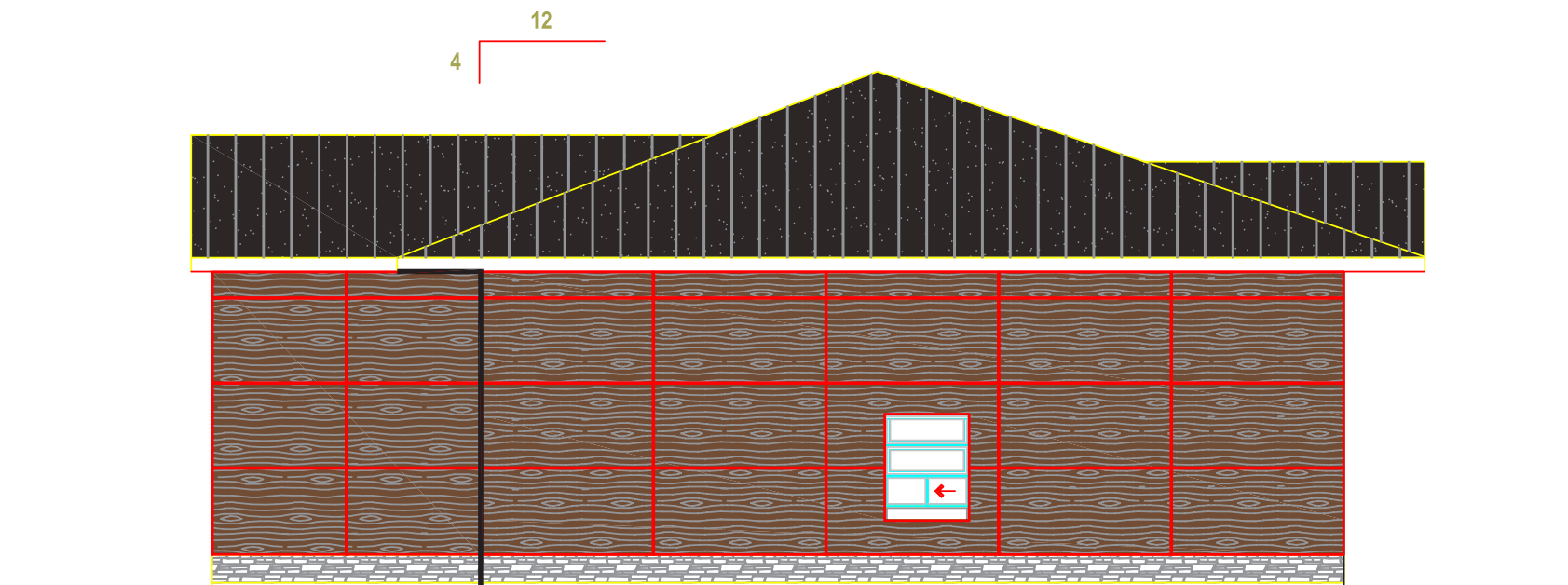
South Elevation



East Elevation



North Elevation

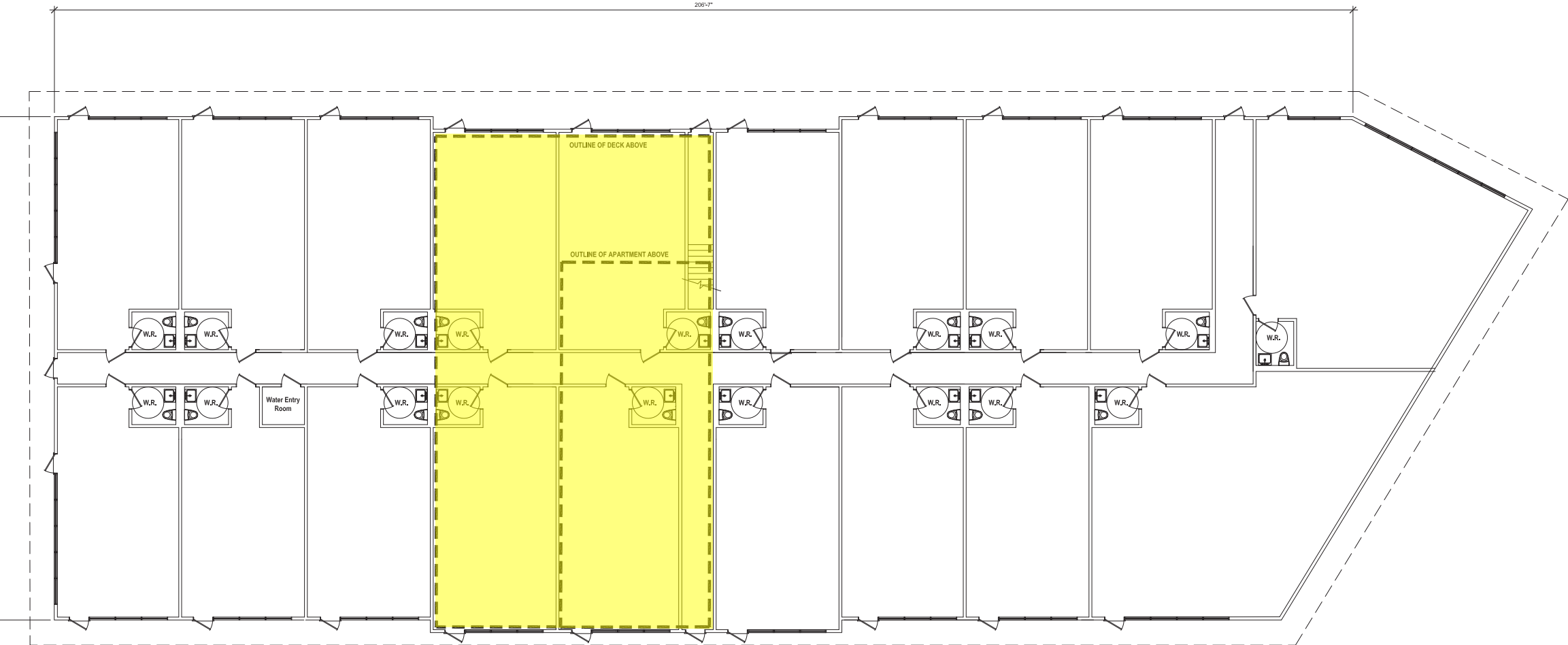


West Elevation

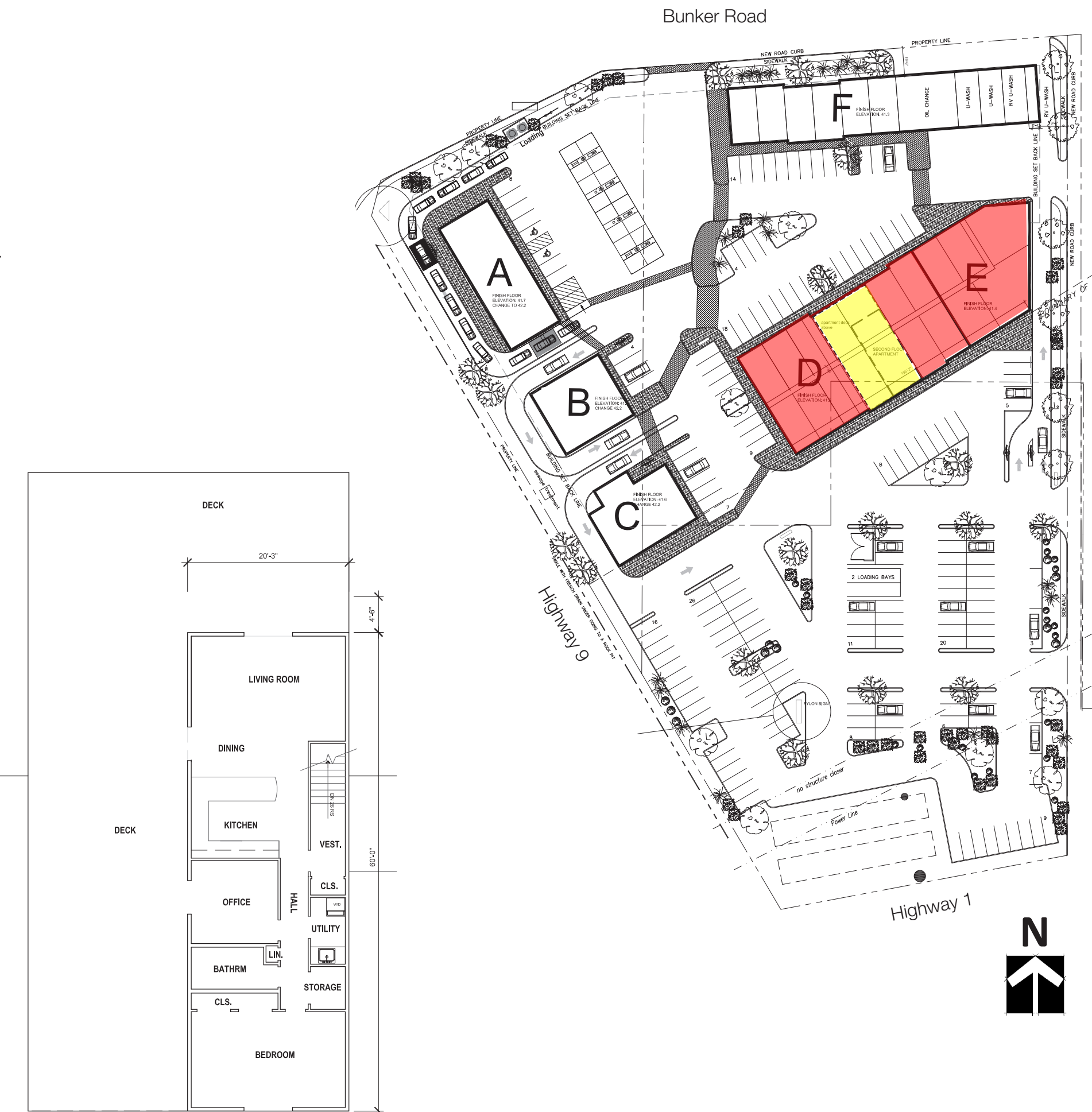


# Proposed Elevations

## Buildings D & E - Local Shops

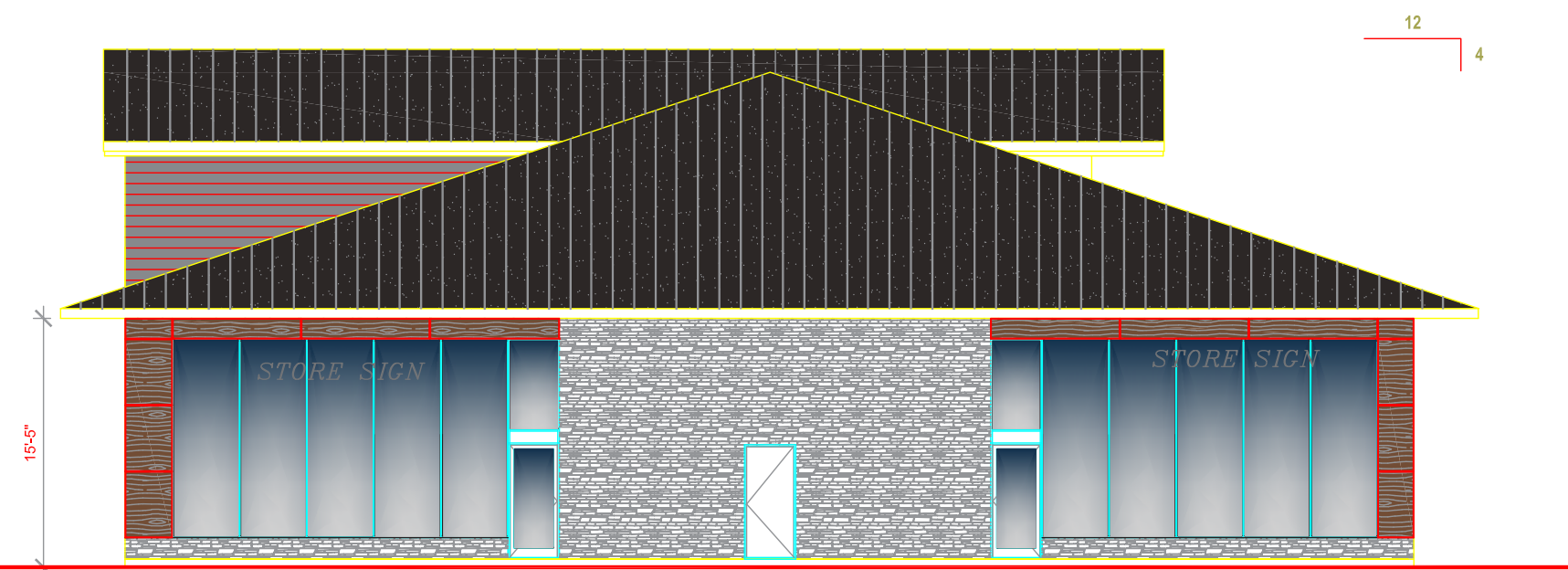


Floor Plan

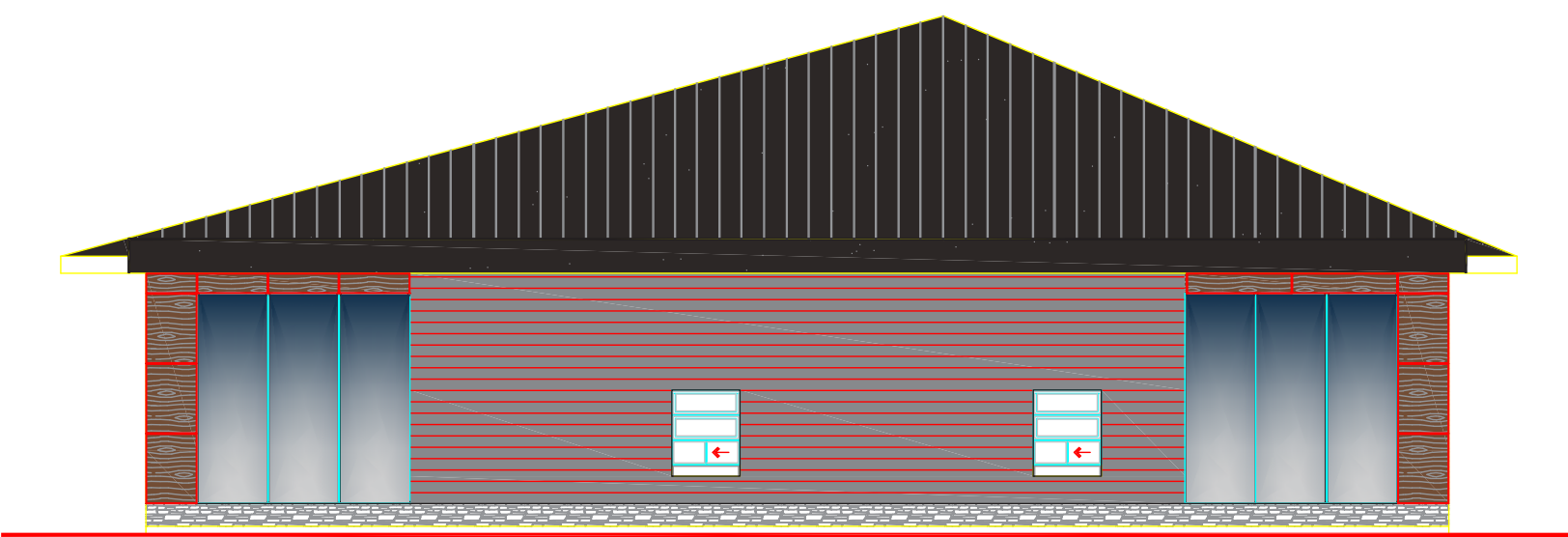


Apartment Floor Plan

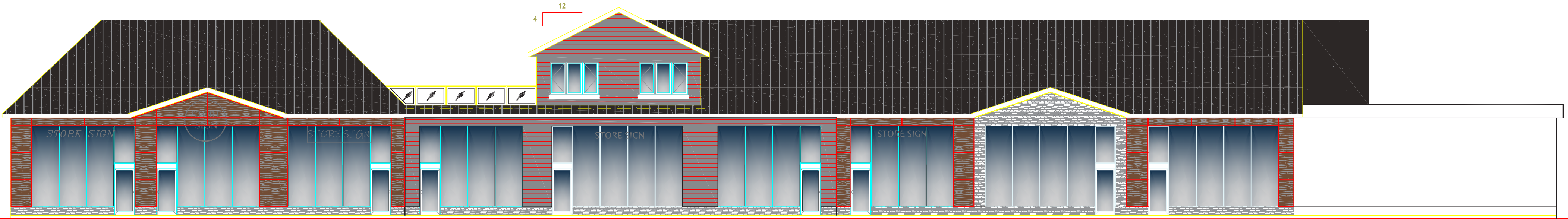
### BUILDING D & E



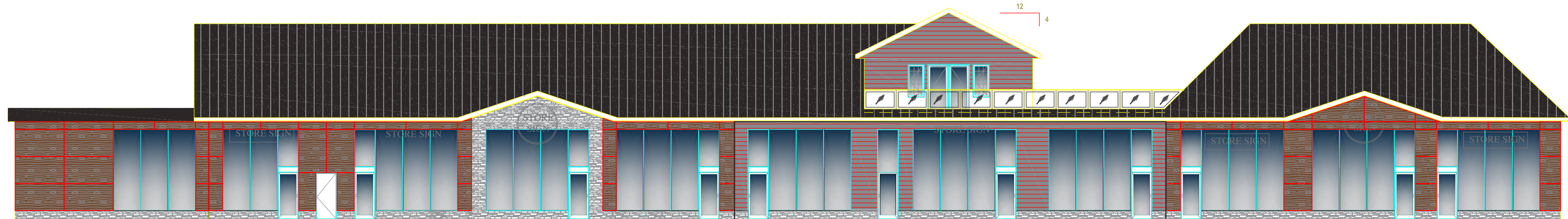
West Elevation



East Elevation



South Elevation



North Elevation







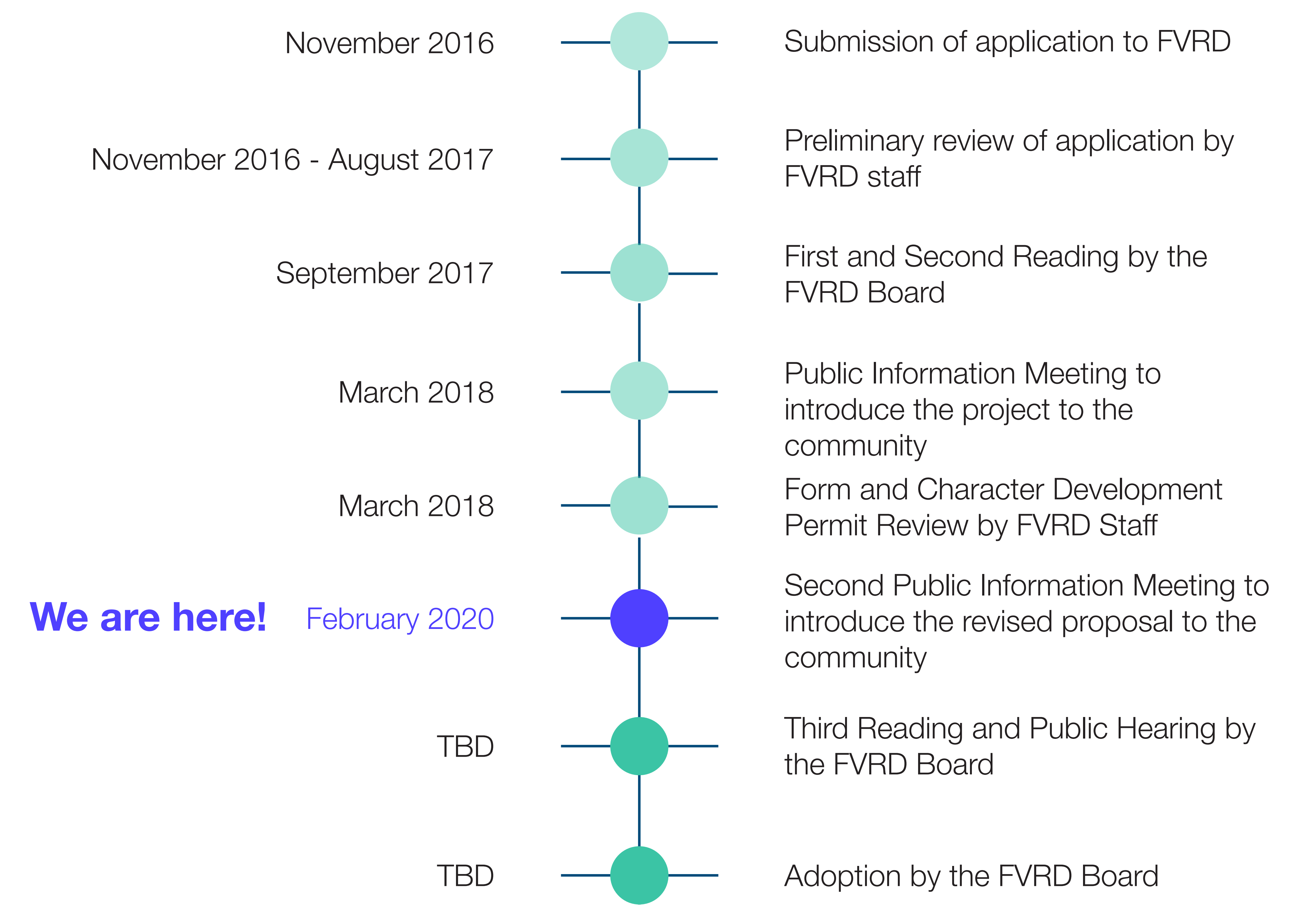
# Planning Process

This Public Information Meeting is one step in the review process for the development application.

A development application for a rezoning and development permit on the property was submitted to the Fraser Valley Regional District (“FVRD”) and is under review by FVRD staff.

The first public information meeting was held on March 14, 2018. We have received your comments on the development proposal, which have been incorporated into the revised plans. We want to obtain your feedback on the details of the revised development proposal.

Below is the estimated timeline for the development application.





# Design Features

The proposed development has been designed to minimize the environmental impact and increase user experience.

## Encouraging storm water management

Rainwater from buildings and paved areas on the site will be captured and contained in underground tanks. This **rainwater will be filtered and reused as site irrigation and fire-fighting water supply.**

## Utilizing recyclable building materials

Many **recyclable building materials** are proposed, including the use of:

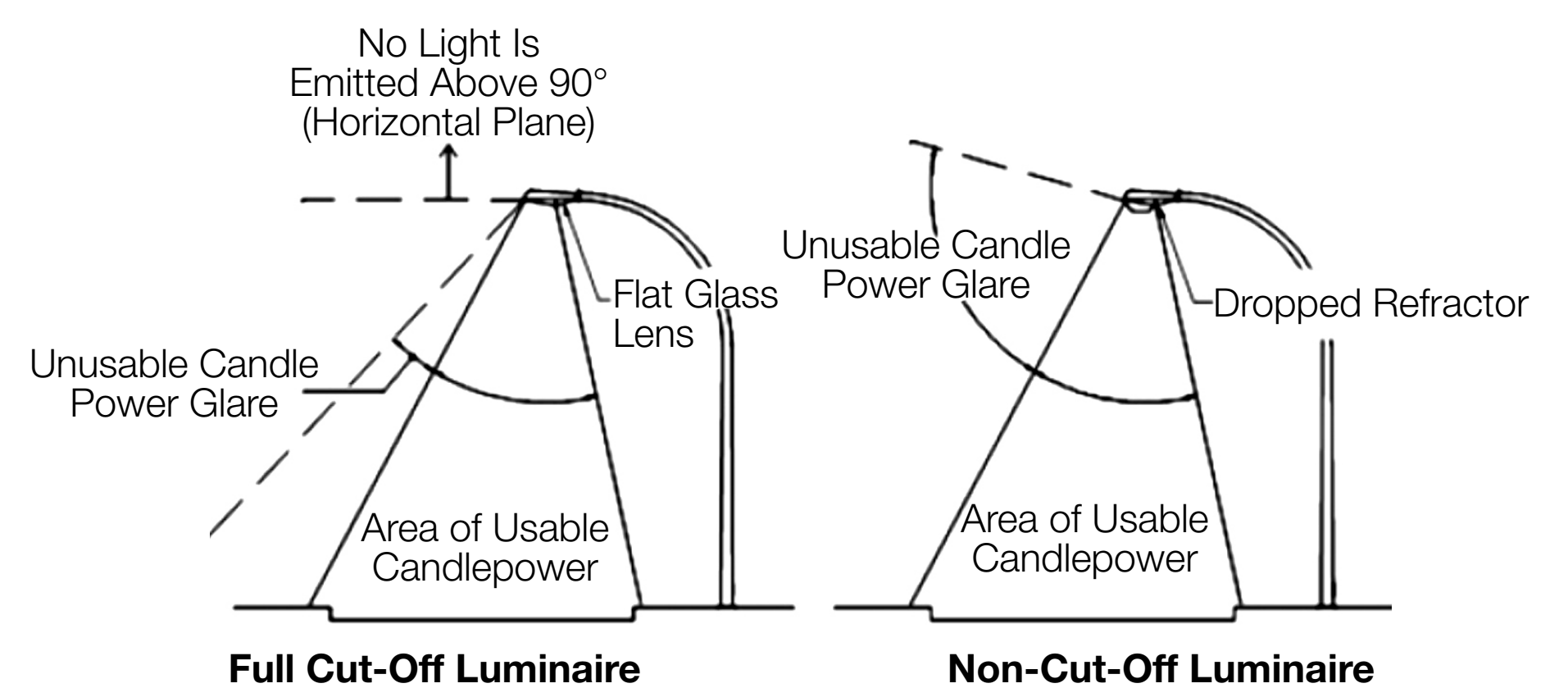
- Man made concrete mock stone, 100% recyclable
- Cement-based shingles and board siding, 100% recyclable
- Steel roofs, 100% recyclable

In order to reduce each building's energy consumption, every building will be constructed according to ASHREA 90.01 (2016) standard for energy efficiency.

## Reducing light pollution

All exterior general site light fixtures to meet the IESNA Full Cutoff Classification, or an uplight rating of 0. This will help ensure that **light does not reflect up to the sky at night.**

The proposal will install an automatic device that reduces the outward spillage of light achieved by reducing the input power to lighting fixtures by at least 50% between the hours of 11:00 PM and 5:00 AM.



## Pedestrian experience

The site has been designed to provide **safe and engaging sight lines for pedestrians** with large areas protected for pedestrian circulation.

Different varieties of landscaping have been proposed to ensure the site remains aesthetically pleasant through all seasons.

Lighting will be installed in the soffits of the overhanging building roofs to provide illumination at night.





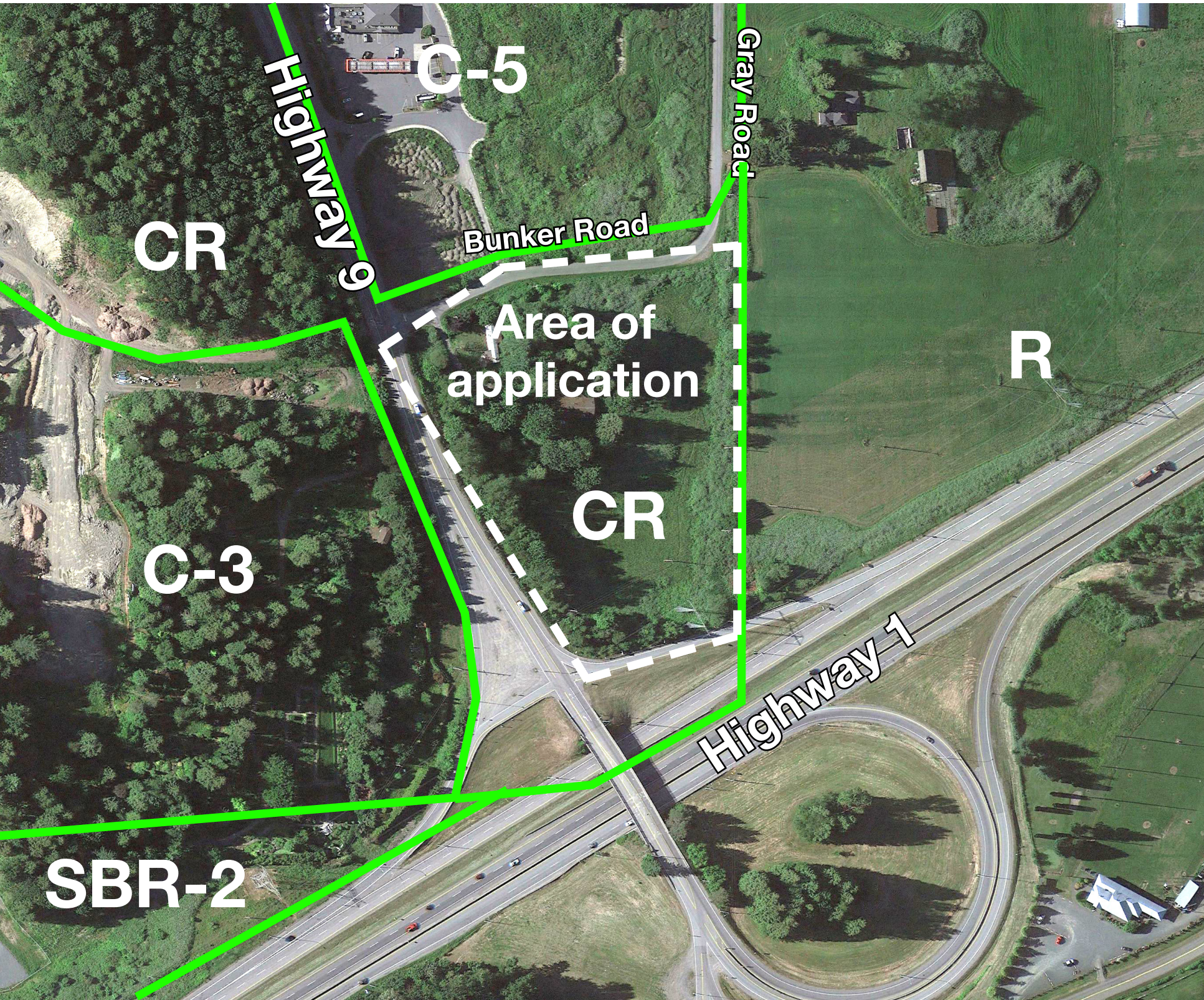
# Planning Policies

Pacific Land Group submitted an application for subdivision and rezoning for the properties located at 53032 and 53022 Bunker Road to allow for Highway Commercial uses.

The proposal is to rezone the properties to Gateway Commercial (C-5). The intent of the C-5 zone is to provide for Highway Commercial and Accessory Uses to serve the public’s day-to-day local commercial needs. The application proposes a gas station, drive-thru restaurants, and commercial retail units. The proposed highway commercial uses are designed to align with the FVRD’s Official Community Plan, which designates the site as Highway Commercial.

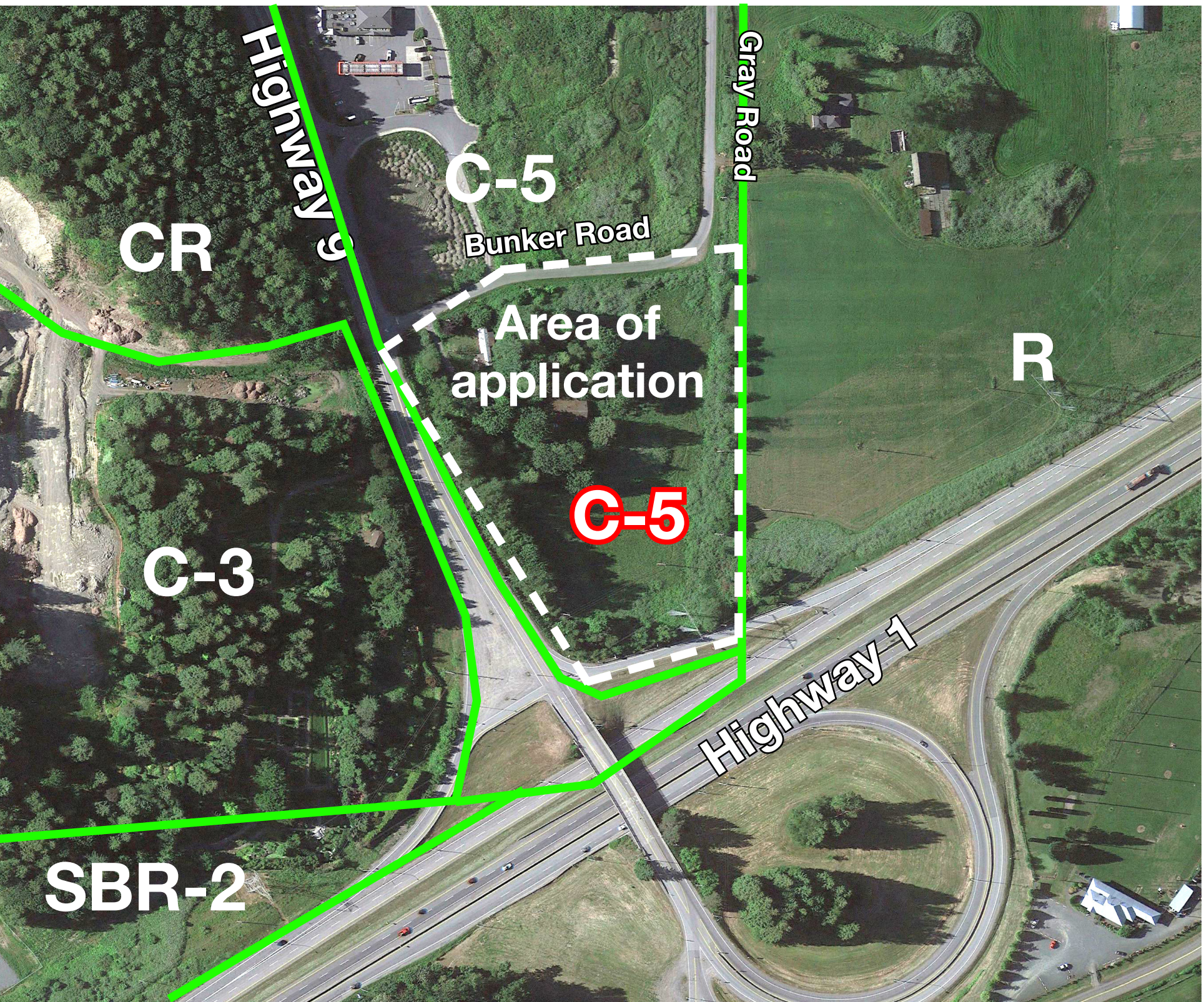
## Current Zoning

The property is currently zoned “Country Residential (CR)” which permits uses such as farm, one-family residence, and for accessory produce sales.



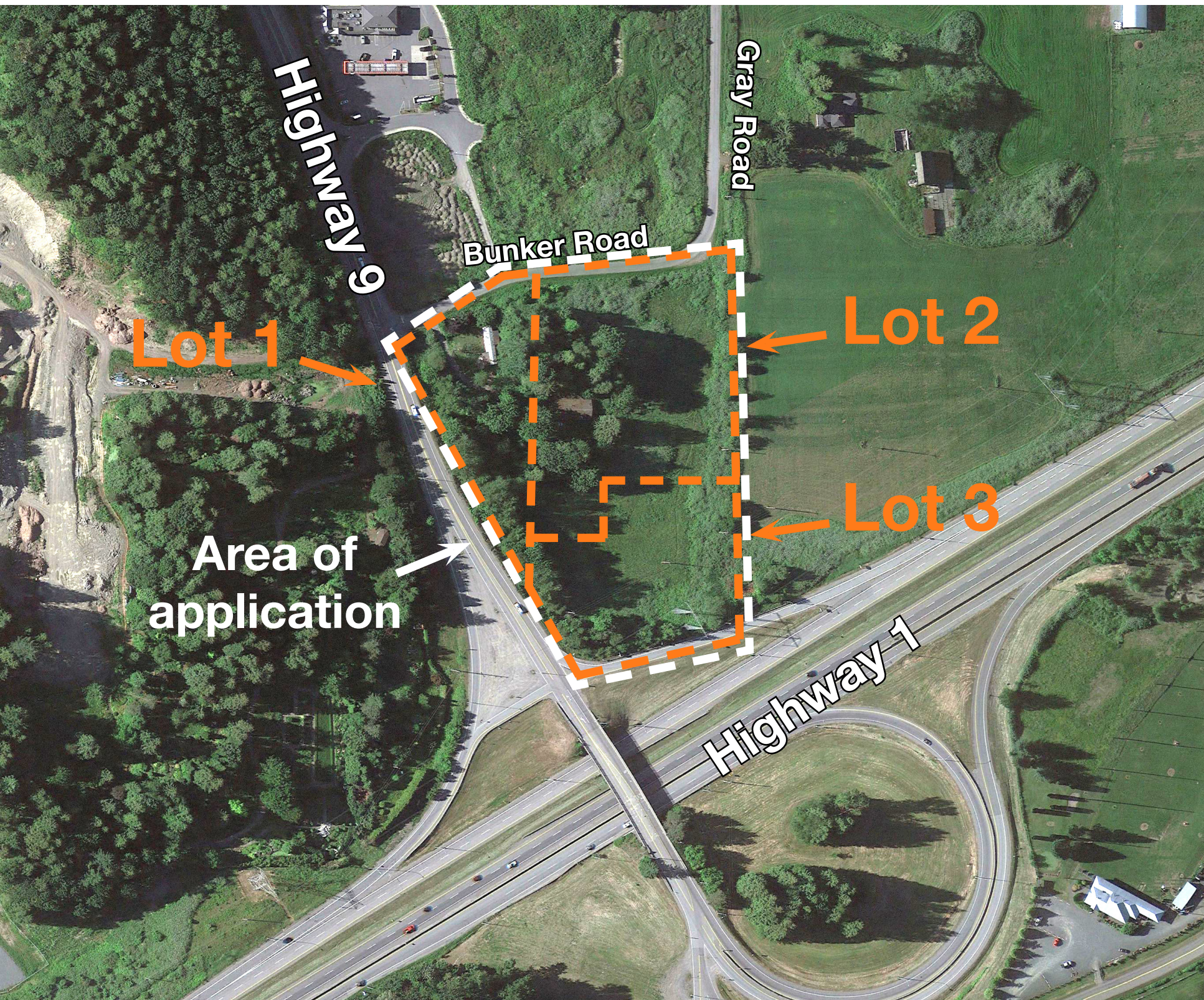
## Proposed Zoning

The application is to rezone the property to “Gateway Commercial (C-5)” which permits uses such as local commercial, highway commercial, and one accessory one-family residential use.



## Current Plan

The proposal currently includes three lots.



## Proposed Plan

The subdivision application is to consolidate the existing three lots into one lot.





# Traffic Circulation

Bunt & Associates was retained to conduct a Traffic Impact Study to determine potential changes to the local road network.

In order to determine the impact of the proposed development on the local road network, Bunt & Associates reviewed existing traffic conditions in the area, anticipated traffic generated by the development, and the existing road network (e.g., the number of lanes and intersections available) in order to determine potential changes to the local road network.

Four key intersections were studied, including:

- Highway 1 on- and off-ramp to Highway 9;
- Highway 9 access to Petro-Canada gas station;
- Highway 9 at Yale Road; and
- Yale Road at Gray Road.



## Report Conclusions

To accommodate the proposed development, Bunt & Associates recommends building a **right-turn lane at Bunker Road** to access the proposed development.

This right-turn lane is recommended to extend north to the existing access to the Petro-Canada Station.

The Ministry of Transportation and Infrastructure has reviewed this recommendation and supported the proposal as an acceptable improvement to the local road network.

## Proposed Improvements

-  New right-turn lane
-  Area of Application



# Proposal Feedback

Please let us know your thoughts about the information presented here today by filling out a comment form. Forms are available at the entrance.

**Welcome. We Appreciate Your Input!**

Public Information Meeting Comment Form.

Pacific Land Group has submitted a development application for new commercial land uses, including a gas station, car wash, restaurants, coffee shop, and other local and highway commercial land uses.

Please return your completed comment form to the comment box before you leave. Thank you.

**Please tell us about yourself:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

**Do you have any comments or questions on the application?**



**PACIFIC LAND GROUP**  
Land Use, Development & Environmental Strategists

If you have any questions about the information presented here today, please ask one of the representatives from Pacific Land Group. If more information is needed, we can follow up with you at a later point to provide the information.

If you think a question may come up later, please write to [laura@pacificlandgroup.ca](mailto:laura@pacificlandgroup.ca) or call 604-501-1624.

Thank you for attending the Public Information Meeting!



To: Electoral Area Services Committee

Date: 2020-03-10

From: Andrea Antifaeff, Planner I

File No: 3090-20-2020-02

**Subject: Application for Development Variance Permit 2020-02 to vary the maximum height requirement from 12 metres to 13.8 metres and the number of storeys from 2 to 3, for a proposed duplex at 20942 Snowflake Crescent, Electoral Area C**

## RECOMMENDATION

**THAT** the Fraser Valley Regional District Board issue Development Variance Permit 2020-02 to vary the maximum allowable height from 12 metres to 13.8 metres and the number of storeys from 2 to 3 at 20942 Snowflake Crescent, Area C to permit the construction of a duplex, subject to the consideration of any comments or concerns raised by the public.

## STRATEGIC AREA(S) OF FOCUS

## PRIORITIES

Provide Responsive & Effective Public Services

## BACKGROUND

The applicant, who has a contract to purchase the property, has made an application for a Development Variance Permit (DVP) in order to increase the maximum permitted height of a duplex as outlined in *Zoning By-law for Electoral Area F, 1978 of the Regional District of Fraser-Cheam*.

PROPERTY DETAILS			
Electoral Area	C		
Address	20942 Snowflake Crescent		
PID	002-252-058		
Folio	776.01430.022		
Lot Size	7,997 square feet		
Owner	Robert & Cathy Hall	Agent	Beniamin Cobaschi
Current Zoning	Resort Residential 3 (RST-3)	Proposed Zoning	No change
Current OCP	Cottage Residential (CR)	Proposed OCP	No change
Current Use	Vacant	Proposed Use	Residential
Development Permit Areas	5-HV - Riparian Areas		

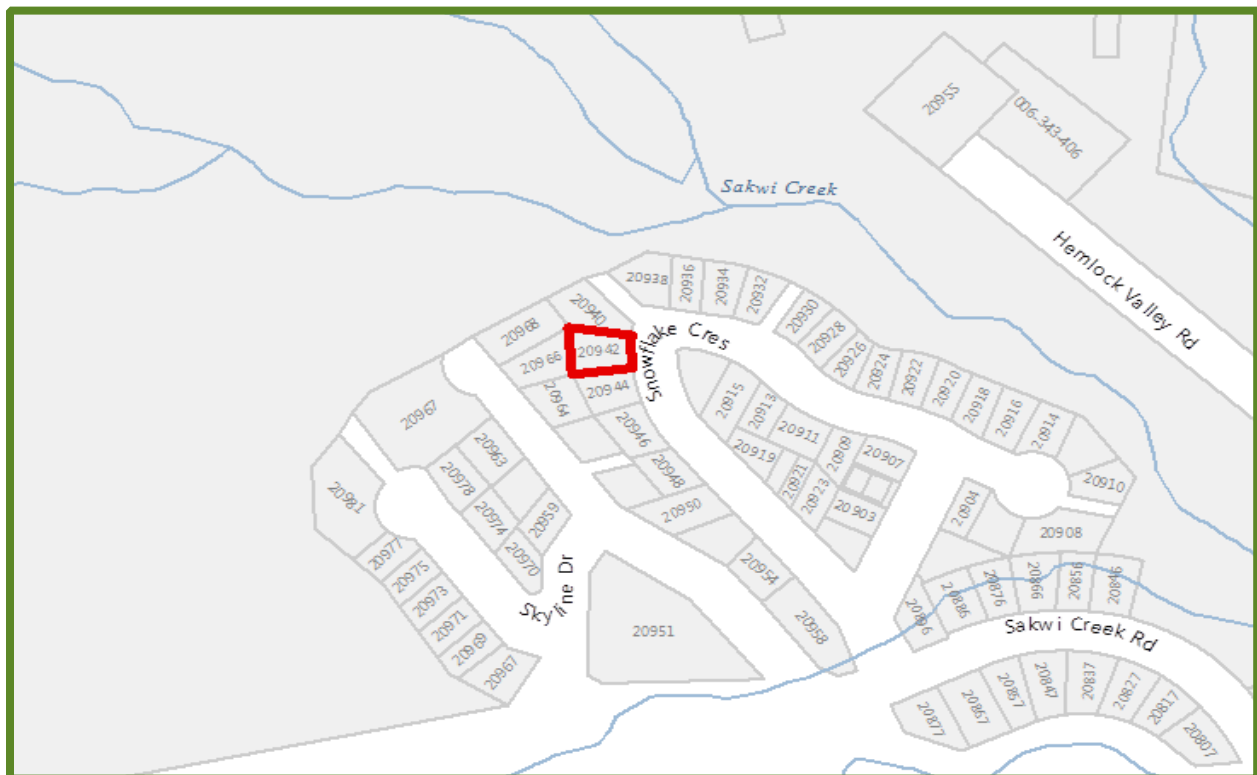
Agricultural Land Reserve

No

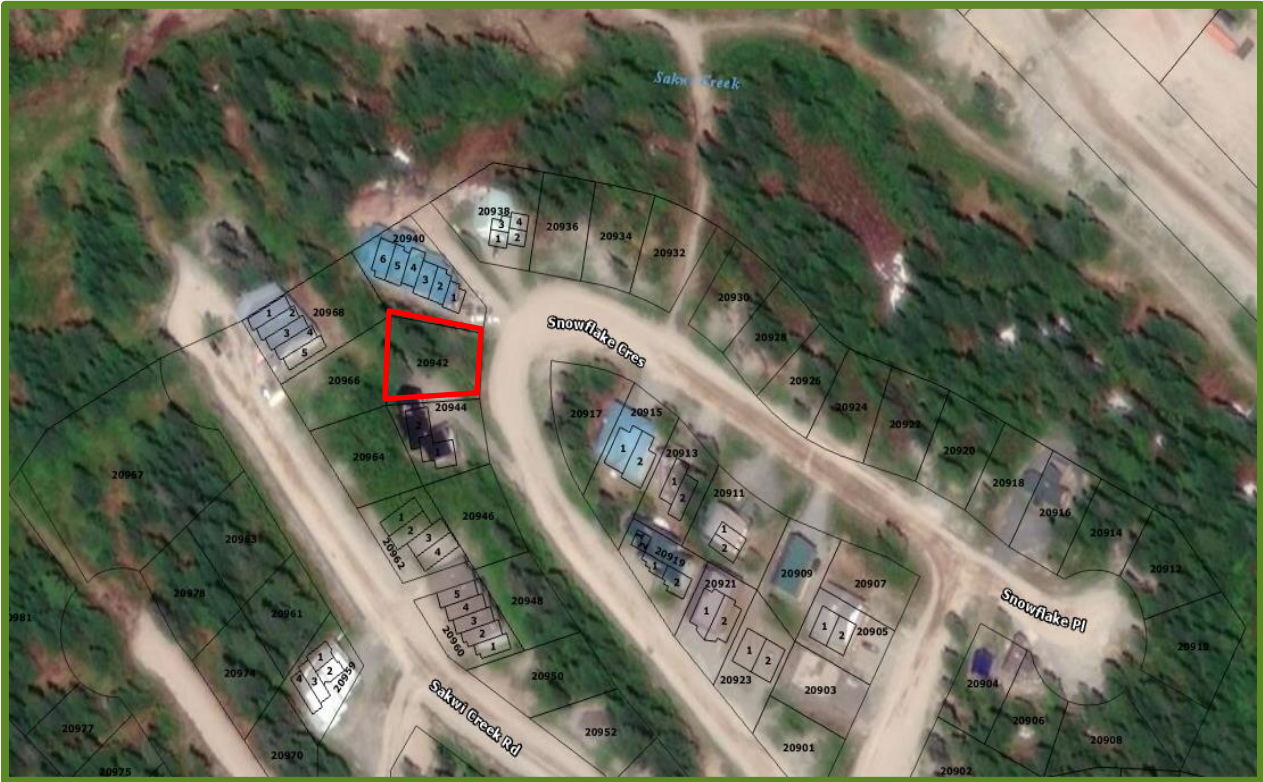
#### ADJACENT ZONING & LAND USES

North	^	Resort Residential 4 (RST-4); Multi-family residential (6-Plex)
East	>	Resort Residential 3 (RST-3); Duplex
West	<	Resort Residential 4 (RST-4); Vacant
South	v	Resort Residential 3 (RST-3); Duplex

#### NEIGHBOURHOOD MAP



PROPERTY MAP



DISCUSSION

The applicant is proposing to construct a 14.94 metre (49 feet) by 17.4 metre (57 feet 1 inch) duplex at 20942 Snowflake Crescent. The lot is bare land and is located in Hemlock Valley near Sasquatch Mountain Resort. Appendix A illustrates the proposed site plan for development.

Variance Request – DVP 2020-02

The applicant has applied for a Development Variance Permit to vary the maximum height requirement from 12 metres to 13.8 metres and the number of storeys from 2 to 3.

Height Requirement	
Permitted (zoning)	12.0 metres (39.37 feet), or two storeys (whichever is lesser)
Proposed	13.8 metres (45 feet) and three storeys
Requested Variance	1.8 metres and 1 storey

If the variance is not issued, the applicant would have to alter the design of the house to meet the permitted height requirement. This could be achieved by a combination of the following: 1) reducing the ceiling height between each of the floors; 2) reducing the pitch of the roof; or, 3) by altering the

grade around the perimeter of the duplex. The alteration of the grade of land and the reduction of the roof pitch may cause snow shedding implications onto the adjacent neighbouring properties.

#### Application Rationale

The applicant advises that the reasons for the variance are:

- increased roof heights will improve the roof slope and reduce the accumulation of high snow-load on the roof preventing large chunks of snow from building up and sliding off;
- due to the uneven topography of the lot, the variance would work with the existing slope on the property and allow the snow to build up flat along these sides and not put pressure on the walls; and,
- increasing the proportions of the building which are constructed above ground will increase the area in which snow can accumulate between this property and the neighbouring property, thereby mitigating the risk of snow sliding into the neighbouring house.

The applicant also provided a letter from their structural engineer who advises that the reasons for the variance are:

- due to high snow load the roof trusses are deeper than regular trusses. This will require a 1 metre - 1.5 metre height increase for the overall building;
- the floor joists have a higher depth than regular floor joists. This will require an additional 0.2 metres, which will increase the height of the building by 0.4 metres;
- due to slope terrain, the building basement will be full depth, underground on two sides, and above ground on the other two sides. A higher average elevation will be required to avoid excessive excavation for the foundation installation. Around an extra 1 metre height increase, as it might be required to raise the ground elevation. (See Appendix C)

#### History of Related Variances in Hemlock Valley

In the last twenty years, there have been four variance requests (all approved) for building height in Hemlock Valley.

<b>DVP for Residential Building Height – Hemlock Valley</b>		
<b>Address</b>	<b>Variance Requested</b>	<b>Status</b>
<b>47020 Snowmist Drive (DVP 2019-23)</b>	Increase the number of storeys from 2 to 3	Approved September 2019
<b>20934 Snowflake Crescent (DVP 2018-17)</b>	Increase the height from 12m to 13.5, and Increase the number of storeys from 2 to 3	Approved April 2018
<b>20917 Snowflake Crescent (DVP 2018-14)</b>	Increase the height from 12m to 14m (Applicant requested a further height variance than the previously issued DVP)	Approved April 2018
<b>20917 Snowflake Crescent</b>	Increase the height from 12m to 13.35m and	Approved

(DVP 2017-14)	Increase the number of storeys from 2 to 3	July 2017
---------------	--	-----------

### **Snow Shedding Impacts**

Buildings in Hemlock Valley are prone to the accumulation of large amounts of snow resulting in snow shedding. Setback requirements within the zoning account for the accumulation of snow and aim to accommodate snow shedding. The increase in height should not increase snow shedding impacts to adjacent properties.

### **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 6 letters of support have been submitted (Appendix D).

### **COST**

The application fee of \$1,300.00 has been paid by the applicant.

### **CONCLUSION**

The applicant has applied for a Development Variance Permit to vary the maximum height requirement from 12 metres to 13.8 metres and the number of storeys from 2 to 3 at 20942 Snowflake Crescent, Area C to permit the construction of a duplex. Staff recommend that the FVRD Board issue the Development Variance Permit as it is not anticipated to negatively affect surrounding properties.

### **OPTIONS**

#### **Option 1 – Issue (Staff Recommendation)**

Staff recommend that the FVRD Board issue Development Variance Permit 2020-02 to vary the maximum height requirement from 12 metres to 13.8 metres and the number of storeys from 2 to 3 at 20942 Snowflake Crescent, Area C to permit the construction of a duplex, subject to the 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 2020-02.

**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 2020-02 to FVRD Staff.

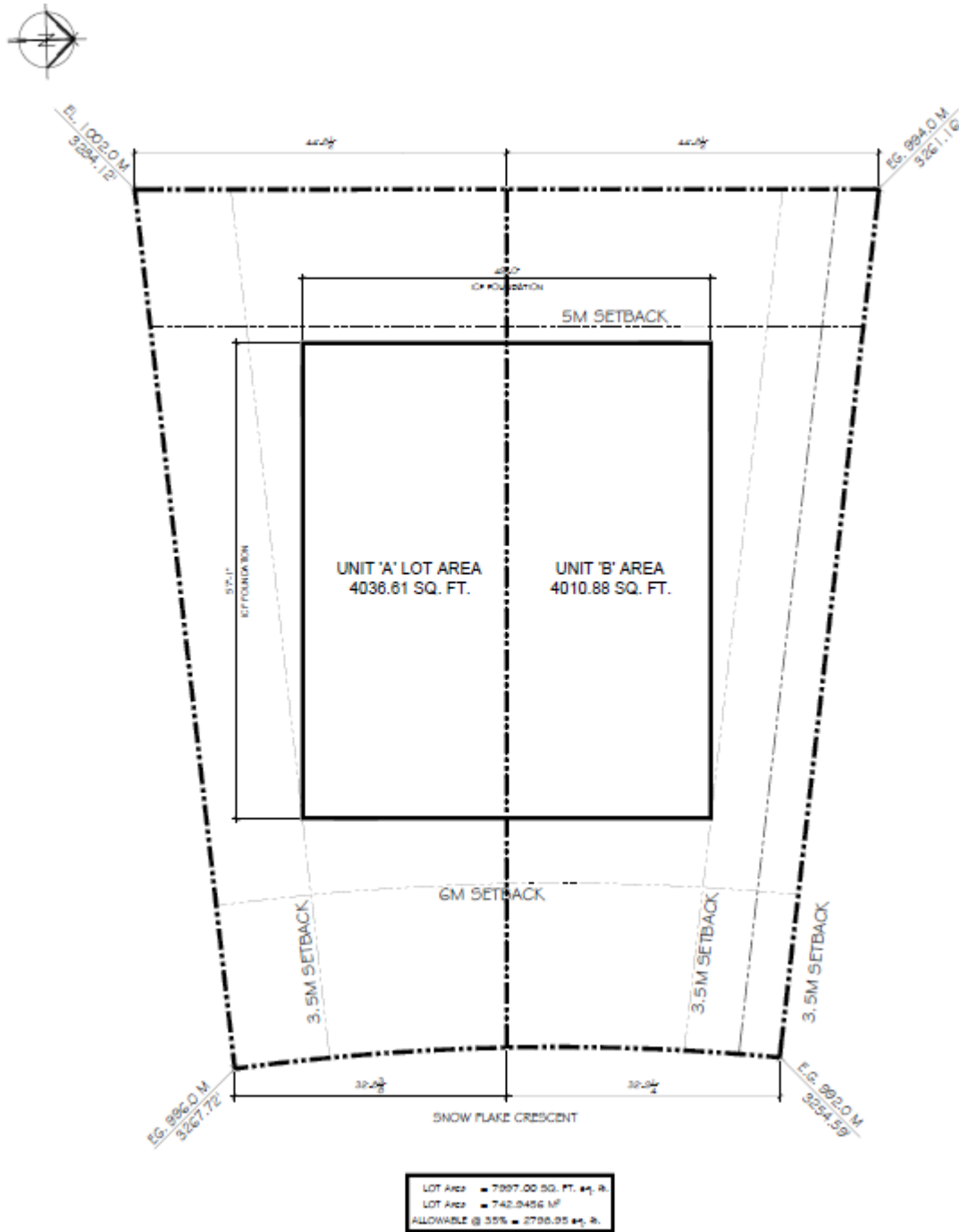
**COMMENTS BY:**

**Graham Daneluz, Director of Planning & Development:** Reviewed and supported.

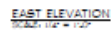
**Mike Veenbaas, Director of Financial Services** No further financial comments.

**Jennifer Kinneman, Acting Chief Administrative Officer:** Reviewed and supported.

# Appendix A Site Plan



## Proposed Construction Drawings





## Appendix C

### Letter from Structural Engineer

Hi Beni,

Regarding structural design of the building please note that the height of the building will require to be higher than a regular similar construction. Following are the reasons:

- 1) Due to high snow load the roof trusses are deeper than the regular trusses. This will require a 1 – 1.5 m height increase for the overall building.
- 2) Floor joist have a higher depth than regular floor joists. This will require an additional 0.2m, which will increase the height of the building 0.4m.
- 3) Due to slope terrain, the building basemen will be full depth underground on the two sides, and above ground on the other two sides. A higher average elevation will be required to avoid excessive excavation for foundation installation. Around an extra 1 m height increase it might be required to raise the ground elevation.

Regards,

Jeremy Hapchina, P.Eng.  
Senior Structural Engineer

**MORRISON HERSHFIELD**

Suite 310, 4321 Still Creek Drive, Burnaby, BC V5C 6S7

Phone: 604 454 9305, Cell: 604 512 4994

[morrisonhershfield.com](http://morrisonhershfield.com)

## **Appendix D**

### **Letters of Support**

February 8, 2020

To whom it may concern,

I am a permanent resident in Hemlock Valley of 15 years and my home is located at 20940 Snowflake Crescent.

Mr Ben Cobaschi visited me today to give me a detailed look at his plans for the lot next door at 20942 Snowflake Crescent. He explained the variances he requested, showed the positioning of his proposed building on the lot, pointed out parking plans, etc. I have no objection to this new building.

We further discussed and came to agreement on our mutual interests in snow removal once the new building is complete.

Yours Truly,

Kevin Sass

From: **Michael Bogdanovich**  
Date: Wed, Feb 12, 2020 at 6:58 PM  
Subject: Re: 20942 Snowflake Crescent  
To: Benjamin Cobaschi

Hi Beni,

To the FVRD,

I Michael Bogdanovich, with a residence @ [20917 Snowflake Cr](#) am in full support of my new Neighbour Benjamin Cobaschi's applications of variance for his new build.

If there are any questions or concerns please feel free to contact me via email or phone @

Sincerely,

Michael Bogdanovich

I John McEwen being the owner of a residence located at 20934 Snowflake Crescent in Hemlock BC have no objection to the variance being asked for by Mr. Benjamin Cobaschi at 20942 Snowflake Crescent.

John McEwen

To whom it may concern,

I have reviewed the building design and plans for the variance application of 20942 Snowflake Crescent, proposed by Benjamin Cobaschi, the owner of said property, and would like to affirm my support for this proposal. The variance Benjamin is requesting will decrease snow accumulation on the roof of his proposed home. The fact that the house is three stories high will help store the snow on the property and prevent it from sliding onto the neighboring property. I believe that, given the grade and position of his property, without this variance snow accumulation and shedding may create at best an inconvenience for his neighbors and at worst risk injury or damage. The home Benjamin is proposing on this property will, in my opinion, contribute positively to the development of Hemlock Valley, and will be an asset to the community as Hemlock moves toward a future as a landmark ski resort.

Regards,  
Kyle  
Barker  
Kyle Barker

Digitally signed by Kyle Barker  
DN: cn=Kyle Barker, o=me,  
email=kxbarker@cryptolabs.com,  
c=CA,  
Date: 2020.02.21 15:43:56 -0800

20806 Sakwi Creek Rd

**20942 Snowflake Variance applications**

1 message

**beryl skrukwa**

Sun, Feb 23, 2020 at 12:33 PM

To:  
Cc:

My wife & I have owned our home located at #1 - 20944 Snowflake Crescent, Hemlock BC for the past 15 yrs., we have no objection to the variance being asked for by Mr. Benjamin Cobaschi.

Thank you,  
John/Beryl Skrukwa

Sent from my iPhone



**RE: 20942 Snowflake Variance applications**

1 message

**Bauer, Ralph M.**  
To: beryl skrukwa

Sun, Feb 23, 2020 at 12:36 PM

My wife & I have owned our home located at #2 - 20944 Snowflake Crescent, Hemlock BC for the past 15 yrs., we have no objection to the variance being asked for by Mr. Benjamin Cobaschi.

Susan and Ralph Bauer

Ralph Bauer  
Holophane Lighting Specialist  
AEL Factory Support Representative



## FRASER VALLEY REGIONAL DISTRICT DEVELOPMENT VARIANCE PERMIT

---

**Permit No.** Development Variance Permit 2020-02      **Folio No.** 776.01430.022

---

**Issued to:** Robert and Catherine Hall

---

**Address:**

---

**Applicant:** Benjamin Cobaschi

---

**Site Address:** 20942 Snowflake Crescent, Hemlock Valley, 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 22 DISTRICT LOT 3850 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 57905  
002-252-058

---

### LIST OF ATTACHMENTS

Schedule "A": Location Map

Schedule "B": Elevation Drawing

---

### 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 1905

The maximum height of a building shall be increased from 12 metres to 13.8 metres, and two storeys to three storeys, to permit the construction of a duplex.

---

### 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 developer's 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.
5. The Archaeology Branch of the Province of British Columbia must be contacted (phone 250-953-3334) if archaeological material is encountered on the subject property. Archaeological material may be indicated by dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artefacts such as arrowheads and other stone tools, or human remains. If such material is encountered during demolition or construction, a Heritage Conservation Act Permit may be needed before further development is undertaken. This may involve the need to hire a qualified Archaeologist to monitor the work.

---

**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 2020-02. 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

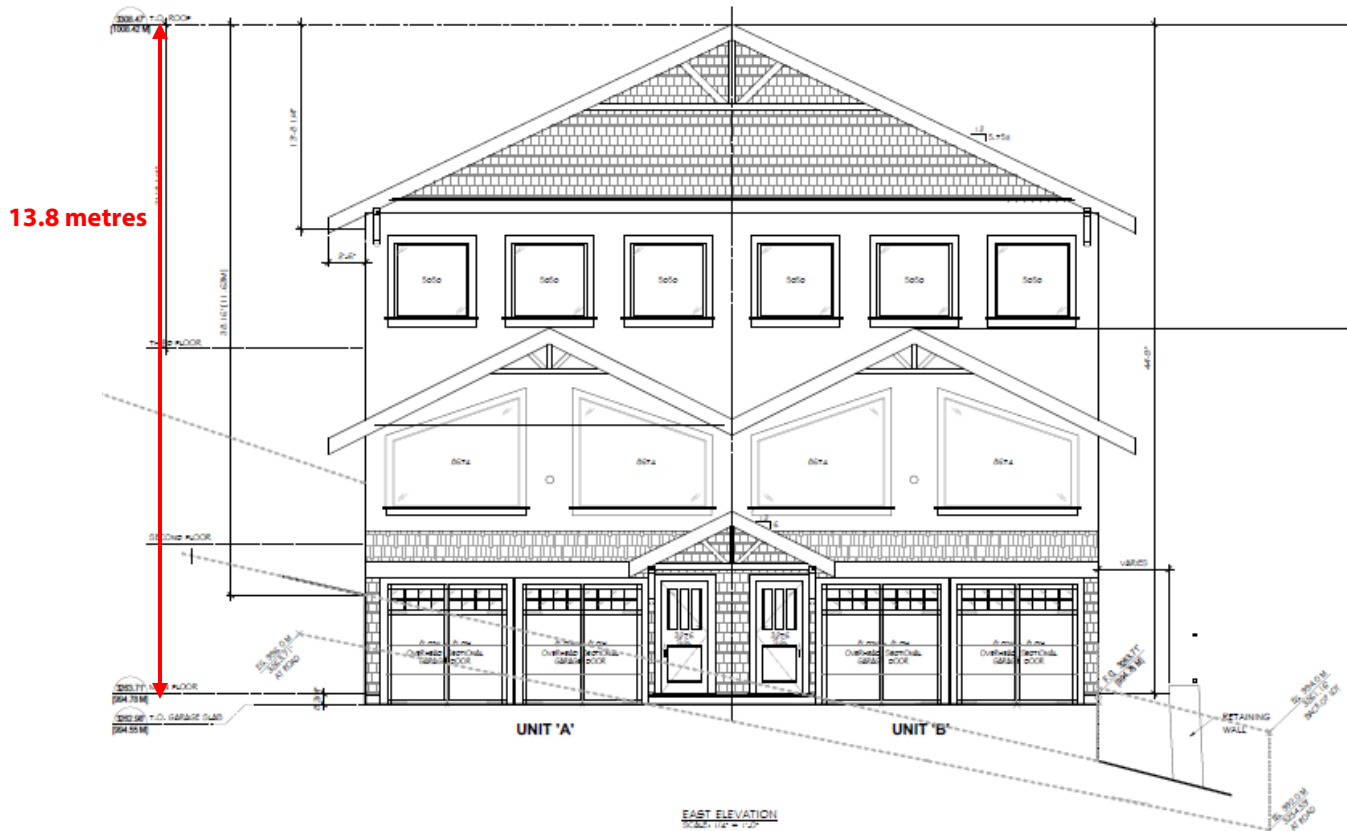
THIS IS NOT A BUILDING PERMIT

DRAFT





**DEVELOPMENT VARIANCE PERMIT 2020-02**  
**SCHEDULE "B"**  
**Elevation Drawing**



**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 \$\_\_\_\_\_ as stipulated in FVRD Application Fees Bylaw No. 1231, 2013 must be paid upon submission of this application.

Civic Address 20942 Snowflake cr. PID 002-252-058

Legal Description Lot 22 Block \_\_\_\_\_ Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ Plan NW57905

*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) <b>See letter of authorization</b>	Signature of Owner	Date
Name of Owner (print)	Signature of Owner	Date

Owner's  
Contact  
Information

Address		City
Email		Postal Code
Phone	Cell	Fax

<b>Office Use Only</b>	Date	File No.
	Received By	Folio No.
	Receipt No.	Fees Paid: \$

**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 <b>Beniamin Cobaschi</b>		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 <b>06 Feb 2020</b>
---	----------------------------

**Development Details**

Property Size 743 m2 Present Zoning RS3  
Existing Use Vacant land  
Proposed Development Multi - family Duplex

Proposed Variation / Supplement To increase building height by 1.8 m and from two stories to 3 stories.

To be permitted to construct a building whose basement is fully underground for two sides and entirely aboveground on the other two sides.

(use separate sheet if necessary)

Reasons in Support of Application \_\_\_\_\_

**Increased roof heights will improve slope and reduce the accumulation of high snow-load on the roof preventing large chunks of snow from building up and sliding. Due to the uneven topography of the lot, this variance would work with the existing slope on the property and allow the snow to build up flat along these sides and not put pressure on the walls. Increasing the proportions of the building which are constructed above ground will increase the area in which snow can accumulate between this property and the neighbouring property, thereby mitigating the risk of snow sliding into the neighbouring house.**

## 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
<b>Location Map</b>			Showing the parcel (s) to which this application pertains and uses on adjacent parcels
<b>Site Plan</b>  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:
<b>Floor Plans</b>			Uses of spaces & building dimensions
			Other:
<b>Landscape Plan</b>  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:
<b>Reports</b>			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](mailto:FOI@fvrd.ca).

## 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?

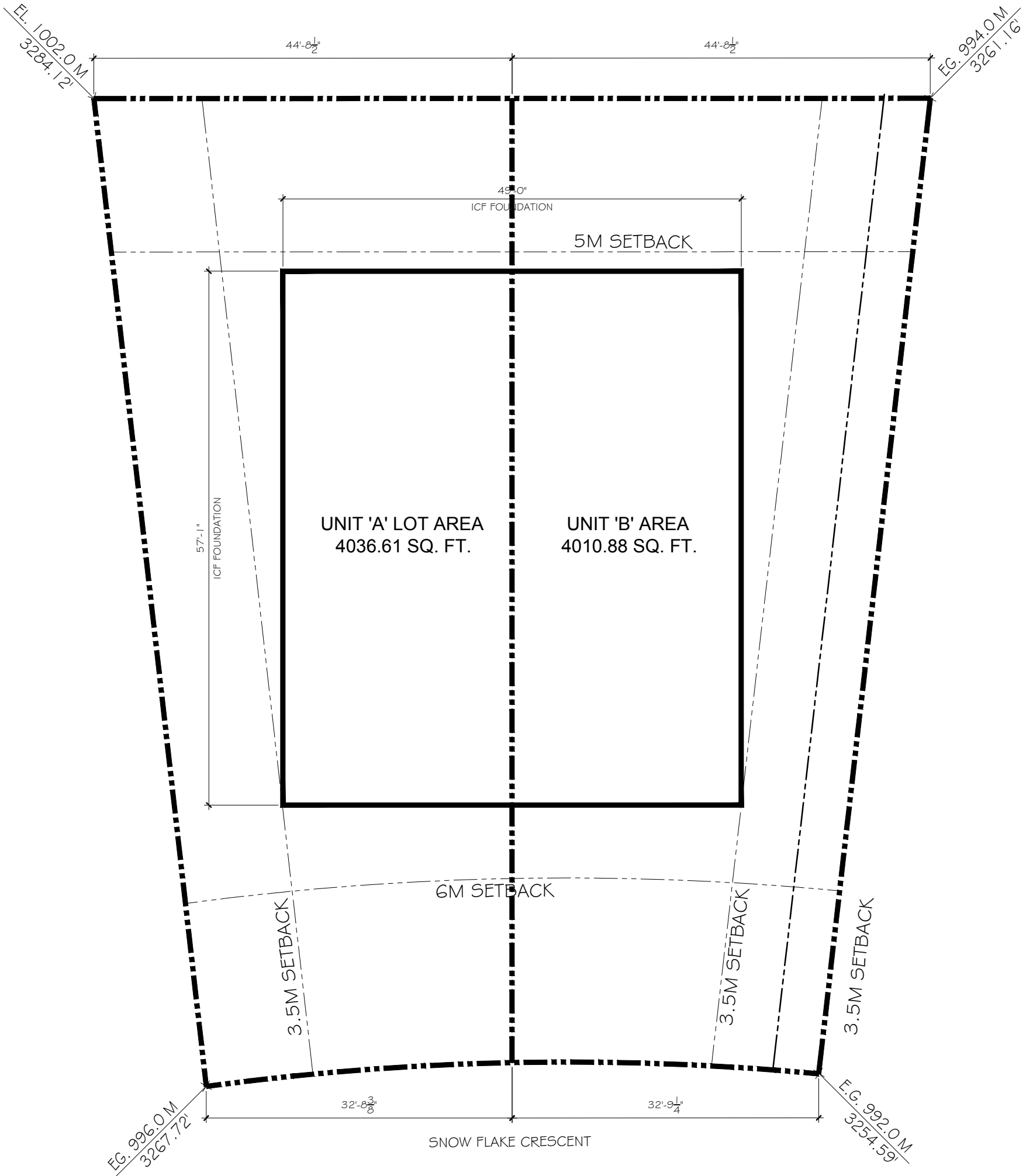
yes  
☐

no  
☒

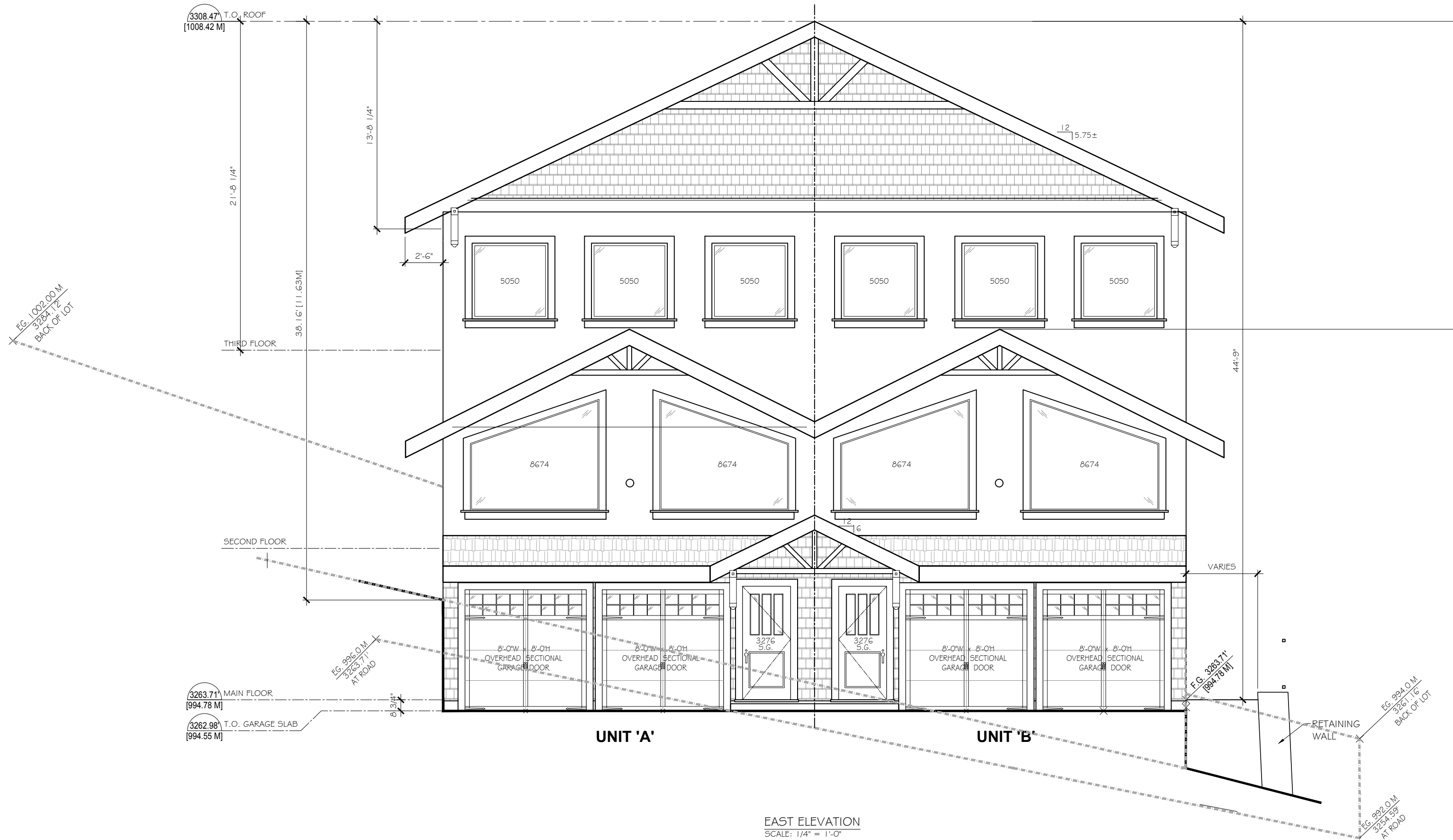
I don't know  
☐

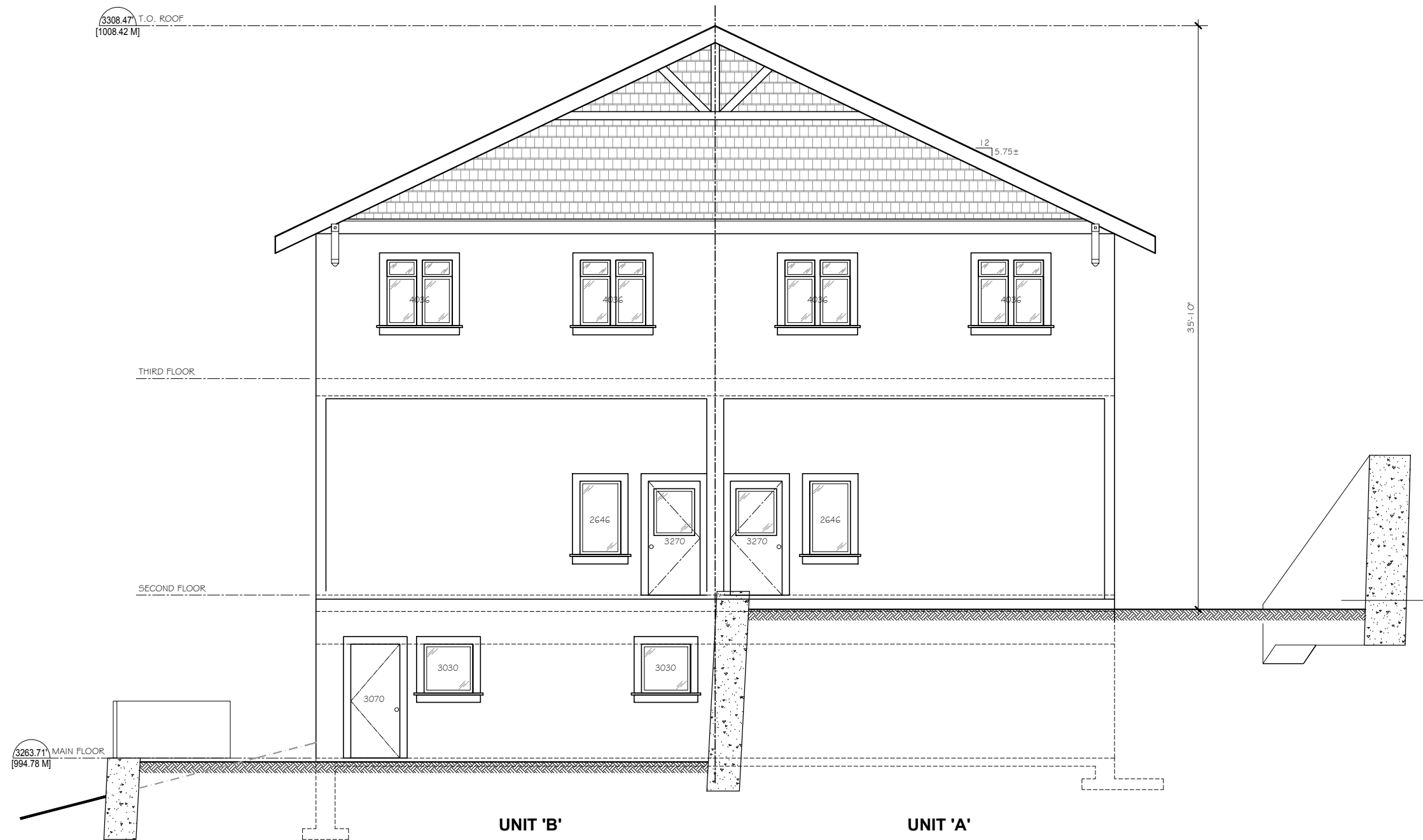
If you responded 'yes' or 'I don't know' you may be advised to contact the Archaeology Branch of the Ministry of Tourism, Sport and the Arts for further information.





SITE PLAN  
SCALE: 1/8" = 1'-0"





WEST ELEVATION  
SCALE: 1/4" = 1'-0"

Hi Beni,

Regarding structural design of the building please note that the height of the building will require to be higher than a regular similar construction. Following are the reasons:

- 1) Due to high snow load the roof trusses are deeper than the regular trusses. This will require a 1 – 1.5 m height increase for the overall building.
- 2) Floor joist have a higher depth than regular floor joists. This will require an additional 0.2m, which will increase the height of the building 0.4m.
- 3) Due to slope terrain, the building basemen will be full depth underground on the two sides, and above ground on the other two sides. A higher average elevation will be required to avoid excessive excavation for foundation installation. Around an extra 1 m height increase it might be required to raise the ground elevation.

Regards,

**Jeremy Hapchina, P.Eng.**  
Senior Structural Engineer

**MORRISON HERSHFIELD**

Suite 310, 4321 Still Creek Drive, Burnaby, BC V5C 6S7

Phone: 604 454 9305, Cell: 604 512 4994

[morrisonhershfield.com](http://morrisonhershfield.com)



**Beni Cobaschi**

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## 20942 Snowflake Variance applications

1 message

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**beryl skrukwa**

Sun, Feb 23, 2020 at 12:33 PM

To:

My wife & I have owned our home located at #1 - 20944 Snowflake Crescent, Hemlock BC for the past 15 yrs., we have no objection to the variance being asked for by Mr. Benjamin Cobaschi.

Thank you,  
John/Beryl Skrukwa

Sent from my iPhone



## RE: 20942 Snowflake Variance applications

1 message

**Bauer, Ralph M.**  
To: beryl skrukwa

Sun, Feb 23, 2020 at 12:36 PM

My wife & I have owned our home located at #2 - 20944 Snowflake Crescent, Hemlock BC for the past 15 yrs., we have no objection to the variance being asked for by Mr. Benjamin Cobaschi.

Susan and Ralph Bauer

Ralph Bauer  
Holophane Lighting Specialist  
AEL Factory Support Representative

February 8, 2020

To whom it may concern,

I am a permanent resident in Hemlock Valley of 15 years and my home is located at 20940 Snowflake Crescent.

Mr Ben Cobaschi visited me today to give me a detailed look at his plans for the lot next door at 20942 Snowflake Crescent. He explained the variances he requested, showed the positioning of his proposed building on the lot, pointed out parking plans, etc. I have no objection to this new building.

We further discussed and came to agreement on our mutual interests in snow removal once the new building is complete.

Yours Truly,

Kevin Sass

I John McEwen being the owner of a residence located at 20934 Snowflake Crescent in Hemlock BC have no objection to the variance being asked for by Mr. Benjamin Cobaschi at 20942 Snowflake Crescent.

John McEwen

From: **Michael Bogdanovich**  
Date: Wed, Feb 12, 2020 at 6:58 PM  
Subject: Re: 20942 Snowflake Crescent  
To: Benjamin Cobaschi

Hi Beni,

To the FVRD,

I Michael Bogdanovich, with a residence @ [20917 Snowflake Cr](#) am in full support of my new Neighbour Benjamin Cobaschi's applications of variance for his new build.

If there are any questions or concerns please feel free to contact me via email or phone @

Sincerely,

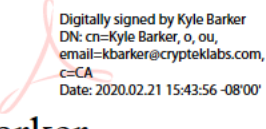
Michael Bogdanovich

To whom it may concern,

I have reviewed the building design and plans for the variance application of 20942 Snowflake Crescent, proposed by Benjamin Cobaschi, the owner of said property, and would like to affirm my support for this proposal. The variance Benjamin is requesting will decrease snow accumulation on the roof of his proposed home. The fact that the house is three stories high will help store the snow on the property and prevent it from sliding onto the neighboring property. I believe that, given the grade and position of his property, without this variance snow accumulation and shedding may create at best an inconvenience for his neighbors and at worst risk injury or damage. The home Benjamin is proposing on this property will, in my opinion, contribute positively to the development of Hemlock Valley, and will be an asset to the community as Hemlock moves toward a future as a landmark ski resort.

Regards,

Kyle  
Barker  
Kyle Barker



Digitally signed by Kyle Barker  
DN: cn=Kyle Barker, o, ou,  
email=kbarker@crypteklabs.com,  
c=CA  
Date: 2020.02.21 15:43:56 -08'00'

20806 Sakwi Creek Rd



To: CAO for the Regional and Corporate Services Committee

Date: 2020-03-10

From: Christina Vugteveen, Manager of Parks and Recreation

File No: 2320-30-22200

**Subject: Updated Agreement with the Province for Elk-Thurston & Mt. Cheam Regional Trails and East Sector Lands Regional Park**

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### RECOMMENDATION

**THAT** the Fraser Valley Regional District Board enter into a 10 year Partnership Agreement with Recreation Sites and Trails BC for the continued operation and management of Elk-Thurston Regional Trail, Mt. Cheam Trail, and Harrison Recreation Site (East Sector Lands Regional Park).

### 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 (FVRD) Department and the Province have a long-standing relationship regarding the maintenance of popular recreation sites in the region. The day-to-day management of the Elk-Thurston Regional Trail (2005) and Mt. Cheam Regional Trail (2011) and the East Sector Lands Regional Park (2016) is the responsibility of the FVRD. These agreements have allowed for significant collaboration with the Province to apply for grants and fund trail upgrades, parking lot improvements, access road improvements, and a new urine diversion washroom facility on the top of Elk Mountain.

In 2016 the FVRD worked in partnership with the Village of Harrison Hot Springs and the Province to formally establish the East Sector Lands Regional Park. Since the agreement for Elk-Thurston and Mt. Cheam was expiring in December 2019, it was decided it would more efficient to include Harrison Recreation Site in the updated agreement for the two trails. This new agreement for all three sites replaces the agreement that expired for the trails in December of 2019.

Agreements exist for many FVRD Regional Parks for operations and management including Island 22 Regional Park, Hillkeep Regional Park, Elk Thurston Regional Trail, and Mt. Cheam Regional Trail, Sumas Mountain Regional Park, East Sector Lands Regional Park, and Dewdney Regional Park.

## DISCUSSION

Elk-Thurston Regional Trail, Mt. Cheam Regional Trail, and East Sector Regional Park are significant regional assets, drawing visitors from across the FVRD and beyond. Specifically, Mt. Cheam Regional Trail is one of the most iconic hiking trails within our region. These recreation sites promote the FVRD Board's strategic priorities of Tourism and Outdoor Recreation.

An updated agreement with Recreation Sites and Trails BC (RSTBC) for Elk-Thurston Regional Trail, Mt. Cheam Regional Trail, and East Sector Regional Park directly aligns with the FVRD Regional Parks Strategic Plan. The Plan specifically highlights "strengthening partnerships" and "securing long-term land-use agreements" to help achieve its objectives. Long term management agreements with the Province for Mt. Cheam and Elk-Thurston trails are also priorities under the Strategic Plan.

The new agreement would expire December 31, 2025. FVRD would continue to manage and maintain the sites, and continue working in partnership with the Province for infrastructure requirements such as the completion of a new washroom facility on Mt. Cheam which is anticipated to be completed summer of 2020.

## COST

There are no new costs associated with this agreement. Regular operations and maintenance associated with these three sites are included in the 2020 approved budget.

## CONCLUSION

It is recommended that the FVRD enters into a continued long-term agreement with RSTBC for the management and maintenance of Elk-Thurston Regional Trail, Mt. Cheam Regional Trails, and the Harrison Recreation Site (East Sector Lands).

## COMMENTS BY:

**Stacey Barker, Director of Regional Services:** Reviewed and supported.

**Mike Veenbaas, Director of Financial Services:** Reviewed and supported.

**Jennifer Kinneman, Acting Chief Administrative Officer:** Reviewed and supported.

## CORPORATE REPORT

To: Fraser Valley Regional District Board

Date: 2020-03-18

From: Jennifer Kinneman, Acting Chief Administrative Officer

File No:

**Subject: Novel Coronavirus (COVID-19) – Pandemic Preparedness**

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### INTENT

This report is intended to advise the Commission of information pertaining the novel coronavirus and pandemic planning. 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

Provide Responsive & Effective Public Services

### BACKGROUND

Health authorities around the world are closely monitoring the ongoing outbreak of a novel coronavirus, called SARS-CoV-2. SARS-CoV-2 is a new virus that originated in animals, but has jumped to humans. This virus causes the disease known as COVID-19.

COVID-19 was first identified in patients in Wuhan, China, causing severe forms of viral pneumonia and leading to death in some cases. It is believed that the virus is primarily spread between people who are in close contact with one another (within 6 feet), and through respiratory droplets when an infected person coughs or sneezes. It is possible to contract COVID-19 by touching a surface or object that has the virus on it, however this is not believed to be the main way the virus spreads.

Data on COVID-19 changes hourly; however, at the time of report writing, there were 121,564 total global cases confirmed and 4,373 deaths (3.6%). Of those deaths, 3,046 (70%) occurred in Mainland

China. It is important to note that of the 121,564 confirmed global cases, 66,239 have already recovered (54.5%).

Canada has recorded 93 confirmed cases and 1 death. According to the World Health Organization, COVID-19's death rate increases with age, with the highest mortality rate of 21.9% occurring among people over 80 years of age. Those with underlying medical issues such as respiratory and heart conditions are among those at highest risk. There are currently no vaccines available to protect against SARS-CoV-2 infection. For those who have contracted COVID-19, there is no specific antiviral treatment recommended; however, most people generally develop mild respiratory symptoms and fever and recover. Approximately 80% of laboratory-confirmed patients had mild to moderate disease.

While it is important to note that the current risk of contracting COVID-19 in the Fraser Valley is low, and most patients are likely to recover from COVID-19, organizations like the FVRD should be prepared for the potential business continuity effects of a pandemic.

## **DISCUSSION**

In 2010, the FVRD prepared a Pandemic Plan as a result of the awareness raised by the 2003 SARS outbreak and the 2009 novel influenza A (H1N1) outbreak. FVRD's Pandemic Plan identifies some of the potential business impacts of pandemics, including risks to service provision, supply chain disruption, and staff absenteeism.

To ensure the FVRD's preparedness for a pandemic related to COVID-19, the Emergency Management Executive Committee (EMEC) is currently updating the 2010 Pandemic Plan and monitoring messaging from the Fraser Health Authority and the Province of British Columbia (see attachments).

The EMEC is identifying ways to mitigate risks in the event the FVRD becomes impacted by COVID-19. Measures to deliver services through alternate means will be considered, as well as staffing considerations in the event of widespread absenteeism.

Proactive measures are also currently underway to keep staff informed of the facts surrounding this novel virus and how disease can be prevented. Health Canada has published the following recommendations, which are considered best practice for COVID-19 as well as:

- wash your hands often with soap and water for at least 20 seconds
- avoid touching your eyes, nose, or mouth with unwashed hands
- stay home if you are sick
- when coughing or sneezing:
  - cover your mouth and nose with your arm or tissues to reduce the spread of germs
  - immediately dispose of any tissues you have used into the garbage as soon as possible and wash your hands afterwards
- avoid visiting people in hospitals or long-term care centres if you are sick

## **COST**

There are currently no costs associated with pandemic planning and preparedness. To support advanced planning work, key staff members will be making pandemic planning a priority in their current work plans. The FVRD will continue to monitor any impacts and make adjustments as needed to ensure appropriate service delivery and staffing are maintained.

## **CONCLUSION**

The emergence of the novel coronavirus and COVID-19 has elevated the need for proactive pandemic planning. FVRD staff will continue to monitor and work with the Fraser Health Authority and the Province of British Columbia to mitigate business continuity impacts should a pandemic occur.





Office of the  
Provincial Health Officer



BC Centre for Disease Control  
Provincial Health Services Authority

## 4 KEY WAYS LOCAL GOVERNMENTS AND INDIGENOUS COMMUNITIES CAN PREPARE FOR novel coronavirus COVID-2019

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Provincial Coronavirus Response  
Feb. 28, 2020

**Important Notes:** this document aims to facilitate preparedness.

*Given that it takes time to implement preparedness strategies, local governments and Indigenous Communities are encouraged to plan for the scenario of significant community spread of COVID-19.*

### 1. Intergovernmental Cooperation

- Review and update existing contingency and business continuity plans that are applicable to critical infrastructure, such as sanitation, water, fire, police and power, so that they can be sustained over a number of weeks with higher rates of absenteeism due to illness or caregiving.
- Identify essential functions and the people who perform them. Conduct a training needs analysis where necessary to build in the cross-training redundancy to ensure work can continue for all essential services.
- Work with health authorities, Health Emergency Management BC, and other service providers to understand the nature of biological events and to coordinate planning, including the use of community buildings if required, to support people who are sick but do not need hospitalization.
- Review procedures with first responders to ensure there is a process in place for worker safety and training protocols that will be used during a biological event.

## 2. Community Involvement

- Encourage community groups, including service clubs, schools, businesses, and non-profits to partner with you to support people in your community who are sick or grieving.
- Network with health authorities, and community and volunteer organizations to build participation for events outside the norm that may require supplemental shelter, food or other necessities.
- Work with the local business association to assess potential impacts to business and include local business in communication and planning so that community services, such as grocery delivery, are maintained.
- Be aware of the strengths and vulnerabilities of your community. For example, small, rural and/or remote communities may benefit from strong and cooperative social and familial networks but may have very limited access to services and a consistent supply of goods.

## 3. Employee Health

- Maintain a healthy work environment by ensuring fresh air circulation and posting tips on how to stop the spread of illness at work.
- Encourage employees to stay home when ill, and update sick leave, and caregiver, family and medical leave policies. Concern about lost wages may prevent people from self-isolating.
- Promote hand washing and coughing and sneezing etiquette among employees. Ensure wide and easy availability of alcohol-based hand sanitizer products.
- Establish or expand policies and tools where possible that enable employees to work from home with appropriate security and network access.

## 4. Financial Planning

- Assess the potential financial impact of a biological event on the local government or Indigenous community, and plan for the possibility of short-term decrease in revenue.

For more information and tools, visit <https://www.healthlinkbc.ca/health-feature/coronavirus>





Office of the  
Provincial Health Officer



BC Centre for Disease Control  
Provincial Health Services Authority

## CORONAVIRUS DISEASE (COVID-19): RESOURCES FOR B.C. PUBLIC AGENCIES

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A new coronavirus is the cause of an outbreak of respiratory infections, now known as COVID-19. The number of cases worldwide is changing quickly.

### Who is this resource document for?

The resources below will be relevant for local governments and other agencies looking for current information on COVID-19 in BC for communications purposes.

### Latest Public information about the disease:

The [BC Centre for Disease Control \(BCCDC\) website](https://www.bccdc.ca) contains the latest information about the disease, particularly as it relates to the health and well-being of British Columbians. Relevant BCCDC resources and channels include:

- Information for the public: [http://www.bccdc.ca/health-info/diseases-conditions/coronavirus-\(novel\)](http://www.bccdc.ca/health-info/diseases-conditions/coronavirus-(novel))
- Latest coronavirus disease case counts (updated every Friday): <http://www.bccdc.ca/about/news-stories/stories/2020/information-on-novel-coronavirus>

#### ***BCCDC channels to follow:***

- Twitter: [@CDCofBC](https://twitter.com/CDCofBC)
- RSS feed: <http://feeds.phsa.ca/bccdc-news.xml>

#### ***Other regional, provincial and national resources about the virus:***

- Vancouver Coastal Health: <http://www.vch.ca/about-us/news/vancouver-coastal-health-statement-on-coronavirus>
- Fraser Health: <https://www.fraserhealth.ca/health-topics-a-to-z/coronavirus#.Xk7Y975KiUk>
- Interior Health: <https://www.interiorhealth.ca/YourEnvironment/CommunicableDiseaseControl/Pages/Breaking-News-and-Info.aspx>
- Island Health: <https://www.islandhealth.ca/learn-about-health/diseases-conditions/novel-coronavirus-information>
- Northern Health: <https://www.northernhealth.ca/health-topics/current-outbreaks>
- HealthLink BC: <https://www.healthlinkbc.ca/health-feature/coronavirus-covid-19>
- Public Health Agency of Canada: <https://www.canada.ca/en/public-health/services/diseases/2019-novel-coronavirus-infection.html>

Feb. 28, 2020

## Preparation and Containment:

While the number of cases worldwide is changing quickly, the risk to Canadians—including British Columbians—continues to be low. At this time, the Public Health Agency of Canada and the BC Ministry of Health have a strategy focused on containment of the virus. Here are a number of resources to help your jurisdiction or organization in supporting public containment:

**Information for public health partners:** [http://www.bccdc.ca/health-professionals/clinical-resources/novel-coronavirus-\(covid-19\)](http://www.bccdc.ca/health-professionals/clinical-resources/novel-coronavirus-(covid-19))

Includes latest tools, guidance, case management and case counts, updated regularly by the Ministry of Health and the BCCDC.

**Public Health Agency of Canada advice for occupational health and safety:**

<https://www.canada.ca/en/employment-social-development/corporate/notices/coronavirus-occupational-health-safety.html#h2.3>

According to the Canadian government, the Labour Program is responsible for administering the [Canada Labour Code, Part II](#) (the Code). The [Public Health Agency of Canada](#) is responsible for preparing for and responding to any infectious disease emergencies that may happen in Canada. Employers are responsible for protecting the health and safety of their employees while at work.

**Public Health Agency of Canada travel advisories:**

- Traveling to China: <https://travel.gc.ca/destinations/china>
- Traveling within China: <https://travel.gc.ca/travelling/health-safety/travel-health-notices/210>

**Speak to someone:**

- Novel coronavirus information: 1-833-784-4397
- Health information 8-1-1

If you or your planning committee require any additional public health information, please direct your queries to the COVID-19 provincial health emergency response structure at [hecc.operations@gov.bc.ca](mailto:hecc.operations@gov.bc.ca).



To: Regional and Corporate Services Committee  
From: Jamie Benton, Environmental Services Coordinator

Date: 2020-03-10  
File No: 5365-28

**Subject: FVRD Waste Wise Outreach Update**

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### INTENT

This report is intended to advise the Regional and Corporate Services Committee of information pertaining to the Waste Wise outreach to support the implementation of new waste sorting requirements within the region. 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

### PRIORITIES

Priority #1 Waste Management  
Priority #2 Air & Water Quality

### BACKGROUND

In 2016/17, staff undertook a consultation process that gathered feedback on how the Fraser Valley Regional District (FVRD) should introduce a new bylaw requiring source separation of their waste materials into three distinct streams: recycling, organics, and garbage. Feedback about the timing and intent of the bylaw was used to formulate Bylaw 1495, 2018 (the "Source Separation" Bylaw).

This bylaw was adopted by the FVRD Board in September 2018 and comes into effect on April 1<sup>st</sup>, 2020. To help inform and prepare residents, businesses, institutions and stratas about the new sorting requirements, staff have been undertaking extensive outreach and education efforts throughout the region over the past year.

### DISCUSSION

An outreach plan was developed consisting of a multi-channel campaign aimed at reaching specific audience groups and delivering tailored messaging for specific communities. The program/plan engaged with all previous contacts from the consultation process and followed the advice obtained through this process of how to engage with each sector.



The Waste Wise brand, including a new website ([www.bewastewise.com](http://www.bewastewise.com)) was launched and populated with a suite of informative videos and resources such as posters, guides, and brochures for various different sectors to inform and guide those that work and live in the FVRD. These sectors include businesses and institutions, townhouses and apartment buildings, single-family homes and waste haulers. In addition to the resources, staff developed and continually added to a list of frequently asked questions (FAQs) and answers. Materials prepared were done in consultation with the Industry Working Group, made up of the Waste Management Association of BC and other waste companies, including haulers that service the FVRD region. This group was able to provide feedback on the materials produced and have been helping to disseminate information on the new bylaw to their clients.

Over the past year, staff have met with each municipality to collaborate and discuss how best to communicate with their residents and businesses. Some municipalities, such as the City of Abbotsford and the District of Hope, were developing their own parallel bylaws and took the lead on their own outreach in collaboration with the FVRD. Staff from other municipalities have continued to work with the FVRD in co-hosting workshops and collaborating on messaging and outreach to residents and haulers within their communities. A list of community events and Waste Wise workshops hosted by the FVRD or by both the FVRD and the host community is provided in Appendix A.

Staff have been meeting with Electoral Area Directors and local community groups to discuss how best to reach their communities. This work will continue in the coming weeks and months as we try to reach as many communities as possible. Staff at Electoral Area transfer stations have been distributing information to users and FVRD staff will continue to work with any user groups to help educate and improve services for the public.

In addition to collaborating with the municipalities, staff have been implementing a top-down outreach approach to reach out to the business and multi-family sectors through their representative associations. Staff worked with each Chamber of Commerce, including presenting to their membership and their board of directors. Staff have been working with the Building Owners Management Association, the Education Facilities Managers Association of BC, and the BC Restaurants and Food Services Association. Letters have been distributed to all waste haulers for them to communicate with their customers about the upcoming changes and requirements for sorting. And information on the [bewastewise.com](http://bewastewise.com) website has been updated and shared.

In the coming weeks, a communications initiative will be implemented that is centred on a broad media message roll out using traditional communication outlets such as local newspaper ads and a social media targeted campaign utilizing a range of local and regional groups to inform and generate more discourse. Press releases are currently being written for lead up and implementation of the bylaw. Once the bylaw comes into effect, the communications will adjust to raise further general awareness and promote tips for keeping your bin clean and what happens to your waste afterwards.

To assist staff with an expected increase in calls about the new requirements, the FVRD has contracted the Recycling Council of BC (RCBC). Through the RCBC hotline, available at 1-800-667-4321 or by emailing [hotline@rcbc.ca](mailto:hotline@rcbc.ca), residents are able to have questions answered regarding the FVRD's bylaw,

and they can access a searchable database and find out how best to recycle materials in the region or where various depots are located.

FVRD staff are available to help answer any difficult questions and deal with complaints. There has been an increase in calls about the new requirements since the beginning of February, indicating that our awareness program is working. Finally, staff have re-contacted all the haulers and waste companies servicing the FVRD to remind them of the bylaw requirements and to see if they need any resources to help circulate the messages.

Staff will continue to reach out to communities to inform and update them on the new requirements even after the implementation date passes. Continued education will be used to help instill behavioural changes and to drive further source separation of waste materials and reduce contamination over the long term, which is the purpose of the bylaw.

## **COST**

Costs associated with outreach activities, including staff time, materials, and consultant input, have been within budget.

## **CONCLUSION**

In order to prepare for the implementation of the FVRD's new solid waste sorting requirements that come into effect April 2020, staff have been busy working on devising an outreach plan, producing materials, and then implementing this plan to reach as many as possible. This has been achievable by working in collaboration with our member municipalities, an industry working group, waste haulers and companies and using the connections made in the consultation process. Staff will continue to work on outreach in 2020 and after the implementation of the new bylaw in April 2020.

## **COMMENTS BY:**

**Stacey Barker, Director of Regional Services:** Reviewed and supported.

**Mike Veenbaas, Director of Financial Services:** Reviewed and supported.

**Jennifer Kinneman, Acting Chief Administrative Officer:** Reviewed and supported.

## Appendix A: FVRD Waste Wise Events and Outreach Activities

Date	Event	Target Audience	Community	Est. # of People
May 3, 2019	Presentation to Abbotsford Chamber of Commerce	Business Sector	Abbotsford	8
July 16, 2019	Abbotsford Information Sessions	Multi-Family and Business Sector	Abbotsford	23
July 18, 2019	Abbotsford Information Sessions	Multi-Family and Business Sector	Abbotsford	15
July 30, 2019	Abbotsford Information Sessions	Multi-Family and Business Sector	Abbotsford	18
Aug 1, 2019	Abbotsford Information Sessions	Multi-Family and Business Sector	Abbotsford	11
Aug 9-11, 2019	Abbotsford Air Show	Public	Abbotsford	650
June 2019	Presentation to District of Kent Council	Municipal Council and public	Agassiz	20
Sept 14, 2019	Agassiz Fall Fair	Public	Agassiz	100
Nov 2, 2019	Brochures given out at Fall Cleanup - Kent	Residents	Agassiz	100
Nov 23, 2019	Agassiz Open House	Residents and Businesses	Agassiz	100
Nov, 2019	Mail out with business license renewals - Kent	Businesses	Agassiz	300
Dec 2019 - Jan 2020	Mail out with Utility Bills - Kent	Residents	Agassiz	1850
March 2020	Lions Club	Residents	Agassiz	TBD
Sept 26, 2019	Chilliwack Strata managers Info Sessions	Multi Family Property Managers	Chilliwack	25
Sept, 2019	Mail out to Multi-Family Utility Account Managers	Multi Family Property Managers	Chilliwack	240
Oct 1, 2019	Chilliwack Strata managers Info Sessions	Multi Family Property Managers	Chilliwack	25
Nov 21, 2019	Chilliwack Chamber of Commerce Board Meeting	Businesses	Chilliwack	16
Nov, 2019	Mail out with business license renewals - Chilliwack	Businesses	Chilliwack	4737
Nov 28, 2019	Chilliwack Business Information Session	Businesses	Chilliwack	4

Dec 3, 2019	Chilliwack Business Information Session	Businesses	Chilliwack	5
March 2020	Rotary	Residents and businesses	Chilliwack	TBD
Oct, 2019	Mail out with Utility Bills - EA D and E	Residents and businesses	Electoral Areas	470
Jan, 2020	Mail out with Utility Bills - EA A, B, C, G	Residents and businesses	Electoral Areas	640
Apr 4, 2019	Industry working group	Waste Industry Reps	Fraser Valley Region	10
June 13, 2019	Industry working group	Waste Industry Reps	Fraser Valley Region	11
Aug, 2019	Email update to consultation participants	Residents and Businesses	Fraser Valley Region	245
Sept, 2019	Email to Property Management Companies	Multi Family and business Property Managers	Fraser Valley Region/Lower Mainland	84
Nov 28, 2019	Industry working group	Waste Industry Reps	Fraser Valley Region	12
Feb-April 2020	Strata AGMs (various)	Multi-Family	Fraser Valley Region	ongoing
Nov 6, 2019	Harrison Chamber of Commerce Meeting	Businesses	HHS	30
Dec 4, 2019	Information session in Harrison	Multi-family Residents and Businesses	HHS	11
Nov 21, 2019	Community Meeting in Hope	Residents and Businesses	Hope	80
March, 2020	Community Meeting (date TBD)	Residents and Businesses	Hope	TBD
Nov 21, 2019	Booth Mission Chamber of Commerce Luncheon	Businesses	Mission	45
March 12, 2020	Mission Chamber of Commerce Meeting	Business	Mission	TBD
March, 2020	Mail out to Mission businesses	Business	Mission	~700
Feb 21, 2019	WMABC Conference	Waste Industry Reps	Province Wide	100
Feb 27, 2020	WMABC Conference	Waste Industry Reps	Province Wide	100

To: Regional and Corporate Services Committee

Date: 2020-03-10

From: Christina Vugteveen, Manager of Parks and Recreation

File No: 2320-30-2416

**Subject: Boat Launch Overview: Island 22 Regional Park, Dewdney Regional Park**

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### RECOMMENDATION

**THAT** the Fraser Valley Regional District Board remove overnight gatehouse coverage from Dewdney Regional Park to assist in maintaining the cost effectiveness of this service.

#### STRATEGIC AREA(S) OF FOCUS

Foster a Strong & Diverse Economy

Support Healthy & Sustainable Community

Provide Responsive & Effective Public Services

#### PRIORITIES

Priority #4 Tourism

Priority #5 Outdoor Recreation

### BACKGROUND

Annually, during the peak season of June to October, park users are required to purchase a parking pass at both Island 22 and Dewdney Regional Parks. Parking fees help to off-set the cost of manned gatehouses that provide on-site support for boat launch operations and general security. In addition to collecting fees for parking passes, the gatehouse operators also provide information to the public and report boating violations and other suspicious activity to the appropriate authorities. Gatehouses are staffed overnight for July and August on Saturday and Sunday nights while the park is closed to be an on-site presence including the reporting of suspicious activity.

The Fraser Valley Regional District (FVRD) first implemented parking fees and manned gatehouses at Island 22 Regional Park in 2003, and Dewdney Regional Park followed in 2005. Dewdney Regional Park must maintain its day-use seasonal gatehouse as a requirement of the License of Occupation granted to the FVRD from the Dewdney Area Improvement District for usage of the land.

### DISCUSSION

A variety of passes are available for regular daytime usage of parking areas while people recreate on the Fraser River or within some areas of the parks from last week in June until the end of October. During this season, these parks are open from 6 am-sunset, and during an approved fishery, the gates open at 5 am to accommodate those who wish to get an earlier start.

Special passes for overnight stays of vehicles is only permitted on Friday and Saturday nights (plus Sundays on statutory holidays) during July and August. These passes are purchased by boaters who spend time overnight recreating on the river and need a place to keep their vehicle. There is overnight security on site during these times, however the gate remains closed.



## Island 22 Regional Park

As is outlined in Table 1, Island 22 has seen an increase in Single Day and Season Vehicle Passes since 2017 when the dog off-leash park was refurbished. Sockeye runs have a large impact on demand for the park (as seen in 2018), and overall the park has shown a continued demand for overnight parking (highlighted in red text).

**Table 1: Quantity of Parking Passes Sold at Island 22 Regional Park**

Type of Pass	2017	2018 sockeye fishery	2019
Single Day			
Vehicle	4,692	7,717	5,131
Overnight			
3 Day Weekend	34	100	26
Season			
Vehicle	447	585	733
Boat Launch Regular	214	530	180
Commercial (Guide)- Vehicle Towing Boat Trailer	46	37	30
Boat Launch Regular Overnight	4	10	7
Overnight Commercial (Guide)- Vehicle Towing Boat Trailer	0	1	0
Equestrian (Horse)	8	8	10

At Island 22, general revenues from the parking pass sales over the past three years have covered the cost of gatehouse operations, with some profit being realised (see Table 2 below).

**Table 2: Revenue from Parking Passes Sold at Island 22 Regional Park**

	2017	2018 (sockeye fishery)	2019
Revenue from Pass Sales	\$55,634	\$89,902	\$57,035
Gatehouse Costs	\$43,123	\$44,112	\$47,147
NET:	\$12,511	\$45,790	\$9,888

Included in the cost of the gatehouse is the expense of providing overnight service to monitor overnight parking (\$3,845 annually). In 2019, the revenues specifically from overnight pass sales were \$1,958. While the overnight service is not covered directly by overnight pass sales, the service as a whole is

making a small profit. As requests for overnight use is still strong at Island 22, and in light of the added security it provides, it is recommended to continue the overnight service at this park.

#### Dewdney Regional Park

As outlined in Table 3, Dewdney Regional Park usage has been steady since 2017 when improvements at the park were made through funding from the 2017 Job Creation Partnership Program. Sockeye runs have a large impact on demand (as seen in 2018), but overall there has been minimal demand for overnight stays with only 1 overnight stay in the 2019 season (highlighted in red text).

**Table 3: Summary of the Quantity of Parking Passes Sold at Dewdney Regional Park**

Type of Pass	2017	2018 sockeye fishery	2019
Single Day			
Vehicle	555	976	557
Overnight			
3 Day Weekend	3	5	1
Season			
Boat Launch Regular	90	165	58
Commercial (Guide) - Vehicle Towing Boat Trailer	0	0	0
Boat Launch Regular Overnight	1	1	0
Overnight Commercial (Guide)	0	0	0
Vehicle	3	5	2

At Dewdney Regional Park, general revenues from the parking pass sales over the past three years have not covered the cost of gatehouse operations (as seen in Table 4 below), however the service has provided for site safety and security as well as added customer service during busy months in addition to meeting the Licence of Occupation requirements.

**Table 4: Summary of the Quantity of Parking Passes Sold at Dewdney Regional Park**

	2017	2018 sockeye fishery	2019
Revenues from Pass Sales	\$8,468	\$15,347	\$6,834
Gatehouse Costs	\$30,726	\$35,572	\$26,869
NET:	-\$22,258	-\$20,225	-\$20,035

The cost for overnight coverage (included in the Table 4 above) is \$3,845 annually. In 2019, only one overnight pass was sold for a revenue of \$20. Although the length of the gatehouse season was reduced

to account for the lower usage trends, the gatehouse service is still not paying for itself. Therefore to reduce costs, it is recommended that the overnight service at Dewdney Regional Park be discontinued. This would bring an added savings of \$3,825 annually. Removing gatehouse operations entirely at this location is not currently an option due to stipulations in the Licence of Occupation which is valid until December, 2020.

## **COST**

Maintaining overnight service at Dewdney Regional Park is not cost effective and has seen low demand. Removing the overnight coverage would result in an annual savings of \$3,825.

## **CONCLUSION**

Gatehouse operations are an important part of FVRD Park Services at Island 22 Regional Park and Dewdney Regional Park. Removal of the overnight coverage at Dewdney Regional Park is recommended to save costs as there is little demand for the service.

## **COMMENTS BY:**

**Stacey Barker, Director of Regional Services:** Reviewed and supported.

**Mike Veenbaas, Director of Financial Services:** Reviewed and supported.

**Jennifer Kinneman, Acting Chief Administrative Officer:** Reviewed and supported.

To: Regional and Corporate Services Committee  
From: Alison Stewart, Manager of Strategic Planning

Date: 2020-03-10  
File No: 8330-02-01

**Subject: Fraser Valley Regional District Long-Range Transportation Needs – Throne Speech and Provincial Budget**

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### RECOMMENDATION

**THAT** the Fraser Valley Regional District Board by letter, under the signature of the Chair, request that the Ministry of Transportation and Infrastructure and Ministry of Municipal Affairs and Housing (responsible for TransLink) provide more information about the proposed "*Fraser Valley Integrated Transportation and Land Use Plan*";

**THAT** the letter reiterate the Board's position that the Province must expedite the widening of Highway 1 to support HOV/bus lanes as a means of improving the viability of transit, improving public safety and supporting the broader Fraser Valley and provincial economy;

**AND THAT** the Province work in collaboration with the Fraser Valley Regional District and member municipalities to ensure that Fraser Valley interests and requirements are fully reflected in the plan.

### STRATEGIC AREA(S) OF FOCUS

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

### PURPOSE

To discuss the recent Throne Speech and provincial 2020 Budget and Fiscal Plan in relation to transportation and land use planning in the Fraser Valley.

### BACKGROUND

In the February 11, 2020 Throne Speech and the provincial budget and fiscal plan introduced on February 18, 2020, the provincial government introduced a number of initiatives with relevance to the Fraser Valley. This report will focus on the announcement of a "*Fraser Valley Integrated Transportation and Land Use Plan*." There is very little information about this plan outside the information reflected in several newspaper articles on the topic (attached), and even then the information is limited.

The Throne Speech alludes to TransLink's 2050 plan. TransLink is undertaking its Transport 2050 planning process, and while staff from the FVRD and some member municipalities have participated in aspects of the process, that planning exercise is from a Metro Vancouver perspective that does not necessarily reflect this region's needs. It is important that the Province work with the FVRD and member municipalities to ensure that the FVRD's short and long-term requirements will receive the same consideration as that given to Metro Vancouver.

## DISCUSSION

### Throne Speech Excerpt:

"...B.C. will add one million people to its population over the next ten years, putting pressure on B.C.'s transportation and trade corridors. British Columbians are already spending too much time in gridlock. This government is getting people moving.

Government's partnerships with local governments mean that work is already underway on a long-term vision for transit and transportation in the Lower Mainland. **British Columbians can look forward to more options like rapid transit, HOV lanes and commuter rail out to the Fraser Valley**, and high-speed rail connections with our neighbours to the south."

### 2020 Provincial Budget Excerpt (Page 46):

**"Fraser Valley Integrated Transportation and Land Use Plan:** The Province, through the Ministry of Transportation and Infrastructure and the Ministry of Municipal Affairs and Housing will lead a broader transportation and development study that will build an inclusive multi-modal transportation and development strategy for the Fraser Valley. Findings and recommendations will inform transportation, development and housing investments that consider provincial and national trade corridor needs and impacts. The study will be undertaken in partnership with TransLink and BC Transit, and will involve extensive engagement with local governments, Indigenous communities, key stakeholders and the general public."

The proposal to undertake long-term transportation planning in the Fraser Valley is generally consistent with the Board's wishes expressed in its resolution of July 23, 2019 where it was resolved:

**"THAT** the Fraser Valley Regional District Board remain focused on its priority of strongly encouraging the province to expedite the widening of Highway 1 to support HOV/bus lanes as a means of improving the viability of transit, improving public safety and supporting the broader Fraser Valley economy;

**AND THAT** the Fraser Valley Regional District Board recognize increased and diversified rapid transportation options need to be considered for the long term by the Province, including the potential for rail transit opportunities in this rapidly growing region;

**AND FURTHER THAT** the Fraser Valley Regional District Board request that TransLink directly engage the Fraser Valley Regional District, member municipalities, BC Transit and



the province on those aspects of the Transport2050 Plan that consider inter-regional linkages and policies that may impact this Region.”

Having said that, there has been no discussion with the Province as to the nature of the proposed planning initiative and the role the regional district and member municipalities will have in its development and implementation. The Province is wrapping up a similar initiative called the *South Island Transportation Plan* which appears to have been undertaken over a fairly compressed timeline (one year). One of the differences between the South Island plan and Fraser Valley plan is that the Fraser Valley plan specifically speaks to land-use and it is unclear what the Province’s intentions are in this regard. It is also unclear as to the definition of “Fraser Valley”, although we assume this likely includes eastern portions of Metro Vancouver.

Transportation and infrastructure challenges facing this region go beyond the provision of public transit. As population in the lower mainland and rest of the province continues to grow, transportation bottlenecks are becoming more apparent and with that, economic pressures. The broader economic impacts of Highway 1 congestion cannot be ignored and need to be addressed sooner rather than later. Westcoast Express and other transportation improvements that will better serve the north side of the Fraser River and the District of Mission also must be considered.

The FVRD and member municipalities successfully collaborated with the Province, BC Transit and TransLink in the “*Strategic Review of Transit in the Fraser Valley*” which was released in 2010. Many of the initiatives identified in that strategy have been implemented, and local governments in this region have made significant transit investments since that time. We look forward to working with the Province on this initiative but it is important not to lose sight of the more immediate challenges that need to be addressed.

## **COST**

No cost at this time

## **CONCLUSION**

In its recent Throne Speech and provincial budget and fiscal plan, the Province has announced a “*Fraser Valley Integrated Transportation and Land Use Plan*”. There has been limited information as to the timing, scope and local government’s role in the development of the terms of reference and oversight of the project. It is also important however, to emphasise that while a long-term plan is a welcome initiative, it should not delay Highway 1 improvements that are so desperately needed today.

**COMMENTS BY:**

**Stacey Barker, Director of Regional Services:** Reviewed and supported.

**Mike Veenbaas, Director of Financial Services:** No further financial comments.

**Jennifer Kinneman, Acting Chief Administrative Officer:** Reviewed and supported.

## Provincial Transportation Investments

Over the next five years the Province will be investing \$9.2 billion in transportation infrastructure. Along with highway rehabilitation, public transit and highway upgrades, significant investments include:

- Pattullo Bridge Replacement;
- Broadway SkyTrain line to Arbutus Street;
- Accelerated four-laning on Highway 1 to the Alberta Border, including the final phase through the Kicking Horse Canyon;
- Highway 1 216<sup>th</sup> Street to 264<sup>th</sup> Street High Occupancy Vehicle Lanes; and,
- Highway 91/17 and Deltaport Way Upgrade.

While these important projects proceed, the ministry is also engaged in the planning and design for the next generation of transportation investments, with the goal of continuing to support government's objectives of building a strong and sustainable economy, delivering services people can count on, and making life better for British Columbians.

The provincial government will ensure these investments are aligned and integrated

with regional development plans, to reduce congestion and promote livable communities that provide the services, amenities and quality of life that British Columbians value.

A new Integrated Transportation and Development Planning (ITDP) process will be undertaken by the Ministry of Transportation and Infrastructure and the Ministry of Municipal Affairs and Housing. This process will develop a collaborative vision for B.C.'s transportation and affordable development needs that contribute to an efficient and accessible multi-modal transportation network that connects communities, regions and global markets. The ITDP will build on the initiatives outlined below, including the Active Transportation Strategy and the Coastal Ferries Visioning exercise to promote and develop seamless transportation connections.

**George Massey Crossing:** The Province is committed to proceeding with a new toll-free crossing to replace the aging George Massey Tunnel. *Budget 2020* includes moving forward with three phases of the project — implementing the immediate safety improvements, planning and design for

**Table 1 Provincial Transportation Investments**

\$ millions	Update Forecast 2019/20	Budget Estimate 2020/21	Plan 2021/22	Plan 2022/23	Plan 2023/24	Plan 2024/25	Five Year Total
<b>Provincial Investments:</b>							
Highway Corridor Rehabilitation	213	265	285	286	213	203	<b>1,252</b>
Side Road Improvements	109	110	110	115	117	120	<b>572</b>
Pattullo Bridge Replacement	135	254	310	277	255	97	<b>1,193</b>
Highway 1 to the Alberta Border 4-laning	60	244	387	413	177	49	<b>1,270</b>
Broadway Subway to Arbutus	31	245	396	470	294	175	<b>1,580</b>
Transit Infrastructure	146	192	193	310	303	240	<b>1,238</b>
Transportation & Trade Network Reliability <sup>1</sup>	272	314	241	158	164	1,024	<b>1,901</b>
Safety Improvements	52	30	29	29	30	30	<b>148</b>
Community and other programs	22	23	13	13	25	19	<b>93</b>
<b>Total Provincial Investment</b>	<b>1,040</b>	<b>1,677</b>	<b>1,964</b>	<b>2,071</b>	<b>1,578</b>	<b>1,957</b>	<b>9,247</b>
<b>Investment funded through contributions from other partners</b>	<b>352</b>	<b>415</b>	<b>627</b>	<b>610</b>	<b>338</b>	<b>159</b>	<b>2,149</b>
<b>Total Investments in transportation infrastructure <sup>2</sup></b>	<b>1,392</b>	<b>2,092</b>	<b>2,591</b>	<b>2,681</b>	<b>1,916</b>	<b>2,116</b>	<b>11,396</b>

<sup>1</sup> Includes funding for George Massey Crossing

<sup>2</sup> Total investments include operating and capital spending

Phase 1 interim congestion relief and transit priority projects, and advancing the planning, engineering, and continued Indigenous consultation on the Phase 2 replacement project. A final business case for a crossing will be completed by Fall 2020 when the Province will make its final decision on the scope, budget, delivery and schedule.

**South Island Transportation Plan:**

The Province has launched a south-island multi-modal transportation strategy which is expected to be complete in spring 2020. The plan will support sustainable travel and CleanBC, enhance integration between communities, improve safety and reliability across all modes and encourage active transportation. Once complete, the plan will serve as a roadmap for investment across all modes in south Vancouver Island from as far north as the Duncan area and as far west as the Sooke area.

**Fraser Valley Integrated Transportation and Land Use Plan:** The Province, through the Ministry of Transportation and Infrastructure and the Ministry of Municipal Affairs and Housing will lead a broader transportation and development study that will build an inclusive multi-modal transportation and development strategy for the Fraser Valley. Findings and recommendations will inform transportation, development and housing investments that consider provincial and national trade corridor needs and impacts. The study will be undertaken in partnership with TransLink and BC Transit, and will involve extensive engagement with local governments, Indigenous communities, key stakeholders and the general public.

**CleanBC Plan:** In support of the strategy to reduce climate pollution by using clean energy in the transportation sector, the Province has committed to full electrification of the inland ferry fleet by 2040, moving forward with electrification of public transit, facilitating the conversion to zero-emission vehicles and infrastructure investments and facilitating policies that support active transportation.

# B.C. Budget 2020: Transportation and land-use plan coming for Fraser Valley

The budget also includes money to continue work on the George Massey Tunnel replacement project, including safety upgrades and planning.

JENNIFER SALTMAN ([HTTPS://VANCOUVERSUN.COM/AUTHOR/JENSALTMAN](https://vancouver.sun.com/author/jensaltman)) Updated: February 18, 2020

The B.C. government will lead a transportation and development study in the Fraser Valley, where local government leaders have called for more investment to improve how people and goods get around in the region.



The goal, according to information released on Tuesday as part of the province's 2020 budget (<https://vancouversun.com/news/local-news/b-c-budget-2020-b-c-finance-presents-stay-the-course-budget>), is to use findings and recommendations from the study to come up with a strategy for the Fraser Valley that covers transportation, development and housing, while taking national and provincial trade corridors into account.

There were few details available, but the project appears to be part of a larger push by the province to make sure its investments are aligned and integrated with regional development plans, reduce congestion and promote livable communities.

"It's critical that we ensure that goods and commuters able to move, and commuters are able to move," said Finance Minister Carole James.

The study will be done in partnership with transit authorities TransLink and B.C. Transit, and there will be engagement with local governments, Indigenous communities, the public, and others.

Chilliwack Coun. Jason Lum, who chairs the Fraser Valley Regional District, said he welcomes any opportunity to talk to the province about improving transportation in the region — particularly if there is a chance funding could be involved.

However, he said he believes the district has a lot to offer because they run the regional transit system and have authority over land use.

"I would respectfully consider us more than just a stakeholder to be engaged at some point. We should be driving this process, and I think we would be very valuable to be at the table," Lum said.

## RELATED

**As protesters besiege legislature, B.C. throne speech offers few new promises** (<https://vancouversun.com/news/politics/protesters-block-start-of-spring-session-at-the-b-c-legislature>)

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**B.C. legislature returns with throne speech, budget coming next week** (<https://vancouversun.com/news/local-news/b-c-legislature-returns-with-throne-speech-budget-coming-next-week>)

The budget lays out the province's transportation capital spending for the next five years, a change from previous budgets that have covered only three years. During that time, the province expects to spend \$9.2 billion on transportation infrastructure.

Major projects include the Pattullo Bridge replacement (<https://vancouversun.com/news/local-news/pattullo-bridge-contract-awarded-to-fraser-crossing-partners>) (\$1.2 billion over five years), Millennium Line SkyTrain extension along Broadway to Arbutus (<https://vancouversun.com/news/local-news/province-hosts-open-house-on-broadway-subway-project>) in Vancouver (\$1.5 billion), four-laning Highway 1 to the Alberta border (\$1.2 billion), adding high-occupancy vehicle lanes to Highway 1 between 216th and 264th Streets in Langley, and upgrades to Highway 91, Highway 17, and Deltaport.

The budget also contains funding for work on the George Massey Tunnel replacement (<https://vancouversun.com/news/politics/horgan-insists-hes-still-open-to-ideas-for-replacing-massey-tunnel>) project, with immediate safety improvements to the existing tunnel, planning and design for interim congestion relief and transit priority projects, and planning, engineering and Indigenous consultation on the replacement.

Upgrades to the existing tunnel include lighting, drainage, paving, replacing signs and safety systems.

Specific dollar amounts for the safety upgrades and planning are not included in the budget, but rather included under the header "transportation and trade network reliability." The plan is to spend \$1.9 billion over five years in that area, including \$314 million in 2020/2021.

Money has not yet been allocated for construction of a replacement for the tunnel because the province has not yet decided what form that will take. Metro Vancouver mayors have expressed their interest in seeing the river crossing replaced with an eight-lane immersed-tube tunnel (<https://vancouversun.com/news/local-news/task-force-recommends-new-eight-lane-tube-to-replace-massey-tunnel>).

The province is still conducting public consultation, and James said a business case, which will reveal the scope, budget, delivery and schedule, is expected to be completed later this year.

The government has invested another \$419 million in CleanBC, (<https://vancouversun.com/news/politics/new-bill-mandates-annual-reports-on-b->

c-s-climate-pollution-reduction) its climate-action strategy, which has \$35 million allocated to clean transportation, including charging stations, electrification of public transit and inland ferries, and continuing rebates toward the purchase of electric vehicles and incentives for home and workplace charging stations.

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BC government planning commuter rail from Metro Vancouver to Fraser Valley



Kenneth Chan

| Feb 13 2020, 3:22 pm



Go Train commuter rail in downtown Vancouver. (Shutterstock)

Interregional rail public transit could be coming to the Lower Mainland, providing a new link between the Metro Vancouver and Fraser Valley regions.

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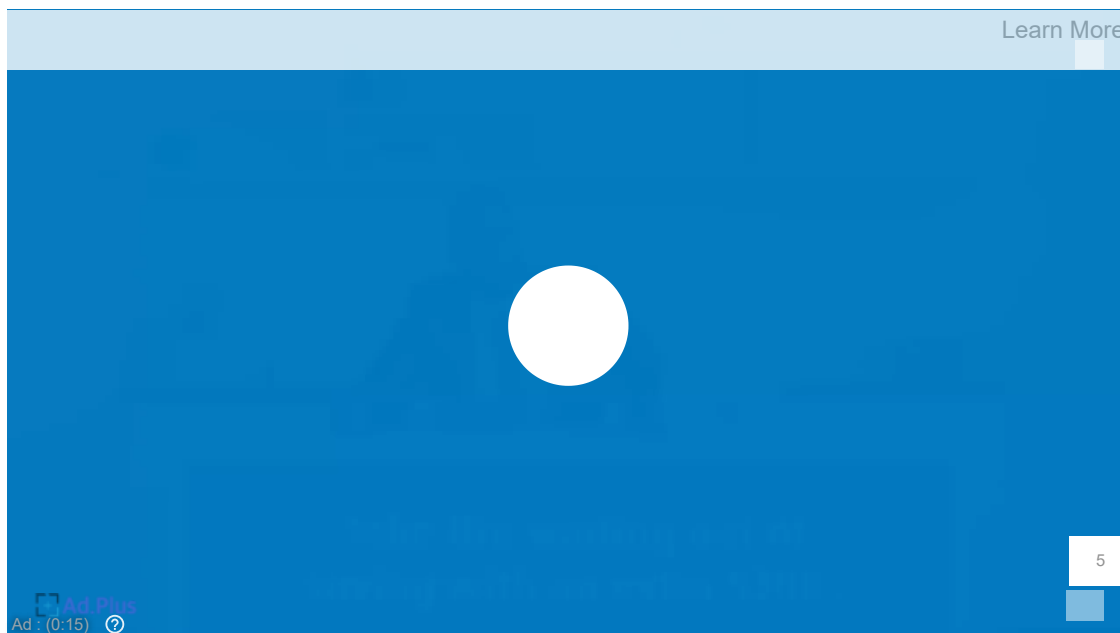
The throne speech delivered in the BC legislature this past Tuesday made note of

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“Government’s partnerships with local governments means that work is already underway on a long-term vision for transit and transportation in the Lower Mainland,” reads the speech.



“British Columbians can look forward to more options like rapid transit, HOV lanes, and commuter rail out to the Fraser Valley, and high-speed rail connections with our neighbours to the south.”

But there are no specifics at the moment on the timeline, routing, technology, and cost, as such a project is certainly in its planning infancy.





A West Coast Express train in downtown Vancouver. (Michael Chu / Flickr)

In an email to Daily Hive, the BC Ministry of Transportation and Infrastructure says they are directly engaged in TransLink's Transport 2050 consultations for its new 30-year regional transportation strategy, as well as with municipal leaders of the Fraser Valley and BC Transit.

"With a million more people coming to the Lower Mainland, the growth of the region including the Fraser Valley will depend on a strong transportation system," reads the email.

"Without action, people and goods will be stuck in congestion, which is why we are working with regional mayors, TransLink and other stakeholders on the role that a range of transportation options, including commuter rail, HOV lanes, and high-speed connections with our neighbours to the south. Working together, we can keep people in the Valley moving now and for years to come."

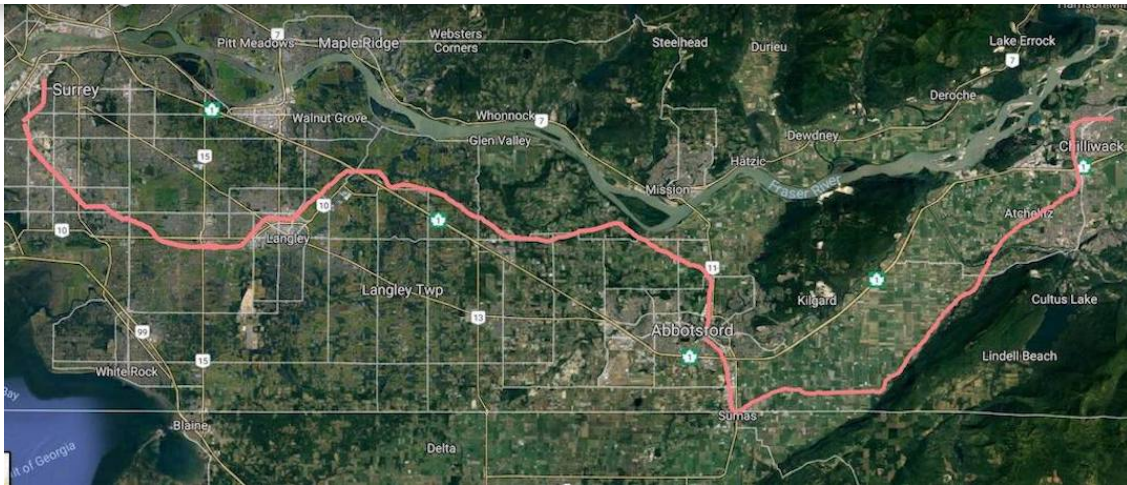
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Over the years, the [City of Abbotsford has been particularly vocal over their desire for a new rail transit link to the Fraser Valley](#), with city council recently approving city staff's request to send a letter to TransLink to summarize the importance of regional connections, and work with TransLink, BC Transit, the FVRD, provincial government, and other municipal governments to review long-term transit needs, transit priorities, corridors, and funding options.

During the public meeting, Mayor Henry Braun noted he has had discussions with the

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Proposed Interurban passenger rail service route by the South Fraser Community Rail advocacy group. (South Fraser Community Rail)

Previously suggested ideas for rail transit to the Fraser Valley include an eastward extension of TransLink's West Coast Express commuter rail service from its existing terminus in Mission, a new rail transit service that begins at the future eastern terminus of SkyTrain's Expo Line in Langley City Centre, or [reviving the old Interurban route](#).

However, previous studies conducted by both TransLink and the provincial government have [deemed utilizing the Interurban as highly impractical](#) given the cost, calculated benefits, excessive travel times, and conflicts with growing freight traffic.

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The [West Coast Express is considered a success](#), with an average ridership of approximately 10,000 passengers per weekday. The service is limited to peak direction-only service, with just five train departures in each of the morning and afternoon peak periods. But [service improvements have been limited](#), as TransLink leases track time from Canadian Pacific Railway, which owns the railway infrastructure and prioritizes track time for its growing freight business.

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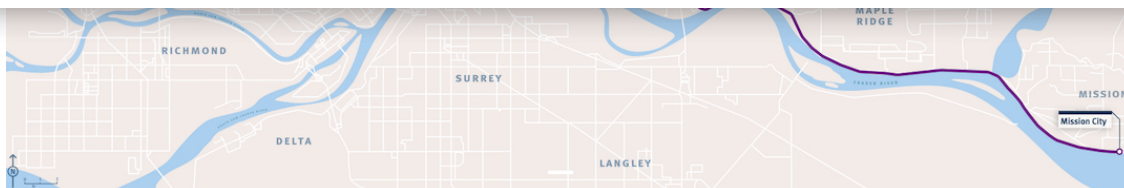
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Map of the West Coast Express route. (TransLink)

With an end-to-end travel time of just 75 minutes, between Waterfront Station in downtown Vancouver and Mission along a 69-km-long route with eight stations, the West Coast Express is faster than car travel. The size of the Lower Mainland's commuter rail network is severely constrained, compared to the commuter rail systems of Toronto, Montreal, and even Seattle.

In the meantime, the provincial government states it has two projects underway to build HOV lanes on Highway 1 from 202nd to 26th streets, effectively providing carpool vehicles with a new 44-km stretch of HOV lanes between Langley and Burnaby.

- See also:

- [LRT on the Interurban railway is unfeasible, not a SkyTrain alternative: TransLink](#)
- [Opinion: Interurban rail transit line from Surrey to Chilliwack not based on reality](#)
- [Opinion: It's time to give the West Coast Express the big expansion it deserves](#)

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To: Regional and Corporate Services Committee

Date: 2020-03-10

From: Robin Beukens, Planner II

File No: 6430-51-2011-01

**Subject: Regional Growth Strategy Update**

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### INTENT

This report is intended to advise the Committee of information pertaining to an update of the Fraser Valley Regional District Regional Growth Strategy. 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 Environmental Stewardship

Foster a Strong & Diverse Economy

Support Healthy & Sustainable Community

Provide Responsive & Effective Public Services

### BACKGROUND

The Regional Growth Strategy (RGS) is a strategic, high-level policy document for coordinating planning in the Fraser Valley Regional District (FVRD) and for informing provincial priorities. An RGS is a framework for planning and coordinating the activities of local governments, the provincial government, and other agencies to ensure that the region as a whole is working toward a common future. The RGS considers issues that spill across the boundaries between neighbouring municipalities and regional districts. It also provides a framework for Official Community Plans in Fraser Valley municipalities and directs development in unincorporated areas. It considers issues that impact all of us, such as transit, housing, parks, the environment, air quality and economic development from a regional perspective. In recent years, building relationships with Indigenous communities have taken on a much more important role in the FVRD, and the updated RGS will reflect this change.

The first draft of the RGS update was presented to the Board for review in July 2014 and was sent out for referral to affected local governments, federal and provincial agencies; Indigenous communities and agencies; and other interested parties. Feedback from Indigenous communities and agencies took some time, and major Official Community Plan updates in Abbotsford, Mission and the District of Hope

and other priorities resulted in a decision to delay the second draft of the plan until municipal processes were completed. With other local government planning processes completed and strengthening relationships with Indigenous communities, the FVRD is restarting the RGS update process with a target of having a final version completed by the end of 2020, allowing the bylaw to move forward in early 2021.

## **DISCUSSION**

The Regional Growth Strategy (RGS) is a strategic plan enabled by the Local Government Act (LGA) that provides an overarching planning framework for coordinating the activities of local governments and the provincial government. It considers transit, housing, parks, economic development and environmental issues from a regional perspective with the goal of creating healthy, sustainable communities. As a long-range vision with a 20 to 30-year scope, it aims to ensure the region as a whole is working toward a common future.

Regional growth strategies support the management of issues that affect more than one jurisdiction and can perform the following functions (among others):

- Promote coordination among municipalities and regional districts on issues that cross jurisdictional boundaries;
- Promote coordination among municipalities, regional districts and Indigenous communities as a means of establishing and maintaining meaningful and collaborative relationships;
- Strengthen links between regional districts and the provincial ministries and agencies whose resources are needed to carry out projects and programs; and,
- Communicate the region's strengths to potential investors while demonstrating that local governments, Indigenous communities and stakeholders are proactively addressing the key issues affecting the region's future.

## **Legislation**

Part 13 of the LGA sets out the legal requirements for regional growth strategies in British Columbia. The purpose of regional growth strategies "is to promote human settlement that is socially, economically and environmentally healthy, and that makes an efficient use of public facilities and services, land and other resources."

The minimum requirements for a regional growth strategy include:

- A 20-year minimum time frame
- Regional vision statements
- Population and employment projections
- Regional actions for key areas such as housing, transportation, regional district services, parks and natural areas, and economic development
- Targets, policies and actions for the reduction of greenhouse gas emissions in the regional district



- Consideration of the most recent housing needs reports and the housing information on which such reports are based.

As housing needs reports are a new requirement and will not be mandatory until April 2022, the RGS update will not include housing needs report content but will refer to future requirements.

Regional growth strategies are required to work towards, but not be limited to, the following:

- avoiding urban sprawl and ensuring that development takes place where adequate facilities exist or can be provided in a timely, economical and efficient manner;
- settlement patterns that minimize the use of automobiles and encourage walking, bicycling and the efficient use of public transit;
- the efficient movement of goods and people while making effective use of transportation and utility corridors;
- protecting environmentally sensitive areas;
- maintaining the integrity of a secure and productive resource base, including the agricultural land reserve;
- economic development that supports the unique character of communities;
- reducing and preventing air, land and water pollution;
- adequate, affordable and appropriate housing;
- adequate inventories of suitable land and resources for future settlement;
- protecting the quality and quantity of groundwater and surface water;
- settlement patterns that minimize the risks associated with natural hazards;
- preserving, creating and linking urban and rural open space, including parks and recreation areas;
- planning for energy supply and promoting efficient use, conservation and alternative forms of energy; and
- good stewardship of land, sites and structures with cultural heritage value.

The RGS update was initiated by a resolution of the regional district Board of Directors. After the initiation, the Intergovernmental Advisory Committee (IAC) was formed consisting of senior staff from local governments, the Province, other agencies and, in the case of the FVRD, Indigenous community/agency representatives. The role of the IAC is to advise the regional district on the development of the RGS. The IAC was formed early in the process, but because of turn-over, over time, membership of the IAC will be updated. Consultation is required with regional district citizens; affected local governments; First Nations; boards of education, greater boards and improvement districts; and provincial and federal governments and their agencies and others as necessary.

Regional growth strategies do not require provincial approval, but formal "Acceptance" is required from "affected local governments," which consist of member municipalities and adjacent regional districts. Acceptance is by resolution of each local government. Once an RGS or major update is formally

adopted, member municipalities must update their official community plans (OCP) within two years with “regional context statements” (RCS). This is to ensure OCPs and the RGS are consistent.

The LGA also now allows minor amendment processes to be incorporated into an RGS. This facilitates changes without having to undergo the major amendment process as set out in the Act. The updated RGS will include a minor amendment process that will facilitate minor changes without triggering a more onerous major amendment process.

Regional districts are required to establish a monitoring program after an RGS has been adopted. The “Snap Shot” series of reports and, more recently, the RGS Monitoring Report (2019) are products of this program.

Local governments also have the option to enter into implementation agreements with other local governments, different levels of government (including the Province), and agencies to implement the actions and policies of a regional growth strategy. To date, few, if any, regional districts use this tool to implement their plans.

#### **2004 Regional Growth Strategy**

The FVRD’s current Regional Growth Strategy, “Choices for Our Future,” was adopted on October 26, 2004. The strategy was the result of an extensive collaborative and consultative process and was prepared in accordance with the Local Government Act.

Through the original RGS process, the region gained a better understanding of how valley communities were coping with the pressures of growth and change over the past twenty years. It was also a timely initiative given that the region had been newly amalgamated, and a regional vision and framework for managing growth was needed.

With its burgeoning population, expected to be approaching 500,000 by 2051, the region is experiencing new challenges in terms of increasingly complex growth management issues relating to air quality, transportation and transit, housing affordability, economic growth, healthy communities, greenhouse gas monitoring, Indigenous relations and others. Furthermore, new legislative requirements and funding arrangements from the provincial and federal governments are adding pressure on the region. It was timely to review and amend the FVRD’s RGS to address these evolving challenges.

Although the FVRD remains remarkably independent from the rest of the lower mainland, the region will increasingly face external pressures as a result of growth occurring within Metro Vancouver. By 2050, current trends indicate that the lower mainland’s population could be approaching a population of 4 million, up from about 2.9 million today. The RGS update will be taking such growth into consideration.

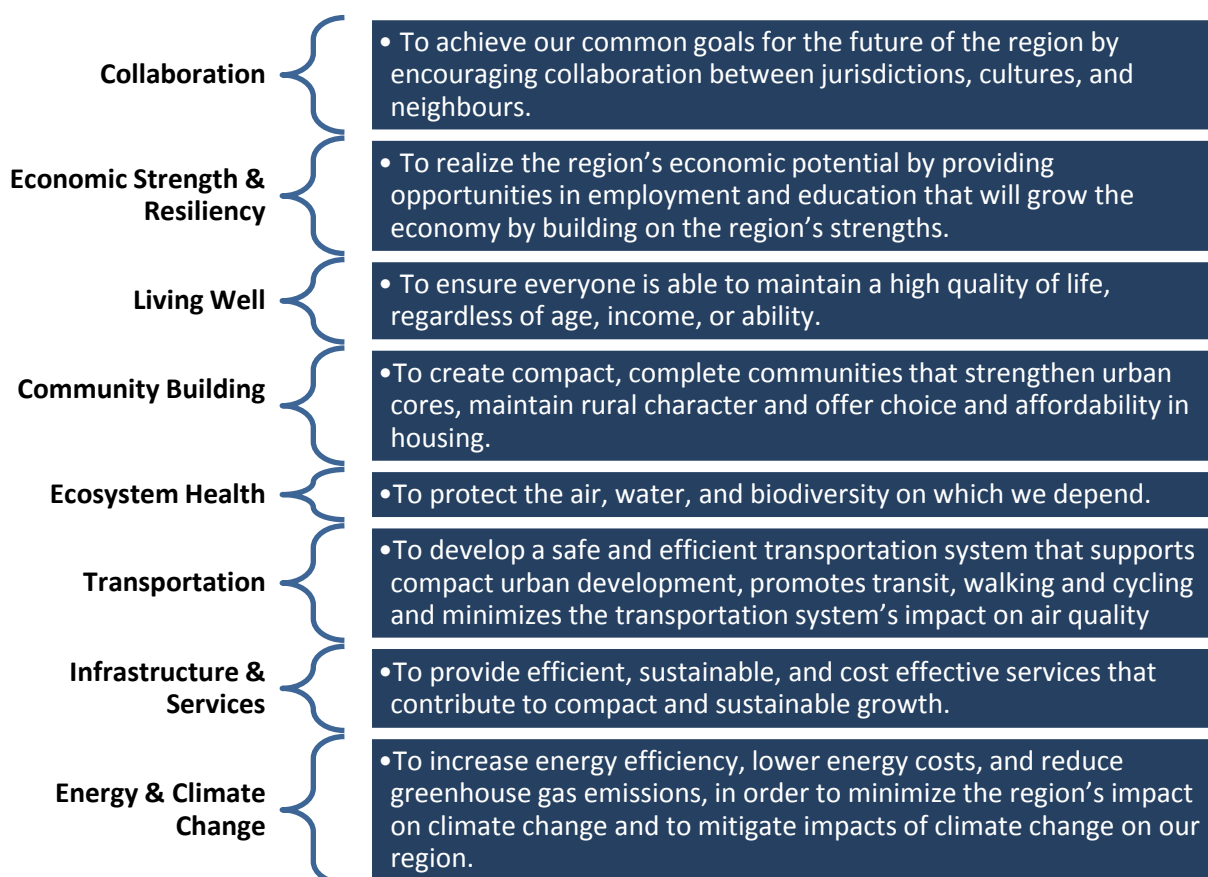
## Regional Growth Strategy Update

The RGS update formally began in 2011. An IAC was formed, and meetings held between 2011 and 2014. These meetings covered a range of topics, including developing the IAC terms of reference, reviewing work plans, discussing engagement strategies, garnering input from local governments, Indigenous communities and IAC member agencies, and reviewing drafts.

Presentations were made to municipal councils, and a workshop was held with the FVRD Board in July 2014. There was also outreach to Indigenous communities and agencies to provide opportunities for meetings and/or presentations. Staff met with several Band councils and/or staff, the FVRD held a community-to-community forum with Soowahlie First Nation which included discussion of the RGS, and the team met with S'ólh Téméxw Stewardship Alliance (STSA) leadership to discuss the first draft.

Public engagement also took place to gather input from residents in rural and urban parts of the region. Eight open house events were held throughout the region and referrals were sent out to local governments, Indigenous communities, government agencies and stakeholders. The first draft was shared with member municipalities, neighbouring regional districts and other IAC participants, People of the River Referral Office (PRRO) and forty-four individual Indigenous communities who have an interest in the FVRD.

The draft RGS includes eight goals:



Since 2014, the RGS update process has been complicated by several major OCP updates undertaken by the City of Abbotsford, District of Mission, and District of Hope; the need for more Indigenous engagement; and shifting regional priorities. Over this time, Indigenous consultation and relationship building activities have been undertaken in support of the RGS, and other FVRD initiatives and the Strategic Planning team has been tasked with other initiatives that help implement and/or monitor the existing RGS and provide input to the RGS update. Work has included:

- Fraser Valley Express and Hope transit service implementations (2015 and 2017) and other transit-related planning initiatives;
- Fraser Valley Trip Diary report (2014);
- Collaboration with BC Agriculture & Food Climate Action Initiative (CAI) - Fraser Valley Agricultural Climate Adaption Strategy (2015);
- Freshet Flooding & Fraser Valley Agriculture: Evaluating Impacts & Options for Resilience (2016) – collaboration with CAI;
- Homeless surveys and social housing inventories (2017 and 2020);
- Outdoor Recreation workshop (2017) and supporting the outdoor recreation and tourism economic analysis and management plan (2019-20);
- Clean Economy study and GLOBE Fraser Valley Focus event (2019-20);
- Updated agricultural “Snap Shot” report (2018) and the RGS monitoring report (2019).

## **2020 Schedule**

A schedule of RGS update activities is included in Appendix 1. Staff are currently working through a round of revisions to prepare a second draft of the RGS. This includes finalizing updated Transportation Priorities; updating the Indigenous peoples’ content; updating the population and employment projections to 2050 to better align with Metro Vancouver’s RGS update and TransLink’s 2050 Transportation Plan. Staff will also be meeting with provincial officials to discuss the RGS update and provincial expectations.

### **Provincial input**

Staff will be meeting with Municipal Affairs and Housing (MAH) officials shortly to discuss the RGS update and determine provincial expectations in relation to provincial legislation, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) commitments and initiatives recently announced in the provincial budget. MAH will assist in identifying appropriate provincial staff to represent relevant ministries or agencies on the IAC.

### **Intergovernmental Advisory Committee (IAC)**

As part of the RGS update, an Intergovernmental Advisory Committee (IAC) was formed early in the process with a mandate to advise on developing the updated RGS. The IAC will be reinstated in the spring of 2020. The FVRD will be asking for staff from affected local governments, Indigenous communities/agencies and other organizations to be appointed to the IAC. A list of IAC member organizations is included as Appendix 2, although additional members may be added as needed.

The FVRD's IAC consists of a "Core" group with local government and Indigenous community membership and a broader advisory group (IAC terms of reference - Appendix 2).

### **Indigenous engagement**

More extensive engagement with Indigenous communities is needed to ensure that the RGS builds a strong framework for collaboration and further strengthens relationships in the FVRD. Although valuable feedback was received in the first draft, and the second draft reflects that input, it is important to acknowledge that more engagement is required to reflect changing relationships, the shifting legal landscape and provincial UNDRIP commitments.

Over the past few years, efforts have been made by the FVRD to build stronger relationships with indigenous communities and to better understand the challenges these communities face. Broader FVRD engagement has included a staff visit to Stl'alt'imc First Nations north of Harrison Lake, developing transit and other servicing agreements, community to community forums, engagement on outdoor recreation and tourism analysis and plans and more. While reserves are outside the jurisdiction of the RGS, Indigenous communities will be affected by anticipated population growth in the FVRD and the lower mainland as a whole. FVRD staff will be reaching out to Indigenous communities in the FVRD to determine how they will prefer to be engaged. The intent is to build on existing relationships and to build relationships where none are currently in place.

### **Public engagement**

More general public engagement will take place over the spring and summer. A public engagement strategy has not yet been finalized but will likely include a series of open houses and opportunity to comment on the draft plan online.

Discussions with the Province and Indigenous communities/agencies will assist in finalizing the work plan going forward. As the process moves forward, staff will keep the Board informed of the process, and a more detailed timeline will be provided.

Once a final draft is completed and undergone Board, IAC and legal review, the amendment bylaw will go forward to the FVRD Board. As required by the Act, before 3rd Reading, the bylaw will be formally referred to member municipalities and adjacent regional districts ("affected local governments") for formal acceptance by resolution. Once accepted, the bylaw can be adopted by the Board. Should an RGS update not be accepted and parties cannot come to an agreement, the LGA sets out an arbitration process to resolve any outstanding issues. The goal is to move the bylaw forward into the formal approval process in January 2021.

### **COST**

N/A



## **CONCLUSION**

A draft of the FVRD Regional Growth Strategy is being prepared and undergoing revisions. Staff will be re-instituting the Intergovernmental Advisory Committee, engaging with affected local governments, Indigenous communities and agencies, provincial and federal ministries and agencies, the public and stakeholders, as we move towards a final draft. A more detailed timeline will be provided to the Board to reflect upcoming discussions with the Province, Indigenous communities and agencies.

## **COMMENTS BY:**

**Alison Stewart, Manager of Strategic Planning:** Reviewed and supported.

**Stacey Barker, Director of Regional Services:** Reviewed and supported.

**Mike Veenbaas, Director of Financial Services:** No further financial comment.

**Jennifer Kinneman, Acting Chief Administrative Officer:** Reviewed and supported.

## FVRD Regional Growth Strategy 2020 Schedule

TASK NAME	Feb	March	April	May	June	July	August	Sept	Oct	Nov	Dec	2021
Finalize Draft Regional Growth Strategy												
Public Engagement Plan												
Indigenous Engagement Strategy												
Intergovernmental Advisory Committee (IAC) Meeting												
Public Engagement												
Indigenous Communities Engagement												
Incorporate and Respond to Feedback												
Final IAC Meeting												
Finalize Regional Growth Strategy												
First Reading of Bylaw and formal referral												

**Fraser Valley Regional District ~ Regional Growth Strategy Review**

**INTERGOVERNMENTAL ADVISORY COMMITTEE (IAC) TERMS OF REFERENCE**

**COMMITTEE PURPOSE:**

Per Section 867(2) of the Local Government Act, the role of an IAC is to:

1. advise applicable local governments on the development and implementation of the Regional Growth Strategy; and
2. to facilitate coordination of Provincial and local government actions, policies and programs as they relate to the Regional Growth Strategy.

**BACKGROUND:**

The FVRD established an IAC when the Regional Growth Strategy (RGS) was initiated in 1996 and relied upon its guidance through the development of the *Choices for our Future* RGS to its adoption in 2004. The current RGS is the product of that collaborative and consultative process. The IAC was allowed to lapse after the adoption of the RGS in 2004.

In October 2010 the FVRD formally initiated a major RGS review and update and as part of this process is reinstituting the IAC. The mandate will be to advise applicable local governments on developing the updated RGS.

Per Section 867(2) of the Local Government Act, a regional district must establish an Intergovernmental Advisory Committee (IAC) when a Regional Growth Strategy is initiated or a major amendment is undertaken. The Act specifies that the role of the IAC is to:

1. advise applicable local governments on the development and implementation of the Regional Growth Strategy; and
2. to facilitate coordination of Provincial and local government actions, policies and programs as they relate to the Regional Growth Strategy.

The Act also specifies that the membership of the IAC must include the following:

1. the planning director for the regional district, or another official appointed by the Board;
2. the planning director, or another official appointed by the applicable council, of each municipality, all or part of which is covered by the Regional Growth Strategy;
3. senior representatives of the Provincial government and Provincial government agencies and corporations, determined by the Minister in consultation with the Board; and
4. representatives of other authorities and organizations if invited to participate by the Board.

## MEMBERSHIP COMPOSITION

1. The IAC shall be comprised of a 'core group' and a 'resource group'.
2. The **'core group'** of the IAC shall include the following:
  - a. FVRD: senior staff responsible for strategic planning, electoral area planning and public works and services;
  - b. FVRD affected local governments (member municipalities and adjacent regional districts): the planning director or equivalent, or another official appointed by the applicable council or regional board;
  - c. Ministry of Community, Sport and Cultural Development (MCSCD): senior staff with responsibilities related to monitoring regional growth strategy development and implementation.
  - d. FVRD First Nations: senior staff responsible for planning and land use management, or another official appointed by the applicable council
  - e. Members of the 'resource group' relevant to the specific items or issues to be discussed at an IAC meeting.
3. The **'resource group'** of the IAC may include the following:
  - a. Other FVRD Local Authorities: senior staff from Fraser Health Authority and School Districts No. 78, 75, 34 and 33;
  - b. Provincial Ministries, Agencies and Corporations: senior staff with responsibilities related to the attainment of Regional Growth Strategy objectives pursuant to the *Local Government Act*;
  - c. Federal Government Departments and Agencies: senior staff with responsibilities related to the attainment of Regional Growth Strategy objectives pursuant to the *Local Government Ac.*
  - d. Senior representatives of other organizations as invited by the IAC Chair and/or Regional Board.

## IAC PROCEDURES

1. The Chair of the IAC shall be elected by the committee.
2. The 'core group' of the IAC shall meet as necessary. The number and frequency of meetings may vary according to the work plan for each year.
3. A number of the meetings will be an issue-based workshop format, with IAC members expected to participate and, in some instances, take a leading role.
4. The IAC will meet at the call of the Chair.
5. The IAC is not a formal decision making body. It is a forum for the identification, discussion and resolution of growth management challenges facing the region. It is expected that the IAC will help the FVRD to better understand the full range of perspectives that could be taken into consideration in its decisions related to these issues.
6. The agendas and minutes for meetings of the 'core group' will be circulated to the 'resource group' for information purposes in accordance with the RGS Engagement Plan.
7. Members of the 'resource group' may attend any meeting of the 'core group' upon notifying the IAC Chair or an FVRD staff member responsible for the RGS of their anticipated attendance.
8. The minutes of IAC meetings will be provided to the FVRD Board for consideration of receipt.

9. In the context of IAC meetings, consensus means the committee will not engage in formal voting, but will agree among themselves on a position before moving on.
10. IAC core group members will be responsible for communicating with their respective Councils/Boards on a regular, consistent and timely basis.
11. IAC core group members will be responsible for communicating any concerns or issues raised by their respective Council/Boards to the IAC core committee as they arise.
12. FVRD staff will provide support to IAC core group members to ensure that reporting and communication strategies and processes work for each individual organization.



## **2020 IAC membership (proposed updated list)**

### **CORE:**

FVRD staff

- Regional Services
- Electoral Area Planning
- Engineering and Community Services

Affected Local Governments – member municipalities and adjacent regional districts.

Ministry of Municipal Affairs and Housing

Indigenous representation – determined in consultation with Indigenous communities or agencies

### **ADVISORY:**

Provincial ministries & related agencies (relevant)

- Ministry of Aboriginal Relations and Reconciliation
- Ministry of Agriculture
- Agricultural Land Commission
- Ministry of Forests, Lands, Natural Resource Operations, and Rural Development
- Ministry of Environment and Climate Change Strategy
- Ministry of Energy, Mines, and Petroleum Resources
- Fraser Health Authority
- Ministry of Jobs, Economic Development and Competitiveness
- Ministry of Transportation and Infrastructure
- Ministry of Social Development and Poverty Reduction
- Ministry of Tourism, Arts and Culture
- BC Housing

Federal agencies

- Transport Canada
- Environment and Climate Change Canada
- Fisheries and Oceans Canada

Others

- School Boards (#33, #34, #75 and #78)
- University of the Fraser Valley
- BC Transit
- TransLink
- Port Metro Vancouver
- Abbotsford Airport Authority
- BC Ag Council
- Chambers of Commerce
- Urban Development Institute
- Others as identified by the IAC or Regional Board

To: Electoral Area Services Committee  
From: Kristy Hodson, Manager of Financial Operations

Date: 2020-03-10  
File No: 1850-20 / 002

**Subject: 2020 Grant-In-Aid Request – Chilliwack Vedder River Cleanup Society, Electoral Area “E”**

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### RECOMMENDATION

**THAT** the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$1,100 to the Chilliwack Vedder River Cleanup Society, funded from the 2020 Electoral Area “E” grant-in-aid budget to help offset the costs associated with hosting the Chilliwack Vedder River cleanups on April 4 and September 27 of 2020.

### STRATEGIC AREA(S) OF FOCUS

Support Environmental Stewardship  
Support Healthy & Sustainable Community

### BACKGROUND

This request for funding is eligible under the Electoral Area Grant-in-Aid policy under the “Promotion of volunteer participation and citizen involvement” option.

### DISCUSSION

The Chilliwack Vedder River Cleanup Society organizes two yearly clean-ups of the Chilliwack Vedder River and its associated riparian areas. The society coordinates volunteers within the general community and has been supported in prior years by the City of Chilliwack, Fraser Valley Regional District and Department of Fisheries and Oceans.

The funding request is to offset the costs of tipping fees, newspaper ads and event supplies to ensure the cleanup is safely and effectively executed.

Director Engar is in support of this grant-in-aid request.

## **COST**

The \$1,100 cost will be funded from the Electoral Area "E" grant-in-aid budget which has sufficient funds to support this request.

## **CONCLUSION**

A funding request has been received from the Chilliwack Vedder River Cleanup Society to help offset the costs of hosting the two Vedder River cleanup events held April 4 and September in 2020. Funding allows the Society to host safe and effective events that remove a significant amount of garbage from the river system.

## **COMMENTS BY:**

**Mike Veenbaas, Director of Financial Services:**

Reviewed and supported.

**Jennifer Kinneman, Acting Chief Administrative Officer:**

Reviewed and supported.



## GRANT-IN-AID APPLICATION

Fraser Valley Regional District, 45950 Cheam Ave, Chilliwack BC, V2P 1N6

Applicant Name: Chilliwack Vedder River Cleanup Society

Mailing Address: 45163 South Sumas Road, Chilliwack, BC V2R1W5

Email Address: info@cleanrivers.ca

Contact:

Nikki Rekman

Name

[REDACTED]  
Telephone/Fax Number

Statement as to eligibility to apply for Grant-In-Aid Funds (Please attach a separate sheet if required):

We are a non-profit community group whose activities specifically benefit FVRD Electoral Area E. We are based in Chilliwack and mobilize volunteers and resources twice per year to remove garbage from the Chilliwack River Valley and the riparian zone of the Chilliwack River. Our Spring cleanup is in April and our Fall cleanup is on the 4th Sunday of September which is BC Rivers Day. Both of our cleanups are based out of Electoral Area E. The Spring cleanup is based out of Thompson Regional Park and the September cleanup is based out of the Chilliwack Fish and Game Club on Chilliwack Lake Road.

### APPLICATION SUMMARY:

Project or purpose for which you require assistance (Please attach a separate sheet if required):

Spring Cleanup is Saturday April 4, 2020 and our Fall Cleanup is Sunday, September 27, 2020

Our Grant-in-Aid will help cover costs associated with each cleanup. See below.

Statement as to how these funds will benefit the community or an aspect of the community (Please attach a separate sheet if required):

Garbage and Metal Bins (delivery and pickup), tipping fees, supplies (garbage, bags, recycling bags, safety vests, pick up sticks and more). For our September BC Rivers Day River Cleanup and Celebration we also host a BBQ for our volunteers. The monies stay in Chilliwack as we procure all of our supplies from businesses in Chilliwack.

Amount of Grant Requested: \$ 1100.00

**\*\*Please note:** grants over \$4,000 require a financial statement and/or report on the applicant to be provided with the application.

To the best of my knowledge, all the information that is provided in this application is true and correct. Furthermore, I hereby certify that this application for assistance is NOT being made on behalf of an individual, industry, commercial or business undertaking.

Nikki Rekman

Nikki Rekman

Digitally signed by Nikki Rekman  
Date: 2020.02.10 17:35:48 -0800

Signature of Authorized Signatory and Title

Amount Approved: \$1100.00

Date: FEB 13 2020

[Signature]  
Signature of Electoral Area Director

Please return completed form by fax or e-mail to: Fax: 604-702-5043 (Finance Dept.); Email: [info@fvrdb.ca](mailto:info@fvrdb.ca); or to your Electoral Area Director.

To: Electoral Area Services Committee

Date: 2020-03-10

From: Tarina Colledge, Emergency Management Specialist

File No: 7130-01

**Subject: December 2019 Emergency Services Monthly Report**

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### INTENT

This report is intended to provide information to the Electoral Area Services Committee pertaining to emergency services, updated on a routine basis.

### STRATEGIC AREA(S) OF FOCUS

### PRIORITIES

Provide Responsive & Effective Public Services

### BACKGROUND

Emergency services have many ongoing focus areas that are equally important before, during, and after emergencies. Electoral Area Directors and their communities are directly impacted by Emergency Services.

### DISCUSSION

The Emergency Services Report will provide a high-level overview of accomplishments, collaborative efforts that require time and skill from other departments, community involvement, significant issues arising/outstanding, statistical information, estimated values of services, personnel overview, and previously unrecorded standby hours donated by staff, and the anticipated projects for the upcoming quarter. Staff looks forward to growing the reporting metrics as emergency services evolves. This reporting period captures December 1<sup>st</sup> through 31<sup>st</sup>, 2019. Future reports will be provided on a routine basis, and subsequently captured for use in annual reporting.



## **COST**

Estimated values of service are reflected in the Emergency Services monthly report, however, no true cost are born by this report.

## **COMMENTS BY:**

**Tareq Islam, Director of Engineering & Community Services**

Review and supported.

**Mike Veenbaas, Director of Financial Services**

No further financial comments.

**Jennifer Kinneman, Acting Chief Administrative Officer**

Reviewed and supported.

# FVRD EMERGENCY SERVICES REPORT

Report for: December 2019

Date: March 10, 2020

## 1) ACCOMPLISHMENTS AND/OR IMPORTANT EVENTS

- » AGLG Audit for Emergency Management released to public
- » ESS activation for single family house fire
- » Use of Deroche Office for Emergency Program approved in principal (November report issue #2)
- » Live launched public alerting system "[Alertable](#)"

## 2) COLLABORATION WITH DEPARTMENTS AND/OR OUTSIDE STAKEHOLDERS

- » Collaborated with Corporate Initiatives to complete an Emergency Services privacy audit
- » Collaborated with GIS on an ESS Map Book & Area H evacuation plan maps
- » Collaborated with Communications on Emergency Services Report template

## 3) COMMUNITY INVOLVEMENT

- » Food bank drives done by Popkum and Chilliwack River Valley Fire departments

## 4) SIGNIFICANT ISSUES ARISING/OUTSTANDING

Issue	Brief Description	Possible Resolutions	Notes
1. Local Chilliwack vendors were not accepting the EMBC Referral forms.	Volunteers could not provide ESS because a corporate credit card was required to secure goods.		Discuss challenges of ESS provisions with Emergency Management Executive Committee
2. ESS team does not have capacity to respond to most electoral areas for Level 1/2/3 emergencies.	Volunteer ESS team is aging and becoming less available for all 4 phases of Emergency Management.	<ul style="list-style-type: none"><li>- Build community ESS teams</li><li>- Focus on community ESS leadership development</li><li>- Build community ESS kits (\$\$)</li></ul>	Increase recruitment with permanent volunteer job postings on FVRD website.

# FVRD EMERGENCY SERVICES REPORT

Issue	Brief Description	Possible Resolutions	Notes
3. Volunteer fire departments are struggling to maintain rosters of available volunteers, in particular, Boston Bar and Columbia Valley.	Rural areas with low population and residents who work out of the home area struggle to have available volunteers at the time of call outs.	Align fire departments social media pages/groups with FVRD Communications to increase recruitment campaign traffic.	Increase recruitment with permanent volunteer job postings on FVRD website.
4. Many audit items require additional skilled labour.	Many items require focused personnel to continue momentum. Recent emergency responses and EOC activations have created additional workload that may take months to resolve.	Support the addition of a staff member in the Emergency Services area.	Budget increase for 2020 and an additional staff member were not approved.
5. EOC Physical Setup & EOC assets locations	Issues exist with using the boardroom as an EOC due to the static build of tables, chairs and technology placement. Storage of all essential items for activation are distributed throughout the building.	Find storage space on the 4 <sup>th</sup> floor for EOC materials and assets.	Looking to Senior Leadership for options.
6. North Fraser Volunteer Fire Department	Call volume has already surpassed annual estimates. Increased activity will result in increased demands on equipment and turn-out gear, and higher demand on volunteers.	Prepare for increase in expenditures and asset maintenance. Plan for continued call volume.	2019 costs will be higher than budgeted for.

## 5) STATISTICAL INFORMATION

Emergency Service Branch	Recruits (not eligible for response)	Members (Listed/Active)		Members resigned/on-leave	Calls	Volunteer Hours donated	Estimated Value of Service	Notes
Chilliwack River Valley (5.5 km <sup>2</sup> /population)	2	21	21	0	15		\$64,140.00	Type 1 Engine \$595.00 p/hr Type 1 Engine \$595.00 p/hr Type 6 Wildland \$239.00 p/hr Type 1 Water Tender \$369.00 p/hr Rescue truck \$340.00 p/hr \$2,138.00 p/hr x 2 hr avg call = \$4,276.00

# FVRD EMERGENCY SERVICES REPORT

Columbia Valley (17.98 km²/population)	0	19	19	0	6		\$15,648.00	Type 1 Engine \$595.00 p/hr Type 1 Water Tender \$369.00 p/hr Rescue truck \$340.00 p/hr \$1,304.00 p/hr x 2 hr avg call = \$2,608.00
Hemlock Valley (8.35 km²/population)	1	23	23	0	1		\$2,028.00	Type 1 Engine \$595.00 p/hr Type 1 Water Tender \$369.00 p/hr Squad Vehicle \$50.00 p/hr \$1,014.00 p/hr x 2 hr avg call = \$2,028.00
Boston Bar (27.26 km²/population)	0	12	12	0	2		\$6,436.00	Type 1 Engine \$595.00 p/hr Type 1 Engine \$595.00 p/hr Type 1 Water Tender \$369.00 p/hr Squad Vehicle \$50.00 p/hr \$1,609.00 x 2 hr avg call = \$3,218.00
Yale & District (10.6 km²/population)	1	17	17	4	6		\$11,568.00	Type 1 Engine \$595.00 p/hr Type 1 Water Tender \$369.00 p/hr \$964.00 x 2 hr avg call = \$1,928.00
Popkum (22.19 km²/population)	0	19	19	0	8		\$25,744.00	Type 1 Engine \$595.00 p/hr Type 1 Engine \$595.00 p/hr Type 1 Water Tender \$369.00 p/hr Squad Vehicle \$50.00 p/hr \$1609.00 x 2 hr avg call = \$3,218.00
North Fraser (135.45 km²/population)	0	36	36	0	22		\$83,556.00	Type 1 Engine \$595.00 p/hr Rescue truck \$340.00 p/hr Type 1 Water Tender \$369.00 p/hr \$1,304.00 p/hr x 3 hr avg call
Emergency Support Services all EA's	3	19	19	1	2	744	\$40,176.00	\$27.00 p/hr x 24hrs p/day x 2 volunteers
<b>TOTALS</b>	<b>7</b>	<b>166</b>	<b>166</b>	<b>5</b>	<b>62</b>		<b>\$249,296.00</b>	<i>Service value for December 2019</i>

## 6) PERSONNEL

People	Approved	Actual	Variance	Explanation
Full Time	3	3	0	Based on needs of Fire Services, Emergency Management, and Emergency Support Services we carry a department deficit of 5 FTE, as demonstrated by workload sheet.  Standby hours are unaccounted for off-the-clock but still remaining in the area and of clear mind & health to maintain ability to respond.
Staff Hours on Standby p/week (128 p/week, p/person)		625 hrs Reg 625 hrs Tarina 625hrs Cheryl (1,875 total)		

# FVRD EMERGENCY SERVICES REPORT

People	Approved	Actual	Variance	Explanation
Deficit FTE's			5	

## 7) ANTICIPATED PROJECTS FOR NEXT QUARTER

*In no priority order*

Activity/task	Comments
Terms of Reference draft for Emergency Management Executive Committee (EMEC)	
Draft Facility sharing MOU for use with FVRD member municipalities	Dependent upon interest from other municipalities.
Draft MOU for Emergency Program use (public service sites in disaster)	Requires Senior Leadership drafting for legal agreements.
Draft FVRD Emergency Management Vision, Mission, Values	
Emergency Management for Elected Officials training handbook	In development
Community Emergency Preparedness Fund Grants	EOC Grant & ESS Grant
Duty Officer binder for EM	
Table of Contents draft & loose outline for new Emergency Management Plan and sub-plans	
GIS inputs for Emergency Program Map book	
Distribution of ESS supplies from FVRD HQ into sites	

## 8) ADDITIONAL INFORMATION

- » Training and Volunteer hours will be added in the future.
- » ESS volunteer value \$27.00/hr (Conference Board of Canada, Statistics Canada, national non-profit average value 2017)
- » Fire values are based on the Office of the Fire Commissioner approved reimbursement rates (2008)
  - Volunteer firefighters are valued at \$44.00 per hour

February 27, 2020

Chair Jason Lum  
Fraser Valley Regional District  
1 – 45950 Cheam Avenue  
Chilliwack, BC V2P 1N6  
Via email: [lum@chilliwack.com](mailto:lum@chilliwack.com) and [jkinneman@fvrld.ca](mailto:jkinneman@fvrld.ca)

**RE: Referred Resolution 2019-B183 – Rural Homelessness – Crown Land  
Encampments**

Dear Chair Lum:

The above referenced resolution sponsored by your community was included in the 2019 Resolutions Book for consideration at the annual UBCM Convention.

Due to a lack of time at the Convention, delegates did not have an opportunity to consider B183. UBCM Policies provide that all resolutions not considered at Convention are referred automatically to the UBCM Executive for their consideration and action.

At the recent February Executive meeting, the Executive considered all of the resolutions referred to them from the 2019 Convention, including B183. The Executive were provided with the Resolutions Committee comments and recommendations, as outlined within the Resolutions Book, to assist them in their deliberations.

Upon review, the Executive have decided to endorse resolution B183 with an amendment. As such, it will be conveyed to the Province. Please see the enclosure for the amended text.

Should you have any questions, please contact Jamee Justason, Resolutions and Policy Analyst, at 604-270-8226 Ext. 100 or [jjustason@ubcm.ca](mailto:jjustason@ubcm.ca)

Yours truly,



Maja Tait  
UBCM President

Enclosure



Whereas homelessness is a challenge facing both urban and rural communities;

And whereas electoral areas have the least ability to address homelessness, in that they are by their very nature remote from health, social, police and other services and the minimal tax bases cannot support the hard and soft infrastructure required to address homelessness;

And whereas the province's response to homeless encampments on Crown land has been inconsistent or ad-hoc in nature, sometimes relocating encampments without taking into account impacts on rural communities and regional district resources:

Therefore be it resolved that the Province of British Columbia through its newly established Office of Homelessness Coordination within the Ministry of Poverty Reduction and Social Development develop a rural homelessness strategy to address what is clearly **work with local governments to develop policy to address rural homelessness, which is currently** a gap in the Province's response to homelessness.

**Convention Decision:** Referred to UBCM Executive

**Executive Decision:** Endorsed as Amended

### Resolutions Committee Comments

*The Resolutions Committee advises that the UBCM membership has not previously considered a resolution calling on the Province through its Office of Homeless Coordination to develop a rural homelessness strategy.*

*However, the Committee notes that the membership has endorsed resolution 2017-B98 which calls on the federal government to refocus the Homelessness Partnering Strategy – Rural and Remote Homelessness program funding to those programs in communities of less than 25,000 population.*

*The Committee also notes that the membership has consistently endorsed resolutions calling on the provincial and federal governments to develop a national housing strategy and complementary provincial housing strategy as part of a comprehensive plan to address homelessness (2017-B52, 2016-B45, 2015-B14, 2015-B45, 2015-B46, 2015-B108, 2015-B109, 2013-B54, 2009-C28, 2008-A3, 2007-B58, 2007-B109).*

*Resolution 2015-B46 also calls on the Province to develop a BC Plan to End Homelessness, although not one specifically focused on rural areas. The Province, as part of its 2019 Budget, announced funding for a Provincial Homelessness Action Plan, encompassing additional funding for modular housing, additional employment assistance benefits, and homeless counts among other initiatives. This plan also is also intended to encompass the joint implementation of an encampment prevention and response strategy by BC Housing, the Ministry of Municipal Affairs and Housing and the Ministry of Social Development and Poverty Reduction, although details on this strategy are not publicly available.*

March 4, 2020



To: Chair and Board  
Chief and Council  
Mayor and Council

**Re: UBCM Resolutions Process**

In response to member feedback, the UBCM Executive is undertaking a review of the resolutions process. This will include consultation with members at Area Association spring conferences, and a subsequent report to the membership at the 2020 Annual Convention. While the review progresses, the Executive has committed to exercise their existing authority more fully, and apply greater rigour to the screening and vetting of resolutions submitted to UBCM for 2020.

With the understanding that a resolutions process review is already underway, the Resolutions Committee of the UBCM Executive has identified measures that UBCM can implement in the immediate term to streamline the process and address the number and repetitiveness of resolutions. In 2020, the Committee will seek to:

- Identify more directly the resolutions that address issues of priority to the membership, and ensure that debate of these priority issues takes place early on.
- Be more firm in sending resolutions back to the sponsor if resolutions do not meet UBCM criteria for format, clear writing, factual information, or relevance to local government administration or operations.
- Standardize language to be gender neutral and, where applicable, refer to local governments or First Nations rather than municipalities or regional districts. The goal is to avoid using debate time to make such amendments.
- Combine similar resolutions, without losing or changing their intent.
- Offer further education and support to members on writing clear, effective resolutions.
- Work more closely with Area Associations to improve the quality of resolutions debated at their spring conventions.

These streamlining measures could affect resolutions that your community submits to Area Associations or to UBCM this year.

Please feel free to contact Reiko Tagami, Policy Analyst ([rtagami@ubcm.ca](mailto:rtagami@ubcm.ca) or 604 270 8226 ext. 115), with questions about resolutions streamlining, or the resolutions process review.

Sincerely,



Maja Tait  
UBCM President



Claire Moglove  
Chair, Resolutions Committee



Forest Enhancement  
Society of British Columbia

RECEIVED

MAR 05 2020

FRASER VALLEY REGIONAL DISTRICT  
DEPARTMENT Admin.

March 2, 2020

**Re: Forest Enhancement Society of BC Accomplishments Update**

Dear Regional District Directors of Fraser Valley (Regional District),

British Columbians are concerned about climate change along with other environmental, social, and economic concerns. We want to know what our governments are doing to protect communities from wildfire risk, improve wildlife habitat, reduce greenhouse gases, expand the bio-economy, and enhance B.C.'s forests. The enclosed Forest Enhancement Society of BC (FESBC) Accomplishments Update provides a snapshot of the huge amount of work underway in a vast number of communities across British Columbia to address some of these concerns. We hope that you will find this update informative and will share this with your constituents, who we hope are pleased to see real-life projects happening around the province and often close to where they live.

Our forests are a heritage that defines our province. Managed properly, our forests provide important social, economic, and environmental benefits to all British Columbians, in both rural and urban areas. Investing in our forests can enhance the benefits they provide and help to protect them for future generations. As an example, FESBC recently announced \$30 million in grants for 42 new forest fibre utilization projects where First Nations, community forests, and B.C. companies will be using debris piles of wood fibre that would otherwise be slash burned. These piles will instead be chipped and converted to electricity, heat energy, and a variety of pulp products, adding value to this fibre and helping to achieve B.C.'s and Canada's climate change targets.

We can achieve social, environmental, and economic aspirations of British Columbians by investing in forests to reduce our carbon footprint, reduce wildfire risks, enhance habitat, and create jobs. This is a win-win-win on all fronts.

FESBC will be sending you a more comprehensive Accomplishments Report later this year. If you are interested in further information, please visit our website [www.fesbc.ca](http://www.fesbc.ca) or connect with our Executive Director Steve Kozuki at [skozuki@fesbc.ca](mailto:skozuki@fesbc.ca) or 1.778.765.0938.

Wayne Clogg, RPF  
Board Chair, Forest Enhancement Society of BC

025- RD





## Message from FESBC

We are privileged to work in partnership with the B.C. government and the Government of Canada to fund important projects throughout B.C. In a challenging time for the forestry sector, there are companies, community forests, First Nations organizations, and others working to innovate their processes to greater utilize available forest fibre. Our Society recently funded 42 projects valued at over \$30 million to projects that are making a difference right now. As a result, many cubic metres of woody debris/forest fibre will not be burned in slash piles this winter season but used to fuel a greener economy. This is expected to exceed 1.6 million cubic metres by March 2020. Funding has been committed to continue some of these projects to 2022 to help forest workers and communities who are most in need.

—Wayne Clogg, FESBC Board Chair

## \$30 Million 42 Projects

In our most recent intake, FESBC allocated over \$30 million in grants for 42 projects throughout B.C. that will help increase utilization of wood fibre that otherwise would have been openly burned in slash piles. Instead, this wood fibre will now be turned into electricity, heat energy, and a variety of pulp products to help achieve B.C.'s and Canada's climate change targets.

Here are a few project highlights:

Nearest Community	Project Partner	Utilized Forest Fibre Estimates (cubic metres = m³)	FESBC Funding
Burns Lake	Pinnacle Renewable Energy Inc.	87,000 m³	\$929,314
Fort St. James	Sasuchan Development Corporation	59,000 m³	\$435,235
Mackenzie	Mackenzie Pulp Mill Corporation	143,000 m³	\$1,000,000
Port McNeill	Strategic Natural Resource Consultants Inc.	19,000 m³	\$278,938
Terrace	Terrace Community Forest	30,000 m³	\$443,400
Nakusp	Nakusp and Area Community Forest	1,600 m³	\$19,909
Barkerville	Barkerville Historic Town & Park	9,000 m³	\$160,000

## Learn More

If you'd like to learn more about the Forest Enhancement Society of BC and how the forest industry is helping to fight climate change, reduce wildfire risk, and keep workers employed through our funded projects, connect with us!

Steve Kozuki, FESBC Executive Director  
skozuki@fesbc.ca or 1.877.225.2010

[www.fesbc.ca](http://www.fesbc.ca) | Follow us on:  



**"Assisting the Province to reduce greenhouse gases, add value to forest fibre, and maintain jobs for workers and communities are some of our key objectives."**

—Wayne Clogg, Board Chair of the Forest Enhancement Society of BC (FESBC)



## 250 REASONS WHY B.C.'S FORESTS ARE BETTER TODAY

Work done to enhance and protect B.C.'s forests is critical. **Environmentally** for wildlife, greenhouse gas reduction, and responsible land stewardship for future generations; **economically** for workers and communities to thrive; and **socially** for people to enjoy and explore this important asset. The Forest Enhancement Society of BC (FESBC) was established to advance environmental and resource stewardship of the province's forests. Since 2016, the Society has worked with Community Forests, First Nations, Regional Districts, municipalities, Provincial Government agencies, and the forest industry to enhance and protect B.C.'s forests. There are 250 FESBC projects across the province and we invite you to learn more about what's happening, not only in your province, but in your own backyard, too.



Forest Enhancement  
Society of British Columbia

Read more about FESBC funded projects across the province inside.





## About FESBC

The B.C. government has invested \$235 million in FESBC with \$233 million allocated as of January 2020 for 250 projects related to greenhouse gas reduction, wildfire risk reduction, reforestation, forest rehabilitation, wildlife habitat restoration, and for raising awareness of the FireSmart program. FESBC's work improves forests while at the same time supports forestry workers, communities, and First Nations throughout the province. The economic benefits generated by FESBC programs greatly exceed the costs of running them and the projects funded so far will create over **\$357 million in economic activity** and over **2,100 full-time-equivalent jobs** in B.C. See five highlighted projects here and learn more about all 250 projects at [www.fesbc.ca](http://www.fesbc.ca).

## FESBC by the numbers

**7.1 MILLION  
TONNES**  
(estimated)

Reducing B.C.'s  
Carbon Footprint

**Planting trees to absorb carbon:** 4.5 million tonnes of CO<sub>2</sub>e (carbon dioxide equivalency) cumulatively by 2050. Average cost is \$20/tonne.

**Fertilizing trees to absorb carbon faster:** 800,000 tonnes of CO<sub>2</sub>e. Average cost is \$11/tonne.

**Utilization of wood fibre to avoid carbon emissions:** 1.8 million tonnes CO<sub>2</sub>e. Average cost is \$30/tonne.

**Did you Know?** 7.1 million tonnes of CO<sub>2</sub>e is roughly comparable to taking 1.5 million cars off the road for a year.

**2100<sup>+</sup> FTES**  
Economic Benefits

Projects funded so far will have created over \$357 million in economic activity and over 2,100 full-time-equivalent jobs in British Columbia.

**31%**  
First Nations Involvement

Approximately 31% of FESBC funded projects to date have been led by First Nations proponents or have had significant First Nations participation. That's 67 projects valued at \$72 million.

**\$233 MILLION  
DOLLARS**  
Approved Funding  
for Projects

Of the \$235 million provided by the B.C. government, FESBC has approved \$233 million to fund projects throughout the province.

### LOCATION: HAIDA GWAIL

**PURPOSE:** Forest Rehabilitation & Wildlife Habitat Enhancement

**THE CHALLENGE:** the Yakoun River drainage required rehabilitation work to restore habitat for salmon, black bear, and raptors.

**FESBC FUNDING:** \$1,364,972

**THE OUTCOME:** spacing of trees was performed by Haida forest workers to improve the area for wildlife, especially Northern Goshawks and Black Bears. The work also promoted the growth of economically and culturally important cedar trees.

### LOCATION: ANAHIM LAKE

**PURPOSE:** Enhanced Forest Fibre Recovery/Utilization

**THE CHALLENGE:** Ulkatcho First Nation-owned WCFP was required to slash burn large piles of wood waste because they were unable to use the low quality uneconomic wood.

**FESBC FUNDING:** \$1,847,370

**THE OUTCOME:** funding enabled thousands of cubic metres of pulp wood to be transported to the Harmac Pacific Pulp mill in Nanaimo to be made into pulp instead of left in piles along forestry roads and burned.

### LOCATION: DUNCAN

**PURPOSE:** Forest Rehabilitation & Wildlife Habitat Enhancement

**THE CHALLENGE:** an area near Skutz Falls Valley required forest restoration as an overpopulation of alder trees lowered cultural values and ecosystem functionality.

**FESBC FUNDING:** \$300,983

**THE OUTCOME:** alder trees were removed by hand and replaced with higher value cedar and spruce species. The project is expected to provide carbon benefits as well as to enhance wildlife habitat.

### LOCATION: BARKERVILLE

**PURPOSE:** Wildfire Risk Mitigation

**THE CHALLENGE:** in 2017, a wildfire travelling 4.5 kms per day came within 12 kms of this irreplaceable historic Canadian asset. A fuel mitigation strategy had to be developed and treatments implemented.

**FESBC FUNDING:** \$403,000

**THE OUTCOME:** thinning and tree removal of 52 hectares was completed and a fire access road built. Residual piles of forest fibre were then chipped and trucked to Cariboo Pulp and Paper for hog fuel to make green energy.

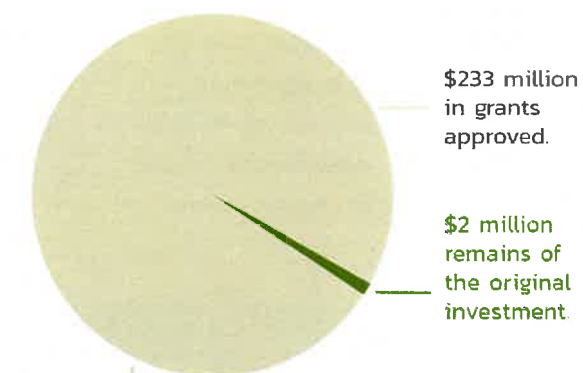
### LOCATION: AGUR LAKE NEAR SUMMERLAND

**PURPOSE:** Wildfire Risk Reduction

**THE CHALLENGE:** Agur Lake Camp, B.C.'s only fully accessible campground for people with disabilities and their families and caregivers, was in an area of high to extreme fire threat.

**FESBC FUNDING:** \$59,409

**THE OUTCOME:** removal of 85% of hazardous fuels from over six hectares to protect campers and critical infrastructure.





Following are some highlights of Fraser Basin Council's current work in the Fraser Valley.

#### Fraser Valley Illegal Dumping Alliance (FVIDA)

- On March 28, the 2020 Fraser River Clean Up and Celebration could be the largest of its kind in the province. Last year the event drew more than 700 volunteers, who collected 6.5 tonnes from the area. Organizers predict the volunteer numbers could go up to 1,000 people. Since 2007, the total waste collected at Gill Road alone is an estimated 130 tonnes in 12 years. See [bit.ly/33cnCaP](http://bit.ly/33cnCaP)
- The Chilliwack Vedder River Clean Up Society host their event on April 4 from the Thompson Regional Park. Despite heavy rain last year, CVRCS also drew good turnout of 244 volunteers and collected 4.5 tonnes of waste.
- Both groups and several FVIDA members collect waste from 'hot spots' around the community through the year, and alert authorities to camps and illegal activities. However, FVIDA's main focus is to educate the public about the need to protect green spaces and waterways from environmental damage. FBC continues to provide support to FVIDA as it reaches out to other communities in the FVRD to build its network and identify new dumping sites.

#### Cultus Lake workshop

With funding from the Canada Nature – Aquatic Species at Risk fund, and contracted by the Fraser Valley Watershed Coalition, FBC is busy organizing a one-day workshop for March 25, 2020 on eutrophication in Cultus Lake, with several regional experts in aquatic ecosystems, and soil and air quality management.

#### Lower Mainland Flood Management Strategy – LMFMS highlights

- **Lower Mainland Flood Risk Assessment** – Team continues to collect crucial data for draft surveys of local government and non-residential properties for flood risk data. The March 5 workshop detailed progress, draft results and explored different weighting models of risk factors within the Risk Profile tool.
- **First Nations outreach** – LMFRA team held workshops with First Nations on Feb. 7 and 12 to explore First Nations flood risks and opportunities to share and integrate data in the Flood Risk Assessment project.
- **Hydraulic modeling and mapping** – Staff provide modeling and mapping results to partners on request. Partners are also exploring the models for their specific needs. Data-sharing and model-use agreements are being drafted to facilitate and track this process.
- **Videos and website** – Video interviews are underway with flood and relevant subject matter experts for this important outreach and education tool, which on track for March 2020 completion.
- **Adaptation Canada 2020 Conference** – FBC staff presented a workshop session on the Lower Mainland and province-wide flood strategies work to date.
- **Outreach and engagement** – FBC staff are preparing a series of meetings and online events on the draft LMFMS for partners in the spring and summer, and for stakeholders and the public in the fall.
- **Ecosystems inventory** – A consultant has been hired and has begun work to classify and map ecosystem areas in the Fraser Valley floodplain. Fraser River sturgeon and eulachon data can be found in the Flood and Environment Atlas, [www.cmnbc.ca/atlasgallery/lower-mainland-flood-and-environment-atlas](http://www.cmnbc.ca/atlasgallery/lower-mainland-flood-and-environment-atlas)

#### Adaptation Canada 2020 Conference

Recruited by Natural Resource Canada to organize the Vancouver conference, the FBC team and 60 volunteers created an exemplary experience from Feb. 19-21 for 726 delegates, from every corner of Canada and beyond, who work in climate change mitigation and adaptation. FBC Chair Colin Hansen and Xaxli'p Chief Colleen Jacob opened the event; Pers Stoknes and Sheila Wall-Cloutier were keynote speakers. FBC staff infused the three days with unique new components: all vegetarian meals; two new topic areas of health and youth; an Aboriginal gathering place for Indigenous participants and those wanting to learn about First Nation cultures; five youth observers who reflected on the delegates' work during and at the end of the event. The range of topics and speaker bios can be found at [www.adaptationcanada2020.ca](http://www.adaptationcanada2020.ca)

For more details, please contact:

Christina Toth at 604-864-9295, [ctoth@fraserbasin.bc.ca](mailto:ctoth@fraserbasin.bc.ca) | Bob Purdy at 604-488-5355, [bpurdy@fraserbasin.bc.ca](mailto:bpurdy@fraserbasin.bc.ca)