

FRASER VALLEY REGIONAL DISTRICT



ELECTORAL AREA SERVICES COMMITTEE

MERGED OPEN MEETING AGENDA AND ADDENDUM

Tuesday, April 10, 2018

1:30 pm

FVRD Boardroom, 45950 Cheam Avenue, Chilliwack, BC

Pages

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

MOTION FOR CONSIDERATION

THAT the Agenda, Addenda and Late Items for the Electoral Area Services Committee Open Meeting of April 10, 2018 be approved;

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

3. SHOW CAUSE HEARING(S)

- 3.1 Building Bylaw and BC Building Code Contraventions at 46594 Chilliwack Lake Road, EA E, FVRD, BC (legally described as District Lot 496, New Westminster District, Plan NWP22273 Parcel 1, Group 2; and PID 000-547-948

9 - 39

- Corporate report dated April 10, 2018 from Louise Hinton, Bylaw Compliance and Enforcement Officer
- Show Cause Hearing Notice dated March 14, 2018
- Letter dated February 16, 2018 to Property Owners
- Title Search
- Property Report
- Property Information Map

MOTION FOR CONSIDERATION

THAT the Fraser Valley Regional District Board direct staff to file a Notice in the Land Title Office in accordance with Section 57 of the *Community Charter* due to the contraventions of the Fraser Valley Regional District Building Bylaw No. 1188, 2013, at 46594 Chilliwack Lake Road Electoral Area E, Fraser Valley

Regional District, British Columbia (legally described as District Lot 496, New Westminster District, Plan NWP22273 Parcel 1, Group 2.; and Parcel Identifier 000-547-948)

3.2 Building Bylaw and BC Building Code Contraventions at 41330 North Nicomen Road, EA G, FVRD, BC (legally described as Lot 1 Section 6 Township 24 New Westminster District Plan 6914; and PID 011-252-723) 40 - 58

- Corporate report dated April 10, 2018 from Louise Hinton, Bylaw Compliance and Enforcement Officer
- Show Cause Hearing Notice dated March 8, 2018
- Letter dated January 22, 2018 to Property Owner
- Property Information Report
- Property Information Map

MOTION FOR CONSIDERATION

THAT the Fraser Valley Regional District Board direct staff to file a Notice in the Land Title Office in accordance with Section 57 of the *Community Charter* due to the contraventions of the *Fraser Valley Regional District Building Bylaw No. 1188, 2013*, at 41330 North Nicomen Road Electoral Area G, Fraser Valley Regional District, British Columbia (legally described as Lot 1 Section 6 Township 24 New Westminster District Plan 6914; and Parcel Identifier 011-252-723)

3.3 Building Bylaw and BC Building Code Contraventions at 36162 Ridgeview Road, EA F, FVRD, BC (legally described as Lot 7 Section 4 Township 4 Range 2 West of the Seventh Meridian New Westminster District Plan 45682 PID 005-171-474) 59 - 93

- Corporate report dated April 10, 2018 from Louise Hinton, Bylaw Compliance and Enforcement Officer
- Show Cause Hearing Notice dated March 8, 2018
- Letter dated February 16, 2018 to Property Owners
- Title Search
- Property Report
- Property Information Map

MOTION FOR CONSIDERATION

THAT the Fraser Valley Regional District Board direct staff to file a Notice in the Land Title Office in accordance with Section 57 of the *Community Charter* due to the contraventions of the *Fraser Valley Regional District Building Bylaw No. 1188, 2013*, at 36162 Ridgeview Road Electoral Area F, Fraser Valley Regional District, British Columbia (legally described as Lot 7 Section 4 Township 4 Range 2 West of the Seventh Meridian New Westminster District Plan 45682;

and Parcel Identifier 005-171-474).

4. MINUTES/MATTERS ARISING

4.1 Minutes of the Electoral Area Services Committee Meeting - March 13, 2018 94 - 105

MOTION FOR CONSIDERATION

THAT the Minutes of the Electoral Area Services Committee Open Meeting of March 13, 2018 be adopted.

5. CORPORATE ADMINISTRATION

5.1 Draft Bylaw Offence Notice Enforcement Amendment Bylaw No. 1480, 2018 106 - 115

- Corporate report dated April 10, 2018 from Stacey Barker, Deputy Director of Regional Programs and Pam Loat, Administrative and Information Services Coordinator
- Draft Bylaw No. 1480, 2018

MOTION FOR CONSIDERATION

THAT the Fraser Valley Regional District consider giving three readings and adoption to the bylaw cited as *Fraser Valley Regional District Bylaw Offence Notice Enforcement Amendment Bylaw No. 1480, 2018*.

6. FINANCE

6.1 Grant-In-Aid Request – Boston Bar North Bend Bowling Association, Electoral Area “A” 116 - 118

- Corporate report dated April 10, 2018 from Kristy Hodson, Manager of Financial Operations
- GIA Application - Boston Bar North Bend Bowling Association

MOTION FOR CONSIDERATION

THAT the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$1,000 to the Boston Bar North Bend Bowling Association, funded from the Electoral Area “A” grant-in-aid-budget, to help purchase trophies and awards for annual events at Canyon Lanes as well as sponsoring tournaments.

6.2 Grant-In-Aid Request – Sunshine Valley Ratepayers Association, Electoral Area “B” 119 - 121

- Corporate report dated April 10, 2018 from Kristy Hodson, Manager of Financial Operations
- GIA Application - Sunshine Valley Ratepayers Association

MOTION FOR CONSIDERATION

THAT the Fraser Valley Regional District Board authorize a grant-in-aid in the

amount of \$9,200 to the Sunshine Valley Ratepayers Association, funded from the Electoral Area “B” grant-in-aid budget, to help offset the costs of equipment rental for river cleanup, equipment for community workshops and special events, hosting a Canada Day celebration, website upgrades, and improvements to the community garden.

6.3 Grant-In-Aid Request – Hope & District Arts Council, Electoral Area “B” 122 - 125

- Corporate report dated April 10, 2018 from Kristy Hodson, Manager of Financial Operations
- GIA Application - Hope & District Arts Council
- Hope & District Arts Council Report

MOTION FOR CONSIDERATION

THAT the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$3,000 to the Hope & District Arts Council (HDAC), funded from the Electoral Area “B” grant-in-aid budget, to provide funds for supporting arts and cultural programming attended by residents of Hope, Yale, Sunshine Valley, Laidlaw and surrounding areas.

7. ENGINEERING & UTILITIES

7.1 Community Sanitary Sewer Servicing in Popkum, Electoral Area "D" 126 - 129

- Corporate report dated April 10, 2018 from Sterling Chan, Manager of Engineering and Infrastructure and David Bennett, Planner II

MOTION FOR CONSIDERATION

THAT in accordance with the FVRD Development Procedures Bylaw No. 1377, 2016 the Fraser Valley Regional District Board defer consideration of new bylaw amendments within the West Popkum neighbourhood of Electoral Area “D” until a policy guiding sanitary sewer servicing in Popkum is adopted.

8. PLANNING, BUILDING INSPECTION AND BYLAW ENFORCEMENT

8.1 Application for Development Variance Permit 2018-14 to vary the setback requirement from a highway and height requirement for a proposed duplex at 20917 Snowflake Crescent, Electoral Area "C" 130 - 161

- Corporate report dated April 10, 2018 from Melissa Geddert, Planning Technician
- Draft DVP 2017-14
- Draft DVP 2018-14
- DVP Application

MOTION FOR CONSIDERATION

THAT the Fraser Valley Regional District Board issue Development Variance

Permit 2018-14 to vary the highway setback requirement from 6 metres to 2.1metres on the north side of the lot and 6 metres to 3.74 metres on the west side of the lot; and to vary the maximum height from 12 metres to 14 metres to permit the construction of a duplex, subject to consideration of any comments raised by the public.

AND THAT Development Variance Permit 2018-14 replace and supersede Development Variance Permit 2017-14 and that Development Variance Permit 2017-14 be cancelled.

8.2 Application for Development Variance Permit 2018-17 to vary the setback requirement from a highway and height requirement for a proposed single family dwelling at 20934 Snowflake Crescent, Hemlock Valley. 162 - 176

- Corporate report dated April 10, 2018 from Andrea Antifaeff, Planning Technician
- Draft DVP 2018-17
- DVP Application

MOTION FOR CONSIDERATION

Option 1 Issue DVP

THAT the Fraser Valley Regional District Board issue Development Variance Permit 2018-17 subject to comments or concerns raised by the public.

Option 2 Refuse DVP

THAT the Fraser Valley Regional District Board refuse Development Variance Permit 2018-17.

Option 3 Refer to Staff

THAT the Fraser Valley Regional District Board refer the application for Development Variance Permit 2018-17 to FVRD Staff.

8.3 Good Neighbour Practices - Update 177 - 182

- Corporate report dated April 10, 2018 from Dawn Smith, Planner II
- Good Neighbour Policy - Sign
- Good Neighbour Practices Handhout

MOTION FOR CONSIDERATION

THAT the Fraser Valley Regional District Board endorse the updated '*Good Neighbour Practices – Managing Construction and Development Impacts in Residential Neighbourhood*' document as policy for the FVRD Electoral Areas

8.4 Special Event – Run for Water Trail Race Event on Sumas Mountain, Electoral 183 - 224

Area “G”

- Corporate report dated April 10, 2018 from Adriana Snashall, Bylaw Compliance and Enforcement Officer and Meghan Jackson, Parks Technician
- Special Event Licence Application
- Receipt
- *Run for Water Society* Certificate of Incorporation
- Certificate of Insurance
- Fraser Health Permit
- Abbotsford Police Department Special Event Assessment
- RCMP Approval
- Emergency Services Requirements
- Emergency Response Quick Reference
- Start/Finish Area Map
- Aid Station 1 Map
- Aid Station 2 Map
- City of Abbotsford Permission
- FVRD Park Permit
- Preliminary FLNRO Approval

MOTION FOR CONSIDERATION

THAT the Fraser Valley Regional District Board approve the Class 1 Special Event Licence No. 2018-01 for the Run for Water Trail Race Event on Sumas Mountain (Electoral Area G) to be held on May 26, 2018, 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. 2018-01.

8.5 Policy regarding Large Homes on Agricultural Land

FOR INFORMATION ONLY

- Verbal update by Staff

8.6 Federal and Provincial Regulation of Medical and Recreational Marijuana

225 - 245

FOR INFORMATION ONLY

- Corporate report dated April 10, 2018 from Margaret-Ann Thornton, Director of Planning & Development
- B.C. Cannabis Private Retail Licensing Guide - Applications and Operations

9. ELECTORAL AREA EMERGENCY SERVICES

9.1 Electoral Area Emergency Services Quarterly Report - March 2018 246 - 248

FOR INFORMATION ONLY

- Corporate report dated April 10, 2018 from Reg Dyck, Manager of Electoral Area Emergency Services

10. ADDENDA ITEMS/LATE ITEMS

10.1 Application for Development Variance Permit 2018-15 to reduce road frontage requirements to facilitate a 3 lot subdivision of 52505 Yale Road, Electoral Area "D" 249 - 262

- Corporate report dated April 10, 2018 from Graham Daneluz, Deputy Director of Planning & Development
- Draft DVP 2018-15
- DVP Application

MOTION FOR CONSIDERATION

THAT the Fraser Valley Regional District Board issue Development Variance Permit 2018-15 to reduce the frontage requirement for Proposed Lots 'B' and 'C' at 52505 Yale Road from 10% of the lot perimeter to 9% and 2%, subject to consideration of any comments or concerns raised by the public.

10.2 Reasons for Decision in the Matter of Notice of Work "1610123 - Golden" (the Application) on Sumas Mountain, BC dated March 1, 2017 263 - 282

FOR INFORMATION ONLY

- Reasons for Decision - Sr. Inspector of Mines - Permitting, SW Region, March 23, 2018

11. REPORTS BY STAFF

12. REPORTS BY ELECTORAL AREA DIRECTORS

13. PUBLIC QUESTION PERIOD FOR ITEMS RELEVANT TO AGENDA

14. ADJOURNMENT

MOTION FOR CONSIDERATION

THAT the Electoral Area Services Committee Open Meeting of April 10, 2018 be adjourned.

To: Electoral Area Services Committee

Date: 2018-04-10

From: Louise Hinton, Bylaw Compliance and Enforcement Officer File No: E01248.100

Subject: Building Bylaw, and BC Building Code Contraventions at 46594 Chilliwack Lake Road Electoral Area E, Fraser Valley Regional District, British Columbia (legally described as District Lot 496, New Westminster District, Plan NWP22273 Parcel 1, Group 2; and Pa

RECOMMENDATION

THAT the Fraser Valley Regional District Board direct staff to file a Notice in the Land Title Office in accordance with Section 57 of the *Community Charter* due to the contraventions of the Fraser Valley Regional District Building Bylaw No. 1188, 2013, at 46594 Chilliwack Lake Road Electoral Area E, Fraser Valley Regional District, British Columbia (legally described as District Lot 496, New Westminster District, Plan NWP22273 Parcel 1, Group 2; and Parcel Identifier 000-547-948)

STRATEGIC AREA(S) OF FOCUS

Support Environmental Stewardship
Support Healthy & Sustainable Community
Provide Responsive & Effective Public Services

PRIORITIES

Priority #3 Flood Protection & Management

BACKGROUND

November 15, 2012 – Fraser Valley Regional District Bylaw Staff received a complaint by telephone with regards to construction at this property. The complainant states that the property owner is adding onto a detached garage (approx. 16' x 30') and has included a poured concrete slab, a new roof, and completed siding. The complainant states that the single family dwelling maybe a Marijuana Grow Operation because of a strong odour. The complainant is very concerned about their personal safety and wishes to remain anonymous.

November 15, 2012 – Fraser Valley Regional District Bylaw Staff left a voicemail message with Federal Government of Canada's Medical Marijuana Access Division asking if there is a legal Medical license issued for the subject property, and if licences are issued for this address.

November 16, 2012 - Fraser Valley Regional District Bylaw Staff opened a Bylaw Enforcement file regarding the alleged construction without a Building Permit for the (16' x 30') addition to the detached garage.

November 21, 2012 - Health Canada Staff left a voicemail for Regional District Bylaw Staff that they were returning Regional District's call and that Staff need to place another request for information as Health Canada does not leave information on phone or email. Regional District

Bylaw Staff phoned and left another request on this date.

November 23, 2012 – Health Canada Staff left a voicemail for Regional District Bylaw Staff that they were returning Regional District's call and that Staff should place another request for information as Health Canada does not leave information on phone or email. Regional District Bylaw Staff phoned and left another request on this date.

November 28, 2012 - Fraser Valley Regional District Bylaw Staff contacted the Royal Canadian Mounted Police (RCMP) by email to attempt to find out if there was a legal Health Canada Medical Marijuana Growing licence at the subject property.

November 29, 2012 - Fraser Valley Regional District Bylaw Staff received another phone call from the same complainant asking if staff had been to the property yet. It was explained that the Regional District hasn't attended the subject property because of the health and safety concerns expressed with the unverified Marijuana Grow Operation that maybe on this property. The complainant stated that the property owners are continuing construction of the garage in the backyard and gate is usually left open during the day. The complainant also expressed concerned that they are going to use the garage as a residence as it looks like they are doing plumbing work in it.

November 30, 2012 - Fraser Valley Regional District Bylaw Staff contacted the RCMP by email to see if they were are aware of a legal Health Canada Medical Marijuana Growing Licence at the subject property. The RCMP responded that there is no Health Canada Medical Growing License associated with this property.

December 3, 2012 - Regional District Building Inspection and Bylaw Staff attended the property at 46594 Chilliwack Lake Road for a site inspection. Bylaw and Building Staff accessed the property and noted that there had been construction to the accessory detached garage, so they took inspection photographs and posted Stop Work and No Occupancy Notices. Bylaw Enforcement staff left their business card for the Property owners to respond.

Site Inspection Photographs dated **December 3, 2012** that illustrate construction without a permit:



December 4, 2012 - Regional District Bylaw Staff contacted RCMP Staff and advised them of the

health and safety concerns that were noticed during the recent site inspection of the subject property; and requested police assistance for any future inspections.

December 4, 2012 - Regional District Bylaw Staff received a phone call from the Property Owner Mr. Steve Claydon. Mr. Claydon stated that he was only repairing the detached garage. FVRD Bylaw Staff responded by explaining that a Building Permit was required for the construction work. Mr. Claydon agreed to apply for a Building Permit and Mr. Claydon provided contact information, so that documents could be emailed to him. Regional District Bylaw Staff explained to Mr. Claydon the details of the Building Permit process.

December 4, 2012 - Regional District Bylaw Staff sent a letter to the property owner by email and regular mail along with all relevant Building Permit information, including an old site plan of their property and a Building Permit application form; giving them a deadline of January 5, 2013 to make application for the construction on the detached garage.

January 3, 2013 - Regional District Bylaw Staff received a phone call from the complainant who advised Staff of the following developments on the subject property:

- Equipment is being placed inside the renovated detached garage.
- The owners have re-roofed the front porch (of the accessory building) since the Regional District attended and posted the Stop Work and No Occupancy Notices.
- The notices posted by the Regional District had been removed.
- The air conditioner or heat pump equipment goes on and off all day and night although no one is home.
- They believe that the accessory building is or will soon be a Marijuana Grow Operation, not a residence.

January 7, 2013 – Regional District Bylaw Staff sent a second letter to the property owners Mr. Steven Claydon and Mrs. Allison Claydon by email and regular mail giving them a new deadline of January 22, 2013 to make application. Bylaw Staff also made contact with British Columbia Safety Authority advising them of the unauthorized construction. The Electrical Safety Officer advised FVRD staff that there are no electrical or gas permits for the subject property.

January 9, 2013 - Regional District Bylaw Staff spoke the RCMP regarding the recent developments in the file. RCMP provided Regional District Bylaw Enforcement Staff with RCMP file number 2013-728 for the subject property.

January 10, 2013 - Regional District Bylaw Staff received notification from RCMP by email that a Health Canada Medicinal Marijuana Growing Licence was issued December 24, 2013; therefore, the RCMP will be closing their file.

January 15, 2013 – Property owners, Mr. Steven Claydon and Mrs. Allison Claydon came into the Regional District Building Office and applied for a Building Permit (BP012902) for the lean-to on the existing detached garage.

February 14, 2013 - Regional District Bylaw Staff received a phone call from a complainant alleging that the following new construction was taking place on the subject property:

- The cabin at the rear of the property is being worked on.
- The owners have placed two new power poles next to the detached garage.
- The owners will be replacing the existing decking around the single family dwelling.

Regional District Bylaw Staff noted that a follow-up site inspection was scheduled with the property owners and then was subsequently cancelled by Mr. Claydon who stated that he would call for an inspection the following week. To date there has been no follow-up site inspection completed.

Regional District Bylaw Staff attempted to contact the property owners Mr. Steven Claydon and Mrs. Allison Claydon by telephone, there was no answer so FVRD Bylaw Staff left a detailed voice mail for the property owners to call the Regional District back. FVRD Bylaw Staff sent notification to the property owners Mr. Steven Claydon and Mrs. Allison Claydon by email advising them of the requirement of a site inspection.

March 8, 2013 - Regional District Bylaw Staff received pictures of the subject property at 46594 Chilliwack Lake Road from a complainant.

March 14, 2013 -- Regional District Building Inspection Staff attended the subject property at 46594 Chilliwack Lake Road for a follow-up site inspection. FVRD Staff accessed the property and noted that there has been continued construction on the accessory detached shop, a new power pole had been placed and there had been new construction on the cabin at the rear of the property. Site inspection photos were taken.

Site Inspection Photographs taken **March 14, 2013** that illustrate construction without a permit, disobey Stop Work and No Occupancy Notices, and tampering (removal) of a posted notice:

Detached Garage and Cabin at Rear of the property:



Single Family Dwelling:



April 30, 2013 – A letter is sent by regular mail to the property owners Mr. Steven Claydon and Mrs. Allison Claydon listing the required outstanding items to complete their Building Permit (BP012902) for the lean-to on the existing detached garage.

July 29, 2013 – A complainant came into the front counter of the Regional District Office and explained to FVRD Bylaw Staff that a Marijuana Grow Operation was now operating in the existing renovated detached garage.

August 16, 2013 – Property Owners Mr. Steven Claydon and Mrs. Allison Claydon came into the Regional District Building Office and applied for two additional and separate Building Permits; (BP013005) for renovations to the single family dwelling and (BP013006) for the renovations to the cabin at the rear of the property.

September 5, 2013 – Two separate letters are sent by regular mail to the property owners Mr. Steven Claydon and Mrs. Allison Claydon listing the required outstanding items to complete their two Building Permits (BP013005) for the renovations to their single family dwelling and (BP013006) for the renovation of the cabin at the rear of their property.

February 14, 2014 – A second set of separate letters are sent by regular mail to the property owners Mr. Steven Claydon and Mrs. Allison Claydon listing the required outstanding items to complete their two Building Permits (BP013005) for the renovations to their single family dwelling and (BP013006) for the renovation of the cabin at the rear of their property.

March 3, 2014 - A third letter is sent by regular mail to the property owners Mr. Steven Claydon and Mrs. Allison Claydon listing the required outstanding items to complete their first Building Permit (BP012902) for the lean-to on the existing detached garage.

June 6, 2014 - A fourth set of three separate letters are sent by regular mail to the property owners Mr. Steven Claydon and Mrs. Allison Claydon listing the required outstanding items to complete all three of their outstanding Building Permit applications 1. (BP012902) for the lean-to on the existing detached garage; 2. (BP013005) for the renovations to their single family dwelling; and 3. (BP013006) for the renovation of the cabin at the rear of their property.

July 8, 2014 – A fifth and final set of three separate letters are sent by regular mail to the property owners Mr. Steven Claydon and Mrs. Allison Claydon listing the required outstanding items to complete all three of their outstanding Building Permit applications 1. (BP012902) for the Lean-to on the existing detached garage; 2. (BP013005) for the renovations to their single family dwelling; and 3. (BP013006) for the renovation of the cabin in the rear of their property.

August 20, 2014 – A sixth set of three separate letters was sent by regular mail to the property owners Mr. Steven Claydon and Mrs. Allison Claydon to notify them that all three of their Building Permit Applications (BP012902), (BP013005), (BP013006) have now been closed due to inactivity. The letters each also advise the property owners that their files have now been referred back to the Bylaw Enforcement Department for follow-up.

October 24, 2014 – Regional District Bylaw Staff sent a letter requesting access to the property for a site inspection to the property owner Mr. Steven Claydon and Mrs. Allison Claydon by regular mail with a deadline for a response of November 24, 2014.

November 27, 2014 – Regional District Bylaw Staff sent a second letter requesting access to the subject property for a site inspection to the property owner Mr. Steven Claydon and Mrs. Allison Claydon by regular mail with a deadline for a response of December 11, 2014.

September 16, 2015 – Regional District Bylaw Enforcement Staff have made multiple attempts to contact property owners Mr. Steven Claydon and Mrs. Allison Claydon by telephone and by email without any response.

January 20, 2016 – Regional District Bylaw Staff obtained a new title search that confirms that the property ownership has not changed and the subject property ownership continues to remain as Mr. Steven Claydon and Mrs. Allison Claydon, as joint tenants.

February 4, 2016 - Regional District Bylaw Enforcement Staff attempted to contact both property owners Mr. Steven Claydon and Mrs. Allison Claydon by telephone and by email. The current phone numbers, and email used to contact the property owners were discovered to be no longer in service.

May 10, 2016 - Regional District Bylaw Staff sent a letter to the property owners Mr. Steven Claydon and Mrs. Allison Claydon by regular mail with three Bylaw Offence Notice Tickets (No. 22894, 22895, 22897) attached each for building without a permit. This letter gives the property owners a deadline of June 10, 2016 to make re-application for their outstanding Building Permits.

February 16, 2018 - Regional District Bylaw Staff sent a letter to both the property owners by

email and regular mail advising them of staff's recommendation to proceed with the process of registering a Section 57 *Community Charter* notice on the title of their property. This letter gave the owners a final opportunity to achieve voluntary compliance by the deadline of March 9, 2018. Staff has not received a response or any Building Permit Applications from the property owners Mr. Steven Claydon and Mrs. Allison Claydon to date.

February 22, 2018 - Regional District Bylaw Staff received the most recent letter dated February 16, 2018 received back returned to sender from Canada Post.

DISCUSSION

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

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

Building Bylaw

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

The new lean-to on the existing detached garage, and the renovation works to the Single Family Dwelling, and the cabin at the rear of the property were all constructed without Building Permits.

Multiple Building Permits are required for the works undertaken by the property owner; or a demolition Building Permit is required to remove all construction completed without Building Permits.

Zoning Bylaw

This property is in Electoral Area E, and is zoned *Rural 2 (R-2)* under the *Zoning Bylaw No. 66, 1979 of the Regional District of Fraser-Cheam* (Bylaw 66). The primary purpose of this zone is to maintain the existing rural character of the Plan area and to support rural lifestyles, and to provide for densities that are compatible with existing development and levels of servicing. The rural designation exists on rural lots that have good road access, but that may have potential geotechnical hazard, servicing limitations, or other constraints.

The existing detached garage and the Single Family Dwelling had alterations to operate Marihuana Grow Operations. A Marihuana Grow Operation Use is not listed as a permitted use in the R-2 zone.

A successful re-zoning of the property would be required to authorize the unpermitted use of a Marijuana Grow Operation.

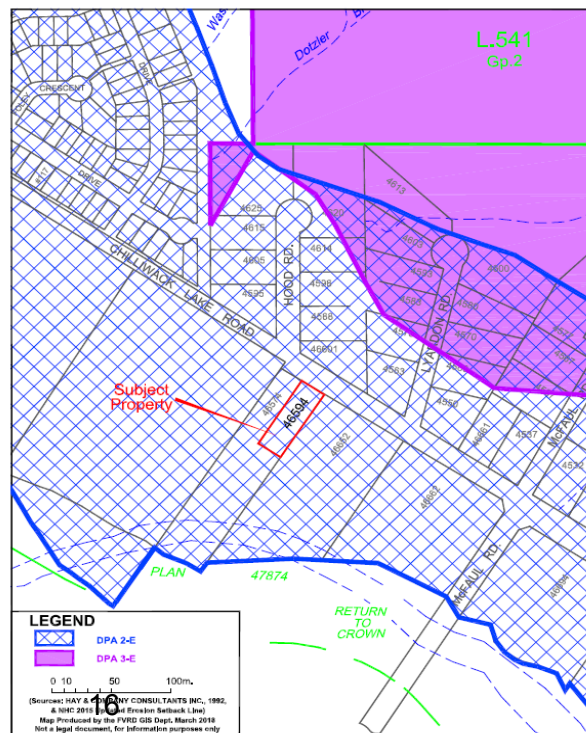
Official Community Plan

1. The subject property is within the *Chilliwack River Development Permit Area 2-E* (DPA 2-E) under the *Fraser Valley Regional District Official Community Plan for Electoral Area E Bylaw No. 1115, 2011* (Bylaw 1115). This Development Permit area is designated for the protection of the natural environment and protection of development from hazardous conditions. A Development Permit must be obtained prior to alteration of land or construction of, addition to, or alteration of a building or structure.
2. The subject property is within the *Riparian Areas Development Permit Area 5-E* (DPA 5-E) under the *Fraser Valley Regional District Official Community Plan for Electoral Area E Bylaw No. 1115, 2011* (Bylaw 1115). This Development Permit area is designated for the protection of the natural environment, its ecosystems and biological diversity. A Development Permit must be obtained prior to alteration of land or construction of, addition to, or alteration of a building or structure.
3. The subject property is within the one hundred year erosion set back line under the *Fraser Valley Regional District Official Community Plan for Electoral Area E Bylaw No. 1115, 2011* (Bylaw 1115). The Erosion set back line provides that there is likelihood for an erosion event to occur at least one time within a 100 year time frame.

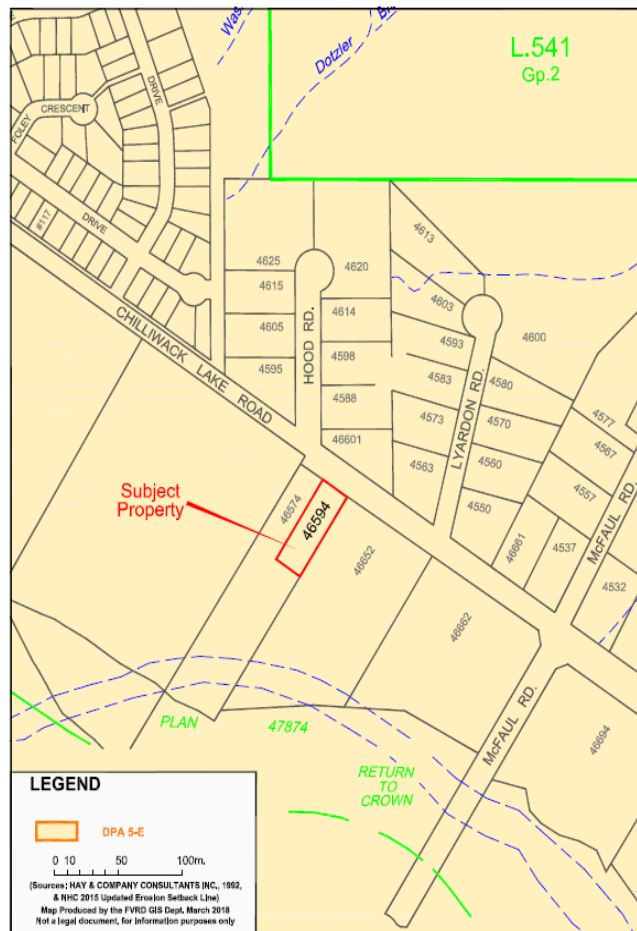
A Development Permit must be obtained prior to the alteration of land the disturbance of soil or vegetation; or construction of or addition to a building or structure within a riparian assessment area. To date there has been no completed application for a Development Permit for any of the construction or land alteration works that have occurred on the subject property.

A completed Development Permit is required for the construction that has taken place on the property.

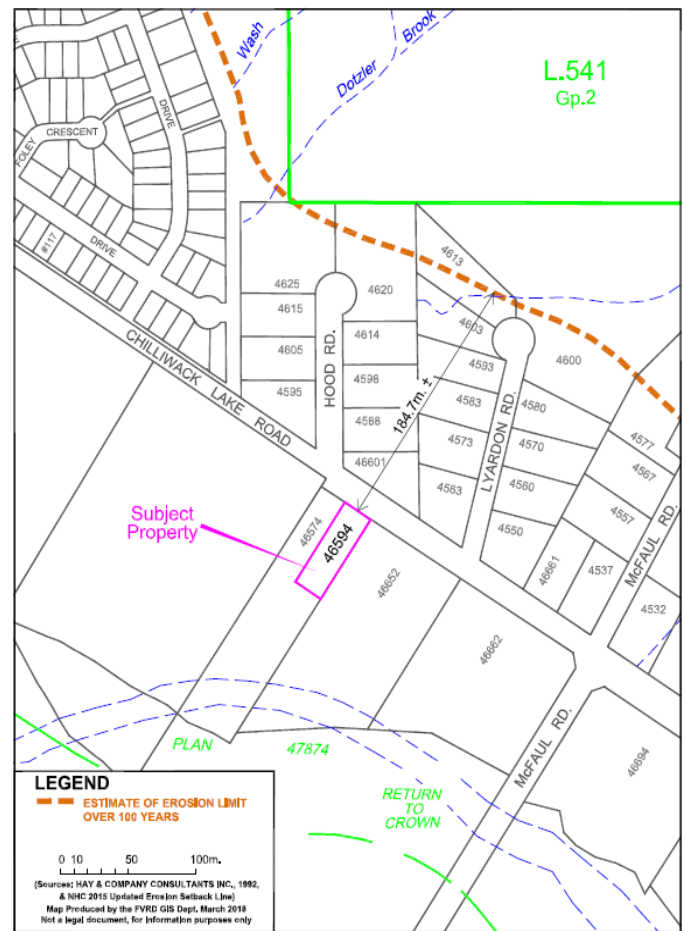
(DPA 2-E) DEVELOPMENT PERMIT AREA MAP



(DPA 5-E) DEVELOPMENT PERMIT AREA MAP



100 YEAR EROSION DEVELOPMENT SET BACK LINE



COST

Land Titles Office filing fee of approximately \$55.

The owner will be required to pay a removal fee of \$500 in accordance with the *Fraser Valley Regional Building Bylaw 1188, 2013*, after the unpermitted construction works on detached garage, the single family dwelling and the cabin at the rear of the property buildings are either:

1. Demolished with Building Permits issued by the FVRD with a successful final inspections; or
2. Three fully completed Building Permits for the new lean-to on the existing detached garage, and the renovation works to the Single Family Dwelling, and the cabin at the rear of the property are issued by the FVRD and all receive successful final inspections. The applications require the application and issuance of a Development Permit for the

alteration of land and construction, and rezoning of the property to permit a Marijuana Grow Operation Use.

CONCLUSION

It is the opinion of the Bylaw Compliance and Enforcement Officer/Appointed Building Inspector that the construction of the new lean-to on the existing detached garage, and the renovation works to the Single Family Dwelling, and the cabin at the rear of the property that were done without Building Permits and the construction without a Development Permit violate multiple Regional District Bylaws, and the *British Columbia Building Code*. Staff further notes that full compliance will only be achieved with the successful completion of three fully completed Building Permits for the construction works of the new lean-to on the existing detached garage, and the renovation works to the Single Family Dwelling, and the cabin and the issuance of a Development Permit.

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

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

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

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

COMMENTS BY:

Margaret Thornton, Director of Planning & Development:	Reviewed and supported.
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Mike Veenbaas, Director of Financial Services	No further financial comment.
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Paul Gipps, Chief Administrative Officer	Reviewed and supported
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March 14, 2018

REGISTERED MAIL

Mr. Steven Claydon
Mrs. Allison Claydon
46594 Chilliwack Lake Road
Chilliwack, BC V2R 4M9

FILE: 4010-20- E01248.100

CIVIC: 46594 Chilliwack Lake Road

PID: 000-547-948

LEGAL: District Lot 496, New Westminster District, Plan NWP22273 Parcel 1, Group 2.

Dear Mr. and Mrs. Claydon:

**Re: SHOW CAUSE HEARING SCHEDULED – Section 57 Notice on Title
Contraventions of Building Bylaw No. 1188, 2013 - Construction without a Building
without a Permit - 46594 Chilliwack Lake Road Electoral Area E**

Further to the final warning letter dated February 16, 2018 that was sent to you on the same day, please be advised you are hereby notified that your opportunity to be heard by the Regional District Electoral Services Committee is scheduled. The meeting is to show cause why the Regional District Board of Directors should not direct staff to file a Notice against the title of your property at 46594 Chilliwack Lake Road in relation to the outstanding contraventions of the *Fraser Valley Regional District Building Bylaw No. 1133, 2018* pursuant to Section 57 of the *Community Charter*.

The **show cause** hearing is scheduled for **April 10, 2018 at 1:30pm**, in the Boardroom on the fourth floor of the Regional District Office at 45950 Cheam Avenue, Chilliwack, British Columbia.

The Electoral Area Services Committee will consider registration of the Section 57 Notice on the title of your property at 46594 Chilliwack Lake Road whether or not you are in attendance. For your convenience, I have attached relevant extracts from the *Community Charter* and a copy of the staff report which will be considered by the Committee.

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

Sincerely,



Digitally signed by Paul
Gipps
Date: 2018.03.14
14:02:47 -07'00'

Paul Gipps
Chief Administrative Officer

cc: Orion Engar, Director of Electoral Area E
Margaret-Ann Thornton, Director of Planning & Development
Greg Price, Bylaw & Compliance Coordinator

Attach: February 16, 2018 Copy of Final Warning Letter to Property Owner
April 10, 2018 Staff Report from Bylaw and Appointed Building Inspector
February 16, 2018 Land Title Search Results
March 6, 2018 Property Information Report
March 6, 2018, 2018 Property Information Map
Notice on Title Information Sheet Including Community Charter, Section 57 and 58

February 16, 2018

Registered Mail

Mr. Steven Claydon
Mrs. Allison Claydon
761 Runnymede Ave
Coquitlam BC V3J 2T9

FILE: 4010-20-E01248.100

CIVIC: 46594 Chilliwack Lake Road

PID: 000-547-948

LEGAL: District Lot 496, New Westminster District, Plan NWP22273 Parcel 1, Group 2.

Dear Mr. and Mrs. Claydon:

Re: Final Warning – Construction without a Building without a Permit – 46594 Chilliwack Lake Road; Change of Use - Lean-to Garage, renovations to Single Family Dwelling and to the Rear Cabin.

Further to our previous correspondence dated October 20, 2016 the Fraser Valley Regional District staff has confirmed that your property at 46594 Chilliwack Lake Road (the "property") continues to remain in breach of Regional District bylaws despite our numerous requests for compliance. Staff verified that the unauthorized construction of a Lean-to on the Garage, and renovations to both the Single Family Dwelling, and the Cabin at the rear of the property were all done without any of the required permits.



Fraser Valley Regional District's Building Bylaw No. 1188, 2013 (Bylaw 1188) section 6 states:

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

The Regional District continues to have an open bylaw enforcement file with regards to the illegal construction on your property. It has now been more than six years since the Regional District first discovered the unauthorized construction and we have made multiple attempts to work with you to help you bring the property into compliance with all current bylaws though out that time.

Considering that you have not been able to meet most of the previously given deadlines to comply with the building permit requirements, the Regional District will proceed with the process of registering a notice on the title of your property with the Land Titles Office as outlined in Section 57 of the *Community Charter*. Please see the enclosed information sheet that provides further details on the process.

If you do wish to take steps towards gaining compliance in the above stated matter please ensure that by **March 9, 2018** three fully completed building permit applications are submitted for the above noted construction to the Fraser Valley Regional District's Building Department. Alternatively you may choose to demolish the unpermitted construction. If you choose to proceed with building permits, please ensure that each of the three completed application forms include the following items:

- a) Detailed to scale drawings for the structure including the uses for each space;
- b) An initial application fee in the amount of \$150.00 for the permit; and
- c) A single development permit application for all the works (please refer to planning department for further information on how to apply for a Development Permit).

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

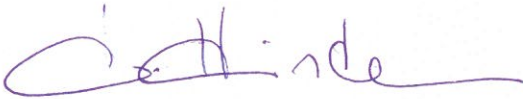
The Regional District wishes to continue to work with you to achieve compliance in this matter, however if you fail to meet the above stated deadline of **March 9, 2018** we will move forward to begin the process of registering a notice on the title of your property with the Land Titles Office as outlined in section 57, of the *Community Charter*.

The primary purpose of an owner obtaining their Building Permit is for the safety of its occupants. Having a non-approved building puts the occupants at risk and should an

unfortunate incident occur the owner may be held more liable. We encourage you to read the BC Occupiers Liability Act regarding property safety and negligence, available online at: http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96337_01

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

Yours truly,



Louise Hinton,
Bylaw, Compliance and Enforcement Officer

Attach: Copy of Email dated May 10, 2016
Copy of Email dated September 15, 2015
Copy of Letter dated November 27, 2014
Copy of Letter dated January 7, 2013
Section 57 Information Sheet

cc: Orion Engar, Director of Electoral Area E
Margaret-Ann Thornton, Director of Planning & Development
Greg Price, Bylaw & Compliance Coordinator



**PLANNING &
DEVELOPMENT**

COPY

www.fvrd.ca | enforcement@fvrd.ca

May 10, 2016

Steven Claydon
Allison Claydon
46594 Chilliwack Lake Road
Chilliwack, BC V2R 4M9

FILE: 4010-20-E01248.100
CIVIC: 46594 Chilliwack Lake Road
PID: 000-547-948
LEGAL: PARCEL 1 (EXPLANATORY PLAN 22273) EXCEPT PART IN STATUTORY RIGHT OF WAY PLAN 39017
LOT C DISTRICT LOT 496 GROUP 2 NEW WESTMINSTER DISTRICT PLAN 16453

Dear Mr. & Ms. Claydon;

RE: Bylaw Enforcement – Construction Without a Permit at 46594 Chilliwack Lake Road

As you are aware from our letter dated November 27, 2014 the following building permit applications were closed:

- BP012902: Lean-to on existing garage
- BP013005: Main house interior/exterior renovations.
- BP013006: Cabin Interior/Exterior renovations.

Your project remains incomplete and is not covered by a valid building permit as required by the *Fraser Valley Regional District Building Bylaw No.1188, 2013*. Therefore, your file has been referred back to Bylaw Enforcement.

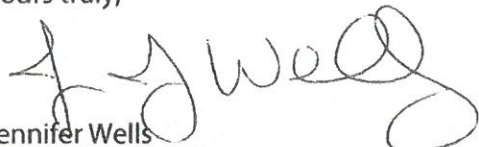
The Regional District wishes to work with you to enable you to bring your property into compliance with all current bylaws. In order to accomplish this, we request that you:

1. Remove the Structures, or apply for and complete a new Building Permit Application for each structure.
2. Pay the attached Bylaw Offence Notices BNE No's 22894; 22895; 22897.

Please contact the Regional District no later than **June 10, 2016** to inform us of your intentions. Should you fail to comply with this request, you may be subject to further ticketing and your file may be referred to the Regional Board for their consideration and recommendation regarding further bylaw enforcement. More information regarding the building permit process and downloadable application forms are available at: http://www.fvrd.ca/EN/main/services/building_enforcement.html

If you have any questions or wish to discuss this matter further, you are welcome to contact me by calling toll free at 1-800-528-0061, directly at 604-702-5015, or by email at jwells@fvr.d.bc.ca. Our office hours are Monday through Friday from 8:30am to 4:30pm. Thank you once again for your co-operation.

Yours truly,

A handwritten signature in black ink, appearing to read 'J Wells', with a stylized, cursive flourish at the end.

Jennifer Wells
Bylaw, Permits & Licences Technician

cc: Al Stobart, Director of Electoral Area G
Margaret-Ann Thornton, Director of Planning & Development
Encl. Letter dated November 27, 2014
Letter dated October 23, 2014

COPY

Louise Hinton

From: Jennifer Wells
Sent: September-16-15 10:52 AM
To: 'steveclaydon@telus.net'
Subject: 46594 Chilliwack Lake Road

Good morning Mr. Claydon;

I have been trying to contact you via the phone numbers and addresses that you have provided to the Fraser Valley Regional District but I am unsure that you have been receiving this information as I have not received any response. Please contact me as soon as possible for relevant and important information regarding the subject property.

Thank you,

Jennifer Wells

Bylaw, Permits & Licences Technician
and Appointed Building Inspector

45950 Cheam Ave, Chilliwack, BC V2P 1N6
P 604.702.5015 || W www.fvrd.ca





COPY

Fraser Valley Regional District
45950 Cheam Avenue, Chilliwack, British Columbia V2P 1N6
Phone: 604-702-5000 Toll Free: 1-800-528-0061 (BC only)
Fax: 604-792-9684 website: www.fvrd.bc.ca

November 27, 2014

File Number: 4010-20-E01248.100

Steven Claydon
Allison Claydon
46594 Chilliwack Lake Road
Chilliwack, BC V2R 4M9

Dear Mr. and Ms. Claydon:

Re: Lapsed Building Permit Applications at 46594 Chilliwack Lake Road; Legally Described as Parcel 1 (Explanatory Plan 22273) Except Part in Statutory Right of Way Plan 39017 Lot C District Lot 496 Group 2 New Westminster District Plan 16453; Parcel Identifier: 000-547-948

As you are aware from our letter dated October 23, 2014, Building Permits for your property have been closed. The following projects remain incomplete and are therefore not covered by a valid building permit as required by *Fraser Valley Regional District Building Bylaw No.1188, 2013*:

1. BP012902: Lean-to on Existing Garage
2. BP013005: Main House Interior/Exterior Renovations
3. BP013006: Cabin Interior/Exterior Renovations

Due to the closure of these building permit applications, your file has been referred to Bylaw Enforcement and access to your property is required in order to perform an inspection.

The Regional District wishes to work with you to enable you to bring your property into compliance with all current bylaws. In order to accomplish this, we ask that you provide access for staff to inspect your property on a mutually convenient date. Should you fail to respond before **December 11, 2014**, you may be subject to ticketing and your file may be referred to the Regional Board for their consideration and recommendation regarding further bylaw enforcement.

You may contact me Monday through Friday, 8:30am to 4:30pm at the toll-free number listed above, directly at 604-702-5015, or by email at jwells@fvrd.bc.ca to discuss this issue further. Thank you in advance for your cooperation.

Yours truly,

A handwritten signature in blue ink, appearing to read "Jennifer Wells".

Jennifer Wells
Bylaw, Permits & Licences Technician

encl: Copy of Letter dated October 23, 2014

cc: David Lamson, Director of Electoral Area E
Margaret Thornton, Director of Planning & Development

COPY



Fraser Valley Regional District
45950 Cheam Avenue, Chilliwack, British Columbia V2P 1N6
Phone: 604-702-5000 Toll Free: 1-800-528-0061 (BC only)
Fax: 604-792-9684 website: www.fvrd.bc.ca

October 23, 2014

File Number: 4010-20-E01248.100

Steven Claydon
Allison Claydon
46594 Chilliwack Lake Road
Chilliwack, BC V2R 4M9

Dear Mr. and MS. Claydon:

Re: Lapsed Building Permit Applications at 46594 Chilliwack Lake Road; Legally Described as Parcel 1 (Explanatory Plan 22273) Except Part in Statutory Right of Way Plan 39017 Lot C District Lot 496 Group 2 New Westminster District Plan 16453; Parcel Identifier: 000-547-948

As you are aware from our letters dated August 20, 2014, the above referenced Building Permits have been closed. Your project remains incomplete and is not covered by a valid building permit as required by *Fraser Valley Regional District Building Bylaw No.1188, 2013*. Therefore, your file has been referred to Bylaw Enforcement and access to your property is required in order to perform an inspection.

The Regional District wishes to work with you to enable you to bring your property into compliance with all current bylaws. In order to accomplish this, we ask that you provide access for staff to inspect your property on a mutually convenient date. Should you fail to respond before November 24, 2014, you may be subject to ticketing and your file may be referred to the Regional Board for their consideration and recommendation regarding further bylaw enforcement.

You may contact me Monday through Friday, 8:30am to 4:30pm at the toll-free number listed above, directly at 604-702-5015, or by email at jwells@fvrd.bc.ca to discuss this issue further. Thank you in advance for your cooperation.

Yours truly,

Jennifer Wells
Bylaw, Permits & Licences Technician

encl: Copy of Letters dated August 20, 2014

cc: David Lamson, Director of Electoral Area E
Margaret Thornton, Director of Planning & Development



FRASER VALLEY REGIONAL DISTRICT

45950 Cheam Avenue, Chilliwack, British Columbia V2P 1N6
Phone: 604-702-5000 Toll Free: 1-800-528-0061 (BC only) Fax: 604-792-9684
website: www.fvrd.bc.ca e-mail: info@fvrd.bc.ca

COPY

January 7, 2013

File Number: 4010-20-E01248.100

Allison Claydon
Steven Claydon
46594 Chilliwack Lake Road
Chilliwack BC V2R 4M9

Dear Ms. Claydon and Mr. Claydon:

Re: Bylaw Enforcement Regarding Construction Without a Building Permit and Contravention of the Zoning Setbacks at 46594 Chilliwack Lake Road; Legally Described as Parcel 1 (Explanatory Plan 22273) Except Part in Statutory Right of Way Plan 39017 Lot C District Lot 496 Group 2 New Westminster District Plan 16453 Parcel Identifier 000-547-948.

I am writing to you in connection with the above noted matter. Please be advised that our records indicate that your property remains in breach of Regional District bylaws. The compliance action requested in the letter dated December 4, 2012 (copy enclosed) does not appear to have been carried out. It is imperative that this action be completed in order to avoid further bylaw enforcement.

Therefore, please contact the Regional District immediately to advise of your intentions in respect to resolving this issue. Should you fail to contact this office by **January 22, 2013**, you may be subject to fines under Fraser Valley Regional District Bylaw Offence Notice Enforcement Bylaw No. 787, 2006.

You may contact the Regional District at the toll-free number above, 8:30am to 4:30pm, Monday through Friday. You may also reach me directly at 604-702-5015.

Yours truly,

Jennifer Wells
Bylaw, Permits, and Licences Technician

ENCLOSURE

cc: David Lamson, Director of Electoral Area E
Suzanne Gresham, General Manager of Electoral Area Services
Margaret Thornton, Director of Planning and Development
Frank Kelly, MCIOB, Deputy Director of Planning and Development Service

COPY



FRASER VALLEY REGIONAL DISTRICT

45950 Cheam Avenue, Chilliwack, British Columbia V2P 1N6

Phone: 604-702-5000

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

Fax: 604-792-9684

website: www.fvrd.bc.ca

e-mail: info@fvrd.bc.ca

December 4, 2012

File Number: 4010-20-E01248.100

Allison Claydon
Steven Claydon
46594 Chilliwack Lake Road
Chilliwack BC V2R 4M9

Dear Ms. Claydon and Mr. Claydon:

Re: Construction Without a Building Permit and Contravention of the Zoning Setbacks at 46594 Chilliwack Lake Road; Legally Described as Parcel 1 (Explanatory Plan 22273) Except Part in Statutory Right of Way Plan 39017 Lot C District Lot 496 Group 2 New Westminster District Plan 16453 Parcel Identifier 000-547-948.

The Regional District has received a complaint of building without a permit at the above noted address. On December 3, 2012, an inspection of your property confirmed the addition to and renovation of an existing residential detached garage. Our records do not indicate that a building permit has been issued for such work therefore Stop Work and No Occupancy notices have been posted. Building permits are required by Fraser Valley Regional District Building Bylaw No. 0034, 1996 to encourage owners to comply with the minimum standards established by the British Columbia Building Code as well as other enactments which relate to health, safety, and use of land.

In addition to the above matter, it appears that the works may not comply with the zoning setbacks established by the *Zoning Bylaw for Electoral Area "E", 1976 of the Regional District of Fraser-Cheam*. Setbacks are the minimum distances which buildings can be sited from other structures, property lines, and watercourses.

The Regional District wishes to work with you to enable you to bring your property into compliance with all current bylaws. In order to accomplish this, we ask that you apply for a building permit as well as make an appointment with the Planning Department to discuss zoning setbacks. Alternatively, we ask that you remove the illegal construction from your property. Should you fail to comply with these requests by **January 5, 2013**, you may be subject to ticketing and your file may be referred to the Regional Board for their consideration and recommendation regarding further bylaw enforcement.

You may contact me directly at 604-702-5015, 8:30am to 4:30pm, Monday through Friday to discuss this issue further. Thank you in advance for your co-operation.

Yours truly,

Jennifer Wells
Bylaw, Permits, and Licences Technician

ENCLOSURE

cc: David Lamson, Director of Electoral Area E
George Murray, Chief Administrative Officer
Suzanne Gresham, General Manager of Electoral Area Services
Margaret Thornton, Director of Planning and Development
Frank Kelly, MCI0B, Deputy Director of Planning and Development Services

DIVISION FOUR - AGRICULTURAL - Ag-1

The purpose of this zone is to identify lands which by reason of soil quality, resource potential or location in a floodplain, are best suited for extensive agriculture, resource development, or outdoor recreation on parcels of 8 hectares (20 acres) or more.

4.1 PERMITTED USES OF LAND BUILDINGS AND STRUCTURES

All uses in this Division are subject to Division Three - General Regulations. The following uses and no others are permitted:

1. Farm but excluding an intensive swine operation.
2. One-family residence or mobile home or modular home.
3. Accessory personal care use.
4. Accessory employee residence use.
5. Home occupation.
6. Extraction of raw materials.
7. Accessory produce sales, provided that the gross floor area does not exceed 46.5 sq. metres (500 square feet).
8. Civic.
9. Outdoor recreation use.
10. Golf Course.
11. Private aircraft landing strip.
12. All necessary accessory outbuildings, structures and uses including barns and animal shelters.
13. Accessory advertising, limited to one sign not exceeding 0.27 square metres (3 square feet) in area for each street frontage upon which the lot or site abuts.
14. Accessory outdoor storage of firewood for commercial purposes and sale of firewood.
15. bed and breakfast use, pursuant to section 3.1.3(c) [Byl #1233]

4.2 DENSITY REGULATIONS

There shall be not more than one (1) one-family dwelling or mobile home or modular home on a lot except as permitted by Section 4.1.3 and 4.1.4 of this Division.

4.3 SETTING, SIZE AND DIMENSIONS REGULATIONS1. SETBACKS

- a) Highway: No part of any building, structure, mobile home, modular home or structure, shall be located closer than 4.6 metres (15 feet) to the right-of-way boundary of a road allowance or flanking street, or closer than 14.6 metres (48 feet) to the center line of said allowance or street, whichever is the greater distance from the road or street center line.
- b) Side and Rear: No part of any building, structure, mobile home, modular home or structure, shall be located closer than 7.6 metres (25 feet) to any side or rear lot line.

2. SITE AREA REGULATIONS

-N/A-

3. BUILDING DIMENSION REGULATIONS

-N/A-

NOTICE ON TITLE INFORMATION SHEET

WHAT IS A NOTICE ON TITLE?

A *Notice on Title*, note against land title, or Section 57 of the *Community Charter*, was provided to local governments by the Province of British Columbia as a tool to administer and enforce the *BC Building Code* and local building bylaws. It involves the registration of a *Notice* on a property title at the Land Title Office, which, once in place, is documented on the title search under the "Legal Notations" section.

A *Notice on Title* serves as notification to anyone searching a property title that the property may be in breach of bylaws or regulations. The *Notice* itself does not disclose details of the breach but specifies that further information may be obtained from the local government office.

WHAT IS THE PURPOSE OF A NOTICE ON TITLE?

The purpose of a *Notice on Title* is to provide information to potential owners and stakeholders of a breach of bylaws or regulations. It also encourages voluntary compliance to reduce risk to the local government. The filing of a *Notice* is not intended to be a punitive action; rather, it is a method to protect future owners and others with an interest in the property.

WHEN CAN A NOTICE ON TITLE BE FILED?

A *Notice on Title* may be filed by a local government where there is a breach of bylaws or regulations in respect to a property. Specifically, a *Notice on Title* may be filed where a Building Inspector is made aware of any of the following:

- a) construction has occurred without a valid building permit;
- b) construction deficiencies noted have not been corrected;
- c) covering construction without required inspections;
- d) a permit has expired and the owner refuses to reapply for a new permit;
- e) construction that is in contravention of the *BC Building Code* or Building Bylaw; or
- f) any such circumstances as the Building Inspector may deem necessary.

HOW IS A NOTICE ON TITLE FILED?

- Step 1: When the Building Inspector is made aware of a breach, a letter is mailed to the registered owner of the property advising of the breach and the required remedial action. The owner is provided approximately thirty (30) days to contact staff and take the necessary steps to resolve the breach. This timeframe may be reduced where there appears to be a serious safety concern.
- Step 2: If no action to contact staff and resolve the issue, a second letter is mailed to the owner advising of the breach and the required remedial action. The owner is provided approximately fourteen (14) days to contact staff and take the necessary steps to resolve the breach. This timeframe may be reduced where there appears to be a serious safety concern.

- Step 3: If no action to contact staff and resolve the issue, the Building Inspector may forward a report to the Corporate Officer and a "Show Cause Hearing" is scheduled. A Show Cause Hearing is held during an Electoral Area Services Committee (EASC) meeting. An invitation is mailed to the registered owner of the property advising the specific date and time they are to attend the Show Cause Hearing. A copy of the report produced by the Building Inspector will be included.
- Step 4: On the day of the EASC meeting, the Show Cause Hearing will be announced. The owner of the property, or their agent, will be asked if they would like to make representation to the Committee. The Committee shall listen objectively to the owner as well as the Building Inspector. Please note that **attendance is not required** if the owner does not wish to challenge the recommendation.
- Step 5: After hearing from the registered owner of the property and Building Inspector, the committee will then resolve to:
- a) direct the staff to file a *Notice* in the Land Title Office;
 - b) direct staff not to file a *Notice* in the Land Title Office; or
 - c) defer filing a *Notice* to allow the registered owner more time to comply.

HOW IS A NOTICE ON TITLE CANCELLED?

Once a *Notice on Title* is filed, it may be cancelled from the title of a property by way of:

- a) the local government after a Building Inspector has provided a report confirming that the condition which caused the *Notice* to be filed has been rectified; or
- b) an Order obtained by the registered owner from the *British Columbia Supreme Court*.

WHAT IS THE COST OF PLACING OR CANCELLING THE NOTICE ON TITLE?

The Fraser Valley Regional District does not charge the registered owner of the property when a *Notice on Title* is filed at the Land Title Office. However, there is a \$500.00 administrative fee payable to the Fraser Valley Regional District by the property owner when the *Notice* is removed from the Title. The property owner will also be responsible for their legal costs to have a *Notice* removed at the Land Title Office.

Properties with a *Notice on Title* may be sold at any time; however, the presence of the *Notice* may negatively affect a property's potential sale, perceived property value, access to a mortgage, and/or (re)financing. If a *Notice* is registered or is recommended to be registered upon the title of your property, you are advised to undertake inquiries with your lenders, insurance companies, and any other relevant parties to determine how it may impact you now and in the future.

If you have any questions regarding this process, please email staff at enforcement@fvrld.bc.ca or phone directly at 1-800-528-0061.

This document is provided for informational purposes and does not constitute legal advice. The Fraser Valley Regional District makes no representations or warranties about the accuracy of the information contained in this document. If you have any questions or concerns as to the nature and effect of Notices on Title, please refer to the actual text of Sections 57 and 58 of the Community Charter and seek your own independent legal advice.

Excerpts from the *Community Charter*:

NOTE AGAINST LAND TITLE THAT BUILDING REGULATIONS CONTRAVENED

- 57 (1) A building inspector may recommend to the council that it consider a resolution under subsection (3) if, during the course of carrying out duties, the building inspector
- (a) observes a condition, with respect to land or a building or other structure, that the inspector considers
 - (i) results from the contravention of, or is in contravention of,
 - (A) a municipal bylaw,
 - (B) a Provincial building regulation, or
 - (C) any other enactmentthat relates to the construction or safety of buildings or other structures, and
 - (ii) that, as a result of the condition, a building or other structure is unsafe or is unlikely to be usable for its expected purpose during its normal lifetime, or
 - (b) discovers that
 - (i) something was done with respect to a building or other structure, or the construction of a building or other structure, that required a permit or an inspection under a bylaw, regulation or enactment referred to in paragraph (a) (i), and
 - (ii) the permit was not obtained or the inspection not satisfactorily completed.
- (2) A recommendation under subsection (1) must be given in writing to the corporate officer, who must
- (a) give notice to the registered owner of the land to which recommendation relates, and
 - (b) after notice under paragraph (a), place the matter before the council.
- (3) After providing the building inspector and the owner an opportunity to be heard, the council may confirm the recommendations of the building inspector and pass a resolution directing the corporate officer to file a notice in the land title office stating that
- (a) a resolution relating to that land has been made under this section, and
 - (b) further information about it may be inspected at the municipal hall.
- (4) The corporate officer must ensure that all records are available for the purpose of subsection (3) (b).
- (5) If the registrar of land titles receives a notice under subsection (3) and payment of the prescribed fee, the registrar must make a note of the filing against the title to the land that is affected by the notice.
- (6) The note of a filing of a notice under this section is extinguished when a new title to the land is issued as a result of the deposit of a plan of subdivision or a strata plan.
- (7) In the event of any omission, mistake or misfeasance by the registrar or an employee of the registrar in relation to the making of a note of the filing under subsection (5), or a cancellation under section 58, after the notice is received by the land title office,
- (a) the registrar is not liable and neither the Provincial government nor the Land Title and Survey Authority of British Columbia is liable vicariously,

- (a.1) the assurance fund or the Land Title and Survey Authority of British Columbia as a nominal defendant is not liable under Part 19.1 of the Land Title Act, and
 - (b) the assurance fund or the minister charged with the administration of the Land Title Act as a nominal defendant is not liable under Part 20 of the Land Title Act.
- (8) Neither the building inspector nor the municipality is liable for damage of any kind for the doing of anything, or the failure to do anything, under this section or section 58 that would have, but for this subsection, constituted a breach of duty to any person.
- (9) The authority under this section is in addition to any other action that a building inspector is authorized to take in respect of a matter referred to in subsection (1).

CANCELLATION OF NOTE AGAINST LAND TITLE

- 58
- (1) On receiving a report from a building inspector that the condition that gave rise to the filing of the notice under section 57 (3) has been rectified, the corporate officer must file a cancellation notice and, on receiving the notice, the registrar of land titles must cancel the note against the title to which it relates.
 - (2) An owner of land with respect to which a notice has been filed under section 57 (3), may apply to the council for a resolution that the note be cancelled.
 - (3) After hearing an applicant under subsection (2), the council may pass a resolution directing the corporate officer to file a cancellation notice.
 - (4) If a resolution has been passed under subsection (3), the corporate officer must file a cancellation notice in the land title office and, on receiving the notice, the registrar of land titles must cancel the note against the title to which it relates.
 - (5) If the council does not pass a resolution under subsection (3), the owner may apply to the Supreme Court and notify the municipality to attend before the court to show cause why the note should not be cancelled.
 - (6) On an application under subsection (5), after reviewing any evidence that the owner and the municipality may adduce, the court may make an order directing the registrar to cancel the note made under section 57 (5) and, on receiving the order, the registrar of land titles must cancel the note accordingly.

TITLE SEARCH PRINT

2018-02-16, 10:11:14

File Reference:

Requestor: Louise Hinton

Declared Value \$335000

****CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN******Land Title District**

Land Title Office

NEW WESTMINSTER

NEW WESTMINSTER

Title Number

From Title Number

BA553855

BV452854

Application Received

2006-09-28

Application Entered

2006-10-06

Registered Owner in Fee Simple

Registered Owner/Mailing Address:

STEVEN CLAYDON, WORKER
ALLISON CLAYDON, WORKER
46594 CHILLIWACK LAKE ROAD
CHILLIWACK, BC
V2R 4M9
AS JOINT TENANTS

Taxation Authority

New Westminster Assessment District

Description of Land

Parcel Identifier:

000-547-948

Legal Description:

PARCEL 1 (EXPLANATORY PLAN 22273) EXCEPT PART IN STATUTORY RIGHT OF WAY
PLAN 39017 LOT C DISTRICT LOT 496 GROUP 2 NEW WESTMINSTER DISTRICT
PLAN 16453

Legal Notations

THIS CERTIFICATE OF TITLE MAY BE AFFECTED BY THE
AGRICULTURAL LAND COMMISSION ACT; SEE AGRICULTURAL
LAND RESERVE PLAN NO. 46 DEPOSITED 11. SEPTEMBER. 1974

Charges, Liens and Interests

Nature:

MORTGAGE

Registration Number:

BA553856

Registration Date and Time:

2006-09-28 14:54

Registered Owner:

FIRST NATIONAL FINANCIAL GP CORPORATION
INCORPORATION NO. A67816

Duplicate Indefeasible Title

NONE OUTSTANDING

TITLE SEARCH PRINT

File Reference:

Declared Value \$335000

2018-02-16, 10:11:14

Requestor: Louise Hinton

Transfers

NONE

Pending Applications

NONE

Folio: 733.01248.100
Civic: 46594 CHILLIWACK LAKE RD
Size: 0.365 ACRES

Pid: 000-547-948

Legal: DISTRICT LOT 496, NEW WESTMINSTER DISTRICT,
 PLAN NWP22273 PARCEL 1, GROUP 2.

Owner: CLAYDON, STEVEN
 CLAYDON, ALLISON
 46594 CHILLIWACK LAKE RD
 CHILLIWACK BC V2R 4M9
 (BA553855)

2018 Actual Assessments

00 - FULLY TAXABLE LAND, STRUCTURES

Land Class

1 - Res

Land

396000

Impr Class

1 - Res

Impr

162000

Lto Number

BA553855

BV452854

BR38684

Sales Price

335,000.00

209,900.00

189,000.00

Date

Sep 28, 2006

Oct 30, 2003

Feb 16, 2001

Description

IMPROVED SINGLE PROPERTY CASH TRANSACTI

IMPROVED SINGLE PROPERTY CASH TRANSACTI

REJECT - NOT SUITABLE FOR SALES ANALYSIS

Attribute

ACTUAL USE

ELECTORAL AREA

LAND TENURE

MANUAL CLASS

NEIGHBOURHOOD

SCHOOL DISTRICT

SERVICE AREA

Value

000

E

01

0080

212

33

45CILMT

Description

SINGLE FAMILY DWELLING

CROWN-GRANTED

1 STY SFD-AFTER 1930-FAIR

Classification

BYLAW ENFORCEM

Start Date

Nov 16, 2012

Stop Date

Comment

E01248.100

Please see bylaw enforcement staff if more information is required.

Property Information Report

Civic Address:	46594 CHILLIWACK LAKE RD	Lot Size:	0.365 ACRES
Folio Number:	733.01248.100	Electoral Area:	E
PID:	000-547-948	Map Scale:	1:728
Legal Description:	DISTRICT LOT 496, NEW WESTMINSTER DISTRICT, PLAN NWP22273 PARCEL 1, GROUP 2.		



Land-use Information

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

Utility Information

Local Service Area:	Contact Planning Department
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This information is provided as a public resource for general information purposes only. The information shown is compiled from various sources and the Fraser Valley Regional District makes no warranties, expressed or implied, as to the accuracy or completeness of the information. This report is not a legal document and is published for information and convenience only. The Fraser Valley Regional District is not responsible for any errors or omissions that may appear on this report.

To: Electoral Area Services Committee

Date: 2018-04-10

From: Louise Hinton, Bylaw Compliance and Enforcement Officer

File No: G03638.000

Subject: Building Bylaw, and BC Building Code Contraventions at 41330 North Nicomen Road Electoral Area G, Fraser Valley Regional District, British Columbia (legally described as Lot 1 Section 6 Township 24 New Westminster District Plan 6914; and Parcel Identifier

RECOMMENDATION

THAT the Fraser Valley Regional District Board direct staff to file a Notice in the Land Title Office in accordance with Section 57 of the *Community Charter* due to the contraventions of the *Fraser Valley Regional District Building Bylaw No. 1188, 2013*, at 41330 North Nicomen Road Electoral Area G, Fraser Valley Regional District, British Columbia (legally described as Lot 1 Section 6 Township 24 New Westminster District Plan 6914; and Parcel Identifier 011-252-723)

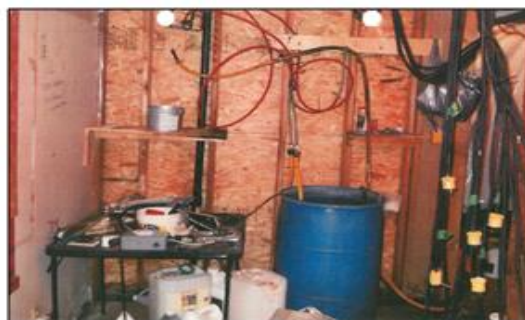
STRATEGIC AREA(S) OF FOCUS

Support Healthy & Sustainable Community

Provide Responsive & Effective Public Services

BACKGROUND

January 30, 2012 Regional District Bylaw Staff Received information that Royal Canadian Mounted Police (RCMP) had an enforcement file (No. 2011-5908) for a marijuana grow operation that was discovered on the property in the Single Family Dwelling in 2011.





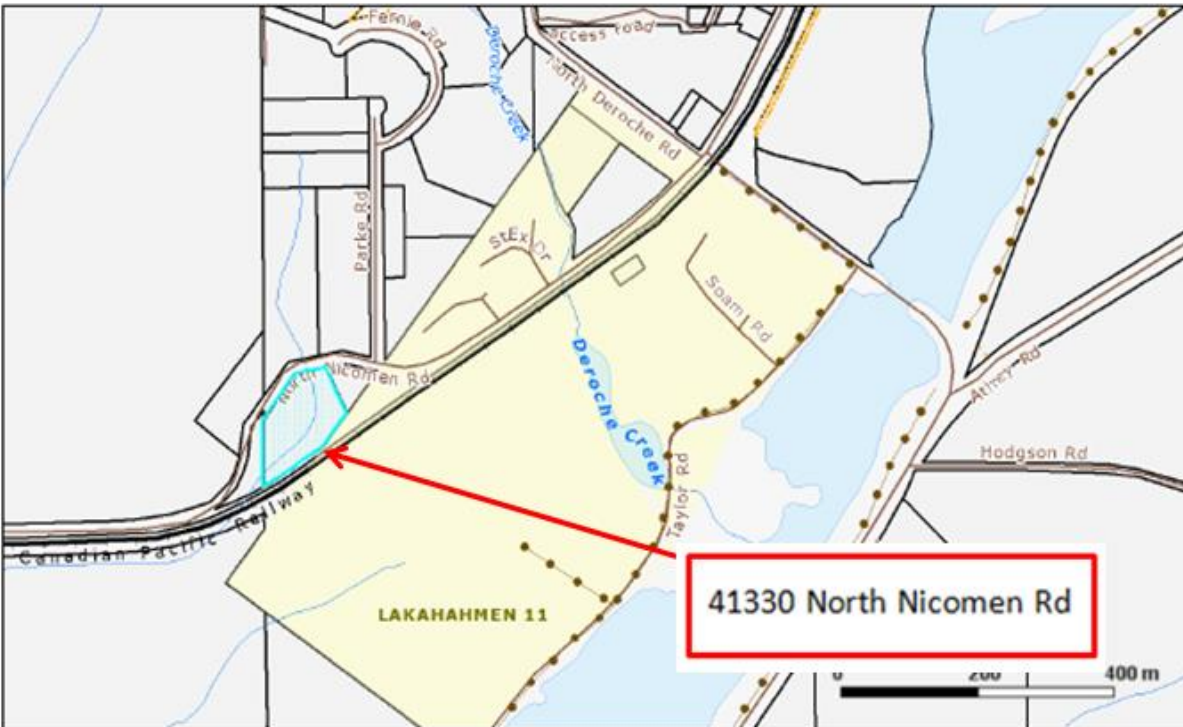
FRASER VALLEY REGIONAL DISTRICT

45950 Cheam Ave, Chilliwack, British Columbia V2P 1N6
 Phone: 604 702-5000 Toll free: 1-800-528-0081 Fax: 604 792-9884
 Web: www.fvrd.bc.ca E-Mail: info@fvrd.bc.ca

22 February 2018

Property Information Report

Civic Address:	41330 NORTH NICOMEN RD	Lot Size:	3.27 ACRES
Folio Number:	775.03638.000	Electoral Area:	G
PID:	011-252-723	Map Scale:	1:8626
Legal Description:	LOT 1, SECTION 8, TOWNSHIP 24, NEW WESTMINSTER DISTRICT, PLAN NWP0014		



Land-use Information

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

July 25, 2012 – Regional District Bylaw Staff attended the property at 41330 North Nicomen Road for a joint site inspection with RCMP Staff to keep the peace. The tenant of the home was on site during the inspection. Regional District Bylaw Staff observed numerous structural alterations, electrical works, possible plumbing works, and a marijuana grow operation in numerous rooms in the Single Family Dwelling. Inspection staff posted a Stop Work and No Occupancy Notice on the main Single Family Dwelling. It was noted that the tenant would not allow inspection staff access to a room in the basement that was locked.

The following site inspection photos taken on **July 25, 2012** illustrate the construction without a permit to house a marijuana growing operation:



November 14, 2012 - Regional District Bylaw Staff spoke with the previous property owner Mr. Breslin on the telephone; he made assurances to FVRD staff that he would make a Building Permit application to remediate the single family dwelling. Mr. Breslin requested staff forward all permit information by email to him. Staff let him know that they would recommend a notice to be placed on the title on the property because of the marijuana grow operation use. Mr. Breslin stated he understood the steps moving forward, and as such FVRD staff followed up with an email.

December 20, 2012 - Regional District Bylaw Staff conducted a scheduled file review that revealed that the Regional District still has not received a Building Permit application for this property. Staff spoke with property owner Mr. Mike Breslin by telephone. Mr. Breslin confirmed both the property where he currently resides and that he received FVRD staff's previous email. Regional District Bylaw Staff notified Mr. Breslin that he needs to submit his completed Building Permit application for the single family dwelling before the deadline of two weeks (January 11, 2013) or staff would begin the process to place a notice on title of property.

Regional District Bylaw Staff mailed a letter to the property owner Mr. Breslin outlining the existing bylaw enforcement issues on the property, inclusive of the change in occupancy with a deadline of January 11, 2013 to comply. Stakeholders were emailed a scanned copy of the letter.

April 5, 2013 - Regional District Bylaw Staff contacted Mission RCMP, requesting an update on this file.

January 19, 2018 - Regional District Bylaw Staff pulled a title search of the property at 41330 North Nicomen Road and the search verified that Mr. Maninder Deol has owned the property since August 2016.

January 25, 2018 – A final warning letter was sent to the property owner Mr. Deol by registered mail advising him of staff's recommendation to proceed with the process of registering a Section 57 *Community Charter* notice on the title of his property. This letter gave the property owner a final opportunity to achieve voluntary compliance by the deadline of February 15, 2018. A copy of the letter was emailed to stakeholders.

January 29, 2018 - Regional District Bylaw Staff Bylaw spoke with the property owner Mr. Deol over the phone and explained that the Building Permit has been outstanding since 2012 and even though he only became the owner of the property in recent years; the bylaw enforcement issues still needed to be resolved. Mr. Deol explained that his full intention is to demolish the building, but that it couldn't be done in the near future. The conversation was not completed and was to be continued at another time.

Early February 2018 – Regional District Building Inspection Staff spoke with Mr. Deol over the phone and it was agreed that a notice on title is the best course of action moving forward.

DISCUSSION

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

Staff would like you to consider the following information:

Building Bylaw

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

The subject building was initially a single family dwelling with a residential use. A final inspection was never carried out on the single family dwelling, and therefore an Occupancy Certificate was never issued. It then was discovered in 2011 that the single family dwelling was being used for a marijuana grow operation. In 2012 Regional District Bylaw Staff confirmed that there had been construction alterations completed on the Single Family Dwelling to cause the change of use without a required Building Permit. Any structure that houses a Marijuana Grow Operation requires a Building Permit to remediate the building for health purposes once the Grow Operation has been removed. Any structure that has a change of use from its initial intended use is required to obtain a Building Permit to authorize the new use in order to comply with Bylaw and BC Building Code Regulations. The initial use of the subject building was for residential use, so a permit is required for the change of use to marijuana grow operation.

A Building Permit is required for the works undertaken by the property owner.

Zoning Bylaw

This property is in Electoral Area G, and is zoned Rural 3 (R-3) under *the Fraser Valley Regional District Land Use and Subdivision Regulation Bylaw No. 59, 1992 (Bylaw 59)*. The primary purpose of this zone is to maintain the existing rural character of the plan area and to provide for residential uses that are environmentally sustainable and compatible with existing development and levels of services. The rural designation exists on rural lots that have good road access but that may have potential geotechnical hazard, servicing limitations, or other constraints.

The single family dwelling building previously housed a Marijuana Grow Operation; a use that is not a listed as a permitted use in this zone.

If a Marijuana Grow Use is proposed, a successful rezoning of the property is required to authorize the unpermitted use of the Marijuana Grow Use.

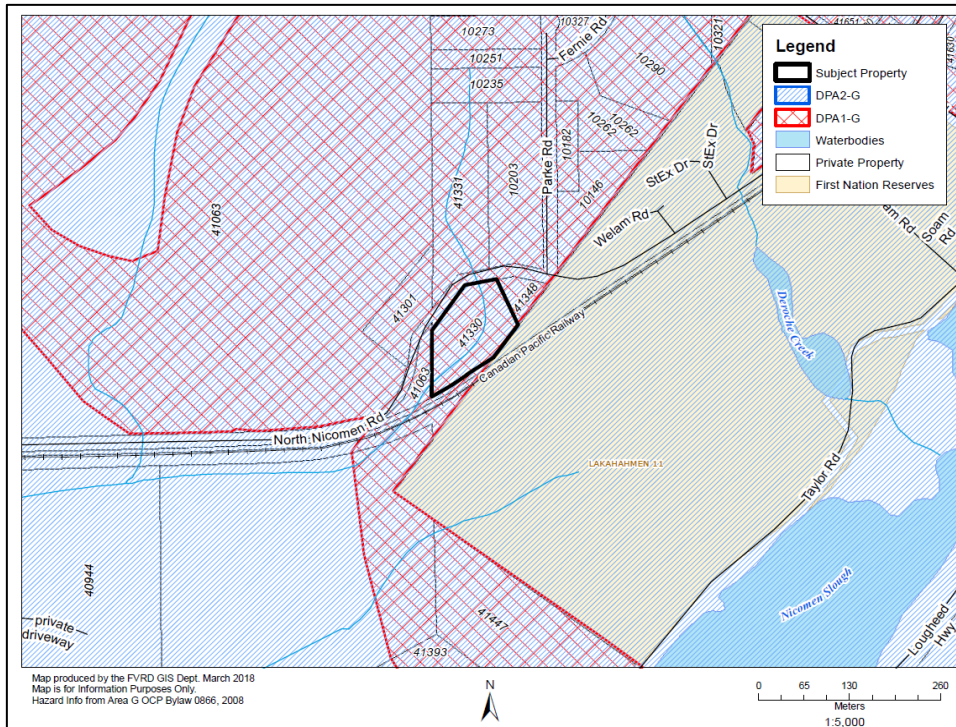
Official Community Plan

1. The subject property is within the *Geologic & Stream Hazard Development Permit Area 1-G (DPA 1-G)* under the *Fraser Valley Regional District Official Community Plan for Electoral Area G Bylaw No. 0866, 2008 (Bylaw 0866)*. This development permit area is designated for the protection of development from hazardous conditions. A development permit must be obtained prior to alteration of land or construction of, addition to, or alteration of a building or structure.
2. The subject property is within the *Riparian Areas Development Permit Area 2-G (DPA 2-G)* under the *Fraser Valley Regional District Official Community Plan for Electoral Area G Bylaw No. 0866, 2008 (Bylaw 0866)*. This development permit area is designated for the protection of the natural environment, its ecosystems and biological diversity. A development permit must be obtained prior to alteration of land or construction of, addition to, or alteration of a building or structure.

A development permit must be obtained prior to the alteration of land the disturbance of soil or vegetation; or construction of or addition to a building or structure within a riparian assessment area. To date there has been no application for a development permit for any of the construction or land alteration works that have occurred on the subject property.

A Development permit is required for the construction that has taken place on the property.

(1-G) DEVELOPMENT PERMIT AREA MAP



COST

Land Titles Office filing fee of approximately \$55.

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

1. Demolished with Building Permit issued by the FVRD with a successful final inspection; or
2. A fully completed Building Permit for the construction works to the single family dwelling is issued by the FVRD and receives a successful final inspection. Prior to Building Permit issuance, application and issuance of a Development Permit for the construction is also required. If a Marijuana Grow Use is proposed, a successful rezoning of the property is required to authorize the unpermitted use of the Marijuana Grow Use.

CONCLUSION

It is the opinion of the Bylaw Compliance and Enforcement Officer/Appointed Building Inspector that the construction without a permit and change of use on the single family dwelling and construction without a development permit violate multiple Regional District Bylaws, and the British Columbia Building Code. Staff further notes that full compliance will only be achieved with the successful completion of a Building Permit for a change of use with remediation or a Building Permit for demolition of the single family dwelling.

Regrettably, but in the interest of full public disclosure and as incentive to achieving voluntary compliance, I, as an Appointed Building Inspector, believe that the filing of Notice is appropriate in this

instance and submit the above recommendation in accordance with Section 57 of the *Community Charter*.

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

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

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

COMMENTS BY:

Margaret Thornton, Director of Planning & Development:	Reviewed and supported.
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Mike Veenbaas, Director of Financial Services	No further financial comment.
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Paul Gipps, Chief Administrative Officer	Reviewed and supported.
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March 8, 2018

REGISTERED MAIL

Mr. Maninder Sing Deol
32902 Trenholm Avenue
Mission, BC V4S 0C7

FILE: G03638.000
CIVIC: 41330 North Nicomen Road
PID: 011-252-723
LEGAL: Lot 1 Section 6 Township 24 New Westminster District Plan 6914

Dear Mr. Deol:

**Re: SHOW CAUSE HEARING – Contraventions of Building Bylaw No. 1188, 2013
41330 North Nicomen Road Electoral Area G**

Further to the final warning letter dated January 22, 2018 (copy attached), that was sent to you on the same day, please be advised you are hereby notified that your opportunity to be heard by the Regional District Electoral Services Committee is scheduled. The meeting is to show cause why the Regional District Board of Directors should not direct staff to file a Notice against the title of your property at 41330 North Nicomen Road in relation to the outstanding contraventions of the *Fraser Valley Regional District Building Bylaw No. 1133, 2018* pursuant to Section 57 of the *Community Charter*.

The **show cause** hearing is scheduled for **April 10, 2018 at 1:30pm**, in the Boardroom on the fourth floor of the Regional District Office at 45950 Cheam Avenue, Chilliwack, British Columbia.

The Electoral Area Services Committee will consider registration of the Section 57 Notice on the title of your property at 41330 North Nicomen Road whether or not you are in attendance. For your convenience, I have attached relevant extracts from the *Community Charter* and a copy of the staff report which will be considered by the Committee.

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

Sincerely,



Digitally signed by Paul
Gipps
Date: 2018.03.07
16:00:45 -08'00'

Paul Gipps
Chief Administrative Officer

cc: Al Stobart, Director of Electoral Area G
Margaret-Ann Thornton, Director of Planning & Development
Greg Price, Bylaw & Compliance Coordinator

Attach: January 22, 2018 Copy of Final Warning Letter to Property Owner
April 10, 2018 Staff Report from Bylaw and Appointed Building Inspector
January 19, 2018 Land Title Search Results
February 23, 2018 Property Information Report
February 23, 2018 Property Information Map
Notice on Title Information Sheet Including Community Charter, Section 57 and 58

January 22, 2018

Registered Mail

Mr. Maninder Sing Deol
32902 Trenholm Avenue
Mission BC V4S 0C7

FILE: G03638.000
CIVIC: 41330 North Nicomen Road
PID: PID: 011-252-723
LEGAL: Lot 1 Section 6 Township 24 New Westminster District Plan 6914

Dear Mr. Deol:

Re: Final Warning – Construction without a Building without a Permit – 41330 North Nicomen Road; Change of Use - Single family dwelling with remediation

Further to our previous correspondence dated December 20, 2012 Fraser Valley Regional District staff has confirmed that your property at 41330 North Nicomen Road (the “property”) continues to remain in breach of Regional District bylaws despite our requests for compliance. Staff verified that the unauthorized construction that caused the change of use of the single family dwelling to a Marihuana Grow Operation, was done without proper remediation or any of the required permits.

Fraser Valley Regional District’s Building Bylaw No. 1188, 2013 (Bylaw 1188) section 6 states:

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

The Regional District continues to have an open bylaw enforcement file with regards to the illegal construction for a change of use to house a marijuana grow operation in the single family dwelling on your property. We understand that you are the new owner of the property as of August 2016 however a change in ownership of the property in no way negates the existing bylaw enforcement issues. It has now been more than almost six years since the Regional District first discovered the unauthorized grow operation, change of use and illegal construction on your property. As of today’s date, the ownership of this property, has made very little effort to address the outstanding permit requirements for the single family dwelling.

Considering that the ownership of this property has not been able to meet any of the previously given deadlines to comply with the building permit requirements, the Regional District has no choice but to proceed with the process of registering a notice on the title of your property with the Land Titles Office as outlined in Section 57 of the *Community Charter*. Please see the enclosed information sheet that provides further details on the process.

If you do wish to take steps towards gaining compliance in the above stated matter please ensure that by **February 8, 2018** a fully completed building permit application is submitted for the above noted construction, to the Fraser Valley Regional District's Building Department. The application should include:

- a) Fully completed building permit application form;
- b) Detailed to scale drawings for the structure;
- c) Completed Site Profile (contaminated Sites) form; and
- d) An initial application fee in the amount of \$150.00 for the permit.

Following the receipt of your application, the Building Department will advise you on any additional information needed. Should you have any questions with regard to your application, please contact one of our Building Inspectors at 604-702-5000. Building Permit Application forms are available online for your convenience on the Regional District's website at:

<http://www.fvrd.ca/EN/main/services/building-permits-inspection/forms.html>

If you fail to meet the above stated deadline of **February 8, 2018** we will move forward to begin the process of registering a notice on the title of your property with the Land Titles Office as outlined in section 57, of the *Community Charter*.

The primary purpose of an owner obtaining their Building Permit is for the safety of its occupants. Having a non-approved building puts the occupants at risk and should an unfortunate incident occur the owner may be held more liable. We encourage you to read the BC Occupiers Liability Act regarding property safety and negligence, available online at:

http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96337_01

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

Yours truly,



Louise Hinton,
Bylaw, Compliance and Enforcement Officer

Attach: Copy of Letter dated December 20, 2012
Copy of Email dated November 14, 2012
Section 57 Information Sheet

cc: Al Stobart, Director of Electoral Area G
Margaret Thornton, Director of Planning & Development
Greg Price, Bylaw & Compliance Coordinator



FRASER VALLEY REGIONAL DISTRICT

45950 Cheam Avenue, Chilliwack, British Columbia V2P 1N6

Phone: 604-702-5000

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

Fax: 604-792-9684

website: www.fvrd.bc.ca e-mail: info@fvrd.bc.ca

December 20, 2012

File Number: 4010-20-G03638.000

Michael Thomas Breslin
8488 Viscount Place
Chilliwack BC V2P 7W5

Dear Mr. Breslin:

Re: Bylaw Enforcement Regarding Change of Occupancy of the Single Family Dwelling at 41330 North Nicomen Road; Legally Described as Parcel Identifier 011-252-723, Lot 1 Section 6 Township 24 New Westminster District Plan 6914.

I am writing to you in connection with the above noted matter. Please be advised that our records indicate that your property remains in breach of Regional District bylaws. The compliance action requested as per our phone conversation and via email on November 14, 2012 does not appear to have been carried out. It is imperative that this action be completed in order to avoid further bylaw enforcement.

Therefore, please contact the Regional District immediately to advise of your intentions in respect to resolving this issue. Should you fail to contact this office by **January 11, 2013**, you may be subject to a fine under Fraser Valley Regional District Bylaw Offence Notice Enforcement Bylaw No. 787, 2006.

You may contact the Regional District at the toll-free number above, 8:30am to 4:30pm, Monday through Friday. You may also reach me directly at 604-702-5015.

Yours truly,

Jennifer Wells
Bylaw, Permits, and Licenses Technician

cc: Al Stobart, Director of Electoral Area G
Suzanne Gresham, General Manager of Electoral Area Services
Margaret Thornton, Director of Planning and Development
Frank Kelly, MCI0B, Deputy Director of Planning and Development

Jennifer Wells

From: Jennifer Wells
Sent: Wednesday, November 14, 2012 3:35 PM
To: 'mike.breslin@hotmail.com'
Subject: 41330 North Nicomen Road, G03638.000
Attachments: Building Permit information booklet.pdf.pdf

COPY

Good afternoon Mr. Breslin;

As per our phone conversation today, it is my understanding that you wish to remediate the structure from a marijuana grow operation back into a single family dwelling. As discussed, a change of use requires a building permit; please fill out the 'building permit application' form: <http://www.fvrd.bc.ca/Services/BuildingPermitInspection/Documents/Building Permit Application Form.pdf>. The application fee for a building permit is \$150.00. As discussed, once an application, site plan and application fee are received, staff will start to process the request. As part of the building permit application, the building department will notify you in writing of the requirements to obtain a permit. More information may be found on our website <http://www.fvrd.bc.ca/Services/BuildingPermitInspection>. Please review the booklet I have attached as the information may help to lead you through the building process within the Regional District.

Please note that I provide this information for your convenience only. It is your responsibility to determine for yourself what effect the bylaws of the FVRD or the regulations of any other agency might have upon the use of, or construction upon, the subject property. This letter and the documents provided herewith in no way constitute Regional Board approval or support of any proposed new development, demolitions, or alterations on the subject property.

In closing, I hope that this information will be of assistance. Please do not hesitate to contact me if you have any questions on how to fill out these forms or require further information.

Jennifer Wells

Bylaw, Permits & Licences Technician

Fraser Valley Regional District 45950 Cheam Avenue
Chilliwack BC V2P 1N6
Phone: 604-702-5015
Toll Free: 1800-528-0061
Direct: 604-702-5015
Fax: 604-792-9684
Email: jwells@fvrd.bc.ca
Web: www.fvrd.bc.ca

NOTICE ON TITLE INFORMATION SHEET

WHAT IS A NOTICE ON TITLE?

A *Notice on Title*, note against land title, or section 57 of the *Community Charter*, was provided to local governments by the province of British Columbia as a tool to administer and enforce the *BC Building Code* and local building bylaws. It involves the registration of a Notice on a property title at the Land Title Office, which, once in place, is documented on the title search under the "Legal Notations" section.

A *Notice on Title* serves as notification to anyone searching a property title that the property may be in breach of bylaws or regulations. The *Notice* itself does not disclose details of the breach but specifies that further information may be obtained from the local government office.

WHAT IS THE PURPOSE OF A NOTICE ON TITLE?

The purpose of a *Notice on Title* is to provide information to potential owners and stakeholders of a breach of bylaws or regulations. It also encourages voluntary compliance to reduce risk to the local government. The filing of a notice is not intended to be a punitive action; rather, it is a method to protect future owners and others with an interest in the property.

WHEN CAN A NOTICE ON TITLE BE FILED?

A *Notice on Title* may be filed by a local government where there is a breach of bylaws or regulations in respect to a property. Specifically, a *Notice on Title* may be filed where a Building Inspector is made aware of any of the following:

- a) construction has occurred without a valid building permit;
- b) construction deficiencies noted have not been corrected;
- c) covering construction without required inspections;
- d) a permit has expired and the owner refuses to reapply for a new permit;
- e) construction that is in contravention of the *BC Building Code* or Building Bylaw; or
- f) any such circumstances as the Building Inspector may deem necessary.

HOW IS A NOTICE ON TITLE FILED?

- Step 1 When the Building Inspector is made aware of a breach, a letter is mailed to the registered owner of the property advising of the breach and the required remedial action. The owner is provided approximately thirty (30) days to contact staff and take the necessary steps to resolve the breach. This timeframe may be reduced where there appears to be a serious safety concern.
- Step 2 If no action to contact staff and resolve the issue, a second letter is mailed to the owner advising of the breach and the required remedial action. The owner is provided approximately fourteen (14) days to contact staff and take the necessary steps to resolve the breach. This timeframe may be reduced where there appears to be a serious safety concern.

- Step 3 If no action to contact staff and resolve the issue, the Building Inspector may forward a report to the Corporate Officer and a "Show Cause Hearing" is scheduled. A Show Cause Hearing is held during an Electoral Area Services Committee (EASC) meeting. An invitation is mailed to the registered owner of the property advising the specific date and time they are to attend the Show Cause Hearing. A copy of the report produced by the Building Inspector will be included.
- Step 4 On the day of the EASC meeting, the Show Cause Hearing will be announced. The owner of the property, or their agent, will be asked if they would like to make representation to the Committee. The Committee shall listen objectively to the owner as well as the Building Inspector. Please note that **attendance is not required** if the owner does not wish to challenge the recommendation.
- Step 5 After hearing from the registered owner of the property and Building Inspector, the committee will then resolve to:
- a) direct the staff to file a *Notice* in the Land Title Office;
 - b) direct staff not to file a *Notice* in the Land Title Office; or
 - c) defer filing a *Notice* to allow the registered owner more time to comply.

HOW IS A NOTICE ON TITLE CANCELLED?

Once a *Notice on Title* is filed, it may be cancelled from the title of a property by way of:

- a) the local government after a Building Inspector has provided a report confirming that the condition which caused the notice to be filed has been rectified; or
- b) an Order obtained by the registered owner from the *British Columbia Supreme Court*.

WHAT IS THE COST OF PLACING OR CANCELLING THE NOTICE ON TITLE?

At this time, the Fraser Valley Regional District does not charge the registered owner of the property when a *Notice on Title* is placed or cancelled at the Land Title Office. The fees associated with the registration or removing of the Notices are remunerated by the Fraser Valley Regional District.

Properties with a *Notice on Title* may be sold at any time; however, the presence of the *Notice* may negatively affect a property's potential sale, perceived property value, access to a mortgage, and/or (re)financing. If a *Notice* is registered or is recommended to be registered upon the title of your property, you are advised to undertake inquiries with your lenders, insurance companies, and any other relevant parties to determine how it may impact you now and in the future.

If you have any questions regarding this process, please email staff at enforcement@fvrd.bc.ca or phone directly at 1-800-528-0061.

This document is provided for informational purposes and does not constitute legal advice. The Fraser Valley Regional District makes no representations or warranties about the accuracy of the information contained in this document. If you have any questions or concerns as to the nature and effect of Notices on Title, please refer to the actual text of sections 57 and 58 of the Community Charter and seek your own independent legal advice.

EXCERPTS FROM COMMUNITY CHARTER

NOTE AGAINST LAND TITLE THAT BUILDING REGULATIONS CONTRAVENED

- 57 (1) A building inspector may recommend to the council that it consider a resolution under subsection (3) if, during the course of carrying out duties, the building inspector
- (a) observes a condition, with respect to land or a building or other structure, that the inspector considers
 - (i) results from the contravention of, or is in contravention of,
 - (A) a municipal bylaw,
 - (B) a Provincial building regulation, or
 - (C) any other enactment
 - that relates to the construction or safety of buildings or other structures, and
 - (ii) that, as a result of the condition, a building or other structure is unsafe or is unlikely to be usable for its expected purpose during its normal lifetime, or
 - (b) discovers that
 - (i) something was done with respect to a building or other structure, or the construction of a building or other structure, that required a permit or an inspection under a bylaw, regulation or enactment referred to in paragraph (a) (i), and
 - (ii) the permit was not obtained or the inspection not satisfactorily completed.
- (2) A recommendation under subsection (1) must be given in writing to the corporate officer, who must
- (a) give notice to the registered owner of the land to which recommendation relates, and
 - (b) after notice under paragraph (a), place the matter before the council.
- (3) After providing the building inspector and the owner an opportunity to be heard, the council may confirm the recommendations of the building inspector and pass a resolution directing the corporate officer to file a notice in the land title office stating that
- (a) a resolution relating to that land has been made under this section, and
 - (b) further information about it may be inspected at the municipal hall.
- (4) The corporate officer must ensure that all records are available for the purpose of subsection (3) (b).
- (5) If the registrar of land titles receives a notice under subsection (3) and payment of the prescribed fee, the registrar must make a note of the filing against the title to the land that is affected by the notice.
- (6) The note of a filing of a notice under this section is extinguished when a new title to the land is issued as a result of the deposit of a plan of subdivision or a strata plan.
- (7) In the event of any omission, mistake or misfeasance by the registrar or an employee of the registrar in relation to the making of a note of the filing under subsection (5), or a cancellation under section 58, after the notice is received by the land title office,

- (a) the registrar is not liable and neither the Provincial government nor the Land Title and Survey Authority of British Columbia is liable vicariously,
- (a.1) the assurance fund or the Land Title and Survey Authority of British Columbia as a nominal defendant is not liable under Part 19.1 of the Land Title Act, and
- (b) the assurance fund or the minister charged with the administration of the Land Title Act as a nominal defendant is not liable under Part 20 of the Land Title Act.

(8) Neither the building inspector nor the municipality is liable for damage of any kind for the doing of anything, or the failure to do anything, under this section or section 58 that would have, but for this subsection, constituted a breach of duty to any person.

(9) The authority under this section is in addition to any other action that a building inspector is authorized to take in respect of a matter referred to in subsection (1).

CANCELLATION OF NOTE AGAINST LAND TITLE

- 58 (1) On receiving a report from a building inspector that the condition that gave rise to the filing of the notice under section 57 (3) has been rectified, the corporate officer must file a cancellation notice and, on receiving the notice, the registrar of land titles must cancel the note against the title to which it relates.
- (2) An owner of land with respect to which a notice has been filed under section 57 (3), may apply to the council for a resolution that the note be cancelled.
- (3) After hearing an applicant under subsection (2), the council may pass a resolution directing the corporate officer to file a cancellation notice.
- (4) If a resolution has been passed under subsection (3), the corporate officer must file a cancellation notice in the land title office and, on receiving the notice, the registrar of land titles must cancel the note against the title to which it relates.
- (5) If the council does not pass a resolution under subsection (3), the owner may apply to the Supreme Court and notify the municipality to attend before the court to show cause why the note should not be cancelled.
- (6) On an application under subsection (5), after reviewing any evidence that the owner and the municipality may adduce, the court may make an order directing the registrar to cancel the note made under section 57 (5) and, on receiving the order, the registrar of land titles must cancel the note accordingly.

Folio: 775.03638.000
Civic: 41330 NORTH NICOMEN RD
Size: 3.27 ACRES

Pid: 011-252-723
Legal: LOT 1, SECTION 6, TOWNSHIP 24, NEW
 WESTMINSTER DISTRICT, PLAN NWP6914

Owner: DEOL, MANINDER S
 32902 TRENHOLM AVE
 MISSION BC V4S 0C7
 (CA5415467)

2018 Actual Assessments	Land Class	Land	Impr Class	Impr
00 - FULLY TAXABLE LAND, STRUCTURES	1 - Res	493000	1 - Res	265000

Lto Number	Sales Price	Date	Description
CA5415467	450,000.00	Aug 11, 2016	IMPROVED SINGLE PROPERTY CASH TRANSACTI
CA1650604	246,500.00	Jul 12, 2010	REJECT - NOT SUITABLE FOR SALES ANALYSIS
CA260295	467,000.00	Jul 28, 2006	IMPROVED SINGLE PROPERTY CASH TRANSACTI
BX464594	440,000.00	Jul 12, 2005	IMPROVED SINGLE PROPERTY CASH TRANSACTI
BW77681	236,110.00	Feb 27, 2004	REJECT - NOT SUITABLE FOR SALES ANALYSIS

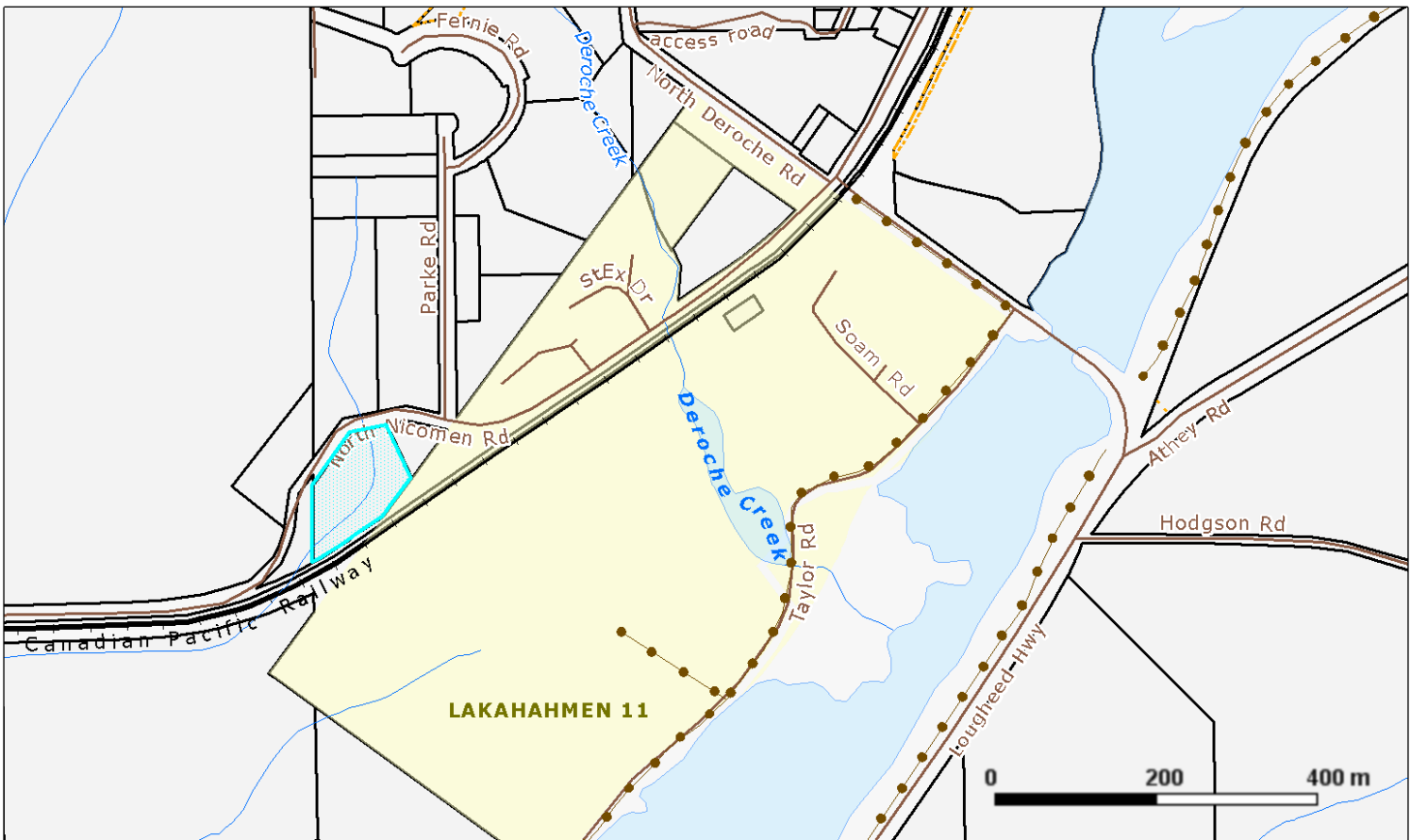
Attribute	Value	Description
ACTUAL USE	060	2 Acres Or More (Single Family Dwelling, Duplex)
DEFINED AREA	B	
ELECTORAL AREA	G	
LAND TENURE	01	CROWN-GRANTED
MANUAL CLASS	0140	1 STY SFD-AFTER 1960-MOD. STD
NEIGHBOURHOOD	801	
SCHOOL DISTRICT	75	
SERVICE AREA	45C	

Classification	Start Date	Stop Date	Comment
BYLAW ENFORCEM	Oct 11, 2011		See BE staff for details: G06338.000

Prop.Charge	Type	Sub Type	Project	Discharged	Text
O/536	GEOTECH REPORTS	OVERVIEW			Area G OCP
S/630	GEOTECH REPORTS	SECONDARY			Deroche Creek Sediment Management Study

Property Information Report

Civic Address:	41330 NORTH NICOMEN RD	Lot Size:	3.27 ACRES
Folio Number:	775.03638.000	Electoral Area:	G
PID:	011-252-723	Map Scale:	1:8626
Legal Description:	LOT 1, SECTION 6, TOWNSHIP 24, NEW WESTMINSTER DISTRICT, PLAN NWP6914		



Land-use Information

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

Utility Information

Local Service Area:	Contact Planning Department
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This information is provided as a public resource for general information purposes only. The information shown is compiled from various sources and the Fraser Valley Regional District makes no warranties, expressed or implied, as to the accuracy or completeness of the information. This report is not a legal document and is published for information and convenience only. The Fraser Valley Regional District is not responsible for any errors or omissions that may appear on this report.

To: Electoral Area Services Committee

Date: 2018-04-10

From: Louise Hinton, Bylaw Compliance and Enforcement Officer

File No: Fo6804.200

Subject: Building Bylaw, and BC Building Code Contraventions at 36162 Ridgeview Road Electoral Area F, Fraser Valley Regional District, British Columbia (legally described as Lot 7 Section 4 Township 4 Range 2 West of the Seventh Meridian New Westminster District

RECOMMENDATION

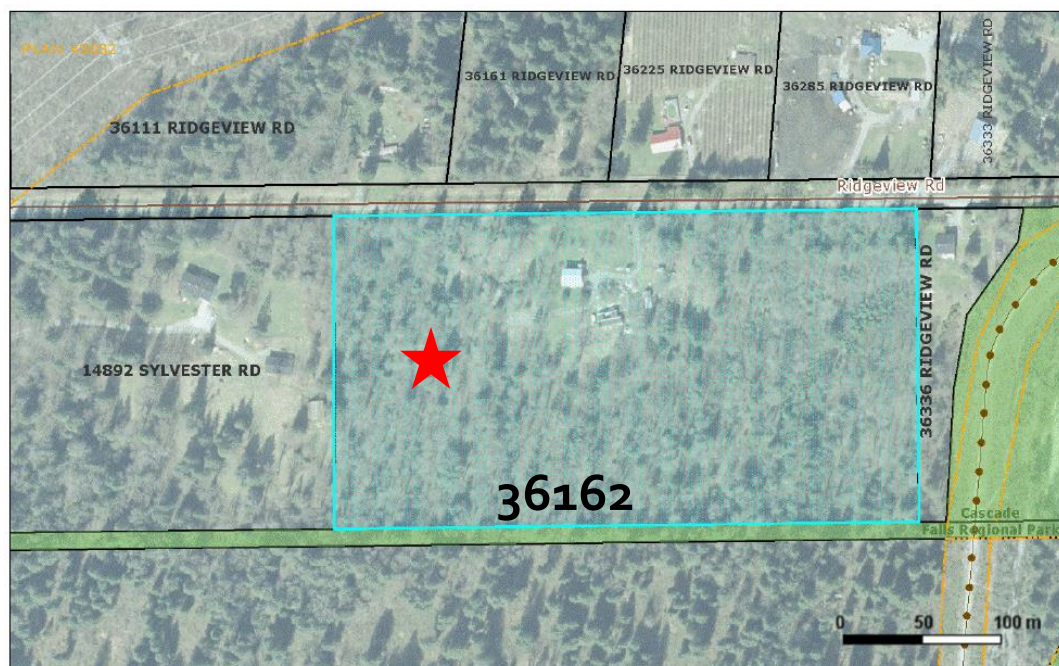
THAT the Fraser Valley Regional District Board direct staff to file a Notice in the Land Title Office in accordance with Section 57 of the *Community Charter* due to the contraventions of the *Fraser Valley Regional District Building Bylaw No. 1188, 2013*, at 36162 Ridgeview Road Electoral Area F, Fraser Valley Regional District, British Columbia (legally described as Lot 7 Section 4 Township 4 Range 2 West of the Seventh Meridian New Westminster District Plan 45682; and Parcel Identifier 005-171-474).

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

BACKGROUND

February 15, 2011 – Regional District Bylaw Staff were in the area on other inspections and noticed some construction at 36162 Ridgeview Road. Inspection photographs were taken from the road.



February 16, 2011 - Regional District Bylaw Staff conducted background research on the subject property and determined that there were no Building Permit Applications or issued permits for 36162 Ridgeview Road and as such a Bylaw Enforcement File was opened.

February 17, 2011 – Regional District Building Inspection Staff attended the subject property at 36162 Ridgeview Road for a site inspection. The property owner Ms. Susan Pattan was on site during inspection. The Building Inspector noted several items:

1. There appears to be some kind of renovations to the second storey of the single family home, and the Building Inspector is unsure if there is or was a permit for the work in the past. Permit history to be determined for appropriate follow-up.
2. There is a new covered deck structure under construction on front side the single family dwelling.

The Regional District Building Inspector posted the deck structure with No Occupancy and Stop Work Notices. Staff explained that a Building Permit is required for these types of works, gave Ms. Susan Pattan his business card and took inspection photographs.

Inspection Photos taken **February 17, 2011** showing construction without a permit.



February 18, 2011 – Regional District Bylaw Enforcement Staff determined that there was a Building Permit applied for in July of 1981 (BP006927) after it was discovered the owner was building a foundation on an existing building without the proper Building Permits. The Building Permit was never fully completed and as such was closed due to inactivity.

Property owner Ms. Susan Pattan came to the Regional District Building Office and applied for a new Building Permit (BP012485) for the second storey addition/renovation including for the "roof over the decks", and a second Building Permit (BP012488) for the wood/storage shed.

March 9, 2011 – Two separate letters are sent by regular mail to the property owner Ms. Susan Pattan listing the required outstanding items to complete her two Building Permit Applications (BP012485) for the second storey addition/renovation including for the "roof over the decks", and (BP012488) for the wood/storage shed.

July 11, 2011 – A second set of two separate letters are sent by regular mail to the property owner Ms. Susan Pattan listing the required outstanding items to complete her two Building Permit Applications

(BP012485) for the second storey addition/renovation including for the "roof over the decks", and (BP012488) for the wood/storage shed.

August 15, 2011 – A third letter is sent by regular mail to the property owner Ms. Susan Pattan listing the required outstanding items to complete her Building Permit Application (BP012485) for the second storey addition/renovation including for the "roof over the decks".

November 16, 2011 - A fourth letter is sent by regular mail to the property owner Ms. Susan Pattan listing the required outstanding items to complete her Building Permit Application (BP012488) for the wood/storage shed.

March 19, 2012 - A fifth set of two separate letters are sent by regular mail to the property owner Ms. Susan Pattan listing the required outstanding items to complete her two Building Permit Applications (BP012485) for the second storey addition/renovation including for the "roof over the decks", and (BP012488) for the wood/storage shed.

April 20, 2012 - A sixth set of two separate letters are sent by regular mail to the property owner Ms. Susan Pattan listing the required outstanding items to complete her two Building Permit Applications (BP012485) for the second storey addition/renovation including for the "roof over the decks", and (BP012488) for the wood/storage shed.

April 24, 2012 - Regional District Building Inspection and Planning Department Staff met with agents of the property Mr. Terry Wolczuk and Mr. Phillip Pattan at the Fraser Valley Regional District's Chilliwack Office. Mr. Wolczuk and Mr. Pattan stated that they would apply for a Development Permit and that they would work with a structural engineer to complete the remainder of the requirements for the Building Permits as detailed in the March 9, 2011 letter.

April 25, 2013 – Planning Staff advised Regional District Bylaw Staff of the change in property ownership. A current title search that showed the property is now registered to Ms. Tracy Pocock, Executor of the will of Property Owner Susan Pattan, Deceased. The change was registered at land titles as of November 2012.

April 25, 2012 – Mr. Terry Wolczuk and Mr. Phillip Pattan, submitted an application for a Development Permit (DP001348) for the second storey addition and 3 decks within *Development Permit Area-1F* within the *Dewdney-Alouette Regional District Land Use and Subdivision Regulation Bylaw No. 559-1992* (Bylaw 559) for 36162 Ridgeview Road.

May 9, 2013 – Regional District Bylaw Staff attempted to contact Ms. Pocock, who was the Executor of Ms. Susan Pattan's estate, by telephone, but there was no answer. Staff then contacted Mr. Phillip Pattan, who identified himself as an immediate family member of Ms. Susan Pattan. Mr. Pattan stated that everyone is on vacation until May 20, 2013.

May 15, 2013 – Regional District Building Inspection and Bylaw Staff attended the subject property at 36162 Ridgeview Road for a site inspection, at the request of Ms. Tracey Pocock. Inspection Staff noted and photographed the following items during the inspection:

1. There was new construction works (new plywood walls on the decks and new siding on the second story renovation) on the property since the last site inspection in March 2011 in violation of the posted Stop Work Notice;
2. Stop Work and No Occupancy Notices were no longer in place.

Inspection Photos taken **May 15, 2013** showing continued construction without a permit, disobey Stop Work order and removal of notice.



May 28, 2013 – Planning Department Staff sent an email to Mr. Wolczuk and Mr. Pattan to notify them that their Development Permit Application (DP001348) has been cancelled due to inactivity.

June 27, 2013 - Regional District Bylaw Staff met with Ms. Pocock and Mr. Pattan at the Regional District office in Chilliwack . Ms. Pocock and Mr. Pattan relayed to staff that they have decided that they are going to go through the steps to obtain a Building Permit for the second story construction. Mr. Pattan is listed as an agent and stated the intent to purchase the property.

March 18, 2014 – Regional District Bylaw Staff received an inquiry from a local real estate agent regarding the bylaw enforcement issues on the property. Property owner Ms. Pocock contacted Regional District Bylaw Staff on this same day and explained she would provide a letter of agency document to the Regional District, so that her realtor has full access to the file history. Ms. Pocock also specified to Bylaw Staff that anyone interested in purchasing the property should have full and complete access to all the property and bylaw enforcement related files.

March 19, 2014 - A seventh letter is sent by regular mail to the property owner Ms. Susan Pattan, c/o Ms. Tracy Pocock, Executor listing the required outstanding items to complete the Building Permit Application (BP012485) for the second storey addition/renovation including for the "roof over the decks.

April 17, 2014 - Regional District Bylaw Staff received a phone call from the property owner Ms. Tracy Pocock who explained that the house has been sold to Ms. Wendy Scott and the sale will be completed on April 28, 2014. Ms. Pocock stated that Ms. Scott understands all of the outstanding bylaw enforcement issues of the property.

June 13, 2014 – The new property owners Ms. Wendy Scott and Mr. William Dahlman came in to the Fraser Valley Regional District's Chilliwack Office to discuss the Building Permit Applications on the property with both Bylaw and Building Inspection Staff. A New title search of the property was pulled confirming the sale and new ownership of the property. It was explained to the new owners Ms. Scott and Mr. Dahlman that the two Building Permits for the second storey renovation including the attached covered decks, and the storage building need to be completed to achieve compliance on the bylaw enforcement file.

November 19, 2014 - Regional District Bylaw Staff identified that the Building Permit Applications remained incomplete and attempted to contact the new property owners Ms. Scott and Mr. Dahlman by telephone, there was no answer so a voicemail was left for them to call back. Regional District Bylaw Staff also sent an email to the property owners requesting contact.

December 2, 2014 – A final set of two separate letter are sent by regular mail to the property owners Ms. Wendy Scott and Mr. William Dahlman listing the required outstanding items to complete the two Building Permit Applications (BP012485) for the second storey addition/renovation including for the "roof over the decks", and (BP012488) for the wood/storage shed.

January 21, 2015 - Regional District Bylaw Staff met with Mr. Dahlman at the counter of the Regional District Chilliwack Office and explained that enforcement on the outstanding permits would progress if they don't complete their permit application before February 2, 2015. Mr. Dahlman explained that the recent storm lifted the roof of the house, and advised that they are living in the house. FVRD Bylaw Staff reminded the owner of the previously posted Stop Work and No Occupancy Notices on the building.

January 22, 2015 - Regional District Planning Staff received the geotechnical report for 36162 Ridgeview Road from Ms. Wendy Scott. FVRD Planning Department Staff sent Ms. Scott a Development Permit application shortly after this, explaining that she would need to re-apply for a the Development Permit as the previous application had been closed due to inactivity in 2013.

February 16, 2015 – Another set of two separate letters was sent by regular mail to the property owners Ms. Wendy Scott and Mr. William Dahlman to notify them that both of their two Building Permit Applications (BP012485) for the second storey addition/renovation including for the "roof over the decks", and (BP012488) for the wood/storage shed have now been closed due to inactivity. The letters each also advise the property owners that their files have now been referred back to the Bylaw Enforcement Department for follow-up.

January 18, 2016 – Regional District Bylaw Staff attempted to contact the property Ms. Wendy Scott by telephone and there was no answer, so a detailed voice mail was left for Ms. Wendy Scott requesting a call back. FVRD Staff also attempted to separately contact the other property owner Mr. William Dahlman by telephone; and there was no answer, so another detailed voice mail was left for Mr. William Dahlman requesting a call back.

April 25, 2016 - Regional District Bylaw Staff sent a letter requesting access to the property for an inspection to the property owner via regular mail to property owners Ms. Scott and Mr. Dahlman with a deadline for a response of May 16, 2016.

June 7, 2016 – Regional District Bylaw Staff sent a letter requesting access to the property owner via regular mail to property owners Ms. Scott and Mr. Dahlman with a deadline for a response of July 5, 2016.

August 15, 2016 – Building Inspection Staff attended the subject property at 36162 Ridgeview Road for a site inspection. No one was on site at the time of the inspection. Inspection Staff posted the second story addition on single family dwelling, the attached decks and the large storage/pole building with Stop Work and No Occupancy Notices. Inspection photos were taken.

Inspection Photos taken **August 15, 2016** showing construction without a permit:



October 20, 2016 - Regional District Bylaw Staff sent an enforcement letter by regular mail to the property owners Ms. Scott and Mr. Dahlman with two Bylaw Offence Notice Tickets (No. 22209 and No. 22210), both for construction without a permit with a deadline for compliance of November 21, 2016.

November 8, 2016 – Upper Fraser Valley Bylaw Adjudication system notified Regional District Bylaw Staff that the property owners have disputed the two Bylaw Offence Notice Tickets (No. 22209 and No. 22210); and requested supporting documentation for the two Bylaw Offence Notice Tickets.

January 13, 2017 - Bylaw Offence Notice Tickets (No. 22209 and No. 22210) are cancelled at the agreement of the Regional District Bylaw Enforcement Staff and Bylaw Adjudication Screening Officer for clerical reasons.

January 16, 2018 - Regional District Building Inspection and Bylaw Staff attended the subject property at 36162 Ridgeview for a follow-up site inspection. The unpermitted works, including the second storey addition, the attached decks, and storage building all remained on the property. Inspection photographs were taken.

February 16, 2018 - Regional District Bylaw Staff sent a letter to both the property owners Ms. Wendy Scott and Mr. William Dahlman by email and regular mail advising them of staff's recommendation to proceed with the process of registering a Section 57 *Community Charter* notice on the title of their

property. This letter gave the owners a final opportunity to achieve voluntary compliance by the deadline of March 9, 2018. FVRD Staff has not received a response or any Building Permit Applications from the property owners to date.

DISCUSSION

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

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

Building Bylaw

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

A second story addition including three attached decks on the single family dwelling, and a storage building were all constructed on the property without Building Permits.

Multiple Building Permits are required for the works undertaken by the property owner.

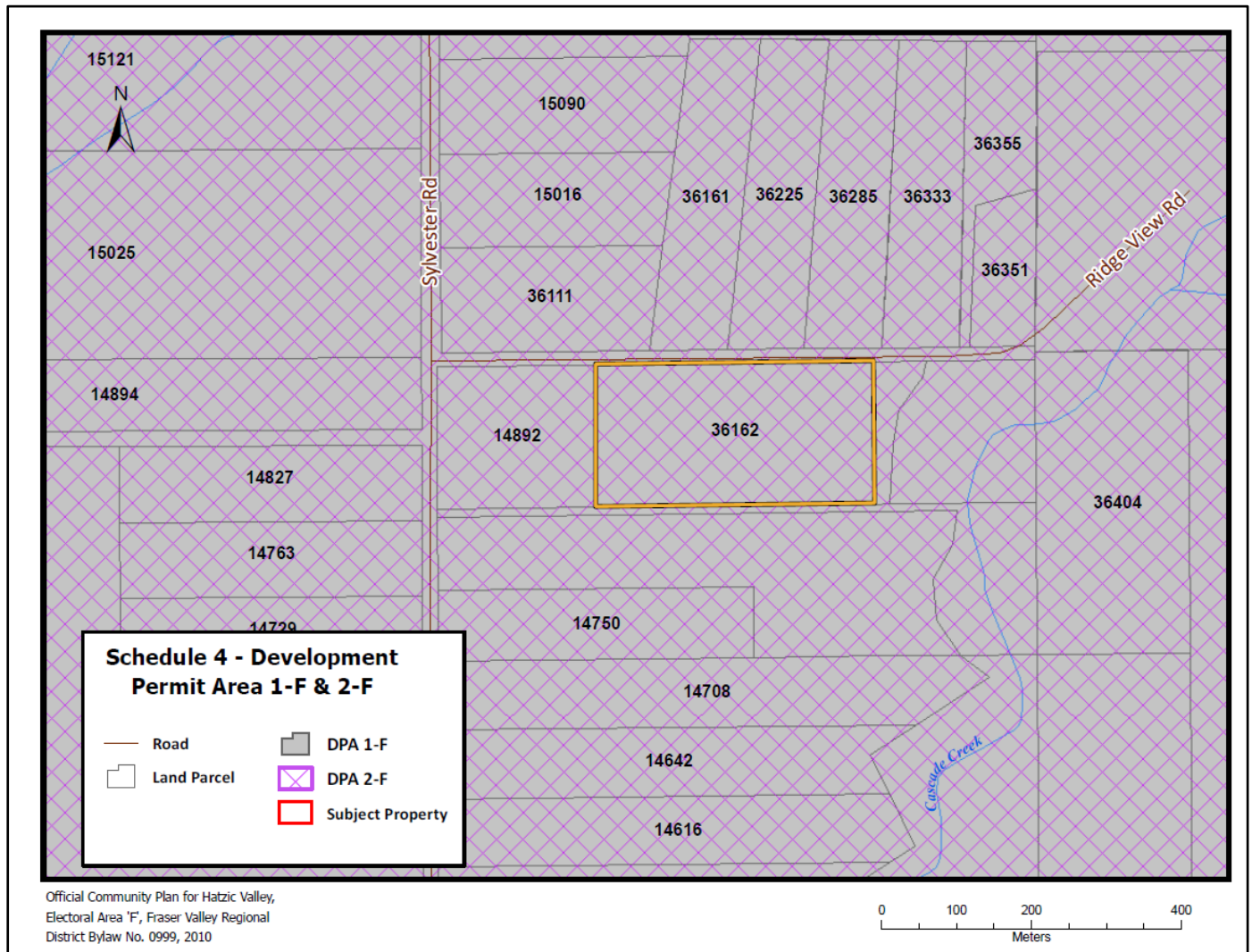
Official Community Plan

1. The subject property is within the *Geologic & Stream Hazard Development Permit Area 1-F* (DPA 1-F) under the *Fraser Valley Regional District Official Community Plan for Electoral Area F Bylaw No. 0999, 2010*, (Bylaw 0999). This Development Permit area is designated for the protection of development from hazardous conditions. A Development Permit must be obtained prior to alteration of land or construction of, addition to, or alteration of a building or structure.
2. The subject property is within the *Riparian Areas Development Permit Area 2-F* (DPA 2-F) under the *Fraser Valley Regional District Official Community Plan for Electoral Area F Bylaw No. 0999, 2010*, (Bylaw 0999). This Development Permit area is designated for the protection of the natural environment, its ecosystems and biological diversity. A Development Permit must be obtained prior to alteration of land or construction of, addition to, or alteration of a building or structure.

A Development Permit must be obtained prior to the alteration of land the disturbance of soil or vegetation; or construction of or addition to a building or structure within a riparian assessment area. To date there has been no completed application for a Development Permit for any of the construction or land alteration works that have occurred on the subject property.

A completed Development Permit is required for the construction that has taken place on the property.

DEVELOPMENT PERMIT AREA MAP (1-F)



COST

Land Titles Office filing fee of approximately \$55.

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

1. Demolished with Building Permits issued by the FVRD with a successful final inspections; or
2. Two fully completed Building Permits for the second storey renovation to the single family dwelling including three attached decks, and the construction of the storage building are issued by the FVRD and both receive successful final inspections. The applications require the application and issuance of a Development Permit for the alteration of land and construction.

CONCLUSION

It is the opinion of the Bylaw Compliance and Enforcement Officer/Appointed Building Inspector that the construction of the second story addition including three attached decks, and a storage building that were completed without Building Permits and the construction without a Development Permit violate multiple Regional District Bylaws, and the *British Columbia Building Code*. Staff further notes that full compliance will only be achieved with the successful completion of two fully completed Building Permits for the second story renovation including three attached decks, and the storage building construction works, and the issuance of a Development Permit.

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

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

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

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

COMMENTS BY:

Margaret Thornton, Director of Planning & Development	Reviewed and supported.
Mike Veenbaas, Director of Financial Services	No further financial comment.
Paul Gipps, Chief Administrative Officer	Reviewed and supported

March 8, 2018

REGISTERED MAIL

Ms. Wendy Scott
Mr. William Dahlman
36162 Ridgeview Road
Mission, BC V2V 0B9

FILE: 4010-20-F06804.200

CIVIC: 36162 Ridgeview Road

PID: 005-171-474

LEGAL: Lot 7 Section 4 Township 4 Range 2 West of the Seventh Meridian New Westminster
District Plan 45682

Dear Ms. Scott and Mr. Dahlman:

**Re: SHOW CAUSE HEARING – Contraventions of Building Bylaw No. 1188, 2013
36162 Ridgeview Road Electoral Area F**

Further to the final warning letter dated February 16, 2018 that was sent to you on the same day, please be advised you are hereby notified that your opportunity to be heard by the Regional District Electoral Services Committee has been scheduled. The meeting is to show cause why the Regional District Board of Directors should not direct staff to file a Notice against the title of your property at 36162 Ridgeview Road in relation to the outstanding contraventions of the *Fraser Valley Regional District Building Bylaw No. 1133, 2018* pursuant to Section 57 of the *Community Charter*.

The **show cause** hearing is scheduled for **April 10, 2018 at 1:30pm**, in the Boardroom on the fourth floor of the Regional District Office at 45950 Cheam Avenue, Chilliwack, British Columbia.

The Electoral Area Services Committee will consider registration of the Section 57 Notice on the title of your property at 36162 Ridgeview Road whether or not you are in attendance. For your convenience, I have attached relevant extracts from the *Community Charter* and a copy of the staff report which will be considered by the Committee.

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

Sincerely,



Digitally signed by Paul
Gipps
Date: 2018.03.07 16:01:36
-08'00'

Paul Gipps
Chief Administrative Officer

cc: Ray Boucher, Director of Electoral Area F
Margaret-Ann Thornton, Director of Planning & Development
Greg Price, Bylaw & Compliance Coordinator

Attach: February 16, 2018 Copy of Final Warning Letter to Property Owner
April 10, 2018 Staff Report from Bylaw and Appointed Building Inspector
February 16, 2018 Land Title Search Results
February 28, 2018 Property Information Report
February 28, 2018 Property Information Map
Notice on Title Information Sheet Including Community Charter, Section 57 and 58

February 16, 2018

Via Email: wendyscott_64@hotmail.com

Ms. Wendy Scott
Mr. William Dahlman
36162 Ridgeview Road
Mission, BC V2V 0B9

FILE: 4010-20-F06804.200

CIVIC: 36162 Ridgeview Road

PID: 005-171-474

LEGAL: Lot 7 Section 4 Township 4 Range 2 West of the Seventh Meridian New Westminster
District Plan 45682

Dear Ms. Scott and Mr. Dahlman:

Re: Final Warning – Construction without a Building without a Permit – 36162 Ridgeview Road; Second Story Renovation, three decks and a storage building

Further to our previous correspondence dated October 20, 2016 the Fraser Valley Regional District staff has confirmed that your property at 36162 Ridgeview Road (the “property”) continues to remain in breach of Regional District bylaws despite our numerous requests for compliance. Staff verified that the unauthorized construction of a second story renovation including three attached decks, and a storage building were all done without any of the required permits.



Fraser Valley Regional District's Building Bylaw No. 1188, 2013 (Bylaw 1188) section 6 states:

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

The Regional District continues to have an open bylaw enforcement file with regards to the illegal construction on your property. It has now been more than seven years since the Regional District first discovered the unauthorized construction and we have made multiple attempts to work with you to help you bring the property into compliance with all current bylaws since you purchased the property in April 2014.

Considering that you have not been able to meet any of the previously given deadlines to comply with the building permit requirements, the Regional District will proceed with the process of registering a notice on the title of your property with the Land Titles Office as outlined in Section 57 of the *Community Charter*. Please see the enclosed information sheet that provides further details on the process.

If you do wish to take steps towards gaining compliance in the above stated matter please ensure that by **March 9, 2018** two fully completed building permit applications are submitted for the above noted construction to the Fraser Valley Regional District's Building Department. Alternatively you may choose to demolish the unpermitted construction. If you choose to proceed with a building permit, please ensure that each of the two completed application forms include the following items:

- a) Detailed to scale drawings for the structure including the uses for each space;
- b) An initial application fee in the amount of \$150.00 for the permit; and
- c) A single development permit application for all the works (please refer to planning department for further information on how to apply for a Development Permit).

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

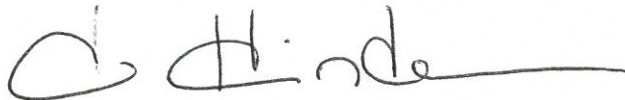
The Regional District wishes to continue to work with you to achieve compliance in this matter, however if you fail to meet the above stated deadline of **March 9, 2018** we will move forward to begin the process of registering a notice on the title of your property with the Land Titles Office as outlined in section 57, of the *Community Charter*.

The primary purpose of an owner obtaining their Building Permit is for the safety of its occupants. Having a non-approved building puts the occupants at risk and should an

unfortunate incident occur the owner may be held more liable. We encourage you to read the BC Occupiers Liability Act regarding property safety and negligence, available online at: http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96337_01

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

Yours truly,



Louise Hinton,
Bylaw, Compliance and Enforcement Officer

Attach: Copy of Letter dated October 20, 2016
Copy of Letter dated June 7, 2016
Copy of Letter dated April 25, 2016
Copy of Letter dated March 17, 2015
Copy of Letter dated February 16, 2015
Copy of Letter dated December 2, 2014
Section 57 Information Sheet

cc: Ray Boucher, Director of Electoral Area F
Margaret-Ann Thornton, Director of Planning & Development
Greg Price, Bylaw & Compliance Coordinator

October 20, 2016

COPY

Wendy Scott
William Dahlman
36162 Ridgeview Road
Mission, BC V2V 0B9

FILE: 4010-20-F06804.200
CIVIC: 36162 Ridgeview Road
LEGAL: Lot 7 Section 4 Township 4 Range 2 West of the Seventh Meridian New Westminster District Plan
45682 Parcel Identifier: 005-171-474

Dear Ms. Scott and Mr. Dahlman;

RE: Contravention of the Building Bylaw – Construction without permits

In February 2011 the Regional District received information that construction had been done without the benefit of a building permit. Staff performed an inspection and confirmed the illegal construction which was then posted with Stop Work and No Occupancy Notices. Subsequently, building permit applications were submitted for the second floor addition to the single family dwelling and storage shed. These applications were incomplete and eventually closed in February 2015 due to lack of response from you.



A recent inspection of your property on August 15, 2016 confirmed that the illegal construction remains on the property. The addition to the house and decks were re-posted with Stop Work and No Occupancy notices. Further, a pole building was posted with Stop Work and No Occupancy notices.

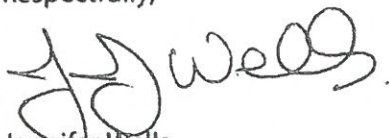
The Regional District has made multiple attempts to work with you to help you bring the property into compliance with all current bylaws since you purchased the property in April 2014. As you will not return staffs phone calls and letters we are obligated to pursue alternate means of bylaw enforcement. Therefore, please find Bylaw Offence Notice Nos. 22209 and 22210 enclosed with this letter. These notices have been issued for failure to comply with *Fraser Valley Regional District Building Bylaw No. 1188, 2013*. On the reverse side of the Bylaw Offence Notice you will find the methods available to you to pay or dispute the penalty. Please note that Bylaw Offence Notices may be paid online via www.fvrd.ca/tickets.

At this time, staff again request that that you re-apply for the required building permits or remove the illegal construction no later than **November 21, 2016**. You may be subject to further ticketing and your file may be

referred to the Regional Board for their consideration and recommendation regarding further bylaw enforcement should you fail to comply with this request.

If you have any questions or wish to discuss this matter further, you are welcome to contact me by calling toll free at 1-800-528-0061, directly at 604-702-5015, or by email at jwells@fvrd.ca. Our office hours are Monday through Friday from 8:30am to 4:30pm.

Respectfully,



Jennifer Wells

Bylaw, Permits & Licences Technician

cc: Ray Boucher, Director of Electoral Area F
Margaret-Ann Thornton, Director of Planning & Development

encl: Bylaw Offence Notices Nos. 22209 and 22210
Letter dated June 7, 2016
Letter dated April 25, 2016
Letter dated March 17, 2015
Letters dated February 16, 2015
Letters dated December 2, 2014

UPPER FRASER VALLEY BYLAW ADJUDICATION SYSTEM

- ☐ City of Chilliwack ☐ District of Hope **BNE**
☐ District of Kent ☒ Fraser Valley Regional District
☐ Village of Harrison Hot Springs

BYLAW OFFENCE NOTICE

Local Government Bylaw Notice Enforcement Act

ISSUED TO:

SURNAME OR CORPORATE NAME		<input type="checkbox"/> YOUNG PERSON
GIVEN NAMES (OR CORPORATE NAME CONTINUED)	GENDER	BIRTHDATE (YY MM DD)
Wendy	M / F	
ADDRESS		
36162 Edgewood Road		
CITY	PROVINCE	POSTAL CODE
Mission	BC	V2Y 0A9

VEHICLE INFORMATION (IF APPLICABLE)

MAKE _____ MODEL _____
COLOUR _____ LICENCE NO. _____ PROVINCE _____

THE BYLAW ENFORCEMENT OFFICER SAYS THAT HE OR SHE HAS REASONABLE AND PROBABLE GROUNDS TO BELIEVE, AND DOES BELIEVE, THAT THE ABOVE NAMED PERSON OR VEHICLE

ON OR ABOUT

DATE OF OFFENCE
YY MM DD
16 10 08

 AT THE TIME OF

(24hr Clock)
11:57

AT OR NEAR 36162 Edgewood Road, Mission, BC
STREET ADDRESS, CITY, PROVINCE OF BRITISH COLUMBIA

DID COMMIT THE OFFENCE INDICATED, UNDER THE FOLLOWING BYLAW:
Bylaw No. 1188 2008

BYLAW NAME		
DESCRIPTION OF OFFENCE	SECTION	PENALTY
Restriction without a permit	6.1	\$200
		\$
		\$

EARLY PAYMENT TERMS
THE PENALTY WILL BE REDUCED BY \$10.00 IF PAYMENT IS RECEIVED WITHIN 14 DAYS.
SURCHARGE OF \$10.00 WILL BE APPLIED IF PAYMENT IS NOT RECEIVED WITHIN 28 DAYS.

IF YOU WISH TO DISPUTE THE ALLEGATION CONTAINED IN THIS TICKET, YOU MAY APPEAR AT THE FOLLOWING LOCATION TO FILE AN ADJUDICATION REQUEST:
Upper Fraser Valley Bylaw Adjudication Registry
8550 Young Road, Chilliwack, BC, V2P 8A4
OR DELIVER, HAVE DELIVERED OR MAIL AN ADJUDICATION REQUEST TO THE ADDRESS ON THE REVERSE
IF YOU WISH TO PAY THE PENALTY, THE PENALTY AMOUNT MAY BE PAID AT THE ABOVE ADDRESS IN ACCORDANCE WITH THE PRESCRIBED INSTRUCTIONS (SEE REVERSE).

DATE SERVED 16/10/08
☐ BY MAIL/COURIER ☐ HAND DELIVERED ☐ POSTED ON PROPERTY
SIGNED OFFICER [Signature]
SIGNATURE [Signature]

THE PENALTY IS NOT PAID, OR AN ADJUDICATION REQUEST IS NOT SUBMITTED WITHIN 14 DAYS OF RECEIVING THIS NOTICE, THE PENALTY INDICATED WILL BECOME DUE AND PAYABLE.

ALLEGED OFFENDER'S COPY

1. ENQUIRIES

ENQUIRIES MAY BE DIRECTED TO THE UPPER FRASER VALLEY BYLAW ADJUDICATION SYSTEM REGISTRY OFFICE AT 8550 YOUNG ROAD, CHILLIWACK, BC, BETWEEN 0830 AND 1630 HOURS, MONDAY TO FRIDAY, 604-793-2743 OR 1-888-793-2744 OR WWW.FVBYLAW.CA.

2. HOW TO PAY OR DISPUTE

IF YOU WISH TO PAY THE PENALTY, YOU MAY PAY BY CASH, CHEQUE, MONEY ORDER, DEBIT OR CREDIT CARD.

IN PERSON - AT ANY LOCATION OF THE REGISTRY:

CITY OF CHILLIWACK	8550 YOUNG ROAD, CHILLIWACK, BC
DISTRICT OF HOPE	325 WALLACE STREET, HOPE, BC
DISTRICT OF KENT	7170 CHEAM AVENUE, AGASSIZ, BC
FVRD	45950 CHEAM AVENUE, CHILLIWACK, BC;
VILLAGE OF HARRISON HOT SPRINGS	495 HOT SPRINGS ROAD, HARRISON HOT SPRINGS, BC.
BY MAIL	8550 YOUNG ROAD, CHILLIWACK, BC, V2P 8A4
BY PHONE	604-793-2743 OR 1-888-793-2744
BY FAX	604-793-2715

A COPY OF THIS NOTICE MUST ACCOMPANY PAYMENT. **DO NOT MAIL CASH.** MAKE CHEQUE OR MONEY ORDER PAYABLE TO "UPPER FRASER VALLEY BYLAW ADJUDICATION SYSTEM."

FAILURE TO PAY OR DISPUTE WITHIN 14 DAYS WILL RESULT IN THE CORRESPONDING PENALTY BECOMING DUE AND PAYABLE. A CHARGE WILL BE ADDED FOR DISHONOURD CHEQUES. DISHONOURD CHEQUES INVALIDATE ANY RECEIPT. UNPAID PENALTIES MAY BE REFERRED TO OUR COLLECTION AGENT. RECEIPTS MAILED ONLY ON REQUEST.

3. HOW TO DISPUTE

IF YOU WISH TO DISPUTE THIS NOTICE, YOU MUST COMPLETE THE FORM BELOW, AND DELIVER IT TO THE REGISTRY OFFICE, 8550 YOUNG ROAD, CHILLIWACK, BC, V2P 8A4 WITHIN 14 DAYS OF RECEIVING THIS NOTICE. **PLEASE PRINT:**

BYLAW NOTICE NO. _____
DATE TICKET RECEIVED _____
LICENCE PLATE NO. (if applicable) _____
NAME _____
ADDRESS _____
CITY _____
POSTAL CODE _____
DAYTIME PHONE NUMBER _____

SIGNATURE

4. POSSIBLE CONSEQUENCES OF DISPUTING

A \$25 FEE IS ADDED TO THE PENALTY IF AN ADJUDICATOR FINDS THAT THE CONTRAVENTION DID OCCUR.

UPPER FRASER VALLEY BYLAW ADJUDICATION SYSTEM

- ☐ City of Chilliwack ☐ District of Hope **BNE**
☐ District of Kent ☐ Fraser Valley Regional District
☐ Village of Harrison Hot Springs

BYLAW OFFENCE NOTICE

Local Government Bylaw Notice Enforcement Act

ISSUED TO:

SURNAME OR CORPORATE NAME		<input type="checkbox"/> YOUNG PERSON
GIVEN NAMES (OR CORPORATE NAME CONTINUED)	GENDER M / F	BIRTHDATE (YY MM DD)
ADDRESS		
CITY	PROVINCE	POSTAL CODE

VEHICLE INFORMATION (IF APPLICABLE)

MAKE _____ MODEL _____
COLOUR _____ LICENCE NO _____ PROVINCE _____

THE BYLAW ENFORCEMENT OFFICER SAYS THAT HE OR SHE HAS REASONABLE AND PROBABLE GROUNDS TO BELIEVE, AND DOES BELIEVE, THAT THE ABOVE NAMED PERSON OR VEHICLE

ON OR ABOUT

DATE OF OFFENCE
YY MM DD

 AT THE TIME OF

(24hr Clock)
HH:MM

AT OR NEAR 36152 Redglen Road
STREET ADDRESS, CITY, PROVINCE OF BRITISH COLUMBIA

DID COMMIT THE OFFENCE INDICATED, UNDER THE FOLLOWING BYLAW:
Bylaw 198805

BYLAW NAME		
DESCRIPTION OF OFFENCE	SECTION	PENALTY
<u>Crimes 198805</u>	<u>61</u>	<u>\$200</u>
<u>2 points</u>		<u>\$</u>
		<u>\$</u>

EARLY PAYMENT TERMS
THE PENALTY WILL BE REDUCED BY \$10.00 IF PAYMENT IS RECEIVED WITHIN 14 DAYS.
SURCHARGE OF \$10.00 WILL BE APPLIED IF PAYMENT IS NOT RECEIVED WITHIN 28 DAYS.

IF YOU WISH TO DISPUTE THE ALLEGATION CONTAINED IN THIS TICKET, YOU MAY APPEAR AT THE FOLLOWING LOCATION TO FILE AN ADJUDICATION REQUEST:
Upper Fraser Valley Bylaw Adjudication Registry
8550 Young Road, Chilliwack, BC, V2P 8A4
OR DELIVER, HAVE DELIVERED OR MAIL AN ADJUDICATION REQUEST TO THE ADDRESS ON THE REVERSE
IF YOU WISH TO PAY THE PENALTY, THE PENALTY AMOUNT MAY BE PAID AT THE ABOVE ADDRESS IN ACCORDANCE WITH THE PRESCRIBED INSTRUCTIONS (SEE REVERSE).

DATE SERVED 10/10/20
☐ BY MAIL/COURIER ☐ HAND DELIVERED ☐ POSTED ON PROPERTY

SUING OFFICER [Signature]
SIGNATURE

IF THE PENALTY IS NOT PAID, OR AN ADJUDICATION REQUEST IS NOT SUBMITTED WITHIN 14 DAYS OF RECEIVING THIS NOTICE, THE PENALTY INDICATED WILL BECOME DUE AND PAYABLE

ALLEGED OFFENDER'S COPY

1. ENQUIRIES

ENQUIRIES MAY BE DIRECTED TO THE UPPER FRASER VALLEY BYLAW ADJUDICATION SYSTEM REGISTRY OFFICE AT 8550 YOUNG ROAD, CHILLIWACK, BC, BETWEEN 0830 AND 1630 HOURS, MONDAY TO FRIDAY, 604-793-2743 OR 1-888-793-2744 OR WWW.FVBYLAW.CA.

2. HOW TO PAY OR DISPUTE

IF YOU WISH TO PAY THE PENALTY, YOU MAY PAY BY CASH, CHEQUE, MONEY ORDER, DEBIT OR CREDIT CARD.

IN PERSON - AT ANY LOCATION OF THE REGISTRY:

CITY OF CHILLIWACK 8550 YOUNG ROAD, CHILLIWACK, BC

DISTRICT OF HOPE 325 WALLACE STREET, HOPE, BC

DISTRICT OF KENT 7170 CHEAM AVENUE, AGASSIZ, BC

FVRD 45950 CHEAM AVENUE, CHILLIWACK, BC;

VILLAGE OF HARRISON

HOT SPRINGS 495 HOT SPRINGS ROAD, HARRISON HOT SPRINGS, BC.

BY MAIL 8550 YOUNG ROAD, CHILLIWACK, BC, V2P 8A4

BY PHONE 604-793-2743 OR 1-888-793-2744

BY FAX 604-793-2715

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3. HOW TO DISPUTE

IF YOU WISH TO DISPUTE THIS NOTICE, YOU MUST COMPLETE THE FORM BELOW, AND DELIVER IT TO THE REGISTRY OFFICE, 8550 YOUNG ROAD, CHILLIWACK, BC, V2P 8A4 WITHIN 14 DAYS OF RECEIVING THIS NOTICE. **PLEASE PRINT:**

BYLAW NOTICE NO. _____

DATE TICKET RECEIVED _____

LICENCE PLATE NO. (if applicable) _____

NAME _____

ADDRESS _____

CITY _____

POSTAL CODE _____

DAYTIME PHONE NUMBER _____

SIGNATURE

4. POSSIBLE CONSEQUENCES OF DISPUTING

A \$25 FEE IS ADDED TO THE PENALTY IF AN ADJUDICATOR FINDS THAT THE CONTRAVENTION DID OCCUR.



**PLANNING &
DEVELOPMENT**

www.fvrd.ca | enforcement@fvrd.ca

June 7, 2016

COPY

Wendy Scott
William Dahlman
36162 Ridgeview Road
Mission, BC V2V 0B9

FILE: 4010-20-F06804.200
CIVIC: 36162 Ridgeview Road
PID: 005-171-474
LEGAL: Lot 7 Section 4 Township 4 Range 2 West Of The Seventh Meridian New Westminster District Plan 45682

Dear Ms. Scott and Mr. Dahlman;

Re: REQUEST PROPERTY INSPECTION OF «CIVICS»:

As you are aware, the Building Permit Applications for the following projects have been closed.

1. BP012485 for the purpose of constructing a 2nd floor addition.
2. BP012488 for the purpose of constructing a wood/storage shed.

These projects remain incomplete and are not covered by a valid building permit as required by the *Fraser Valley Regional District Building Bylaw No. 1188, 2013*. Building Permits are required by the Regional District to encourage owners to comply with minimum standards established by the British Columbia Building Code as well as other enactments which relate to health, safety and use of land.

Bylaw Enforcement staff require access to your property in order to conduct the inspection. On April 25, 2016 a letter was mailed to you requesting to set up a mutually convenient date to perform an inspection. To this date, we have not received a response. I have enclosed a copy of the letter for your reference.

Below, I have copied relevant excerpts of applicable legislation which permits employees of the Regional District to gain access to properties.

Section 419 of the Local Government Act states "If a board has authority to regulate, prohibit and impose requirements in relation to a matter, the board may, by bylaw, authorize officers, employees and agents of the regional district to enter, at all reasonable times, on any property to inspect and determine whether all regulations, prohibitions and requirements are being met."

Section 7.2.1 of the Building Bylaw states "A building official may enter any land, building, structure, or premises at any reasonable time for the purpose of ascertaining that the terms of this bylaw are being observed"

The Regional District wishes to work with you to enable you to bring your property in to compliance with all current bylaws. In order to accomplish this, we request that you provide access for staff to inspect your property on **July 5, 2016**. Should you fail to provide access, you may be subject to ticketing and your file may be referred to the Regional Board for their consideration and recommendation regarding further bylaw enforcement.

If you have any questions or wish to discuss this matter further, you are welcome to contact me by calling toll free at 1-800-528-0061, directly at 604-702-5015, or by email at jwells@fvid.ca. Our office hours are Monday through Friday from 8:30am to 4:30pm. Thank you once again for your co-operation.

Yours truly,



Jennifer Wells
Bylaw, Permits & Licences Technician

cc: Ray Boucher, Director of Electoral Area F
Margaret-Ann Thornton, Director of Planning & Development

Encl: letter dated April 25, 2016



April 25, 2016

Wendy Scott
William Dahlman
36162 Ridgeview Road
Mission, BC, V2V 0B9

COPY

FILE: 4010-20-F06804.200
CIVIC: 36162 Ridgeview Road
PID: 005-171-474
LEGAL: LOT 7 SECTION 4 TOWNSHIP 4 RANGE 2 WEST OF THE SEVENTH MERIDIAN NEW WESTMINSTER DISTRICT PLAN 45682

Dear Ms. Scott and Mr. Dahlman;

RE: Contravention of the Building Bylaw – Construction without a permit.

As you are aware from our letter dated March 17, 2015, Building Permit Applications for your property have been closed. The following projects remain incomplete and are not covered by a valid building permit as required by the *Fraser Valley Regional District Building Bylaw No. 1188, 2013*:

1. BP012485 for the purpose of constructing a 2nd floor addition.
2. BP012488 for the purpose of constructing a wood/storage shed.

Building Permits are required by the Regional District to encourage owners to comply with minimum standards established by the British Columbia Building Code as well as other enactments which relate to health, safety and use of land.

The Regional District wishes to work with you to enable you to bring your property into compliance with all current bylaws. In order to accomplish this, we ask that you provide access for staff to inspect your property on a mutually convenient date. Should you fail to respond before **May 16, 2016**, you may be subject to ticketing and your file may be referred to the Regional Board for their consideration and recommendation regarding further bylaw enforcement.

If you have any questions or wish to discuss this matter further, you are welcome to contact me by calling toll free at 1-800-528-0061, directly at 604-702-5015, or by email at jwells@fvrd.ca. Our office hours are Monday through Friday from 8:30am to 4:30pm. Thank you once again for your co-operation.

Yours truly,

Jennifer Wells
Bylaw, Permits & Licences Technician

cc: Ray Boucher, Director of Electoral Area F
Margaret-Ann Thornton, Director of Planning & Development
Encl. Copy of letter dated March 17, 2015

COPY



Fraser Valley Regional District
45950 Cheam Avenue, Chilliwack, British Columbia V2P 1N6
Phone: 604-702-5000 Toll Free: 1-800-528-0061 (BC only)
Fax: 604-792-9684 website: www.fvrd.bc.ca

March 17, 2015

File Number: 4010-20-F06804.200

Wendy Scott
William Dahlman
36162 Ridgeview Rd
Mission BC V2V 0B9

Dear Ms. Scott and Mr. Dahlman,

Re: Lapsed Building Permit Applications BP012485 and BP012488 at 36162 Ridgeview Road; legally described as Lot 7, Section 4, Township 4, Range 2, Meridian 7, New Westminster District, Plan NWP45682 Meridian W7.

As you are aware from our letter dated February 16, 2015 the following building permit applications have now been closed:

- BP012485 for the purpose of constructing a 2nd floor addition.
- BP012488 for the purpose of constructing a wood/storage shed.

Your project remains incomplete and is not covered by a valid building permit as required by the [Fraser Valley Regional District Building Bylaw No.1188, 2013](#). Therefore, your file has been referred back to Bylaw Enforcement.

The Regional District wishes to work with you to enable you to bring your property into compliance with all current bylaws. In order to accomplish this, we ask that you contact the Regional District immediately and advise us of your intentions with respect to this matter. Further, we request that you re-apply for a building permit or remove the illegal construction no later than April 17, 2015. Should you fail to comply with this request, you may be subject to ticketing and your file may be referred to the Regional Board for their consideration and recommendation regarding further bylaw enforcement. More information regarding the building permit process and downloadable application forms are available at the following web address: <http://www.fvrd.bc.ca/Services/BuildingPermitInspection/Pages/InformationandForms.aspx>

You may reach the Building Department at the toll-free number above, Monday through Friday from 8:30am to 4:30pm, to discuss this issue further. You may also contact me directly at 604-702-5017 or by email at asnashall@fvrd.bc.ca. Thank you in advance for your co-operation.

Yours truly,

Adriana Snashall
Bylaw, Permits, and Licenses Technician

cc: Ray Boucher, Director of Electoral Area F
Margaret Thornton, Director of Planning and Development



Fraser Valley Regional District
45950 Cheam Avenue, Chilliwack, British Columbia V2P 1N6
Phone: 604-702-5000 Toll Free: 1-800-528-0061 (BC only)
Fax: 604-792-9684 website: www.fvrd.bc.ca

File Number: 3800-30-BP012485F

February 16, 2015

COPY

Scott, Wendy T
Dahlman, William C
36162 Ridgeview Rd
Mission BC V2V 0B9

Dear Mr. Dahlman & Ms. Scott:

Re: Building Permit Application No. BP012485 for the purpose of constructing a 2nd floor addition on property legally described as Lot 7, Section 4, Township 4, Range 2, Meridian 7, New Westminster District, Plan NWP45682 Meridian W7. Known as 36162 Ridgeview Rd.

Further to the attached final letter of requirements sent on December 2, 2014, please be advised that the required items to fulfill the building permit application process remain outstanding and the above noted building permit application has now been closed. Your project remains incomplete and is not covered by a valid building permit as required by "Fraser Valley Regional District Building Bylaw No.1188, 2013". Therefore, your file has been referred back to Bylaw Enforcement.

The Regional District is becoming increasingly aware of difficulties encountered by owners of property when they do not avail themselves of the full service offered by the Building Department. Apart from matters of law and safety, Occupancy Permits have value to property owners because they are frequently requested by prospective purchasers, mortgage lenders and others.

Should you wish to bring your property into compliance with all current bylaws, it will be necessary for you to contact Jennifer Wells, Bylaw and Permits & Licences Technician, with reference to your Bylaw Enforcement file F06804.200 to review your options.

In the interim, you are reminded that any construction undertaken in contravention of the Building Bylaw is unauthorized and is an offence contrary to the provisions of the Bylaw.

Please feel free to contact me at 604-702-5016 should you require any further information or assistance.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Monica Stuart".

Monica Stuart
Building & Bylaw Clerk

cc: Ray Boucher, Director of Electoral Area F
Margaret Thornton, Director of Planning & Development
Bylaw Enforcement File F06804.200



Fraser Valley Regional District
45950 Cheam Avenue, Chilliwack, British Columbia V2P 1N6
Phone: 604-702-5000 Toll Free: 1-800-528-0061 (BC only)
Fax: 604-792-9684 website: www.fvrd.bc.ca

COPY

File Number: 3800-30-BP012485F

December 2, 2014

Scott, Wendy T
Dahlman, William C
36162 Ridgeview Rd
Mission BC V2V 0B9

Dear Mr. Dahlman & Ms. Scott:

Re: Building Permit Application No. BP012485 for the purpose of constructing a 2nd floor addition on property legally described as Lot 7, Section 4, Township 4, Range 2, Meridian 7, New Westminster District, Plan NWP45682 Meridian W7. Known as 36162 Ridgeview Rd.

I am writing to you in connection with your building permit application dated Feb 18, 2011. Please be advised this is the Final Notice that your application is not approvable in its present form. The following items are necessary in order to complete your application and issue your Building Permit:

1. This property is located within Development Permit Area 1-F. Please contact the Planning Section at 604-702-5491 for information regarding the Development Permit process.
2. The geotechnical report required under section 56 of the Community Charter that you have submitted is currently being reviewed by Planning staff. Please contact the Planning Section at 604 702-5491 should you require information regarding completion of this report and registration of a covenant on your property title.
3. A sealed soils report and Geotechnical Schedule B from a professional engineer. However this is not required if the structural engineer assumes responsibility for soil bearing.
4. Schedule B and 3 sets of sealed drawings from a professional engineer for all structural aspects of the project that reflect a frost depth of 0.45m and snow loads of, $S_s = 3.0\text{kPa}$ and $S_r = 0.6\text{kPa}$, this must also include soil bearing capacity.
5. A revised, scaled site plan that includes: a) the entire property complete with all existing buildings and structures, b) the proposed new roof, 2nd storey renovation, and 3 covered decks with setbacks to all property lines and wells, c) the location of the septic field, tank, driveway, and d) rock pit/storm drainage system (minimum 5.0m from any foundation).
6. 3 complete sets of construction drawings that reflect all requirements of the above noted geotechnical report (final version).

Your permit application will be held in abeyance until February 2, 2015 pending receipt of this documentation or other information. In the event that the file remains incomplete after this date, I shall be obliged to take steps to close the file.

As you are aware, a building permit is required to legalize the unauthorized construction noted above. Should you allow the application to close, you may be subject to further bylaw enforcement action.

Yours sincerely,

A handwritten signature in dark ink, appearing to be 'MS' or similar initials, followed by a period.

Monica Stuart
Building & Bylaw Clerk

cc: Ray Boucher, Director of Electoral Area F
Margaret Thornton, Director of Planning & Development

NOTICE ON TITLE INFORMATION SHEET

WHAT IS A NOTICE ON TITLE?

A *Notice on Title*, note against land title, or Section 57 of the *Community Charter*, was provided to local governments by the Province of British Columbia as a tool to administer and enforce the *BC Building Code* and local building bylaws. It involves the registration of a *Notice* on a property title at the Land Title Office, which, once in place, is documented on the title search under the "Legal Notations" section.

A *Notice on Title* serves as notification to anyone searching a property title that the property may be in breach of bylaws or regulations. The *Notice* itself does not disclose details of the breach but specifies that further information may be obtained from the local government office.

WHAT IS THE PURPOSE OF A NOTICE ON TITLE?

The purpose of a *Notice on Title* is to provide information to potential owners and stakeholders of a breach of bylaws or regulations. It also encourages voluntary compliance to reduce risk to the local government. The filing of a *Notice* is not intended to be a punitive action; rather, it is a method to protect future owners and others with an interest in the property.

WHEN CAN A NOTICE ON TITLE BE FILED?

A *Notice on Title* may be filed by a local government where there is a breach of bylaws or regulations in respect to a property. Specifically, a *Notice on Title* may be filed where a Building Inspector is made aware of any of the following:

- a) construction has occurred without a valid building permit;
- b) construction deficiencies noted have not been corrected;
- c) covering construction without required inspections;
- d) a permit has expired and the owner refuses to reapply for a new permit;
- e) construction that is in contravention of the *BC Building Code* or Building Bylaw; or
- f) any such circumstances as the Building Inspector may deem necessary.

HOW IS A NOTICE ON TITLE FILED?

- Step 1: When the Building Inspector is made aware of a breach, a letter is mailed to the registered owner of the property advising of the breach and the required remedial action. The owner is provided approximately thirty (30) days to contact staff and take the necessary steps to resolve the breach. This timeframe may be reduced where there appears to be a serious safety concern.
- Step 2: If no action to contact staff and resolve the issue, a second letter is mailed to the owner advising of the breach and the required remedial action. The owner is provided approximately fourteen (14) days to contact staff and take the necessary steps to resolve the breach. This timeframe may be reduced where there appears to be a serious safety concern.

- Step 3: If no action to contact staff and resolve the issue, the Building Inspector may forward a report to the Corporate Officer and a "Show Cause Hearing" is scheduled. A Show Cause Hearing is held during an Electoral Area Services Committee (EASC) meeting. An invitation is mailed to the registered owner of the property advising the specific date and time they are to attend the Show Cause Hearing. A copy of the report produced by the Building Inspector will be included.
- Step 4: On the day of the EASC meeting, the Show Cause Hearing will be announced. The owner of the property, or their agent, will be asked if they would like to make representation to the Committee. The Committee shall listen objectively to the owner as well as the Building Inspector. Please note that **attendance is not required** if the owner does not wish to challenge the recommendation.
- Step 5: After hearing from the registered owner of the property and Building Inspector, the committee will then resolve to:
- a) direct the staff to file a *Notice* in the Land Title Office;
 - b) direct staff not to file a *Notice* in the Land Title Office; or
 - c) defer filing a *Notice* to allow the registered owner more time to comply.

HOW IS A NOTICE ON TITLE CANCELLED?

Once a *Notice on Title* is filed, it may be cancelled from the title of a property by way of:

- a) the local government after a Building Inspector has provided a report confirming that the condition which caused the *Notice* to be filed has been rectified; or
- b) an Order obtained by the registered owner from the *British Columbia Supreme Court*.

WHAT IS THE COST OF PLACING OR CANCELLING THE NOTICE ON TITLE?

The Fraser Valley Regional District does not charge the registered owner of the property when a *Notice on Title* is filed at the Land Title Office. However, there is a \$500.00 administrative fee payable to the Fraser Valley Regional District by the property owner when the *Notice* is removed from the Title. The property owner will also be responsible for their legal costs to have a *Notice* removed at the Land Title Office.

Properties with a *Notice on Title* may be sold at any time; however, the presence of the *Notice* may negatively affect a property's potential sale, perceived property value, access to a mortgage, and/or (re)financing. If a *Notice* is registered or is recommended to be registered upon the title of your property, you are advised to undertake inquiries with your lenders, insurance companies, and any other relevant parties to determine how it may impact you now and in the future.

If you have any questions regarding this process, please email staff at enforcement@fvrld.bc.ca or phone directly at 1-800-528-0061.

This document is provided for informational purposes and does not constitute legal advice. The Fraser Valley Regional District makes no representations or warranties about the accuracy of the information contained in this document. If you have any questions or concerns as to the nature and effect of Notices on Title, please refer to the actual text of Sections 57 and 58 of the Community Charter and seek your own independent legal advice.

Excerpts from the *Community Charter*:

NOTE AGAINST LAND TITLE THAT BUILDING REGULATIONS CONTRAVENED

- 57 (1) A building inspector may recommend to the council that it consider a resolution under subsection (3) if, during the course of carrying out duties, the building inspector
- (a) observes a condition, with respect to land or a building or other structure, that the inspector considers
 - (i) results from the contravention of, or is in contravention of,
 - (A) a municipal bylaw,
 - (B) a Provincial building regulation, or
 - (C) any other enactmentthat relates to the construction or safety of buildings or other structures, and
 - (ii) that, as a result of the condition, a building or other structure is unsafe or is unlikely to be usable for its expected purpose during its normal lifetime, or
 - (b) discovers that
 - (i) something was done with respect to a building or other structure, or the construction of a building or other structure, that required a permit or an inspection under a bylaw, regulation or enactment referred to in paragraph (a) (i), and
 - (ii) the permit was not obtained or the inspection not satisfactorily completed.
- (2) A recommendation under subsection (1) must be given in writing to the corporate officer, who must
- (a) give notice to the registered owner of the land to which recommendation relates, and
 - (b) after notice under paragraph (a), place the matter before the council.
- (3) After providing the building inspector and the owner an opportunity to be heard, the council may confirm the recommendations of the building inspector and pass a resolution directing the corporate officer to file a notice in the land title office stating that
- (a) a resolution relating to that land has been made under this section, and
 - (b) further information about it may be inspected at the municipal hall.
- (4) The corporate officer must ensure that all records are available for the purpose of subsection (3) (b).
- (5) If the registrar of land titles receives a notice under subsection (3) and payment of the prescribed fee, the registrar must make a note of the filing against the title to the land that is affected by the notice.
- (6) The note of a filing of a notice under this section is extinguished when a new title to the land is issued as a result of the deposit of a plan of subdivision or a strata plan.
- (7) In the event of any omission, mistake or misfeasance by the registrar or an employee of the registrar in relation to the making of a note of the filing under subsection (5), or a cancellation under section 58, after the notice is received by the land title office,
- (a) the registrar is not liable and neither the Provincial government nor the Land Title and Survey Authority of British Columbia is liable vicariously,

- (a.1) the assurance fund or the Land Title and Survey Authority of British Columbia as a nominal defendant is not liable under Part 19.1 of the Land Title Act, and
 - (b) the assurance fund or the minister charged with the administration of the Land Title Act as a nominal defendant is not liable under Part 20 of the Land Title Act.
- (8) Neither the building inspector nor the municipality is liable for damage of any kind for the doing of anything, or the failure to do anything, under this section or section 58 that would have, but for this subsection, constituted a breach of duty to any person.
- (9) The authority under this section is in addition to any other action that a building inspector is authorized to take in respect of a matter referred to in subsection (1).

CANCELLATION OF NOTE AGAINST LAND TITLE

- 58
- (1) On receiving a report from a building inspector that the condition that gave rise to the filing of the notice under section 57 (3) has been rectified, the corporate officer must file a cancellation notice and, on receiving the notice, the registrar of land titles must cancel the note against the title to which it relates.
 - (2) An owner of land with respect to which a notice has been filed under section 57 (3), may apply to the council for a resolution that the note be cancelled.
 - (3) After hearing an applicant under subsection (2), the council may pass a resolution directing the corporate officer to file a cancellation notice.
 - (4) If a resolution has been passed under subsection (3), the corporate officer must file a cancellation notice in the land title office and, on receiving the notice, the registrar of land titles must cancel the note against the title to which it relates.
 - (5) If the council does not pass a resolution under subsection (3), the owner may apply to the Supreme Court and notify the municipality to attend before the court to show cause why the note should not be cancelled.
 - (6) On an application under subsection (5), after reviewing any evidence that the owner and the municipality may adduce, the court may make an order directing the registrar to cancel the note made under section 57 (5) and, on receiving the order, the registrar of land titles must cancel the note accordingly.

TITLE SEARCH PRINT

2018-02-16, 10:16:04

File Reference:

Requestor: Louise Hinton

Declared Value \$379500

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

Land Title District Land Title Office	NEW WESTMINSTER NEW WESTMINSTER
Title Number From Title Number	CA3690951 CA2861774
Application Received	2014-04-24
Application Entered	2014-05-02
Registered Owner in Fee Simple Registered Owner/Mailing Address:	WENDY TAMME SCOTT, EARLY CHILDHOOD EDUCATOR WILLIAM CARL DAHLMAN, ARBORIST 36162 RIDGEVIEW ROAD MISSION, BC V2V 0B9 AS JOINT TENANTS
Taxation Authority	New Westminister Assessment District
Description of Land Parcel Identifier: Legal Description:	005-171-474 LOT 7 SECTION 4 TOWNSHIP 4 RANGE 2 WEST OF THE SEVENTH MERIDIAN NEW WESTMINSTER DISTRICT PLAN 45682
Legal Notations	NONE
Charges, Liens and Interests Nature: Registration Number: Registration Date and Time: Registered Owner:	MORTGAGE CA5414341 2016-08-10 15:13 CAPITAL DIRECT LENDING CORP. INCORPORATION NO. 556230
Nature: Registration Number: Registration Date and Time: Registered Owner:	JUDGMENT CA6502577 2017-12-11 13:13 CONTACT RESOURCE SERVICES INC. INCORPORATION NO. 1520983
Remarks:	AS TO THE INTEREST OF WILLIAM CARL DAHLMAN

TITLE SEARCH PRINT

File Reference:

Declared Value \$379500

2018-02-16, 10:16:04

Requestor: Louise Hinton

Duplicate Indefeasible Title NONE OUTSTANDING

Transfers NONE

Pending Applications NONE

Folio: 775.06804.200
Civic: 36162 RIDGEVIEW RD
Size: 17.5 ACRES

Pid: 005-171-474
Legal: LOT 7, SECTION 4, TOWNSHIP 4, RANGE 2, MERIDIAN 7, NEW WESTMINSTER DISTRICT, PLAN NWP45682 MERIDIAN W7.

Owner: SCOTT, WENDY T
 DAHLMAN, WILLIAM C
 36162 RIDGEVIEW RD
 MISSION BC V2V 0B9
 (CA3690951)

2018 Actual Assessments

00 - FULLY TAXABLE LAND, STRUCTURES

Land Class

1 - Res

Land

710000

Impr Class

1 - Res

Impr

113000

Lto Number**Sales Price****Date****Description**

CA3690951

379,500.00

Apr 24, 2014

REJECT - NOT SUITABLE FOR SALES ANALYSIS

CA2861774

425,000.00

Nov 8, 2012

REJECT - NOT SUITABLE FOR SALES ANALYSIS

CA1231596

0.00

Aug 18, 2009

REJECT - NOT SUITABLE FOR SALES ANALYSIS

BG332825

110,000.00

Sep 15, 1993

REJECT - NOT SUITABLE FOR SALES ANALYSIS

AD61013

65,000.00

Feb 28, 1990

IMPROVED SINGLE PROPERTY CASH TRANSACTI

Z190625E

73,000.00

Oct 15, 1986

IMPROVED SINGLE PROPERTY CASH TRANSACTI

Attribute**Value****Description**

ACTUAL USE

060

2 Acres Or More (Single Family Dwelling, Duplex)

DEFINED AREA

B

ELECTORAL AREA

F

LAND TENURE

01

CROWN-GRANTED

MANUAL CLASS

0091

1 1/2 STY SFD-AFTER 1930-STD

NEIGHBOURHOOD

803

SCHOOL DISTRICT

75

SERVICE AREA

45CDFG

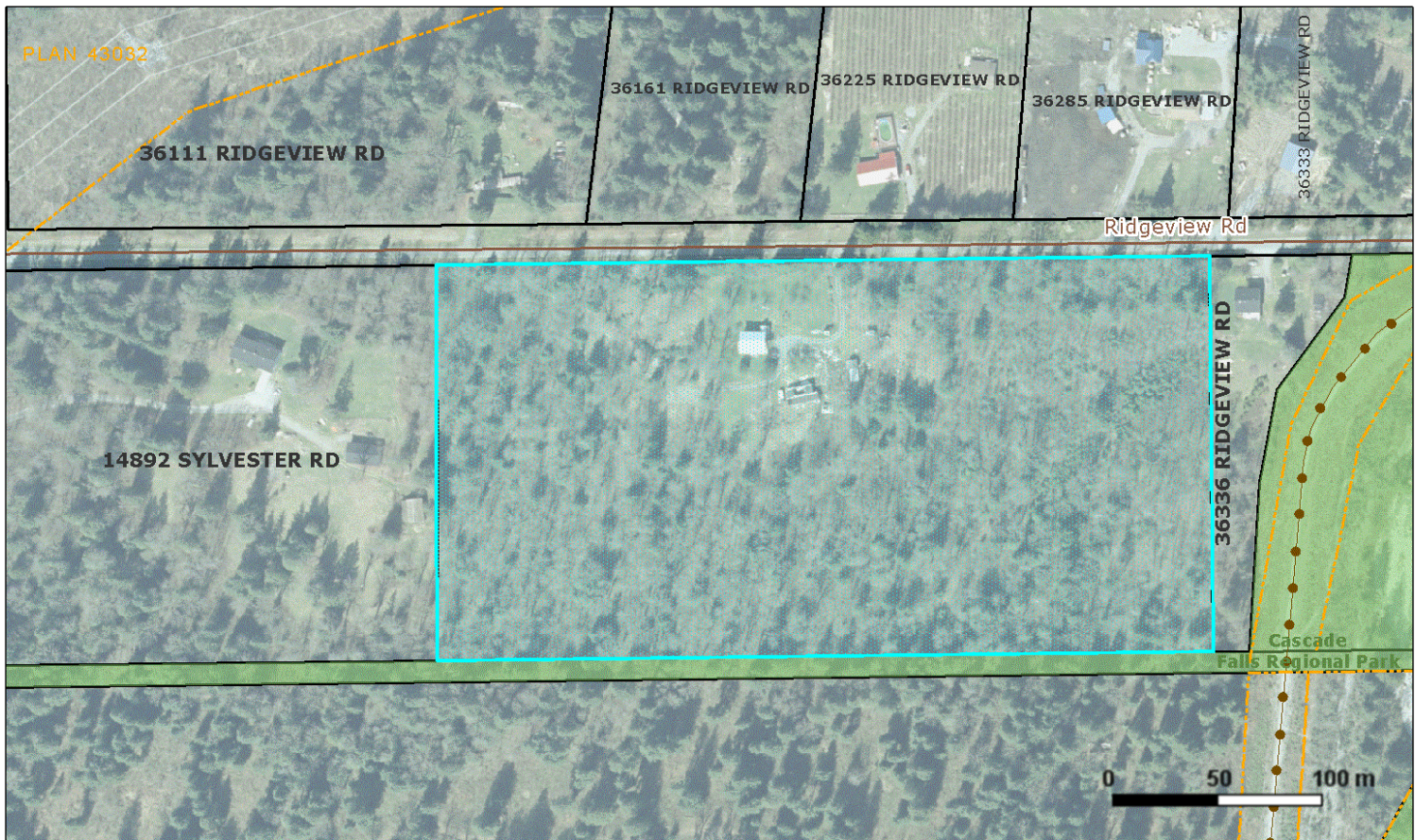
Classification**Start Date****Stop Date****Comment**

BYLAW ENFORCEM Feb 16, 2011

F06804.200. PLease see Bylaw Enforcement Staff for more details.

Property Information Report

Civic Address:	36162 RIDGEVIEW RD	Lot Size:	17.5 ACRES
Folio Number:	775.06804.200	Electoral Area:	F
PID:	005-171-474	Map Scale:	1:3318
Legal Description:	LOT 7, SECTION 4, TOWNSHIP 4, RANGE 2, MERIDIAN 7, NEW WESTMINSTER DISTRICT, PLAN NWP45682 MERIDIAN W7.		



Land-use Information

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

Utility Information

Local Service Area:	Contact Planning Department
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**FRASER VALLEY REGIONAL DISTRICT
ELECTORAL AREA SERVICES COMMITTEE
OPEN MEETING MINUTES**

Tuesday, March 13, 2018
1:30pm

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 Alec Niemi, Electoral Area C Director Orion Engar, Electoral Area E Director Ray Boucher, Electoral Area F Director Taryn Dixon, Electoral Area H Director Jason Lum, Chair FVRD
Regrets	Director Al Stobbart, Electoral Area G
Staff Present	Paul Gipps, Chief Administrative Officer Mike Veenbaas, Director of Financial Services Suzanne Gresham, Director of Corporate Initiatives Tareq Islam, Director of Engineering & Community Services Margaret Thornton, Director of Planning & Development Milly Marshall, Director of EA Special Projects Graham Daneluz, Deputy Director of Planning & Development Jaime Schween, Manager of Corporate Administration Jennifer Kinneman, Manager of Corporate Affairs & Strategic Communications Sterling Chan, Manager of Engineering & Infrastructure Johannes Bendle, Planner I Melissa Geddert, Planning Technician Greg Price, Building Inspector Rudy Wieler, Building Inspector Louise Hinton, Bylaw, Compliance & Enforcement Officer Adriana Snashall, Bylaw, Compliance & Enforcement Officer

Amanda Molloy, Executive Assistant to CAO and Board
Cathy Squires, Recording Secretary
Tyler Davis, Network Analyst I

There was one member of the public in attendance.

1. CALL TO ORDER

The open meeting was called to order at 1:31pm.

2. APPROVAL OF AGENDA, ADDENDA AND LATE ITEMS

Moved by RAYMOND

Seconded by BOUCHER

THAT the Agenda, Addenda and Late Items for the Electoral Area Services Committee Open Meeting of March 13, 2018 be approved;

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

CARRIED

Mr. Gipps took a moment to recognize Rudy Wieler, Building Inspector, for his accomplishment of completing his Level 1 Plumbing Inspector Certification.

3. SHOW CAUSE HEARING(S)

3.1 Regional District Building Bylaw Contraventions at 4135 Slesse Road, Electoral Area E, Fraser Valley Regional District, British Columbia (legally described as Lot 5 Section 33 Township 1 Range 29 West of the Sixth Meridian New Westminster District Plan 24

Adriana Snashall, Bylaw, Compliance and Enforcement Officer, provided a PowerPoint presentation outlining the historic and current property bylaw infractions, and the efforts of FVRD staff to encourage voluntary compliance by the homeowner.

Chair Dickey asked if any members of the public wished to speak on this matter. No comments offered.

Discussion ensued regarding the voluntary compliance model and progressive enforcement strategy used by FVRD. Mr. Gipps noted that staff have notified Fraser Health and Fisheries and Oceans Canada of the property infractions as well, as there is a creek that runs through the property.

Moved by ENGAR

Seconded by BOUCHER

THAT the Fraser Valley Regional District Board direct staff to file a Notice in the Land Title Office in accordance with Section 57 of the *Community Charter* due to the contraventions of the *Fraser Valley Regional District Building Bylaw No. 1188, 2013, Zoning Bylaw for Electoral Area “E”, 1976 of the Regional District of Fraser-Cheam, and the Fraser Valley Regional District Official Community Plan for Electoral Area E Bylaw No. 1115, 2011* at 4135 Slesse Road, Electoral Area E, Fraser Valley Regional District, British Columbia (legally described as Lot 5 Section 33 Township 1 Range 29 West of the Sixth Meridian New Westminster District Plan 24441); Parcel Identifier 009-331-247.

CARRIED

3.2 Regional District Building Bylaw Contraventions at 13089 Sylvester Road Electoral Area F, Fraser Valley Regional District, British Columbia (legally described as Lot 2 Section 30 Township 21 New Westminster District Plan 69714 (Parcel Identifier 001-905-1)

Louise Hinton, Bylaw, Compliance and Enforcement Officer, provided a PowerPoint presentation outlining the historic and current property bylaw infractions, and the efforts of FVRD staff to encourage voluntary compliance by the homeowner.

Robert Panoni, owner of the property 13089 Sylvester Road, spoke in favour of the motion to file a Notice of Title.

Moved by BOUCHER

Seconded by ADAMSON

THAT the Fraser Valley Regional District Board direct staff to file a Notice in the Land Title Office in accordance with Section 57 of the *Community*

Charter due to the contraventions of the Fraser Valley *Regional District Building Bylaw No. 1188, 2013*, at 13089 Sylvester Road Electoral Area F, Fraser Valley Regional District, British Columbia (legally described as Lot 2 Section 30 Township 21 New Westminster District Plan 69714); Parcel Identifier 001-905-147.

CARRIED

4. DELEGATIONS AND PRESENTATIONS

None.

5. MINUTES/MATTERS ARISING

5.1 Minutes of the Electoral Area Services Committee Meeting - February 15, 2018

Moved by ADAMSON

Seconded by DIXON

THAT the Minutes of the Electoral Area Services Committee Open Meeting of February 15, 2018 be adopted.

CARRIED

6. CORPORATE ADMINISTRATION

6.1 Deroche Community Christian Fellowship Rental of Deroche Community Access Centre

Moved by NIEMI

Seconded by BOUCHER

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

CARRIED

6.2 Fraser Valley Regional District Election Procedures Bylaw No. 1442, 2017

Mr. Gipps outlined the new process for mail-in ballots for the October 2018 Local Government Elections.

Discussion ensued regarding the process that will be used to notify the public of this service. Jaime Schween, Manager of Corporate Administration, noted that the option to register for mail-in ballot will be clearly identified as part of the statutory advertising, and information on this new initiative would be provided on all social media channels, the FVRD website, and at the FVRD main office as well. Mr. Gipps noted that staff will also send this information to the Chief Administrative Officers of all local First Nations to ensure they are aware of the option.

Moved by RAYMOND

Seconded by DIXON

THAT the Fraser Valley Regional District Board consider giving three readings and adoption to the bylaw cited as *Fraser Valley Regional District Election Procedures Bylaw No. 1442, 2017*.

CARRIED

6.3 Pre-Election Conduct by FVRD Board Members

Discussion ensued regarding Elections BC and their role in administering campaign financing and advertising rules for local election and assent voting in BC under the *Local Election Campaign Financing Act*.

Discussion took place around use of corporate vehicles, use of newsletters, and engagement of staff, and the upcoming release of information on campaign expense limits.

The Committee was provided with information pertaining to election timelines. Information was also provided with the contact information for Elections BC who can be contacted with any question with respect to campaign expenses and contributions.

6.4 Staffing Update

Margaret Thornton, Director of Planning & Development, provided a brief update on the current staffing levels in the planning department. Ms. Thornton noted that at this time, there are some vacation positions in the planning department as a result of staff moving to new positions within the organization. Ms. Thornton also noted that the department will focus on

serving the public and keeping up with active files, as well as providing building inspections for the District of Hope as their building inspector is currently unavailable.

Discussion ensued regarding the process the FVRD follows in posting and hiring for new positions.

7. FINANCE

7.1 Community Works Fund – Updated Electoral Area Allocation Model for 2018

Moved by RAYMOND

Seconded by DIXON

THAT the Fraser Valley Regional District Board approve the allocation of the 2018 Electoral Area Community Works Funds based on the following formula:

Each Electoral Area receiving a base allocation of \$5,000, and

The remainder allocated on a pro-rata basis, based on the 2016 Census including subsequent population changes certified by the Ministry of Municipal Affairs and Housing.

CARRIED

7.2 Grant-In-Aid Request – Chilliwack Lions Clubs, Electoral Area “H”

Moved by DIXON

Seconded by NIEMI

THAT the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$2,500 to the Chilliwack Area Lions Clubs, funded from the Electoral Area “H” grant-in-aid budget, to help offset the costs of the Cultus Lake Pike Minnow Fishing Derby.

CARRIED

8. ENGINEERING & UTILITIES

None.

9. PLANNING, BUILDING INSPECTION AND BYLAW ENFORCEMENT

9.1 Application for Development Variance Permit 2018-09 to vary the front lot line setback requirement for a Single Family Dwelling at 50912 Winona Road, Electoral Area E.

Moved by ENGAR

Seconded by BOUCHER

THAT the Fraser Valley Regional District Board issue Development Variance Permit 2018-09 to vary the front lot line setback requirement from 4.6 meters to 2.16 metres, including eaves, to allow for a covered entry roof overhang, subject to consideration of any comments or concerns raised by the public.

CARRIED

9.2 Application for Development Variance Permit 2018-10 to vary the rear lot line setback for a proposed single family dwelling at 1-3655 Vance Road, Electoral Area H.

Moved by DIXON

Seconded by RAYMOND

THAT the Fraser Valley Regional District Board issue Development Variance Permit 2018-10 to vary the rear setback from 6 metres to 3 metres for a single family dwelling, subject to consideration of any comments or concerns raised by the public

CARRIED

9.3 Application for Development Variance Permit 2018-11 to vary the side and front lot line and the gross floor area for a proposed workshop at 30420 Trans-Canada Highway, Electoral Area B.

Moved by ADAMSON

Seconded by BOUCHER

THAT the Fraser Valley Regional District Board issue Development Variance Permit 2018-11 to vary and side setback from 40 metres to 3 metres, the front setback from 50 metres to 5 metres, and the gross floor

area from 140 sq. metres to 232.3 sq. metres for a Cottage Industry Use, subject to consideration of any comments or concerns raised by the public.

CARRIED

9.4 Application for Development Variance Permit 2018-12 to vary the side lot line setback requirements for a proposed shop at 53709 McGregor Road, Electoral Area D.

Moved by BOUCHER

Seconded by RAYMOND

THAT the Fraser Valley Regional District issue Development Variance Permit 2018-12 to vary the side lot line setback from 25 feet (7.62 m) to 5 feet (1.524 m) clear to sky to permit the construction of an accessory structure, subject to consideration of any comments raised by the public.

CARRIED

Discussion ensued regarding other development variance permits already granted to properties in the area. Staff noted that they are currently working with a consultant and reviewing the zoning bylaws in each electoral area to create a consolidated rezoning bylaw that will take in to consideration why previous DVP's have been granted, and possibly revise the bylaw for future requests.

9.5 Bylaw No. 1458, 2017 - Zoning Amendment for 11223 Stave Lake Road, Electoral Area "F"

Moved by BOUCHER

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. 1458, 2017* for a text amendment for the purpose of facilitating subdivision;

THAT the *Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1458, 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 Electoral Area F Zoning Amendment Bylaw No. 1458, 2017* to Director Boucher or his alternate in his absence;

THAT Director Boucher or his alternate in his absence, preside over and Chair the Public Hearing with respect to proposed *Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1458, 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 Electoral Area F Zoning Amendment Bylaw No. 1458, 2017* in accordance with the Local Government Act;

AND FURTHER THAT in the absence of Director Boucher, or his alternate in his absence at the time of the Public Hearing with respect to proposed *Fraser Valley Regional District Electoral Area F Zoning Amendment Bylaw No. 1458, 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 Electoral Area F Zoning Amendment Bylaw No. 1458, 2017*.

CARRIED

9.6 Hatzic Island Discussion Paper – Stakeholder Discussions

Moved by BOUCHER

Seconded by ADAMSON

THAT the Fraser Valley Regional District Board authorize staff to distribute the discussion paper to stakeholders to facilitate conversations about planning for Hatzic Island;

AND THAT a summary of the stakeholder discussions along with potential options for improving land use and servicing outcomes for Hatzic Island be brought back to the Fraser Valley Regional District Board.

CARRIED

10. ELECTORAL AREA EMERGENCY SERVICES

None.

11. ADDENDA ITEMS/LATE ITEMS

None.

12. REPORTS BY STAFF

None.

13. REPORTS BY ELECTORAL AREA DIRECTORS

Director Dixon reported that Area H is currently working on a Goose Management Plan with the Province for the Cultus Lake area. Director Dixon also noted the Lakeside Trail and extension of the trail is coming together very nicely. It was also noted that there is a public hearing scheduled for March 13, 2018, for proposed Official Community Plan Amendment and Zoning Amendment to facilitate the redevelopment of the former gravel pit and hillside at 45900 Sleepy Hollow Road, Electoral Area H into a single family residential subdivision.

Director Adamson reported that he attended the Sunshine Valley Ratepayers Association luncheon recently. Director Adamson also noted the Tashme Museum in Sunshine Valley is coming along very well.

Director Raymond reported that he attended the service for the late Grand Chief Rose Charlie. Director Raymond was honoured to attend the ceremony and shared his experience with the Committee. Director Raymond also noted there has been an artifact discovered in Boston Bar by archaeologists that has been dated to over 500 years old.

Director Boucher reported on recent Ratepayers Association meetings in his area.

Director Engar reported that the Ratepayers Association in his area is looking to change their name to Resident's Association.

Director Dickey reported that there is high traffic and construction volume going on in his area.

14. PUBLIC QUESTION PERIOD FOR ITEMS RELEVANT TO AGENDA

None.

15. RESOLUTION TO CLOSE MEETING

Moved by NIEMI

Seconded by ADAMSON

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*.

CARRIED

The open meeting recessed at 2:31pm.

16. RECONVENE OPEN MEETING

The open meeting reconvened at 2:50pm.

17. RISE AND REPORT OUT OF CLOSED MEETING

None.

18. ADJOURNMENT

Moved by BOUCHER

Seconded by DIXON

THAT the Electoral Area Services Committee Open Meeting of March 13, 2018 be adjourned.

CARRIED

The open meeting adjourned at 2:50pm.

MINUTES CERTIFIED CORRECT:

Director Bill Dickey, Chair

To: Electoral Area Services Committee

Date: 2018-04-10

From: Stacey Barker, Deputy Director of Regional Programs

File No: 3920-20

and Pam Loat, Administrative and Information Services Coordinator

Subject: Draft Bylaw Offence Notice Enforcement Amendment Bylaw No. 1480, 2018

RECOMMENDATION

THAT the Fraser Valley Regional District Board consider giving three readings and adoption to the bylaw cited as *Fraser Valley Regional District Bylaw Offence Notice Enforcement Amendment Bylaw No. 1480, 2018*.

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

Support Environmental Stewardship

PRIORITIES

Priority #4 Tourism

Priority #5 Outdoor Recreation

BACKGROUND

In March, 2018 the FVRD Board adopted *Fraser Valley Regional District Vedder River Campground Regulation, Fees and Other Charges Bylaw No. 1476, 2018* to regulate the use and administration of the Vedder River Campground. This bylaw identifies several rules for campers and visitors, which if violated, require associated Bylaw Offence Notices (tickets) for enforcement purposes. The value of these tickets is identified within the proposed bylaw, which amends the *Bylaw Offence Notice Enforcement Bylaw No. 1415, 2017*

Also included in Bylaw No 1480, 2018 are housekeeping amendments to Schedule A-1 with respect to building regulations. *Fraser Valley Regional District Building Bylaw Amendment Bylaw No. 1428, 2017* renumbered some sections of the building regulations bylaw, and therefore the Bylaw Offence Notice Enforcement Bylaw also requires renumbering to reflect those changes.

DISCUSSION

While fines are a necessary deterrent, enforcement at the campground will occur primarily through education and voluntary compliance. Fines proposed in the bylaw are consistent with similar offences under other FVRD Bylaws (e.g., *Animal Control Bylaw No. 1206, 2013*; *Parks Regulation Bylaw No. 1273, 2014*; *Electoral Area Open Fire Regulation Bylaw No. 1386, 2016*). Proposed fines range from \$75-\$100 for relatively minor or nuisance offences up to \$250-\$500 for safety concerns such as exceeding posted speed limits or leaving a campfire unattended.

COST

n/a

CONCLUSION

Proposed *Fraser Valley Regional District Bylaw Offence Notice Enforcement Bylaw Amendment Bylaw No. 1480, 2018* amends the *Bylaw Offence Notice Enforcement Bylaw No. 1415, 2017* to incorporate management of the Vedder River Campground and changes to the Building Bylaw.

COMMENTS BY:

Barclay Pitkethly, Director of Regional Programs

Reviewed and supported.

Margaret Thornton, Director of Planning & Development

Not available for comment.

Mike Veenbaas, Director of Financial Services

Reviewed and supported.

Paul Gipps, Chief Administrative Officer

Reviewed and supported.

FRASER VALLEY REGIONAL DISTRICT

BYLAW NO. 1480, 2018

A bylaw to amend the Bylaw Offence Notice Enforcement Bylaw

WHEREAS the Board of Directors of the Fraser Valley Regional District has deemed it advisable to amend *Fraser Valley Regional District Bylaw Offence Notice Enforcement Bylaw No. 1415, 2017*.

THEREFORE the Board of Directors of the Fraser Valley Regional District, in open meeting assembled, enacts as follows:

1) CITATION

This bylaw may be cited as *Fraser Valley Regional District Bylaw Offence Notice Enforcement Amendment Bylaw No. 1480, 2018*.

2) ENACTMENTS

That Fraser Valley Regional District Bylaw No. 1415, 2017 be amended by:

- a. adding, under Section 12, "Schedule A – Designated Bylaw Contraventions and Penalties", reference to Schedule A-11 – Vedder River Campground Regulations;
- b. deleting Schedule A-1 in its entirety and replacing it with Schedule A-1 attached hereto and forming an integral part of this bylaw;
- c. adding Schedule A-11 Vedder Rive Campground Regulations 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
5) **CERTIFICATION**

Corporate Officer/Deputy

I hereby certify that this is a true and correct copy of *Fraser Valley Regional District Bylaw Offence Notice Enforcement Amendment Bylaw No. 1480, 2018* as adopted by the Board of Directors of the Fraser Valley Regional District on the

Dated at Chilliwack, BC this

Corporate Officer/Deputy

FRASER VALLEY REGIONAL DISTRICT BYLAW NO. 1480, 2018**Schedule A-1****DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES****Building Bylaw**

Bylaw Notice bylaw citation	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
Building Bylaw No. 1188, 2013	6.1	Construction without a permit	\$500	\$490	\$510	No
	6.1	Change of occupancy	\$500	\$490	\$510	No
	6.2	Occupancy Without Approval	\$500	\$490	\$510	No
	6.3	False or misleading information	\$500	\$490	\$510	No
	6.4	Interfere with Notice	\$500	\$490	\$510	No
	6.6	Obstruction	\$500	\$490	\$510	No
	17.4	Fail to obtain inspection	\$300	\$290	\$310	No
	21.5	Disobey a Stop Work order	\$500	\$490	\$510	No
	21.7	Disobey a No Occupancy notice	\$500	\$490	\$510	No

FRASER VALLEY REGIONAL DISTRICT BYLAW NO. 1480, 2018**Schedule A-11****DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES****Vedder River Campground Regulations**

Bylaw Notice bylaw citation	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
Vedder River Campground Bylaw No. 1476, 2018	6.6	Unauthorized person at Campground	\$100	\$90	\$110	No
	6.8	Occupying non-assigned campsite	\$100	\$90	\$110	No
	6.9	Trespassing	\$100	\$90	\$110	No
	6.10	Registered Camper not in attendance	\$100	\$90	\$110	No
	6.11	Subletting campsite	\$100	\$90	\$110	No
	6.13	Unauthorized entry after 10pm	\$100	\$90	\$110	No
	6.15	Unauthorized entry outside of Operational Season	\$100	\$90	\$110	No
	8.2	Too many people on a campsite	\$100	\$90	\$110	No
	8.3	Exceeding 100 people at a group campsite	\$100	\$90	\$110	No
	8.4	Too many recreational vehicles or tents	\$100	\$90	\$110	No
	8.5	Too many vehicles	\$100	\$90	\$110	No
	9.1	Minors occupying campsite without adult	\$100	\$90	\$110	No
	9.2	Minors not accompanied by adult after 10pm	\$100	\$90	\$110	No
	10.1	Entry by visitor after 10pm	\$100	\$90	\$110	No

Bylaw Notice bylaw citation	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
	10.3	Uninvited entry of visitor	\$100	\$90	\$110	No
	10.4	Too many visitors	\$100	\$90	\$110	No
	10.5	Too many visitor vehicles	\$100	\$90	\$110	No
	11.1	Disrupting others during quiet hours	\$100	\$90	\$110	No
	11.2	Causing a disturbance	\$100	\$90	\$110	No
	11.3	Use of amplified sound system	\$100	\$90	\$110	No
	11.4	Obstructing authorized personnel	\$200	\$180	\$220	No
	11.5	Interference with person or motor vehicle using road or trail	\$100	\$90	\$110	No
	11.6	Defecating or urinating outside of washroom facilities	\$100	\$90	\$110	No
	11.7	Smoking off campsite	\$100	\$90	\$110	No
	11.8	Unauthorized use of facilities after 10pm	\$100	\$90	\$110	No
	11.9	Conducting unauthorized business	\$100	\$90	\$110	No
	12.1	Open alcohol off campsite	\$100	\$90	\$110	No
	12.2	Serving or selling alcohol without permit	\$100	\$90	\$110	No
	13.1	Vehicle without a Permit	\$100	\$90	\$110	No
	13.2	Inoperable or uninsured vehicle	\$100	\$90	\$110	No
	13.3	Operation of a motor vehicle in	\$100	\$90	\$110	No

Bylaw Notice bylaw citation	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
		unauthorized area				
	13.4	Parking in unauthorized area	\$100	\$90	\$110	No
	13.6	Motor vehicle impedes use of campsite	\$100	\$90	\$110	No
	13.7	Exceeding posted speed limits	\$250	\$225	\$275	No
	13.8	Unauthorized maintenance on motor vehicle	\$100	\$90	\$110	No
	13.9	Idling of motor vehicle	\$100	\$90	\$110	No
	14.1	Damage to environment, grounds, or structures	\$200	\$180	\$220	No
	15.1	Violation of fire ban	\$500	\$450	\$550	No
	15.3	Fire in unauthorized pit or cooking device	\$100	\$90	\$110	No
	15.4	Excessive size of fire	\$100	\$90	\$110	No
	15.5	Unattended fire	\$250	\$225	\$275	No
	15.6	Burning improper material in fire	\$100	\$90	\$110	No
	15.7	Improper disposal of burning object	\$250	\$225	\$275	No
	15.8	Possession or discharging firearms	\$100	\$90	\$110	No
	15.9	Discharging fireworks or similar projectiles	\$100	\$90	\$110	No
	16.1	Improper disposal of waste	\$100	\$90	\$110	No
	16.2	Use of campsite	\$100	\$90	\$110	No

Bylaw Notice bylaw citation	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
		facilities to dispose of waste not generated while at the campground				
	17.2	More than 2 pets	\$100	\$90	\$110	No
	17.3	Pet not registered or without ID tags	\$100	\$90	\$110	No
	17.4	Pet not leashed or confined or has harassed or attacked	\$100	\$90	\$110	No
	17.5	Pet left unattended	\$100	\$90	\$110	No
	17.6	Pet feces not picked up and properly disposed	\$75	\$67.50	\$82.50	No
	17.7	Pets in prohibited area	\$100	\$90	\$110	No
	18.1	Unauthorized site alteration	\$100	\$90	\$110	No
	18.3	Camping items encroaching off campsite	\$100	\$90	\$110	No
	18.4	Unauthorized tarp usage	\$100	\$90	\$110	No
	18.5	Damage to picnic table	\$250	\$225	\$275	No
	18.6	Unauthorized satellite dish installation	\$100	\$90	\$110	No
	18.7	Unauthorized use of gazebos for storage or sleeping	\$100	\$90	\$110	No
	19.1	Unauthorized electrical usage	\$100	\$90	\$110	No
	19.2	Unauthorized string lights	\$100	\$90	\$110	No
	19.3	Exterior lights on after 11pm	\$100	\$90	\$110	No

Bylaw Notice bylaw citation	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
	19.4	Unauthorized use of air conditioner	\$100	\$90	\$110	No
	19.5	Unauthorized use of outdoor appliances	\$100	\$90	\$110	No
	21.1	Staying past check-out time	\$100	\$90	\$110	No
	21.2	Campsite left in poor condition	\$100	\$90	\$110	No

To: Electoral Area Services Committee

Date: 2018-04-10

From: Kristy Hodson, Manager of Financial Operations

File No: 1850-20 / 009

Subject: Grant-In-Aid Request – Boston Bar North Bend Bowling Association, Electoral Area “A”

RECOMMENDATION

THAT the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$1,000 to the Boston Bar North Bend Bowling Association, funded from the Electoral Area “A” grant-in-aid-budget, to help purchase trophies and awards for annual events at Canyon Lanes as well as sponsoring tournaments.

STRATEGIC AREA(S) OF FOCUS

Support Healthy & Sustainable Community

BACKGROUND

This request for funding is eligible under the Electoral Area Grant-In-Aid Policy under the “Activities/ programs which are accessible to a large portion of the electoral area”.

DISCUSSION

The Boston Bar North Bend Bowling Association is a non-profit organization operating out of Canyon Lanes Bowling Alley.

The Boston Bar North Bend Bowling Association is requesting a \$1,000 grant-in-aid to help pay for trophies, awards and sponsorship of adult and youth tournaments. They promote and support participation for all ages in the sport of bowling, which benefits health, mental wellness and socialization for all involved.

Director Raymond is in support of providing a grant-in-aid of \$1,000 to the Boston Bar North Bend Bowling Association for the items noted.

COST

The \$1,000 cost will be funded from the Electoral Area "A" grant-in-aid budget which has sufficient funds to support this request.

CONCLUSION

A grant-in-aid application has been received from the Boston Bar North Bend Bowling Association seeking funds to help purchase trophies, awards and provide sponsorship for annual tournaments.

COMMENTS BY:

Mike Veenbaas, Director of Financial Services

Reviewed and supported.

Paul Gipps, Chief Administrative Officer

Reviewed and supported



GRANT-IN-AID APPLICATION

Fraser Valley Regional District, 45950 Cheam Ave, Chilliwack BC, V2P 1N6

Applicant Name: Bastard Bar/North Bend Bowling Association
Mailing Address: Box 220
Bastard Bar BC, V0K 1C0
Email Address: Lori.walters1@gmail.com or canyonlanes@hotmial.net

Contact:

LORI WALTERS / SHERI FORMAN 604-869-1068 or 604-867-8800
Name Telephone/Fax Number FAX 604-867-9112

Statement as to eligibility to apply for Grant-In-Aid Funds (Please attach a separate sheet if required):

Non-profit organization of Electoral Area A

APPLICATION SUMMARY:

Project or purpose for which you require assistance (Please attach a separate sheet if required):

We would like to request Grant-in-Aid funding to be used
towards purchasing trophies + awards for annual events
at Canyon Lanes + to sponsor adult + youth tournaments.

Statement as to how these funds will benefit the community or an aspect of the community (Please attach a separate sheet if required):

To promote + support participation for all ages in the sport
of bowling, benefiting health + mental wellness +
socialization for all involved.

Amount of Grant Requested: \$ 1000.00

**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.

Laurin Walter
Sec / Treas.
Signature of Authorized Signatory and Title

Amount Approved: _____

Date: _____

Signature of Electoral Area Director

To: Electoral Area Services Committee

Date: 2018-04-10

From: Kristy Hodson, Manager of Financial Operations

File No: 1850-20 / 003

Subject: Grant-In-Aid Request – Sunshine Valley Ratepayers Association, Electoral Area “B”

RECOMMENDATION

THAT the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$9,200 to the Sunshine Valley Ratepayers Association, funded from the Electoral Area “B” grant-in-aid budget, to help offset the costs of equipment rental for river cleanup, equipment for community workshops and special events, hosting a Canada Day celebration, website upgrades, and improvements to the community garden.

STRATEGIC AREA(S) OF FOCUS

Support Healthy & Sustainable Community

BACKGROUND

This request for funding is eligible under the Electoral Area grant-in-aid policy under the “Activities/ programs which are accessible to a large portion of the electoral area”.

DISCUSSION

The Sunshine Valley Ratepayers Association is a non-profit organization representing citizens from the Sunshine Valley. They promote community education, sustainable public programs and community-based events for anyone to participate in.

The Sunshine Valley Ratepayers Association is requesting a \$9,200 grant-in-aid for six items:

- Community garden: lumber and equipment for installation of raised beds (\$1,000)
- Webpage: 20th anniversary video clips & ever-greening (\$500)
- Canada Day: 20th anniversary of the Association and entertainment (\$2,000)
- Heritage Day: entertainment, stage & equipment rentals (\$700)

- Community use workshops & special events: equipment including tents, tables chairs, etc. (\$4,700)
- Area "B" river cleanup: equipment rental for garbage cleanup (\$300)

Director Adamson is in support of providing a grant-in-aid of \$9,200 for these items.

COST

The \$9,200 cost will be funded from the Electoral Area "B" grant-in-aid budget which has sufficient funds to support this request.

CONCLUSION

A grant-in-aid application has been received from the Sunshine Valley Ratepayers Association seeking support for community workshops, celebrations and projects.

COMMENTS BY:

Mike Veenbaas, Director of Financial Services

Reviewed and supported. We have received and reviewed the 2017 Financial Report for SVRA. There are no items of concern noted by Staff.

Paul Gipps, Chief Administrative Officer

Reviewed and supported



GRANT-IN-AID APPLICATION

Fraser Valley Regional District, 45950 Cheam Ave, Chilliwack BC, V2P 1N6

Applicant Name: Sunshine Valley Rateragers Assoc.
Mailing Address: P.O. Box.
Hope BC
Email Address: VOX

Contact: Kate Zabel 604-869-0443
Name Telephone/Fax Number

Statement as to eligibility to apply for Grant-In-Aid Funds (Please attach a separate sheet if required):

see attached-certificate of society
- financial statements

APPLICATION SUMMARY:

Project or purpose for which you require assistance (Please attach a separate sheet if required):

To support community activities, workshops
and special events for our rural valley.
To encourage intergenerational volunteering
and build resilience & collaboration for
residents

Statement as to how these funds will benefit the community or an aspect of the community (Please attach a separate sheet if required):

To improve health, culture and citizen
engagement throughout the year. we intend
to host public events / activities for all ages.

Amount of Grant Requested: \$ 9,200

****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.

Kate Zabel
President SVRA
Signature of Authorized Signatory and Title

Amount Approved: _____

Date: _____

Signature of Electoral Area Director

To: Electoral Area Services Committee

Date: 2018-04-10

From: Kristy Hodson, Manager of Financial Operations

File No: 1850-20 / 003

Subject: Grant-In-Aid Request – Hope & District Arts Council, Electoral Area “B”

RECOMMENDATION

THAT the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$3,000 to the Hope & District Arts Council (HDAC), funded from the Electoral Area “B” grant-in-aid budget, to provide funds for supporting arts and cultural programming attended by residents of Hope, Yale, Sunshine Valley, Laidlaw and surrounding areas.

STRATEGIC AREA(S) OF FOCUS

Support Healthy & Sustainable Community

BACKGROUND

This request for funding is eligible under the Electoral Area Grant-In-Aid policy under the “Activities/ programs which are accessible to a large portion of the electoral area”.

DISCUSSION

The HDAC is a registered non-profit community organization who is focused on providing arts and cultural programming at no or minimal cost to the communities of Hope and Electoral Area B.

The HDAC is requesting a grant-in-aid of \$4,000 to help offset the costs associated with The Art Machine community arts program. This program offers arts and cultural awareness, education and opportunities for socialization and sharing. The grant funds would be used for the purchase of arts/ crafts materials, instructor wages, facility rent, utilities and any other costs associated with the program.

The HDAC has seen a recent cut in funding of \$3,000 in 2017 and \$5,000 in 2018 due to a change in how the BC Arts Council is dispersing their funds. They are hoping to be able to reduce operating costs once their relocation/ renovation project is complete in July 2018.

Director Adamson is in support of providing a grant-in-aid of \$3,000 to the Hope & District Arts Council.

COST

The \$3,000 cost will be funded from the Electoral Area "B" grant-in-aid budget which has sufficient funds to support this request.

CONCLUSION

A grant-in-aid application has been received from the Hope & District Arts Council seeking financial support to help fund programming at The Art Machine community arts facility for the benefit of residents in Hope and surrounding communities in Electoral Area B.

COMMENTS BY:

Mike Veenbaas, Director of Financial Services

Reviewed and supported.

Paul Gipps, Chief Administrative Officer

Reviewed and supported

GRANT-IN-AID APPLICATION

Fraser Valley Regional District, 45950 Cheam Ave, Chilliwack BC, V2P 1N6

Applicant Name:

Hope & District Arts Council

Mailing Address:

P.O. Box 546

Email Address:

Hope BC VOX 1LO
hopearts@telus.net

Contact:

Diane Ferguson

Name

1-604-869-3400

Telephone/Fax Number

Statement as to eligibility to apply for Grant-In-Aid Funds (Please attach a separate sheet if required):

See attached

APPLICATION SUMMARY:

Project or purpose for which you require assistance (Please attach a separate sheet if required):

See attached

Statement as to how these funds will benefit the community or an aspect of the community (Please attach a separate sheet if required):

See attached

Amount of Grant Requested: \$

4,000.00

****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.

Diane Ferguson
Executive Director

Signature of Authorized Signatory and Title

Amount Approved:

Date:

Signature of Electoral Area Director

Fraser Valley Regional District
Hope & District Arts Council (HDAC) Grant-in-Aid Application 2018

Statement as to eligibility to apply for Grant-In-Aid funds:

HDAC is a local, registered, non-profit Community Arts & Cultural organization providing a variety of programs and events regularly attended by residents of Hope, Yale, Sunshine Valley, Laidlaw and surrounding areas. HDAC Notice to Reader financials, required by the BC Arts Council, Province of BC and Government of Canada are available upon request. We are run by a board of eight (4 executive/4 directors). We employ one part-time paid administrator as well as 7 part-time paid art instructors.

Project or purpose for which you require assistance:

Your financial assistance will help us to continue offering year round arts and crafts programming at The Art Machine community arts facility in Hope, BC while keeping costs to participants as low as possible – some free of charge. This allows residents from all ages and income brackets to attend. In 2017 the BC Arts Council cut our funding by \$3,000.00 and HDAC was able to absorb the costs. This year our funding was further reduced by another \$5,000.00 with very little warning or notice. We learned this year that these reductions were due to the BC Arts Council dropping the Performance Award from their funding package in their efforts to restructure how they disperse their funds. HDAC used to receive the full amount yearly on average. HDAC doesn't have any surplus revenue to adjust for these shortfalls and we will have to find other avenues to make up for this loss either from grants or fundraisers. HDAC is presently in the process of our Art Machine Relocation/Renovation project that we expect will be complete at the latest in July 2018. Going forward, upon completion of the project we anticipate some reduced facility costs which will help.

Statement as to how these funds will benefit the community, or an aspect of the community:

We believe the arts are essential to the health and well being of individuals and the community at large. The Art Machine community arts program offers arts and cultural awareness, education and opportunities for socialization and sharing. A grant in aid of \$4,000.00 will assist HDAC absorb the unexpected loss of BC Arts Council funding. It will help us to continue The Art Machine programming for children and adults of all ages while keeping costs at a minimum, providing hands on, educational arts/craft and cultural programming to all community members. The funds will be spent on arts/craft materials, instructor's wages, facility rent and utilities, etc. The extra funds that we have requested this year will be used towards all of the above. Participants have continued to benefit from our programming even during the AM Renovation project and will ultimately benefit once the Art Machine moves into its new facility. Hope and area is unique in that we have community arts programming such as The Art Machine rarely seen in small communities. Support from local government such as the District of Hope and the FVRD show community support and help HDAC to acquire funding from other available sources.

A 2017 report was sent to FVRD in January, 2018. The HDAC 2018 AGM was held on February 21 and our 2017 financial Notice to Reader report has recently been completed and are available upon request. Please do not hesitate to ask for any other information you require.

Update re: AM renovation – New roof on, interior demolition and new walls complete, new windows installed, rough in plumbing complete and all new electrical being installed. Hopefully we will be offering classes there sooner than July!

To: Electoral Area Services Committee

Date: 2018-04-10

From: Sterling Chan, Manager of Engineering and Infrastructure,
David Bennett, Planner II

Subject: Community Sanitary Sewer Servicing in Popkum

RECOMMENDATION

THAT in accordance with the FVRD Development Procedures Bylaw No. 1377, 2016 the Fraser Valley Regional District Board defer consideration of new bylaw amendments within the West Popkum neighbourhood of Electoral Area "D" until a policy guiding sanitary sewer servicing in Popkum is adopted.

STRATEGIC AREA(S) OF FOCUS

Support Environmental Stewardship

Foster a Strong & Diverse Economy

Support Healthy & Sustainable Community

Provide Responsive & Effective Public Services

PRIORITIES

Priority #1 Waste Management

BACKGROUND

New Official Community Plan – Popkum, Electoral Area "D"

The Fraser Valley Regional District is undertaking the development of a new Official Community Plan (OCP) for Popkum and Electoral Area "D". The new OCP will identify the vision for development in Popkum and Bridal Falls and how we will respond to growth and change over the next 20 years. The new OCP will include policies and objectives to support the long-term vision for Popkum.

Growth and housing inventory under the current Official Community Plan, Electoral Area “D”

The current OCP policies and objectives have designated West Popkum for infill residential development with a minimum parcel size of 750m² where lots are connected to both community water and community sewer systems. Under these policies, a new suburban residential zone was developed (SBR-3) to allow for subdivisions with a minimum parcel size of 800m² when the lots are connected to both community water and sanitary services. . There is an existing private sewer utility in Popkum, West Popkum Utilities, which services homes in the Woodland heights subdivision, and a new FVRD sewer system is under construction near the former Minter Gardens site off of Llanberis Way. Under the existing OCP policies and zoning, there are approximately 80 new single family residential building lots available in Popkum in both new and soon to be completed residential subdivisions. Of these 80 lots, the FVRD has received approximately 20 building permit applications for new single family homes.

The proposed residential development of the former Minter Garden site will add approximately 130 more single family homes, the Minter proposal is currently at third reading.

Between the recently approved subdivisions and the Minter’s project, residential building inventory is available for approximately 210 new homes. This represents a ten year housing supply based on Stats Canada data which shows that there is an average increase of 20 new homes per year in Popkum. FVRD building permit stats also show a history of modest annual demand for new residential units in Popkum each year. It is recognized that the FVRD is currently experiencing a market cycle of strong demand and an above average number of housing starts in Popkum.

Sewage Disposal Policies in the new Official Community Plan

While a wide range of services are available in Popkum, historically wastewater treatment has been from individual on-site septic systems. Market changes and increased demand for smaller lots requires a transition from onsite septic to centralized communal sewage systems. Current policy requires that all newly created lots 0.225 ha and smaller be connected to a Class A community sewer system owned and operated by the FVRD. However, additional, policy is required to guide in the siting of new sewage systems and to define areas to be serviced. This strategy is necessary to avoid ad-hoc sewage service areas which when compared to well-planned out service areas, create operational inefficiencies and in turn financial challenges. This additional policy will support the existing FVRD Sustainable Sanitary Sewer Servicing Provision, West Popkum Local Sanitary Servicing Plan and will be included in the new Official Community Plan.

DISCUSSION

Instream developments in Popkum can accommodate up to ten years of housing supply, based on historical growth demands. A new Official Community Plan is under development. The new Official Community Plan will provide a robust and up-to-date policy framework to guide new development in a way that archives community benefits, protects the suburban character of Popkum. Also included will

be policy guiding the siting of new FVRD sewage infrastructure and the areas to be serviced. Overall development potential in West Popkum and portions of East Popkum could provide a range of 270 to 500 additional new lots for single family residential development on Suburban Residential designated lands. The range reflects lot yield uncertainties from road dedication, servicing levels and the need for land assembly and redevelopment of some larger lot parcels. This uncertainty is why it is critical to plan out servicing strategies in advance rather than react to applications as they are received. Staff have begun drafting a policy guiding sanitary sewer servicing in Popkum. This policy could be completed and be ready for implementation over the coming months, well in advance of the new Official Community Plan.

In accordance with the Fraser Valley Regional District Development Procedures Bylaw, upon the receipt of a rezoning application the Board may:

- a) give readings to or adopt the bylaw;
- b) give readings to or adopt the bylaw as amended by the Board in its resolution;
- c) refer the application for bylaw amendment to the Electoral Area Services Committee for further consideration;
- d) defer consideration of the amendment to a future meeting of the Board;
- e) refuse the application for an amendment.

Staff are recommending that until this new sanitary servicing policy is in place that the Fraser Valley Regional District Board consider applications for new developments, beyond those projects already in progress, as pre-mature and defer consideration until the sanitary sewer policy is adopted.

The consequences of advancing new developments prior to the implementation of sanitary sewer servicing policies may result in the following:

- Reduced infrastructure efficiency
- Inconsistent or one-off servicing decisions
- Reduced effectiveness of the Official Community Plan
- Less consistent standards or approaches between developments
- Reduced public confidence in a well planned community
- Missed opportunities to implement up-to-date Official Community Plan policies
- Loss of development potential

COST

There are no costs associated with this information report.

CONCLUSION

In accordance with section 4.2 of the Fraser Valley Regional District Development Procedures Bylaw No. 1377, 2016, it is recommended that new applications for rezoning in West Popkum in Electoral Area “D”

be deferred until the new Electoral Area “D” until a policy guiding sanitary sewer servicing in Popkum is adopted.

COMMENT BY:

Graham Daneluz, Deputy Director of Planning & Development Reviewed and supported.

Margaret Thornton, Director of Planning & Development Reviewed and supported.

Tareq Islam, Director of Engineering & Community Services Reviewed and supported.

Mike Veenbaas, Director of Financial Services No further financial comments.

Paul Gipps, Chief Administrative Officer Reviewed and supported

To: Electoral Area Services Committee
From: Melissa Geddert, Planning Technician

Date: 2018-04-10
File No: 3090-20-2018-14

Subject: Development Variance Permit 2018-14 to vary the setback requirement from a highway and height requirement for a proposed duplex at 20917 Snowflake Crescent.

RECOMMENDATION

THAT the Fraser Valley Regional District Board issue Development Variance Permit 2018-14 to vary the highway setback requirement from 6 metres to 2.1 metres on the north side of the lot and 6 metres to 3.74 metres on the west side of the lot; and to vary the maximum height from 12 metres to 14 metres to permit the construction of a duplex, subject to consideration of any comments raised by the public.

AND THAT Development Variance Permit 2018-14 replace and supersede Development Variance Permit 2017-14 and that Development Variance Permit 2017-14 be cancelled.

FOR INFORMATION

Appendix "A": Site Plan

Appendix "B": Ministry of Transportation and Infrastructure Permit to Reduce Building Setback Less than 4.5 Metres from the Property Line.

Appendix "C": Neighbourhood feedback

Appendix "D": Development Variance Permit 2017-14

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

BACKGROUND

The owners of the property have made an application for a Development Variance Permit (DVP) in order to:

- a) decrease the setback requirement from a highway for the north and west side of the lot; and
- b) increase the maximum permitted height of a duplex,

as outlined in *Fraser Valley Regional District Zoning Bylaw No. 100 Morris Valley-Harrison Mills, portion Area "C"*.

PROPERTY DETAILS			
Electoral Area	C – Hemlock Valley		
Address	20917 Snowflake Crescent		
PID	005-625-602		
Folio	775.01430.031		
Lot Size	0.16 Acres		
Owner	Michael Bogdanovich and Dragan Keseric	Agent	N/A
Current Zoning	Resort Residential (RST-3)	Proposed Zoning	No change
Current OCP	Cottage Residential	Proposed OCP	No change
Current Use	Vacant land	Proposed Use	Duplex
Building Permit	BP013917		
Development Permit Areas	5-HV for RAR		
Agricultural Land Reserve	No		

ADJACENT ZONING & LAND USES			
North	^	Resort Residential 2 (RST-2), Single Family Homes	
East	>	Resort Residential 2 (RST-2), Single Family Homes	
West	<	Resort Residential 3 (RST -3), Single Family Homes	
South	v	Resort Residential 3(RST-3), Duplex	

NEIGHBOURHOOD MAP



DISCUSSION

The owners of the subject property are proposing to construct a 13.1 metre by 14.6 metre duplex at 20917 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 the development.

History of Issued Variance – DVP 2017-14

At the FVRD Board meeting on July 25, 2017 the board issued Development Variance Permit 2017-14, reducing the setback from a highway from 6.0 metres to 2.1 metres and increasing the maximum permitted height from 12 metres to 13.35 metres. The lot line setback reduction applies to the front portion on the northeast side of the lot and was issued to accommodate covered stairs leading up to the duplex. The height variance was issued to permit three storeys and a maximum height of 13.35 metres.

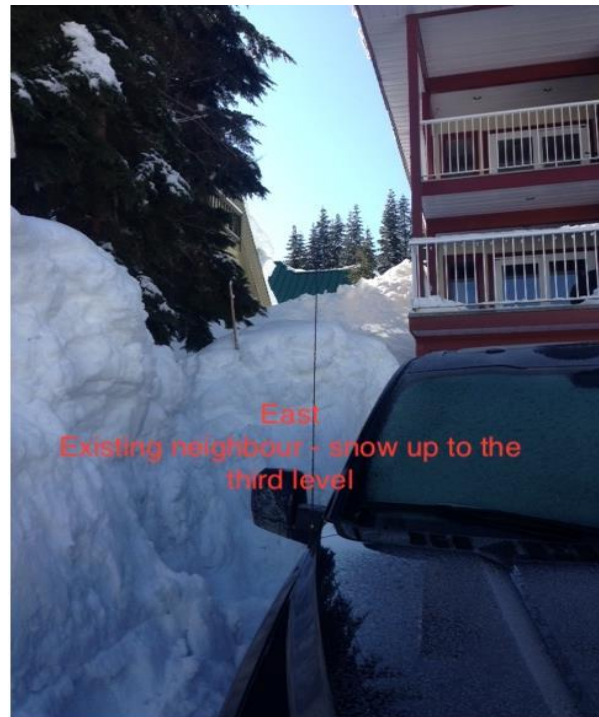
Variance Request – DVP 2018-14

The owners are seeking a 2.1 metre relaxation to flanking street on the west property line, reducing the setback requirement from 6.0 metres to 3.74 metres clear to sky. The 3.74 metre setback accounts for the roof overhang; the setback to the foundation wall is 4.5 metres. The subject property is uniquely shaped where 65% of the lot is road frontage; furthermore, the lot is relatively small measuring 647.5 metres squared (0.16 acres), resulting in a more restrictive buildable area.

The owners have requested the setback relaxation to permit a greater separation between the proposed duplex and the single family dwelling located on the neighbouring property. As shown on the images in photo 1 and 2, snow accumulation in Hemlock Valley is quite substantial. The images below were provided by the neighbouring property owner (20915 Snowflake Crescent) who has submitted a letter of support for the application (Appendix "C"). The single family dwelling on the neighbouring parcel is relatively close to the interior lot line (approximately 1 metre). Increasing the separation between the two structures would allow for adequate separation for snow shedding, and prevent damage to the structures caused by snow shedding.

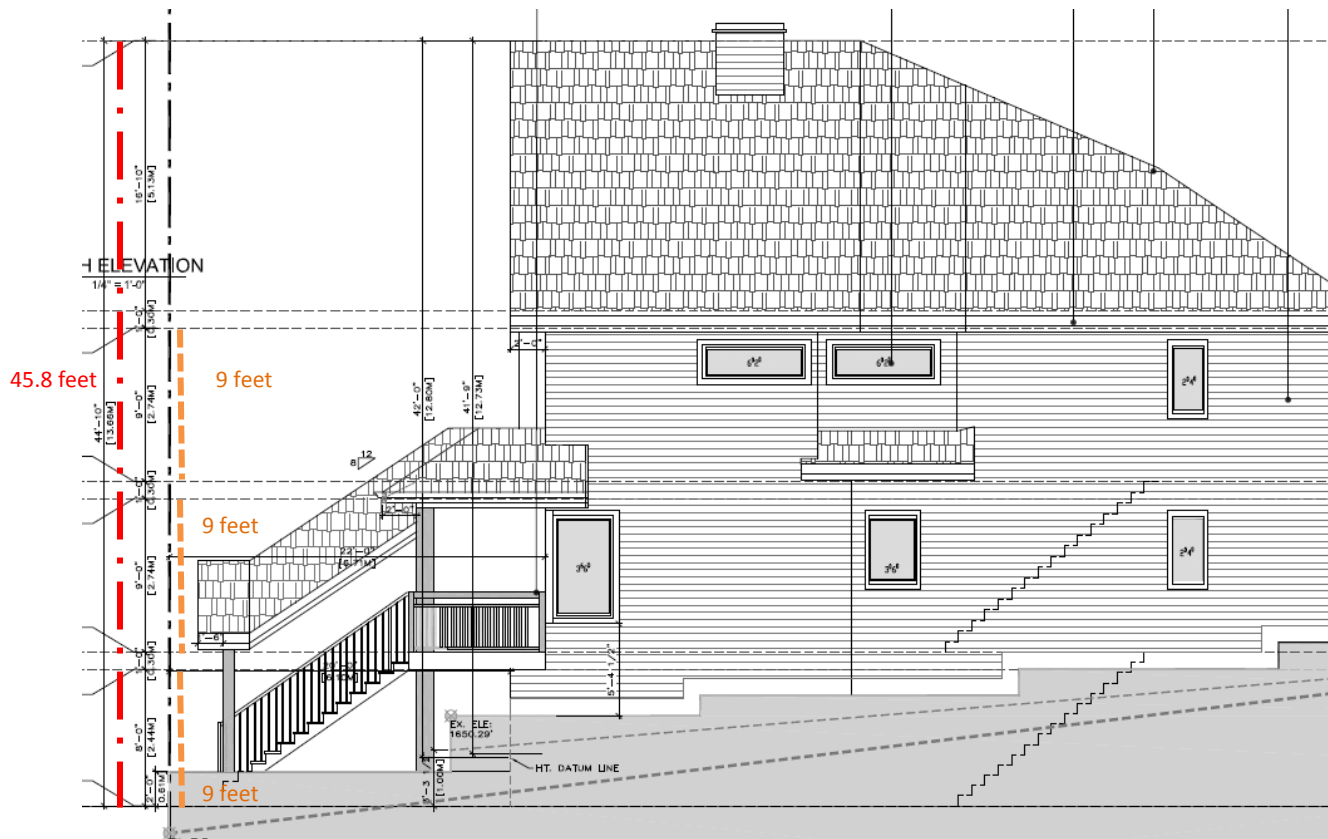
DVP 2018-14 would replace and supersede DVP 2017-14. The setback relaxation issued in DVP 2017-14 would be permitted in DVP 2018-14, reducing the required 6 metre setback from a highway right of way to 2.1 metres to permit the covered stairs adjacent to the north property line.

Photo 1 and 2 - Demonstrated snow accumulation - 20915 and 20917 Snowflake Crescent.



The roof overhang encroaches into the Ministry of Transportation and Infrastructure (MOTI) 4.5 metre setback requirement; however the foundation of the structure does not encroach into the MOTI setback. The owners have obtained approval from MOTI for the setback reduction; the approval is attached as Appendix "B".

By re-siting the structure closer to the northwest side of the lot, the owners have requested an increase in permitted height from 12 metres (39.4 ft) to 14 metres (45.8 ft) to account for the change in grade. The owners also seek the height increase to permit a nine foot ceiling for the proposed garage. The RST-3 zoning designation allows a maximum height of 12 metres. A height variance was issued under DVP 2017-14, increasing the maximum permitted height to 13.35 metres. If issued, DVP 2018-14 would increase the height another 0.65 metres (2.1 ft), 16% higher than what is permitted in the zoning bylaw (12 metres to 14 metres). However, if the garage height was not increased, the rise in total height would be 12% (13.66 metres) and only 0.31 metres higher than what was approved in DVP 2017-14. Figure 1 demonstrates the proposed total height measured from the lowest point on the lot.



Snow Shedding Impacts

Buildings in Hemlock Valley are prone to the accumulation of large amounts of snow on roofs resulting in snow shedding. Setback requirements within the zoning account for the accumulation of snow and aim to accommodate snow shedding. The siting of the property is such that it borders a public road on three sides and a residential property on one side. In order to mitigate snow shedding impacts, the owners are proposing to site the duplex closer to the flanking street on the northwest side of the property. The increase in height should not increase snow shedding impacts on 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 encouraged the applicant to advise neighbouring property owners and residents of the requested variance in advance of the mail-out notification. To date one letters of support has been submitted and is attached as Appendix "C".

COST

The application fee of \$350 has been paid by the property owner.

CONCLUSION

The property owners have applied for a variance to increase the maximum height of a duplex and decrease the highway setback requirement. Considering Ministry of Transportation and Infrastructure approval and the attempt to mitigate snow shedding impacts, staff recommend Development Variance Permit 2018-14 be issued, subject to any concerns raised as a result of neighbour notification.

OPTIONS

Option 1 – Staff Recommendation - Issue

Staff recommend that the Fraser Valley Regional District Board issue Development Variance Permit 2018-14 to vary the highway setback requirement from 6 metres to 2.1metres on the north side of the lot and 6 metres to 3.74 metres on the west side of the lot; and to vary the maximum height from 12 metres to 14 metres to permit the construction of a duplex, subject to consideration of any comments 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 2018-09

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:

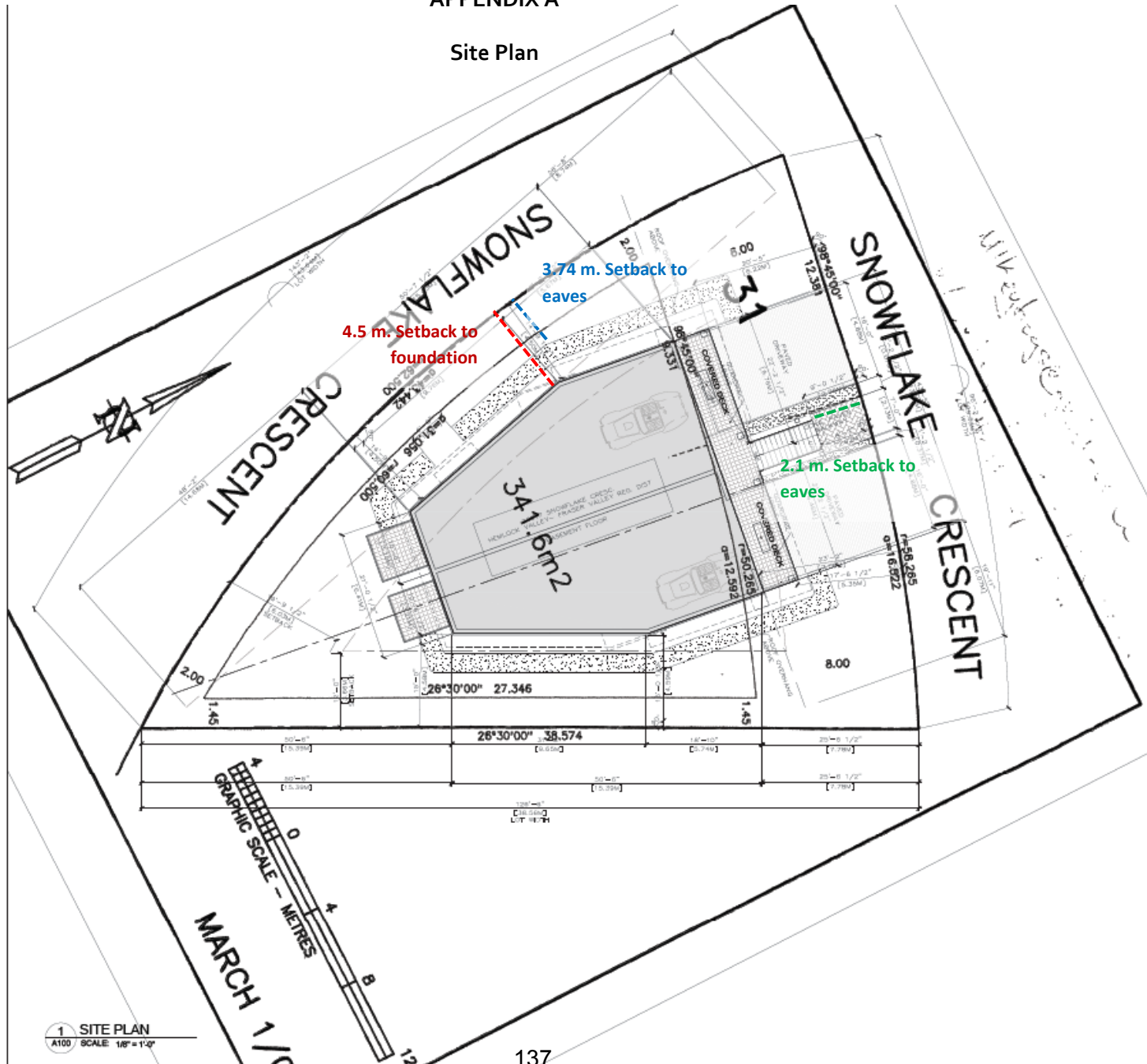
MOTION: THAT the Fraser Valley Regional District Board refer the application for Development Variance Permit 2018-09 to FVRD Staff

COMMENTS BY:

Graham Daneluz, Deputy Director of Planning & Development	Reviewed and Supported.
Margaret Thornton, Director of Planning & Development	Reviewed and Supported.
Mike Veenbaas, Director of Financial Services	No further financial comment.
Paul Gipps, Chief Administrative Officer	Reviewed and supported

APPENDIX A

Site Plan



Appendix "B"

Ministry of Transportation and Infrastructure Permit to Reduce Building Setback Less than 4.5 Metres from the Property Line.



BRITISH
COLUMBIA

Ministry of Transportation
and Infrastructure

DEVELOPMENT APPROVALS GENERAL COMMUNICATION

Your File #:
eDAS File #: 2018-01089
Date: Mar/14/2018

c/o
Michael B Bogdanovich
1225 Greystone Drive
Burnaby, British Columbia V5A 4W5
Canada

Attention: Michael B Bogdanovich

**Re: Proposed Structure: Setback Permit Application for:
Lot 31 Plan NWP57905 District Lot 3850 Land District 1 Land District 36
20917 Snowflake Crescent, Hemlock Valley**

The Ministry of Transportation has no concerns with the proposed building plan.

If you have any questions please feel free to call Jennifer Powers at (604) 795-8210.

Best Regards,

Jennifer Powers
Area Development And Operations Technician

Attachment:

Local District Address

Chilliwack Area Office
45890 Victoria Avenue
Chilliwack, BC V2P 2T1
Canada
Phone: (604) 795-8211 Fax: (604) 795-8214



PERMIT TO REDUCE BUILDING SETBACK LESS THAN 4.5 METRES FROM THE PROPERTY LINE FRONTING A PROVINCIAL PUBLIC HIGHWAY

PURSUANT TO TRANSPORTATION ACT AND/OR THE INDUSTRIAL ROADS ACT AND/OR THE
MOTOR VEHICLE ACT AND/OR AS DEFINED IN THE NISGA'A FINAL AGREEMENT AND THE
NISGA'A FINAL AGREEMENT ACT.

BETWEEN:

The Minister of Transportation and Infrastructure

Chilliwack Area Office
45890 Victoria Avenue
Chilliwack, BC V2P 2T1
Canada

("The Minister")

AND:

Michael Bogdanovich
1225 Greystone Drive
Burnaby, British Columbia V5A 4W5
Canada

("The Permittee")

WHEREAS:

- A. The Minister has the authority to grant permits for the auxiliary use of highway right of way, which authority is pursuant to both the Transportation Act and the Industrial Roads Act, the Motor Vehicle Act, as defined in the Nisga'a Final Agreement and the Nisga'a Final Agreement Act;
- B. The Permittee has requested the Minister to issue a permit pursuant to this authority for the following purpose:

The construction of a building, the location of which does not conform with British Columbia Regulation 513/04 made pursuant to section 90 of the Transportation Act, S.B.C. 2004, namely; to allow a structure (covered staircase) within the 4.5m setback from Snowflake Crescent, as shown on submitted sketch plan (May 22nd, 2017)
- C. The Minister is prepared to issue a permit on certain terms and conditions;

ACCORDINGLY, the Minister hereby grants to the Permittee a permit for the Use (as hereinafter defined) of highway right of way on the following terms and conditions:

- 1. This permit may be terminated at any time at the discretion of the Minister of Transportation and Infrastructure, and that the termination of this permit shall not give rise to any cause of action or claim of any nature whatsoever.
- 2. This permit in no way relieves the owner or occupier of the responsibility of adhering to all other legislation, including zoning, and other land use bylaws of a municipality or regional district.
- 3. If the structures are to be removed or destroyed for any reason, they must be replaced at 4.5 meters from the legal boundary of all road allowances.
- 4. Please be advised that in the event of future road widening, the Ministry of Transportation may ask the applicant to re-locate or remove the permitted structures at the applicant's expense.
- 5. The Ministry of Transportation and Infrastructure will not be held responsible for any damage to the structures.



BRITISH
COLUMBIA

Ministry of Transportation
and Infrastructure

Permit/File Number: 2017-03311

Office: Chilliwack Area Office

The rights granted to the Permittee in this permit are to be exercised only for the purpose as defined in Recital B on page 1.

Dated at Chilliwack, British Columbia, this 29 day of May, 2017

On Behalf of the Minister

Appendix "C":
Neighbourhood feedback

----- Forwarded message -----

From: "Viola Nick" <>
Date: Mar 15, 2018 9:38 AM
Subject: Hemlock Snow
To: <>
Cc:

Please accept this as a letter in support of the proposed variance submitted by Mike Bogdanovich to reduce his setback from 6.0 meters to 4.5meters from the property line allowing him to move his proposed residence away from ours located at 20915 Snowflake Cr.

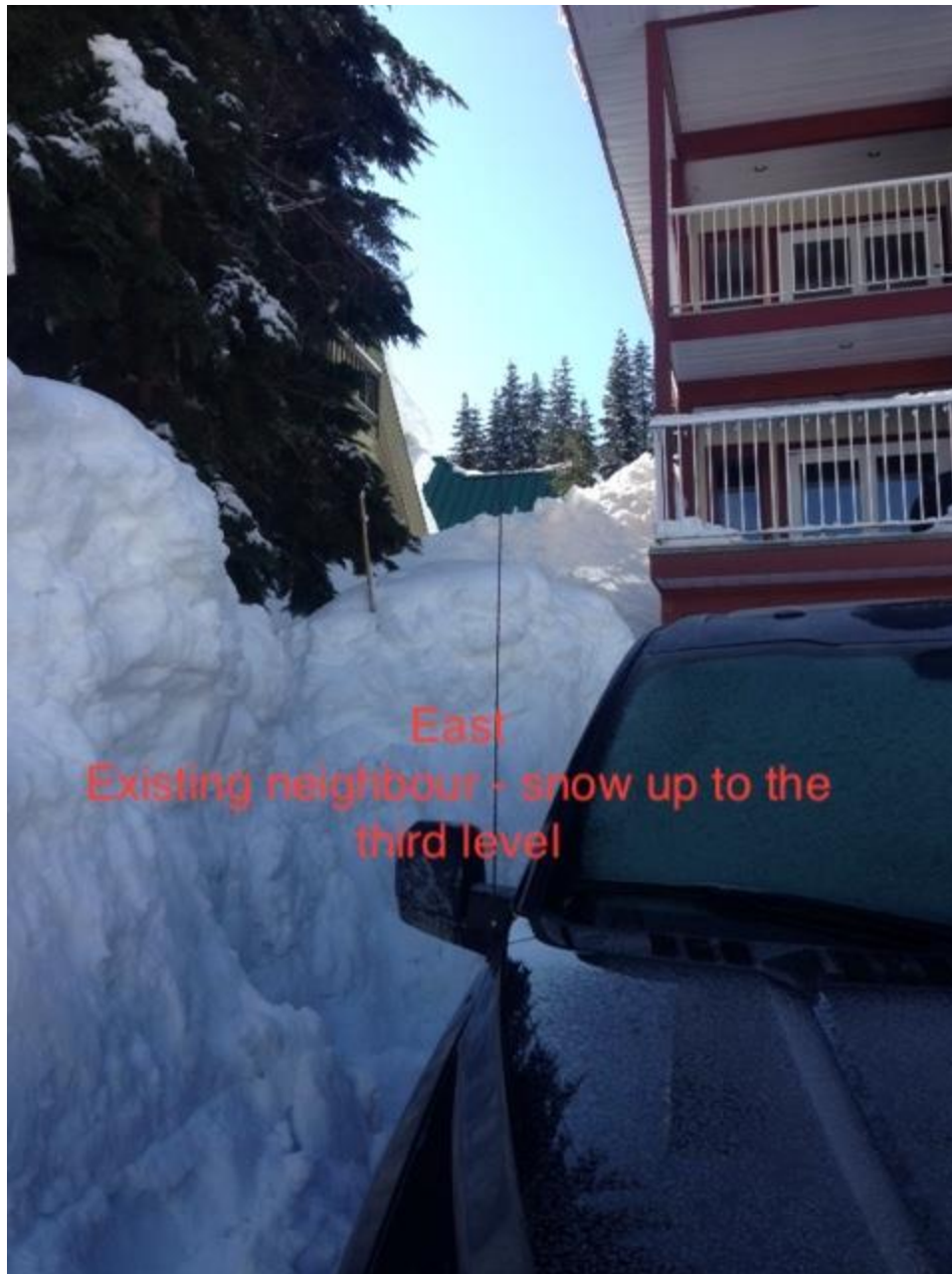
This year to date the community of Hemlock Valley has received 39 feet of snowfall. This is not such an unusual year. The snow that sheds from the roof between the two buildings can not be accessed for removal and does build up to a considerable level each season.

The resulting build up between us and our existing neighbour on the east puts pressure on side walls, covers windows and is problematic for both residences. See attached photos.

Approving this variance for new neighbours on the west (increasing the space between the two buildings) would provide relief from the combined build-up.

Respectfully - Dave and Viola Nick





Appendix “D”

Development Variance Permit 2017-14



FRASER VALLEY REGIONAL DISTRICT DEVELOPMENT VARIANCE PERMIT

Permit No. Development Variance Permit 2017-14 **Folio No.** 776.01430.031

Issued to: Michael Bogdanovich & Dragan Keseric

Address: 1225 Greystone Drive Burnaby, BC V5A 4W5

Applicant: Same

Site Address: 20917 Snowflake Crescent

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 31, DISTRICT LOT 3850, NEW WESTMINSTER DISTRICT, PLAN NWP57905 GROUP 1.
PID 005-625-602

LIST OF ATTACHMENTS

Schedule "A": Location Map

Schedule "B": Site Plan

AUTHORITY TO ISSUE

1. This Development Variance Permit is issued under Part 14 – Division 9 of the *Local Government Act*.

BYLAWS SUPPLEMENTED OR VARIED

Zoning By-law for Electoral Area "C", 1979 of the Regional District of Fraser-Cheam is **varied** as follows:

Section 1904 Setbacks

(a) Highway: from 6.0 metres to 2.1 metres to the right-of-way boundary or any road allowance.

Section 1905 Height

(a) Height: from 12.0 metres to 13.35 metres and two storeys to three storeys.

SPECIAL TERMS AND CONDITIONS

1. No variances other than those specifically set out in this permit are implied or to be construed.

2. If the holder of this permit does not commence the construction with respect to which the Permit was issued within two (2) years after the date of the permit, this permit shall lapse.
3. Development of the site shall be undertaken in accordance with the Site Plan attached hereto as Schedule "B".
4. All new construction shall be generally in compliance with Building Permit No. BP013917.

GENERAL TERMS AND CONDITIONS

1. This Development Variance Permit is issued Pursuant to Part 14 – Division 9 of the *Local Government Act*.
2. This Development Variance Permit shall not vary the permitted uses or densities of land use in the applicable zoning bylaw nor a flood plain specification designated under Section 524 of the *Local Government Act*.
3. Nothing in this permit shall in any way relieve the developer's obligation to ensure that the development proposal complies in every way with the statutes, regulations, requirements, covenants and licences applicable to the undertaking.
4. Nothing in this permit shall in any way relieve the developers obligation to comply with all setback regulations for construction of structures or provision of on-site services pursuant to the *Public Health Act*, the *Fire Services Act*, the *Safety Standards Act*, and any other provincial statutes.

SECURITY DEPOSIT

As a condition of the issuance of this Permit, and pursuant to Section 502 of the *Local Government Act*, the Regional Board is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit

Should the holder of this permit:

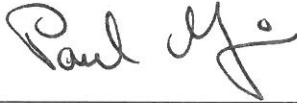
- a. fail to complete the works required to satisfy the landscaping conditions contained herein,
- b. contravene a condition of the permit in such a way as to create an unsafe condition,

The Regional Board may undertake and complete the works required to satisfy the landscaping conditions, or carry out any construction required to correct an unsafe condition at the cost of the holder of the permit and may apply the security in payment of the costs of the works, with any excess to be returned to the holder of the permit.

Security Posted: (a) an irrevocable letter of credit in the amount of: \$ <N/A>.
 (b) the deposit of the following specified security: \$ <N/A>.

Note: The Regional District shall file a notice of this permit in the Land Title Office stating that the land described in the notice is subject to Development Variance Permit Number 2017-14. 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 25TH DAY OF JULY, 2017

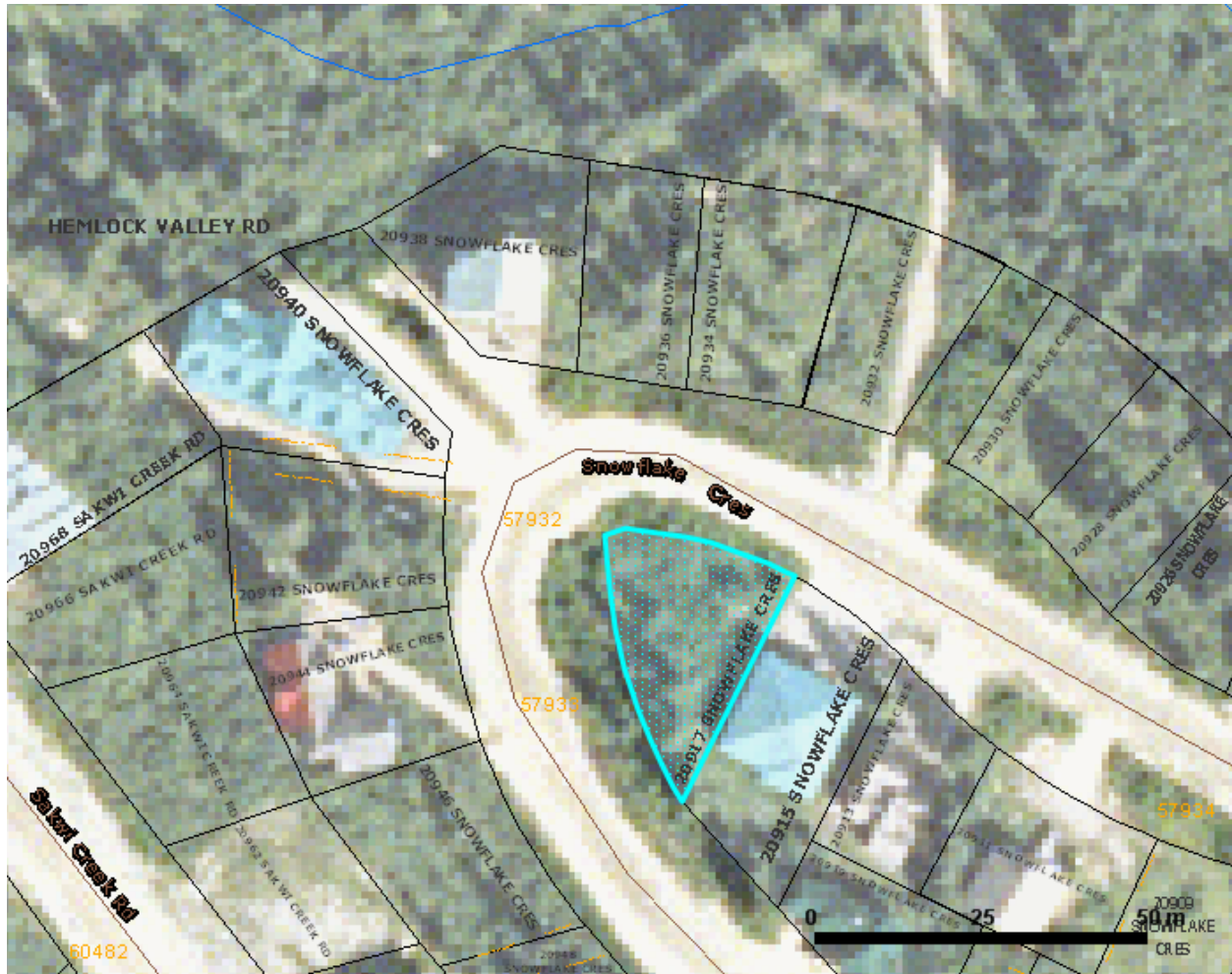


Digitally signed by Paul Gipps
Date: 2017.07.26 11:55:14
-07'00'

Chief Administrative Officer / Deputy

THIS IS NOT A BUILDING PERMIT

DEVELOPMENT VARIANCE PERMIT 2017-14
SCHEDULE "A"
Location Map



DEVELOPMENT VARIANCE PERMIT 2017-14
SCHEDULE "B"
Site Plan



NOTICE OF REGISTRATION

Date of Issue: July 28, 2017
Submitter's Name: Margaret Thornton
File Reference: DVP 2017-14

The following application(s) have now reached final status:

LEGAL NOTATION	CA6172132	REGISTERED
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For help, go to <http://help.ltsa.ca>. To reach the LTSA Customer Service Centre for general land title and survey matters, select option 1 at 604-630-9630 or toll free at 1-877-577-LTSA(5872) or send a request at <https://myltsa.ltsa.ca/contact-customer-service-centre>. For myLTSA sign-up or technical assistance, contact myLTSA Technical Support by selecting option 2 at 604-630-9630 or toll free at 1-877-577-LTSA(5872) or send an request at <https://myltsa.ltsa.ca/contact-myltsa-tech-support>



FRASER VALLEY REGIONAL DISTRICT DEVELOPMENT VARIANCE PERMIT

Permit No. Development Variance Permit 2018-14 **Folio No.** 776.01430.031

Issued to: Michael Bogdanovich and Dragen Keseric

Address:

Applicant: Michael Bogdanovich

Site Address: 20917 Snowflake Crescent

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 31 DISTRICT LOT 3850 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 57905.

Parcel Identifier: 005-625-602

LIST OF ATTACHMENTS

Schedule "A": Location Map

Schedule "B": Site Plan and Elevation Drawings for Height

AUTHORITY TO ISSUE

1. This Development Variance Permit is issued under Part 14 – Division 9 of the *Local Government Act*.

BYLAWS SUPPLEMENTED OR VARIED

Regional District of Fraser Cheam By-Law No, 100, 1979 is **varied** as follows:

1. Division 19, section 1904 (a) the highway setback requirement from the right-of-way boundary of any road allowance on the east side of the lot is reduced from 6.0 metres to 3.74 metres, clear to sky, to permit the construction of a duplex.
 2. Division 19, section 1904 (a) the highway setback requirement from the right-of-way boundary of any road allowance on the front portion of the north side of the lot is reduced from 6.0 metres to 2.1 metres, clear to sky, to permit the construction of a duplex.
 3. Division 19 section 1905 the maximum height of building shall be increased from 12 metres to 14 metres, to permit to construction of a duplex.
-

SPECIAL TERMS AND CONDITIONS

1. This permit supersedes and replaces Development Permit 2017-14, issued by the Fraser Valley Regional Board July 25, 2017.
2. No variances other than those specifically set out in this permit are implied or to be construed.
3. 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.
4. Development of the site shall be undertaken in accordance with the Site Plan attached hereto as Schedule "B".
5. All new construction shall be generally in compliance with Building Permit No. 013917.

GENERAL TERMS AND CONDITIONS

1. This Development Variance Permit is issued Pursuant to Part 14 – Division 9 of the *Local Government Act*.
2. This Development Variance Permit shall not vary the permitted uses or densities of land use in the applicable zoning bylaw nor a flood plain specification designated under Section 524 of the *Local Government Act*.
3. Nothing in this permit shall in any way relieve the developer's obligation to ensure that the development proposal complies in every way with the statutes, regulations, requirements, covenants and licences applicable to the undertaking.
4. Nothing in this permit shall in any way relieve the developers obligation to comply with all setback regulations for construction of structures or provision of on-site services pursuant to the *Public Health Act*, the *Fire Services Act*, the *Safety Standards Act*, and any other provincial statutes.

SECURITY DEPOSIT

As a condition of the issuance of this Permit, and pursuant to Section 502 of the *Local Government Act*, the Regional Board is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit

Should the holder of this permit:

- a. fail to complete the works required to satisfy the landscaping conditions contained herein,
- b. contravene a condition of the permit in such a way as to create an unsafe condition,

The Regional Board may undertake and complete the works required to satisfy the landscaping conditions, or carry out any construction required to correct an unsafe condition at the cost of the holder of the permit and may apply the security in payment of the costs of the works, with any excess to be returned to the holder of the permit.

Security Posted: (a) an irrevocable letter of credit in the amount of: \$ <N/A> .
(b) the deposit of the following specified security: \$ <N/A> .

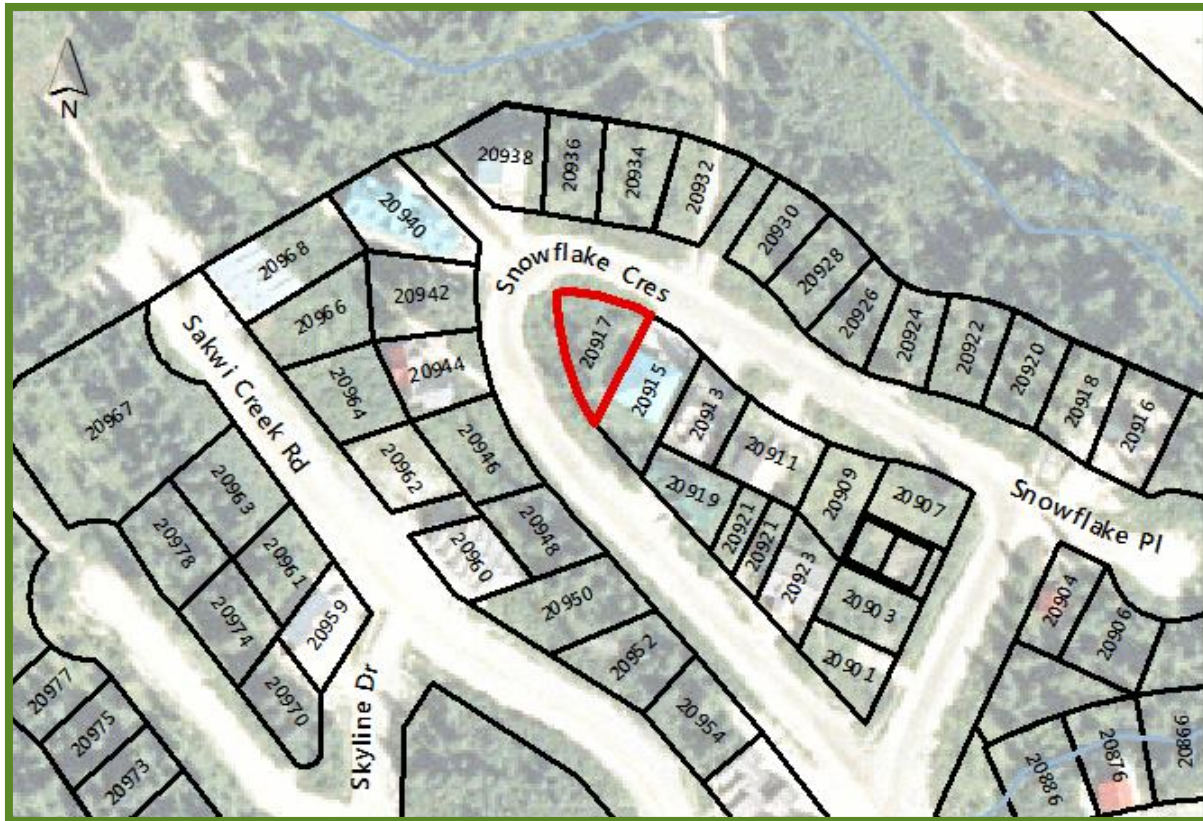
Note: The Regional District shall file a notice of this permit in the Land Title Office stating that the land described in the notice is subject to Development Variance Permit Number 2018-14. The notice shall take the form of Appendix I attached hereto.

AUTHORIZING RESOLUTION PASSED BY THE BOARD OF DIRECTORS OF THE FRASER VALLEY REGIONAL DISTRICT ON THE ____ DAY OF _____, <YEAR>

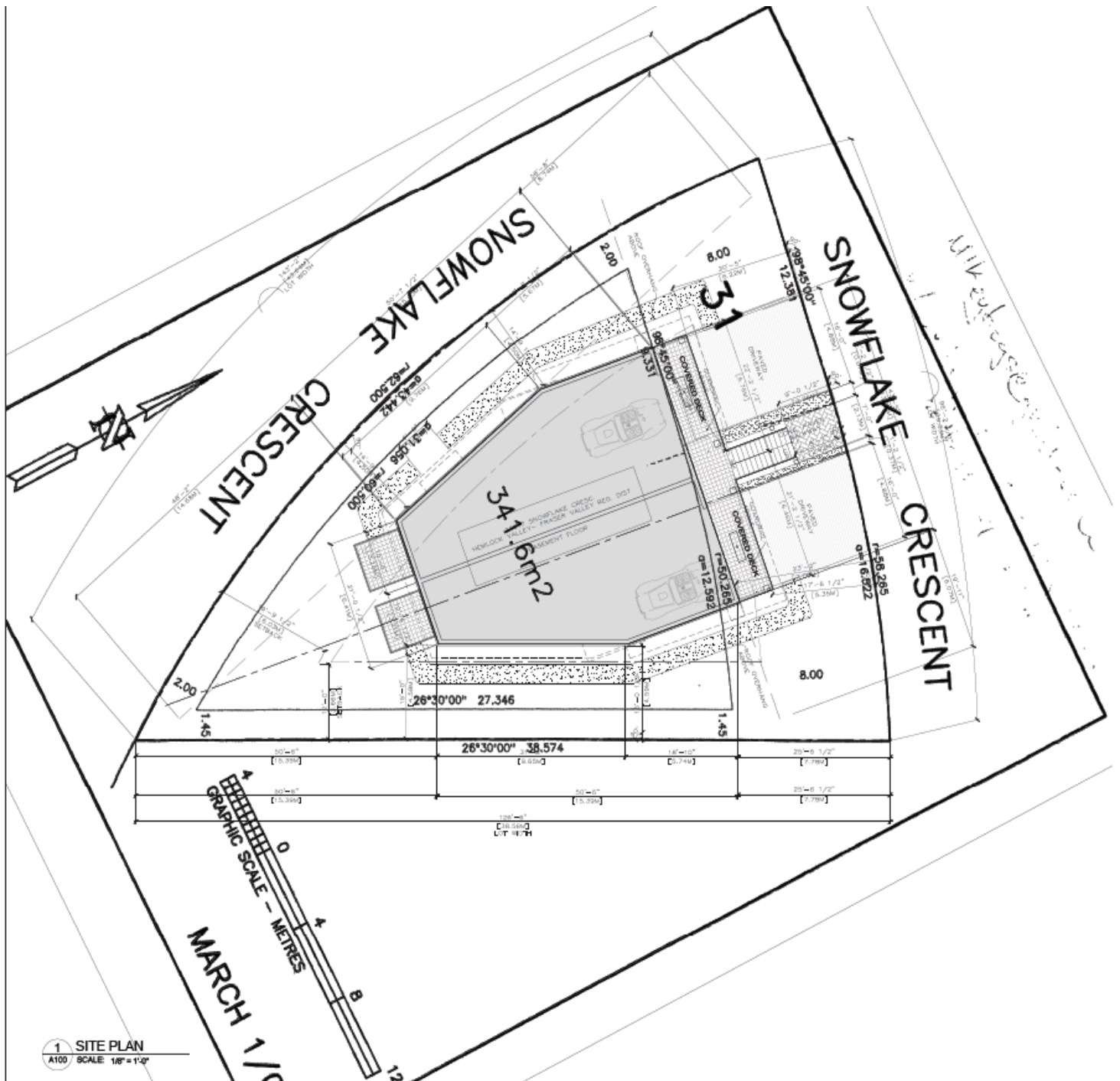
Chief Administrative Officer / Deputy

THIS IS NOT A BUILDING PERMIT

DEVELOPMENT VARIANCE PERMIT 2018-14
SCHEDULE "A"
Location Map

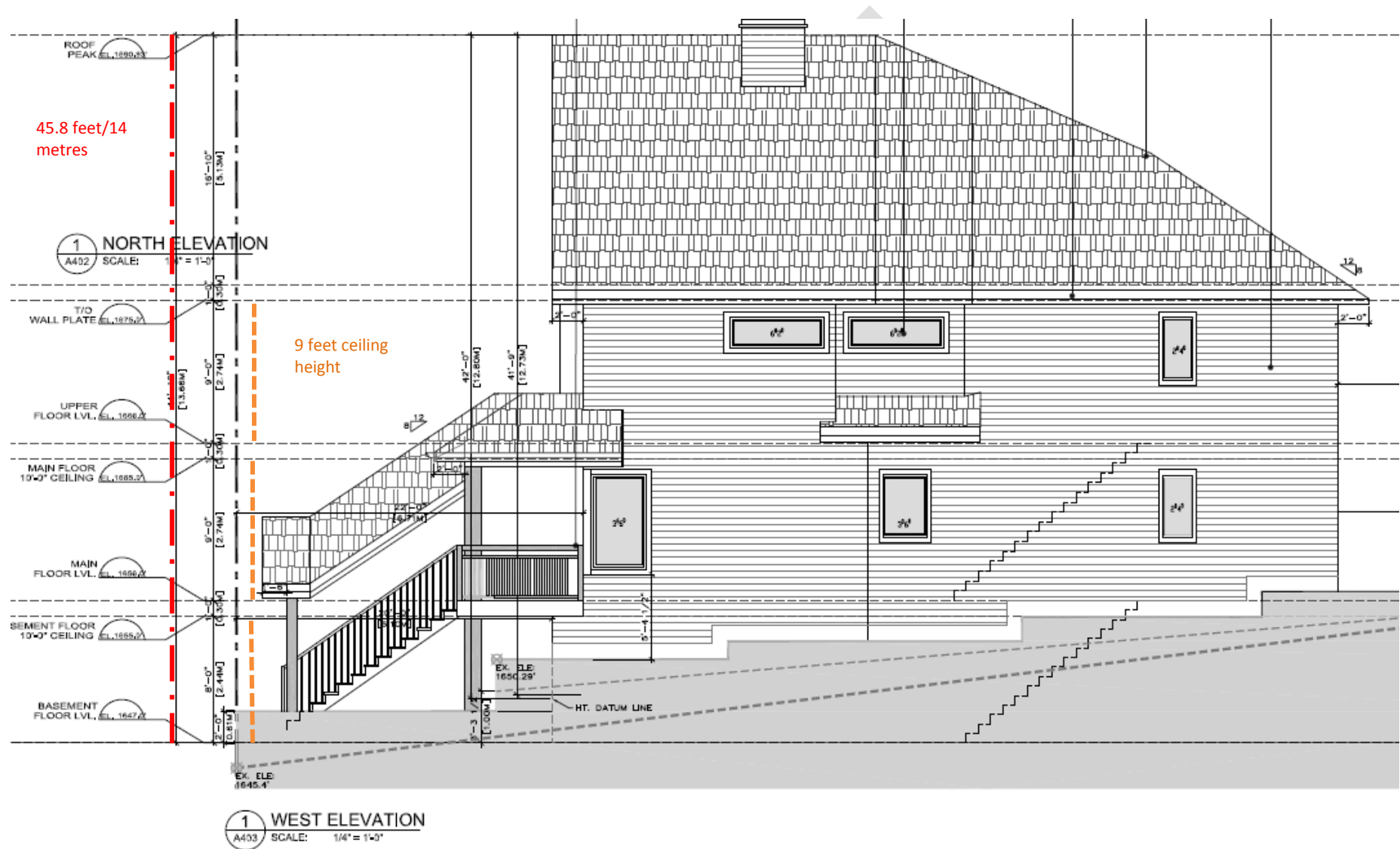


DEVELOPMENT VARIANCE PERMIT 2018-14
SCHEDULE "B"
Site Plan



DEVELOPMENT VARIANCE PERMIT 2018-14 SCHEDULE "B"

Elevation Drawings



SCHEDULE A-4

Permit Application

I / We hereby apply under Part 14 of the *Local Government Act* for a;

☒ Development Variance Permit

☐ Temporary Use Permit

☐ Development Permit

An Application Fee in the amount of \$ 350 as stipulated in FVRD Application Fees Bylaw No. 1231, 2013 must be paid upon submission of this application.

Civic

Address 20917 Snowflake Cres PID 005-625-602

D.L3850

Legal Description Lot 31 Block _____ Section _____ Township _____ Range _____ Plan 57905

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

Owner's
Contact
Information

Office Use Only	Date	<u>27 FEB 2018</u>	File No.	<u>3090-20 2018-14</u>
	Received By		Folio No.	<u>776.01430.031</u>
	Receipt No.	<u>5497/1</u>	Fees Paid: \$	<u>350.00</u>

Agent

I hereby give permission to _____ to act as my/our agent in all matters relating to this application.

Only complete this section if the applicant is NOT the owner.

Signature of Owner	Date
Signature of Owner	Date

Agent's contact information and declaration

Name of Agent		Company
Address		City
Email		Postal Code
Phone	Cell	Fax

I declare that the information submitted in support of this application is true and correct in all respects.

Signature of Agent	Date
--------------------	------

Development Details

Property Size 16 HA Present Zoning RSF3
Existing Use Vacant Lot
Proposed Development New Duplex Construction

Proposed Variation / Supplement

- ① Reduce Flanking road setback from 6 meter to 4.5 meter
- ② Raise total height of structure 1.2 meter approx above already granted variance

Reasons in Support of Application

- (use separate sheet if necessary)
- ① Neighbouring property "2915 Snowflake Cr" currently less than 1m from property line, moving home away from him to allow for snow collection between homes without chaos.
 - ② While moving home structure Northwest on lot need to raise it out of ground to allow for new location grade.

Page 2 of 4

Provincial Requirements

(This is not an exhaustive list; other provincial regulations will apply)

Riparian Areas Regulation

Please indicate whether the development proposal involves residential, commercial, or including vegetation removal or alteration; soil disturbance; construction of buildings and structures; creation of impervious or semi-pervious surfaces; trails, roads, docks, wharves, bridges and, infrastructure and works of any kind – within:

yes
☐

no
☒

30 metres of the high water mark of any water body

yes
☐

no
☒

a ravine or within 30 metres of the top of a ravine bank

"Water body" includes; 1) a watercourse, whether it usually contains water or not; 2) a pond, lake, river, creek, or brook; 3) a ditch, spring, or wetland that is connected by surface flow to 1 or 2 above.

Under the *Riparian Areas Regulation* and the *Fish Protection Act*, a riparian area assessment report may be required before this application can be approved.

Contaminated Sites Profile

Pursuant to the *Environmental Management Act*, an applicant is required to submit a completed "Site Profile" for properties that are or were used for purposes indicated in Schedule 2 of the *Contaminated Sites Regulations*. Please indicate if:

yes
☐

no
☒

the property has been used for commercial or industrial purposes.

If you responded 'yes,' you may be required to submit a Site Profile. Please contact FVRD Planning or the Ministry of Environment for further information.

Archaeological Resources

Are there archaeological sites or resources on the subject property?

yes
☐

no
☒

I don't know
☐

If you responded 'yes' or 'I don't know' you may be advised to contact the Archaeology Branch of the Ministry of Tourism, Sport and the Arts for further information.

Required Information

When providing Application Forms to the applicant, Regional District staff shall indicate which of the following attachments are required for this application. **Additional information may also be required at a later date.**

	Required	Received	Details
Location Map	✓		Showing the parcel (s) to which this application pertains and uses on adjacent parcels
Site Plan	✓		Reduced sets of metric plans
At a scale of: 1: _____	✓		North arrow and scale
	✓		Dimensions of property lines, rights-of-ways, easements
	✓		Location and dimensions of existing buildings & setbacks to lot lines, rights-of-ways, easements
	✓		Location and dimensions of proposed buildings & setbacks to lot lines, rights-of-ways, easements
	✓		Location of all water features, including streams, wetlands, ponds, ditches, lakes on or adjacent to the property
	✓		Location of all existing & proposed water lines, wells, septic fields, sanitary sewer & storm drain, including sizes
	✓		Location, numbering & dimensions of all vehicle and bicycle parking, disabled persons' parking, vehicle stops & loading
	✓		Natural & finished grades of site, at buildings & retaining walls
	✓		Location of existing & proposed access, pathways
	✓		Above ground services, equipment and exterior lighting details
	✓		Location & dimensions of free-standing signs
	✓		Storm water management infrastructure and impermeable surfaces
	✓		Other:
	✓		
Floor Plans	✓		Uses of spaces & building dimensions
	✓		Other:
Landscape Plan			Location, quantity, size & species of existing & proposed plants, trees & turf
Same scale as site plan			Contour information (_____ metre contour intervals)
			Major topographical features (water course, rocks, etc.)
			All screening, paving, retaining walls & other details
			Traffic circulation (pedestrian, automobile, etc.)
			Other:
Reports	✓		Geotechnical Report
			Environmental Assessment
			Archaeological Assessment
			Other:

The personal information on this form is being collected in accordance with Section 26 of the *Freedom of Information and Protection of Privacy Act, RSBC 1996 Ch. 165* and the *Local Government Act, RSBC 2015 Ch. 1*. It will only be collected, used and disclosed for the purpose of administering matters with respect to planning, land use management and related services delivered, or proposed to be delivered, by the FVRD. Questions about the use of personal information and the protection of privacy may be directed to the FVRD Privacy Officer at 45950 Cheam Avenue, Chilliwack, BC V2P 1N6, Tel: 1-800-528-0061 FOI@fvrld.ca.

To: Electoral Area Services Committee
From: Andrea Antifaeff, Planning Technician

Date: 2018-04-10
File No: 3090-20-2018-17

Subject: Application for Development Variance Permit 2018-17 to vary the setback requirement from a highway and height requirement for a proposed single family dwelling at 20934 Snowflake Crescent, Hemlock Valley.

OPTIONS

Option 1 Issue DVP

THAT the Fraser Valley Regional District Board issue Development Variance Permit 2018-17 subject to comments or concerns raised by the public.

Option 2 Refuse DVP

THAT the Fraser Valley Regional District Board refuse Development Variance Permit 2018-17.

Option 3 Refer to Staff

THAT the Fraser Valley Regional District Board refer the application for Development Variance Permit 2018-17 to FVRD Staff.

FOR INFORMATION

Appendix "A": Site Plan

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

BACKGROUND

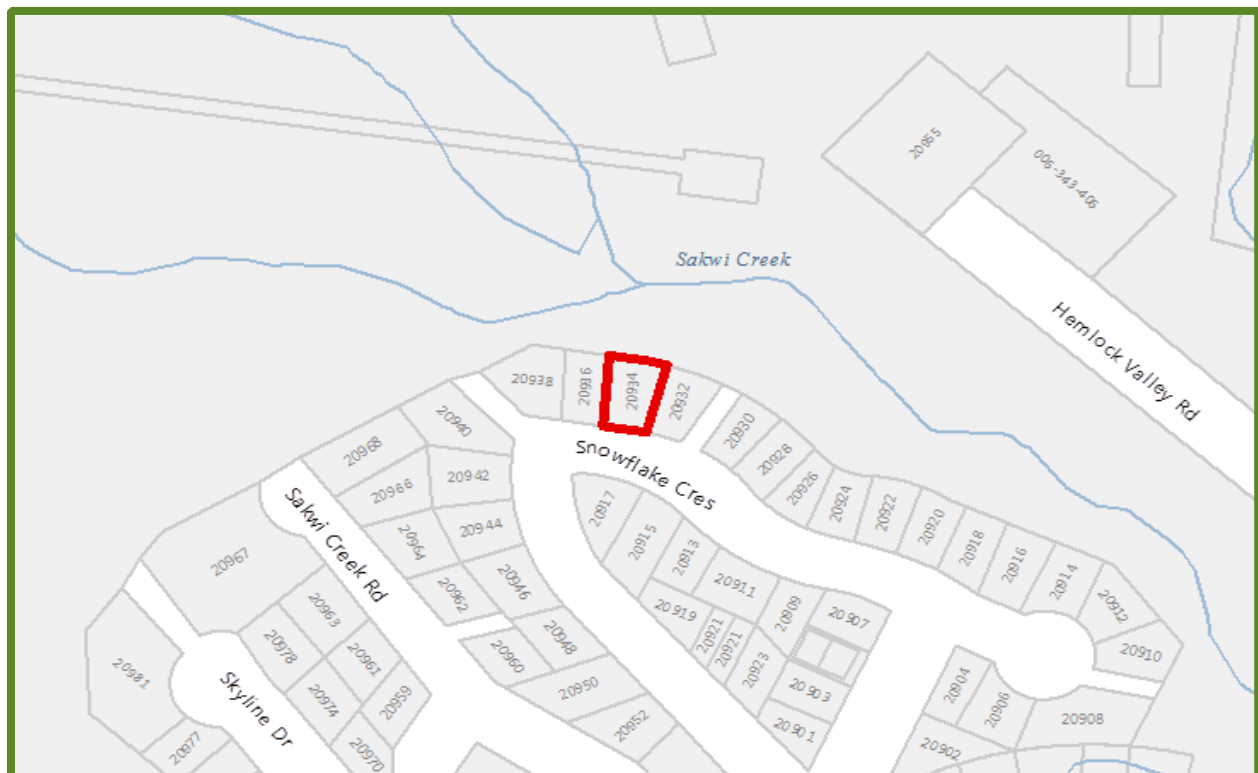
The owners of the property have made an application for a Development Variance Permit (DVP) in order to:

- a) decrease the setback requirement from a highway; and
 - b) increase the maximum permitted height of a single family dwelling,
- as outlined in *Zoning By-law for Electoral Area "F", 1978 of the Regional District of Fraser-Cheam*.

PROPERTY DETAILS			
Electoral Area	C – Hemlock Valley		
Address	20934 Snowflake Crescent		
PID	005-622-492		
Folio	775.01430.018		
Lot Size	0.14 Acres		
Owner	Workman Holdings Ltd.	Agent	John McEwen
Current Zoning	Resort Residential-2 (RST-2)	Proposed Zoning	No change
Current OCP	Cottage Residential	Proposed OCP	No change
Current Use	Vacant land	Proposed Use	Single Family Dwelling
Building Permit	BP014264		
Development Permit Areas	1-HV for Geotechnical and 5-HV for RAR		
Agricultural Land Reserve	No		

ADJACENT ZONING & LAND USES			
North	^	Park (P-1), Crown Land	
East	>	Resort Residential 2 (RST-2), Vacant	
West	<	Resort Residential 2 (RST -2), Vacant	
South	v	Resort Residential 3(RST-3), Duplex (Building Permit In-Progress)	

NEIGHBOURHOOD MAP



PROPERTY MAP



DISCUSSION

The owners of the subject property are proposing to construct a 12.8 metre by 16.3 metre single family dwelling at 20934 Snowflake Crescent. The lot is bare land and is located at the base of Sasquatch Mountain Resort. Due to the application being submitted on March 28, 2018 and the existing snow levels in Hemlock Valley, a site visit was not undertaken. A building permit application was submitted on March 28, 2018 and is currently being reviewed. Appendix A illustrates the proposed site plan for the development.

Variance Request – DVP 2018-17

Application Rationale

The applicant advises that the reason for the variances are to: 1. accommodate a steeper roof-line for snow shed; and, 2. to accommodate the single family dwelling size due to the setback requirement at the rear of the property for geotechnical concerns.

Setback Variance

The owners are seeking a 1.5 metre relaxation to the highway (road) setback to Snowflake Crescent, reducing the setback requirement from 6.0 metres to 4.5 metres, clear to sky. The subject property is constrained by Development Permit Area 1-HV – Area 2A which sets out an 8 metre setback from the steep slope at the rear of the property, resulting in a more restrictive buildable area.

Height Variance

The owners are seeking a 1.5 metre increase to the maximum permitted height of a single family dwelling, increasing the height requirement from 12 metres to 13.5 metres and two storeys to three storeys.

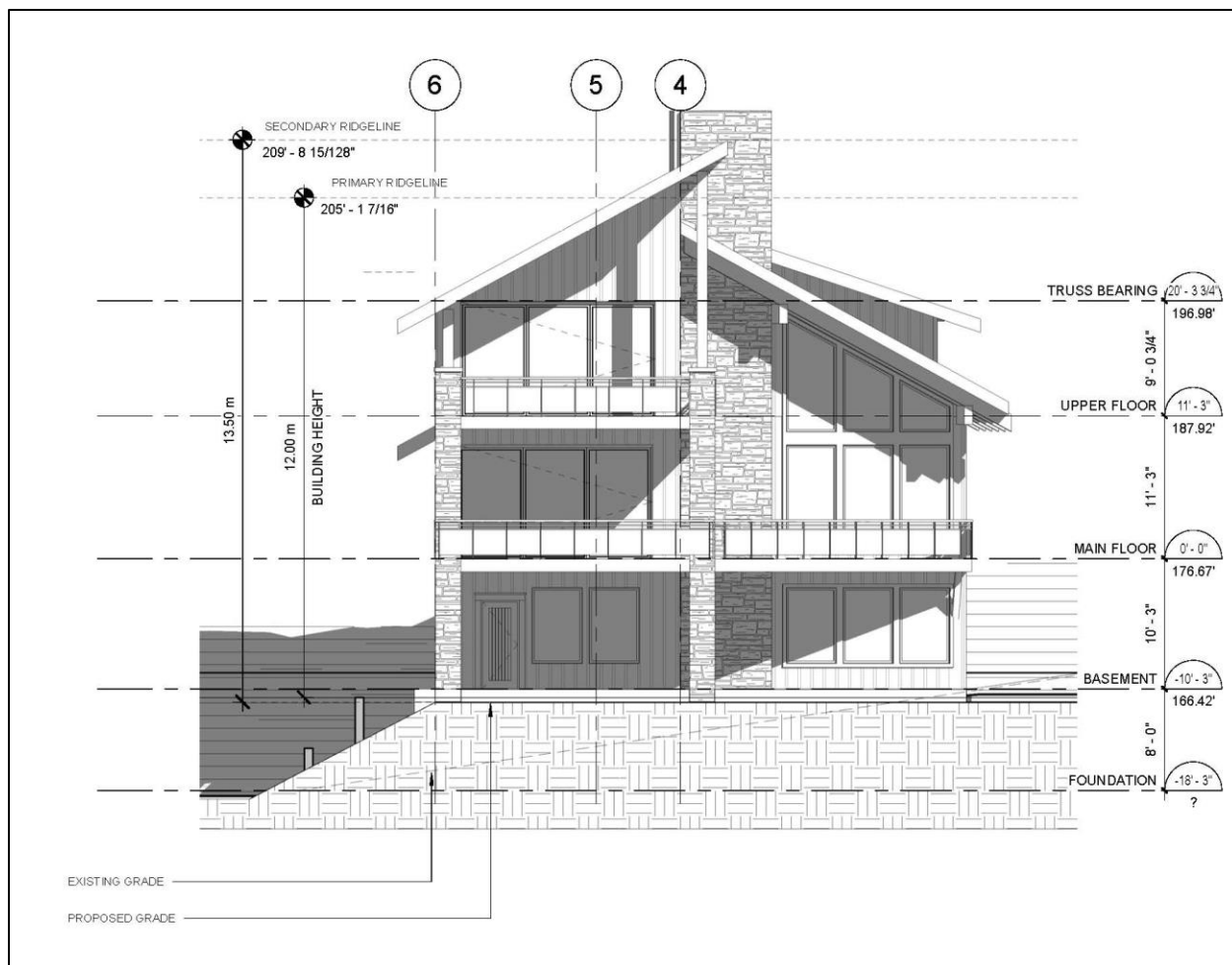


Figure 1 - Demonstrates proposed height

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 relaxation to the highway setback and the increase in height should not increase snow shedding impacts to adjacent properties. FVRD staff have requested that the applicant's architect provide comments to confirm that snow shed will be accommodated on site.

Neighbourhood Notification and Input

All property owners within 30 metres of the property will be notified by the FVRD of the development variance permit application and be given the opportunity to provide written comments or attend the

Board meeting to state their comments. FVRD staff encourage the applicant to advise neighbouring property owners and residents of the requested variance in advance of the mail-out notification. To date no letters of support or objection have been submitted.

COST

The application fee of \$350 has been paid by the property owner.

CONCLUSION

The property owners have applied for a variance to increase the maximum height of a single family dwelling and decrease the highway setback requirement. Staff recommend Development Variance Permit 2018-17 be considered by the Electoral Area Services Committee and the Fraser Valley Regional District Board, subject to any concerns raised as a result of neighbour notification.

COMMENTS BY:

Graham Daneluz, Deputy Director of Planning & Development	Reviewed and supported
Margaret Thornton, Director of Planning & Development	Reviewed and supported
Mike Veenbaas, Director of Financial Services	No further financial comment.
Paul Gipps, Chief Administrative Officer	

Site Plan





FRASER VALLEY REGIONAL DISTRICT DEVELOPMENT VARIANCE PERMIT

Permit No. Development Variance Permit 2018-17 **Folio No.** 776.01430.018

Issued to: Workman Holdings Ltd.

Address: 230 Fern Drive, Anmore, BC V3H 4W9

Applicant: John McEwen

Site Address: 20934 Snowflake Crescent, Hemlock Valley, BC VOM 1A1

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 18, DISTRICT LOT 3850, GROUP 1, NEW WESTMINSTER DISTRICT, PLAN 57905
005-622-492

LIST OF ATTACHMENTS

Schedule "A": Location Map

Schedule "B": Site Plan

AUTHORITY TO ISSUE

1. This Development Variance Permit is issued under Part 14 – Division 9 of the *Local Government Act*.

BYLAWS SUPPLEMENTED OR VARIED

Regional District of Fraser-Cheam By-law No. 100, 1979 is **varied** as follows:

1. Division 19, section 1904 (a) the highway setback requirement from the right-of-way boundary of any road allowance of the lot is reduced from 6.0 metres to 4.5 metres, clear to sky, to permit the construction of a single family dwelling.

2. Division 19, section 1905 the maximum height of building shall be increased from 12 metres to 13.5 metres, and two storeys to three storeys, to permit the construction of a single family dwelling.

SPECIAL TERMS AND CONDITIONS

1. No variances other than those specifically set out in this permit are implied or to be construed.
2. If the holder of this permit does not commence the construction with respect to which the Permit was issued within two (2) years after the date of the permit, this permit shall lapse.

3. Development of the site shall be undertaken in accordance with the Site Plan attached hereto as Schedule "B".
4. All new construction shall be generally in compliance with Building Permit No. 014264.

GENERAL TERMS AND CONDITIONS

1. This Development Variance Permit is issued Pursuant to Part 14 – Division 9 of the *Local Government Act*.
2. This Development Variance Permit shall not vary the permitted uses or densities of land use in the applicable zoning bylaw nor a flood plain specification designated under Section 524 of the *Local Government Act*.
3. Nothing in this permit shall in any way relieve the developer's obligation to ensure that the development proposal complies in every way with the statutes, regulations, requirements, covenants and licences applicable to the undertaking.
4. Nothing in this permit shall in any way relieve the developers obligation to comply with all setback regulations for construction of structures or provision of on-site services pursuant to the *Public Health Act*, the *Fire Services Act*, the *Safety Standards Act*, and any other provincial statutes.

SECURITY DEPOSIT

As a condition of the issuance of this Permit, and pursuant to Section 502 of the *Local Government Act*, the Regional Board is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit

Should the holder of this permit:

- a. fail to complete the works required to satisfy the landscaping conditions contained herein,
- b. contravene a condition of the permit in such a way as to create an unsafe condition,

The Regional Board may undertake and complete the works required to satisfy the landscaping conditions, or carry out any construction required to correct an unsafe condition at the cost of the holder of the permit and may apply the security in payment of the costs of the works, with any excess to be returned to the holder of the permit.

Security Posted: (a) an irrevocable letter of credit in the amount of: \$ <N/A> .
 (b) the deposit of the following specified security: \$ <N/A> .

Note: The Regional District shall file a notice of this permit in the Land Title Office stating that the land described in the notice is subject to Development Variance Permit Number 2018-17. The notice shall take the form of Appendix I attached hereto.

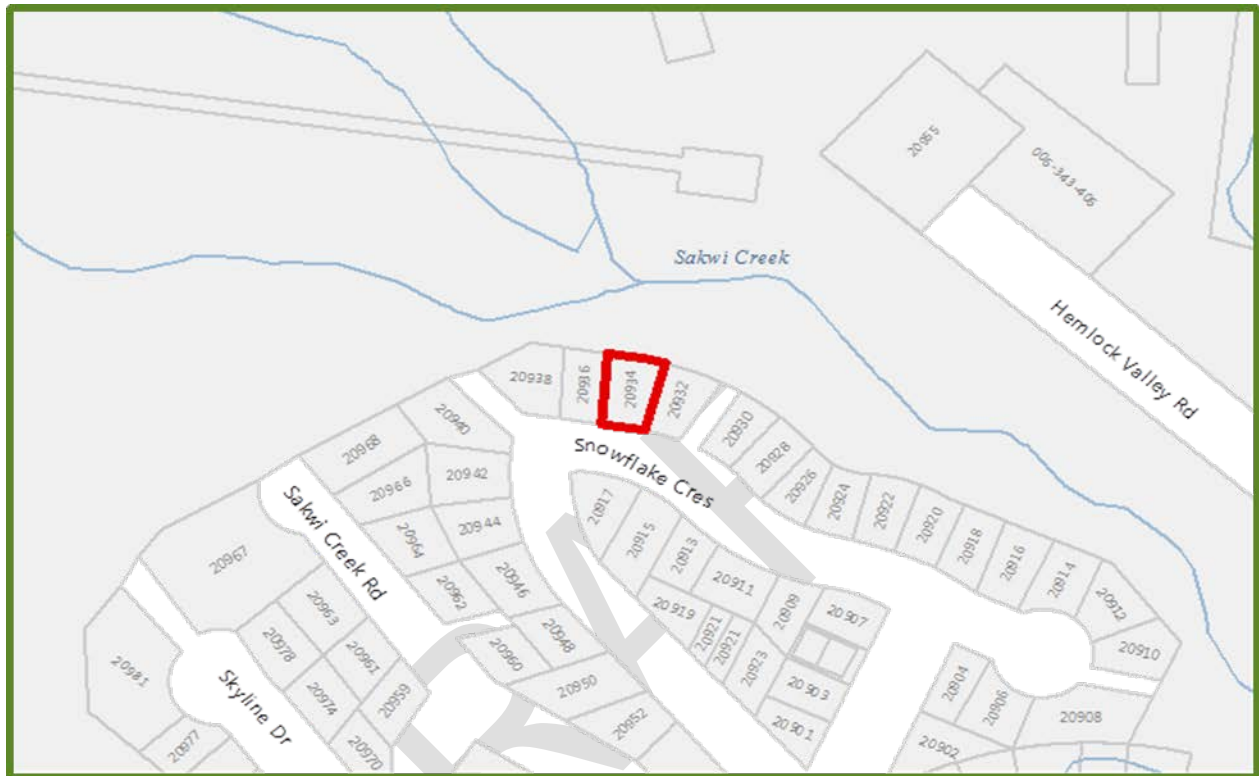
AUTHORIZING RESOLUTION PASSED BY THE BOARD OF DIRECTORS OF THE FRASER VALLEY REGIONAL DISTRICT ON THE 24th DAY OF APRIL, 2018.

Chief Administrative Officer / Deputy

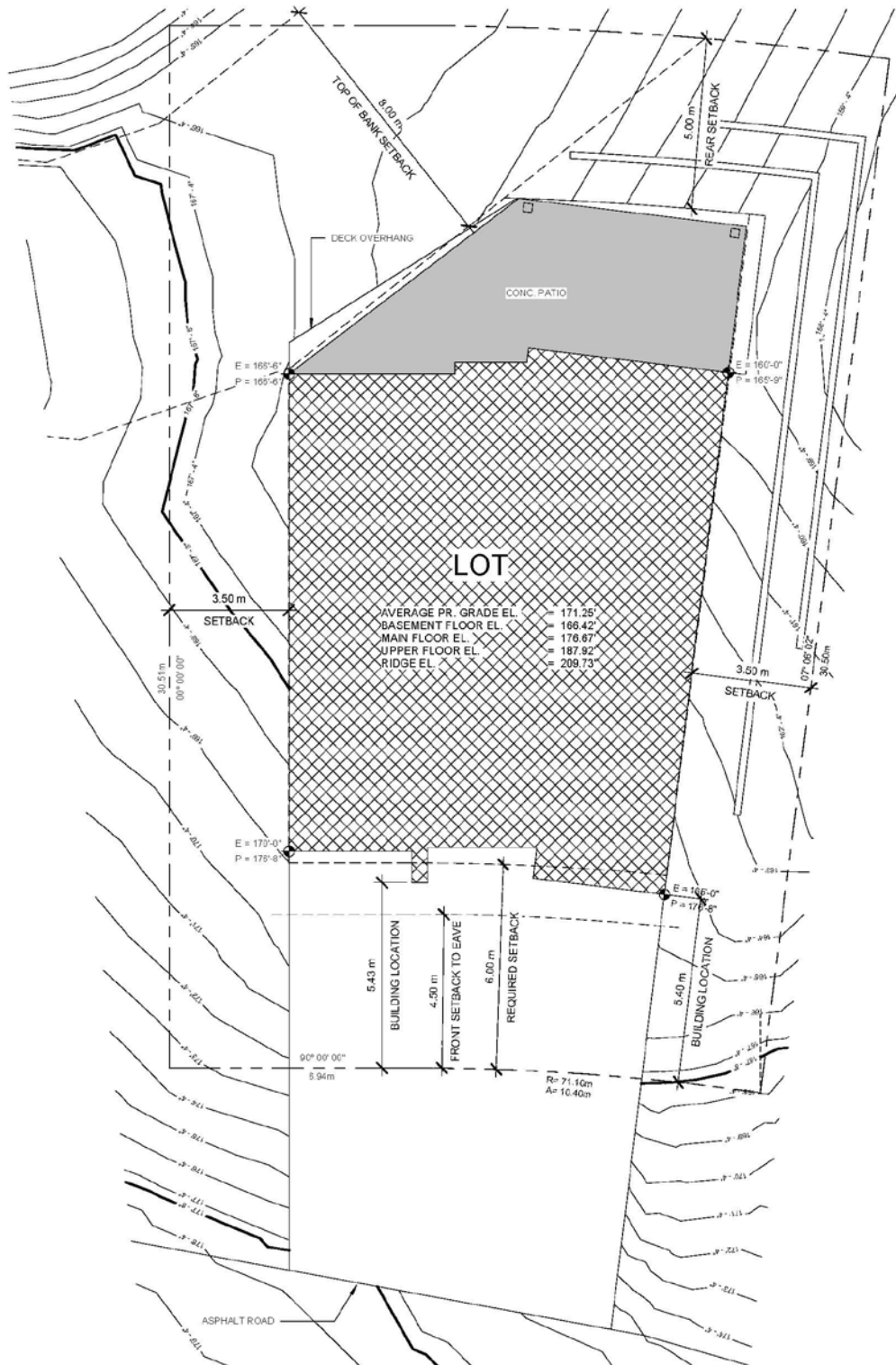
THIS IS NOT A BUILDING PERMIT

DRAFT

DEVELOPMENT VARIANCE PERMIT 2018-17
SCHEDULE "A"
Location Map



DEVELOPMENT VARIANCE PERMIT 2018-17
SCHEDULE "B"
Site Plan



SCHEDULE A-4

Permit Application

I / We hereby apply under Part 14 of the *Local Government Act* for a;

☒ Development Variance Permit

☐ Temporary Use Permit

☐ Development Permit

An Application Fee in the amount of \$ _____ as stipulated in FVRD Application Fees Bylaw No. 1231, 2013 must be paid upon submission of this application.

Civic

Address 20934 Snowflake Crescent PID _____

Legal
Description

Lot _____ Block _____ Section _____ Township _____ Range _____ Plan _____

The property described above is the subject of this application and is referred to herein as the 'subject property.' This application is made with my full knowledge and consent. I declare that the information submitted in support of the application is true and correct in all respects.

Owner's
Declaration

Name of Owner (print) Workman Holdings Ltd John McEwen	Signature of Owner 	Date March 28/18
Name of Owner (print)	Signature of Owner	Date

Owner's
Contact
Information

Address 230 Fern Drive	City Anmore
	Postal Code V3H 4W9
	Fax

Office Use Only	Date	File No.
	Received By	Folio No.
	Receipt No.	Fees Paid: \$

Agent

I hereby give permission to John McEwen 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 <u>John McEwen</u>	Company <u>Walkman Holdings Ltd</u>
Address <u>230 Fern Drive</u>	City <u>Amnora</u>
	Postal Code <u>V3H 4W9</u>
	Fax

I declare that the information submitted in support of this application is true and correct in all respects.

Signature of Agent	Date <u>March 28/18</u>
--------------------	----------------------------

Development Details

Property Size _____ Present Zoning _____
Existing Use _____
Proposed Development _____

Proposed Variation / Supplement _____

(use separate sheet if necessary)

Reasons in Support of Application _____

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.

Required Information

When providing Application Forms to the applicant, Regional District staff shall indicate which of the following attachments are required for this application. **Additional information may also be required at a later date.**

	Required	Received	Details
Location Map			Showing the parcel (s) to which this application pertains and uses on adjacent parcels
Site Plan At a scale of: 1: _____			Reduced sets of metric plans
			North arrow and scale
			Dimensions of property lines, rights-of-ways, easements
			Location and dimensions of existing buildings & setbacks to lot lines, rights-of-ways, easements
			Location and dimensions of proposed buildings & setbacks to lot lines, rights-of-ways, easements
			Location of all water features, including streams, wetlands, ponds, ditches, lakes on or adjacent to the property
			Location of all existing & proposed water lines, wells, septic fields, sanitary sewer & storm drain, including sizes
			Location, numbering & dimensions of all vehicle and bicycle parking, disabled persons' parking, vehicle stops & loading
			Natural & finished grades of site, at buildings & retaining walls
			Location of existing & proposed access, pathways
			Above ground services, equipment and exterior lighting details
			Location & dimensions of free-standing signs
			Storm water management infrastructure and impermeable surfaces
			Other:
Floor Plans			Uses of spaces & building dimensions
			Other:
Landscape Plan Same scale as site plan			Location, quantity, size & species of existing & proposed plants, trees & turf
			Contour information (_____ metre contour intervals)
			Major topographical features (water course, rocks, etc.)
			All screening, paving, retaining walls & other details
			Traffic circulation (pedestrian, automobile, etc.)
			Other:
Reports			Geotechnical Report
			Environmental Assessment
			Archaeological Assessment
			Other:

The personal information on this form is being collected in accordance with Section 26 of the *Freedom of Information and Protection of Privacy Act, RSBC 1996 Ch. 165* and the *Local Government Act, RSBC 2015 Ch. 1*. It will only be collected, used and disclosed for the purpose of administering matters with respect to planning, land use management and related services delivered, or proposed to be delivered, by the FVRD. Questions about the use of personal information and the protection of privacy may be directed to the FVRD Privacy Officer at 45950 Cheam Avenue, Chilliwack, BC V2P 1N6, Tel: 1-800-528-0061 FOI@fvrd.ca.

To: Electoral Area Services Committee

Date: 2018-04-10

From: Dawn Smith, Planner II

File No: 0340-30-EA Planning

Subject: Good Neighbour Practices - Update

RECOMMENDATION

THAT the Fraser Valley Regional District Board endorse the updated '*Good Neighbour Practices – Managing Construction and Development Impacts in Residential Neighbourhood*' document as policy for the FVRD Electoral Areas

STRATEGIC AREA(S) OF FOCUS

Support Environmental Stewardship
Support Healthy & Sustainable Community

PRIORITIES

Priority #1 Waste Management
Priority #2 Air & Water Quality

BACKGROUND

In 2017, the FVRD implemented a 'Good Neighbour Practices' policy to manage construction activities and impacts to the surrounding neighbourhood. These practices serve as a code of conduct for builders and developers to prevent conflict issues such as; communication, site management, road use, off site impacts and permits.

The 'Good Neighbourhood Practices' was developed to ensure development activities within or nearby to existing residential areas of the Fraser Valley Regional District (FVRD) minimize negative impacts, such as noise, drainage and air quality. While these impacts are often short-lived, they can cause conflict and affect the quality of life for residents. Proactive measures by builders and developers can mitigate these impacts and prevent problems before they arise.

The Good Neighbour Practices require the property owner and contractor sign the 'Good Neighbour Policy' contract (attached) agreeing to undertake:

- Communication with neighbours
- Site management best practices (ie. onsite toilets, keep clean site, etc.)
- Off-site impacts, including construction hours Mon-Saturday 7 am – 8 pm
- Roads and sidewalk use, including keeping clean, no parking area, etc.

- Permits and approvals, obtain FVRD approvals before you start.

DISCUSSION

Since mid-2017 the 'Good Neighbour Practices' policy has been operational and distributed as follows:

- Building permit and development permit issuance – signed contract;
- Subdivision approval consideration - provide copy to Ministry of Transportation and Infrastructure, Approving Officer;
- Website access in Planning and Development section;
- 2nd floor public counter; and
- zoning approvals.

Overall the policy has been taken up with community members, builders and Regional District staff with success. In addition to the document, the FVRD has proactively installed signage in high profile and developing areas such as Popkum and Cultus Lake south for further reinforcement of the good neighbour message.

Onsite Signage



Construction Hours Amendment

Recent feedback from the Popkum Residents Association has identified an amendment to construction hours to 7 am to 8 pm, with no construction on Sundays. Residents felt the current 6 am to 10 pm over 7 days a week construction hours created too many impacts in their neighbourhood.

The proposed amendment would bring the construction hours into the similar timeframe as the City of Chilliwack noise bylaw which allows construction noise from 7-9 pm and no activity on Sundays.

The Chilliwack River Valley Noise and Disturbance Bylaw No. 799, 1988 permits noise within the hours of 6 am – 10pm, 7 days a week. However the Good Neighbour Practices encourage a more restricted noise timeline. The Good Neighbour Practices are not a bylaw, they are guidelines endorsed by the Regional Board and can be amended as needed. Should the Regional Board identify a need to amend the *Chilliwack River Valley Noise and Disturbance Bylaw* or formalize the Good Neighbour Practices as a regulation, a formal bylaw process would be necessary. Regional District staff has not received feedback from community members that indicates a formal bylaw is necessary.

Copies of the proposed update and signage (changes highlighted in yellow) are attached to the staff report for review and endorsement.

COST

There is no additional cost to provide the 'Good Neighbour Practices' document to the Electoral Areas.

CONCLUSION

The 'Good Neighbour Practices' offers builders and developers with practical steps they can take to manage and minimize development impacts to neighbours. The Good Neighbour Practices have been operational since mid-2017, and recent feedback has identified a change to the construction hours to 7 am to 8 pm, Monday thru Saturday with no activity on Sundays. As a policy document, the Regional Board can amend the practices as needed.

COMMENTS BY:

Graham Daneluz, Deputy Director of Planning & Development	Reviewed and supported
Margaret Thornton, Director of Planning & Development	Reviewed and supported
Mike Veenbaas, Director of Financial Services	No further financial comment.
Paul Gipps, Chief Administrative Officer	Reviewed and supported

GOOD NEIGHBOUR PRACTICES

MANAGE YOUR CONSTRUCTION IMPACTS



Inform
neighbours of
project &
timelines



Keep roads and
sidewalks clear.
Provide onsite
parking



Keep material
inbounds
and clean up
frequently



Obtain proper
approvals
before starting



Do not burn



**Quiet time
between 8 p.m.
and 7 a.m. and
all day Sunday**

www.fvrd.ca

1-800-528-0061

planning@fvrd.ca

GOOD NEIGHBOUR PRACTICES

MANAGING CONSTRUCTION AND DEVELOPMENT IMPACTS IN RESIDENTIAL NEIGHBOURHOODS

Development and renewal of neighbourhoods can improve the vitality, value and appearance of FVRD communities. However, development and construction can create negative short term impacts for neighbours, such as noise, dust, odours, and air quality impacts. Developers and builders can reduce their impacts by using good neighbour practices and by taking action before problems arise.

ISSUE

WHAT CAN YOU DO?

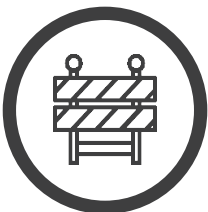
COMMUNICATION



Talk with your neighbours on an ongoing basis. Information and personal contact generally creates a more supportive and understanding perspective.

- Conduct door visits and provide flyers/notices.
- Introduce your project.
- Provide your contact information.
- Share your timelines.

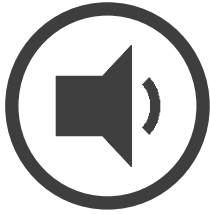
SITE MANAGEMENT



Proactive site management can address the majority of neighbour impacts.

- Stay on your property - don't encroach your work site or cause destruction to neighbouring parcels.
- Manage your storm water onsite – don't cause drainage issues for your neighbours or damage the environment.
- Provide and maintain temporary toilets.
- Secure your site (eg. temporary fence) for safety and security reasons. Thefts and trespass can be a problem.
- Clean up frequently - both on and off site (ie. garbage, mud and debris)

OFF-SITE IMPACTS



- Avoid noise and disturbances in evening hours and weekends. Construction noise permitted Monday - Saturday 7 am - 8 pm. (No Sundays)
- Do not burn in residential areas. Use hauling and/or chipping.

ROAD & SIDEWALK USE



- Construction or alteration works may require approval.
Roads - contact BC Ministry of Transportation and Infrastructure:
ph. 604-795-8211
Sidewalks (Popkum) - contact FVRD Regional Parks:
ph. 604-702-5000
- Don't block sidewalks, roads and driveways.
- Manage onsite parking and make temporary arrangements if necessary.
- Keep sidewalks and roads free of construction sediment and dirt.
- Regularly wash off vehicles before leaving site.
- Keep construction waste bins, materials, etc. from public roadways.

PERMITS & APPROVALS



- Know the rules and FVRD requirements before you start your project, and check your property title for restrictions (eg. covenants, easements, geotechnical restrictions, etc.).
- Obtain your FVRD approvals BEFORE starting construction or development.
- Not sure which permits and approvals are needed? Contact the FVRD to find out.

SIGNATURE AND ACKNOWLEDGEMENT

I will ensure development and construction at _____ follows the FVRD's Good Neighbour Practices by: _____ address

- ☐ Providing the Good Neighbour Practices to employees and sub-trades working on the site
- ☐ Posting the Good Neighbour Practices in a visible location
- ☐ Discussing the Good Neighbour Practices at job site meetings
- ☐ Other: _____

Name (please print): _____

Signature: _____

The personal information on this form is being collected in accordance with Section 27 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.

To: Electoral Area Services Committee

Date: 2018-04-10

From: Adriana Snashall, Bylaw Compliance & Enforcement Officer
Meghan Jackson, Parks Technician

File No: 4300-70-2018-01

Subject: Special Event – Run for Water Trail Race Event on Sumas Mountain, Electoral Area “G”

RECOMMENDATION

THAT the Fraser Valley Regional District Board approve the Class 1 Special Event Licence No. 2018-01 for the Run for Water Trail Race Event on Sumas Mountain (Electoral Area G) to be held on May 26, 2018, 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. 2018-01.

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

The trail race event on Sumas Mountain is hosted by Run for Water Society and is expected to draw approximately 375 participants, volunteers, and supporters. Events of more than 199 people require a Special Event Licence per the *Fraser Valley Regional District Special Events Bylaw No. 0111, 1997*.

DISCUSSION

The Run for Water Trail Race event on Sumas Mountain is scheduled for Saturday, May 26, 2018. An application (Schedule “A”) has been received from the event organizer, Run for Water Society. The applicant must still submit the following items in order for the application to be considered complete:

1. Letter of Acknowledgement from the Ministry of Forests, Lands, and Natural Resources: Preliminary approval has been received.
2. Letter of Acknowledgement from the Sema:th First Nation: Preliminary notification has been made; presentation to Council scheduled for May 5, 2018.

The applicant must submit these remaining items prior to the event. The Special Event Licence (Schedule "B") may be given preliminary approval per S. 11 of the Bylaw subject to receipt of the remaining items.

Event Details

Approximately 250 racers and 125 volunteers and spectators are expected to attend the event. As such, the event is classified as a "Class 1 Special Event" per S.6 of the Bylaw:

"Class 1 Special Event" means a Special Event having an attendance of two hundred (200) or more people and less than five hundred (500) people".

The Run for Water Trail Race on Sumas Mountain includes a 10, 25 and 50 kilometer race route. The race begins and ends off Sumas Mountain Forest Service Road in Abbotsford. The race route, shown in "Appendix A", is located primarily along forested trails on Crown Lands and within Sumas Mountain Interregional Park. Event parking is to be located on Taggart Road and Bakstad Road in Abbotsford. The event organizers are also encouraging participants to carpool to the race, and have made arrangements with Lepp Farm Market to shuttle participants from their parking lot located at Highway 11 and Clayburn Road in Abbotsford to the race staging area off Taggart Road. There will be two (2) Aid Stations located along the race route which will provide an opportunity for racers to refuel and rehydrate, and will be attended by professional First Aid and Search and Rescue Teams. There will be three (3) portable toilets and four (4) wash stations placed at the Start/Finish area. There will also be three (3) garbage/compost/recycling sets placed at the Start/Finish area, and one (1) waste bin in addition to the existing two (2) permanent waste bins.

The majority of the trail race will occur on Crown Lands and the Sumas Mountain Interregional Park, within Electoral Area G. However, the staging areas, parking, and access to the event will all be within the City of Abbotsford. The applicant, Run for Water Society, also requires approval from the City of Abbotsford; Metro Vancouver; Ministry of Forests, Lands, and Natural Resource Operations; Fraser Health Authority; FVRD Parks; and Sema:th First Nation. Approvals have already been received from the City of Abbotsford, Abbotsford Police Department, Abbotsford Fire Department, Mission RCMP, FVRD Parks, and FVRD Emergency Services.

Given that the 2016 and 2017 Run for Water Trail Races on Sumas Mountain did not require an FVRD Special Event Licence as less than 200 participants were estimated to attend the event, FVRD staff discussed with Run for Water Society members hosting a smaller event with 199 or less participants, consistent with previous years and not requiring an FVRD Special Event Licence. Run for Water Society advised that it was their intent to organize and promote an event with over 200 participants, and apply for an FVRD Special Event Licence.

Per *Bylaw No. 0111*, a security of \$7,500 may be required from the applicant at the discretion of the Fraser Valley Regional Board. Due to the smaller size of the previous 2016 and 2017 Run for Water Trail Races not requiring an FVRD Special Event Licence and occurring without incident, and the extensive experience of the Run for Water Society organizing race events within the City of Abbotsford, staff recommends waiving the requirement for a security fee from the applicant.

COST

The applicant has paid the \$200 Class 1 Special Event Licence fee.

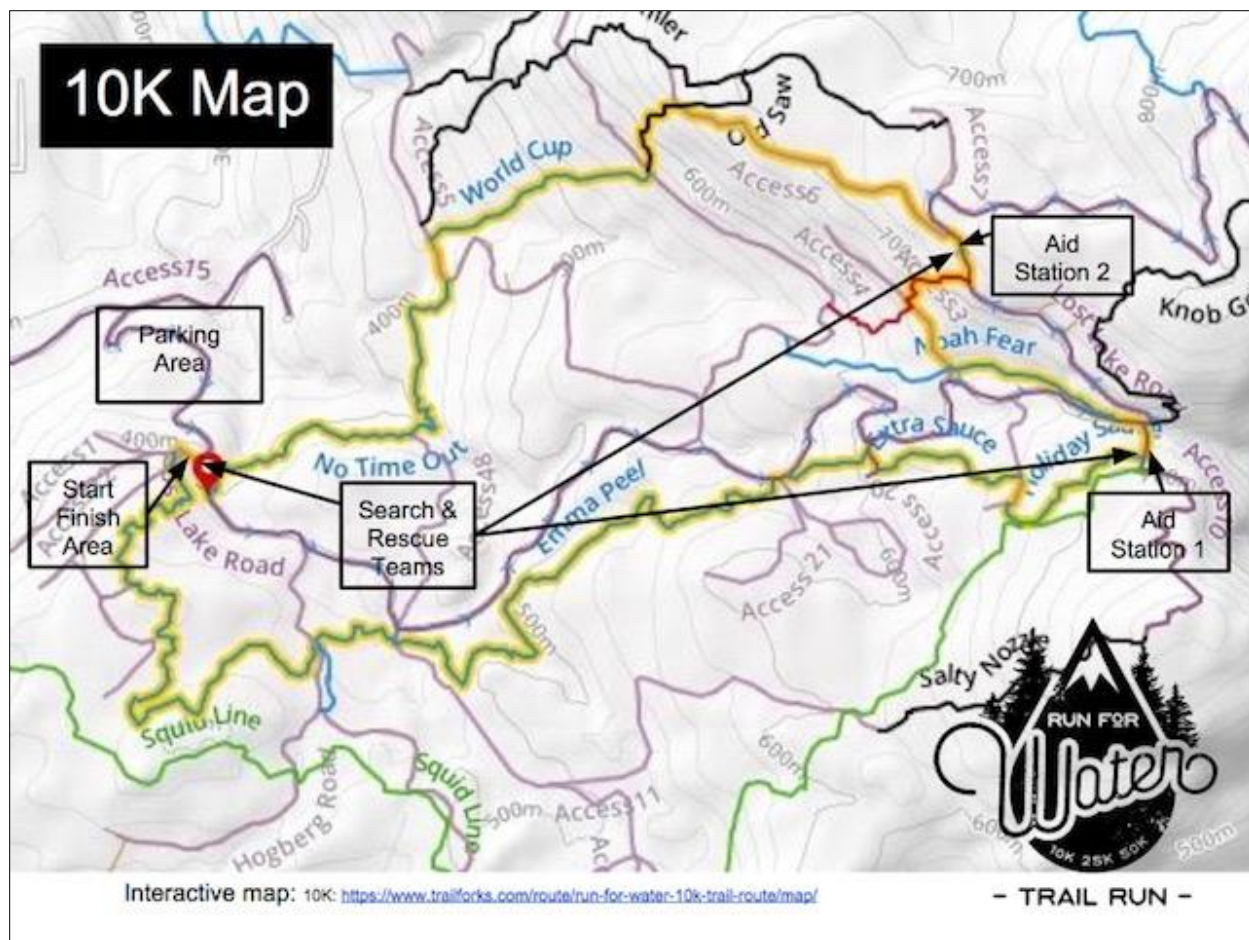
CONCLUSION

Staff recommends preliminary approval of Special Event Licence No. 2018-01 subject to the receipt of all required documentation necessary to complete the application and without a security fee.

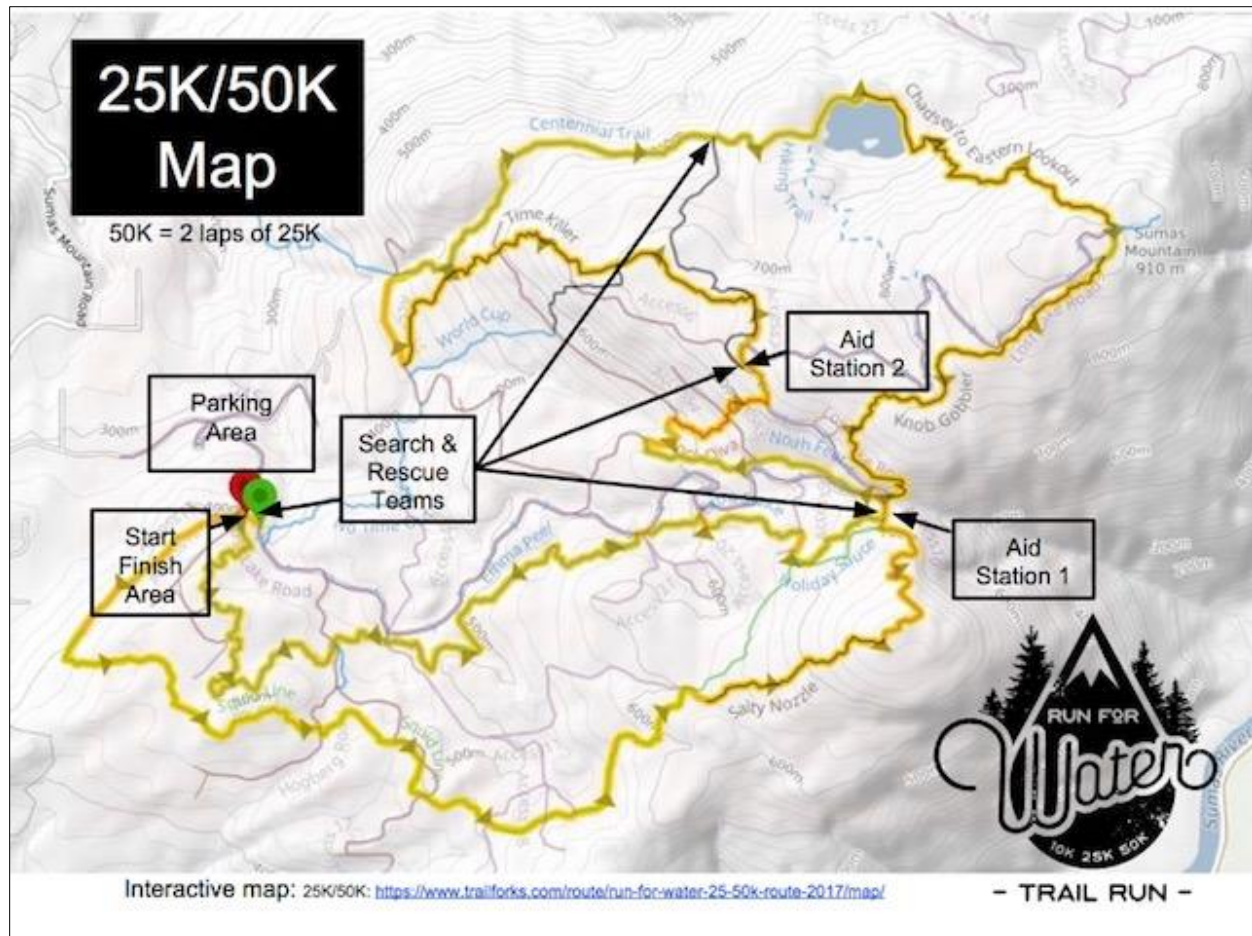
COMMENTS BY:

Margaret Thornton, Director of Planning & Development	Reviewed and supported.
Mike Veenbaas, Director of Financial Services	Reviewed and supported.
Barclay Pitkethly, Director of Regional Programs	Reviewed and supported.
Paul Gipps, Chief Administrative Officer	Reviewed and supported

APPENDIX "A"
10 Kilometer Trail Race Route Map



APPENDIX "A"
25/50 Kilometer Trail Race Route Map



APPENDIX "B"
Draft Special Event Licence



**PLANNING &
DEVELOPMENT**

www.fvrd.bc.ca | enforcement@fvrd.bc.ca

Schedule "B"

Special Events Bylaw No. 0111, 1997
A bylaw to provide for the regulation of "special events"
in all electoral areas of the Fraser Valley Regional District

SPECIAL EVENT LICENCE

License Number: 2018-01

Date Issued: TBD

Promoter: Paul Enns representing Run For Water Society

Description of Land: All lands as shown on attached map:
APPENDIX "A" Run For Water Trail on Sumas Mtn

Nature of Special Event: Run For Water Society Trail Race on Sumas Mountain

Date of Special Event: Saturday, May 26, 2018

Hours of Event: 4:00am – 5:00pm

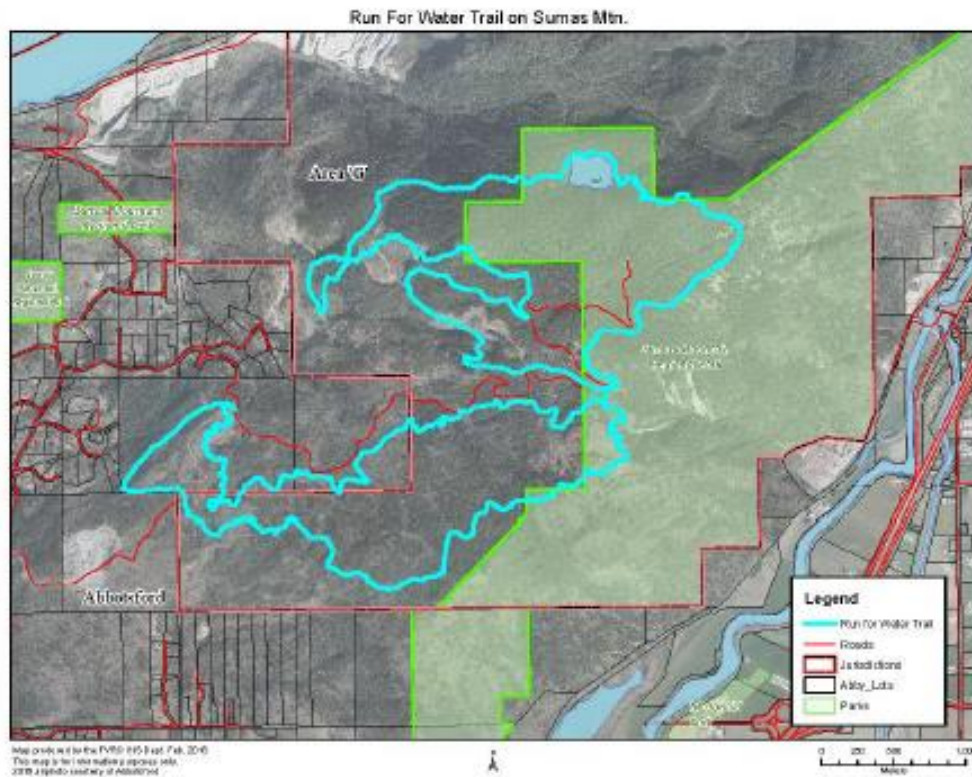
Maximum Number of Persons Permitted: 499

Jason Lum
Chairperson

Paul Glpps
Chief Administrative Officer

APPENDIX "B"
Draft Special Event Licence

APPENDIX "A"





Schedule "A"

Special Events Bylaw No. 0111, 1997
A bylaw to provide for the regulation of "special events"
in all electoral areas of the Fraser Valley Regional District

APPLICATION FOR SPECIAL EVENT LICENCE

Application No.: _____ Date of Application: 2017.11.09

Owner: Run for Water Society - Charity # 827746037 RR0001

Mailing Address: #101-2020 Abbotsford Way V2S 6X8

Business Phone: _____ Residence Phone: _____

Promoter (if different from owner): Paul Enns - race director

Mailing Address: 2751 Sheffield Way, Abb. BC V2S 4B7

Business Phone: _____ Residence Phone: [REDACTED]

Legal Description of Land(s) to be used for Special Event: Sumas Mtn Regional
Park trails

Street Address of Land(s): Sumas Mtn - Taggart Rd

Date of Special Event: Sat, May 26, 2018

Hours of Operation: 4 am to 5 pm

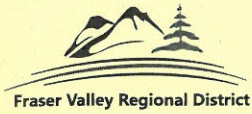
Anticipated number of participants per day: 250 racers plus 125 volunteers + spectators

Is liquor to be available: ☐ Yes ☒ No

Brief description of Event: Three trail running races (10K/25K/50K)
to raise money for clean water projects in Ethiopia

Are special structures to be installed: ☐ Yes ☒ No

If so, briefly describe: _____



45950 Cheam Avenue
Chilliwack, BC V2P 1N6
604-702-5000 | 1-800-528-0061

Receipt

Date Mar 21/18

Received from Run for Water Society

Description of Payment and GL Code Cheque

Special Events License

GST #89221 4750 RT0001

For Office Use Only

Do not write in the space below

Fraser Valley Regional District

Receipt: 5641/2 Mar 21, 2018
Dated: Mar 21, 2018 11:19:05 AM
Station: EA SERVICE/CASH2

1 MISC REVENUE SPECIAL EVENTS LI 200.00

Total 200.00

CHEQUE RUN FOR WATER SOCIETY -200.00

White - Cashier | Yellow - Department | Pink - Customer

SOCIETY ACT

CERTIFICATE OF INCORPORATION

I Hereby Certify that

RUN FOR WATER SOCIETY

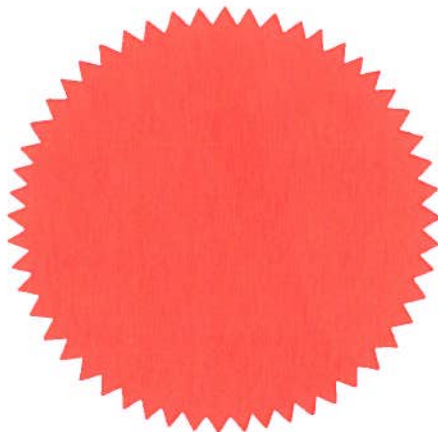
has this day been incorporated under the *Society Act*

Issued under my hand at Victoria, British Columbia

on February 05, 2008



RON TOWNSHEND
Registrar of Companies
PROVINCE OF BRITISH COLUMBIA
CANADA



100 Melville Street, Suite 750
Vancouver, BC V6E 4A6

AMENDED

CERTIFICATE OF INSURANCE

THIS IS TO CERTIFY THAT POLICIES OF INSURANCE AS HEREIN DESCRIBED HAVE BEEN ISSUED TO THE INSURED NAMED BELOW AND IN FORCE AT THE DATE HEREOF

Name of Insured and Postal Address

RUN FOR WATER SOCIETY

Suite 201, 2020 Abbotsford Way, Abbotsford, BC V2S 6X8 Attn: Janet Vink

COMMERCIAL GENERAL LIABILITYCert. No.
S2281Master Policy No.
AL5500Insurers
CERTAIN LLOYD'S
UNDERWRITERS**Limit of Liability**
\$5,000,000.00 LIMIT
per occurrence and in the aggregate with
respect to products & completed operations
DEDUCTIBLE \$500.00

Tenants Legal Liability Limit \$500,000, deductible \$500

Policy Extensions

CROSS LIABILITY CLAUSE INCLUDED

PARTICIPANT COVERAGE INCLUDED

SUBJECT TO 30 DAYS WRITTEN NOTICE OF CANCELLATION OR MATERIAL CHANGE

This Certificate is issued at the request of:

CITY OF ABBOTSFORD

FRASER VALLEY REGIONAL DISTRICT

METRO VANCOUVER

MINISTRY OF FORESTS LANDS NATURAL RESOURCE
OPERATIONS

FRASER HEALTH AUTHORITY

BC HYDRO

ABOVE ARE ADDED AS ADDITIONAL INSURED, BUT SOLELY WITH
RESPECT TO THE LIABILITY WHICH ARISES OUT OF THE
ACTIVITIES OF THE NAMED INSURED**Location & Operations to which this certificate applies:**SUMAS MOUNTAIN, BATT ROAD, ABBOTSFORD, BC
"TRAIL ORIENTATION RUNS"
MARCH 3, APRIL 7 & 21, MAY 5, 2018SUMAS MOUNTAIN, BATT ROAD, ABBOTSFORD, BC
"RUN FOR WATER TRAIL RACE DAY"
MAY 26, 2018

*excluding liquor liability

**To whom notice will be mailed if such insurance is cancelled or is changed
in such a manner as to affect this certificate**

Premium: 200.00 Fee: 25.00 Total: 225.00

IDENTIFICATION OF INSURER / ACTION AGAINST INSURER

This insurance has been effected in accordance with the authorization granted to the Coverholder by the Underwriting Members of the Syndicates whose definitive numbers and proportions are shown in the Table attached to Agreement No. MKL2017001, UMRB6027ALLMKL2017001 (hereinafter referred to as "the Underwriters"). The Underwriters shall be liable hereunder each for his own part and not one for another in proportion to the several sums that each of them has subscribed to the said Agreement.

In any action to enforce the obligations of the Underwriters they can be designated or named as "Lloyd's Underwriters" and such designation shall be binding on the Underwriters as if they had each been individually named as defendant. Service of such proceedings may validly be made upon the Attorney In Fact in Canada for Lloyd's Underwriters, whose address for such service is 1155 rue Metcalfe, Suite 2220, Montreal, Quebec, H3B 2V6.

NOTICE: Any notice to the Underwriters may be validly given to the Coverholder.

In witness whereof this policy has been signed as authorized by the Underwriters, by ALL SPORT INSURANCE MARKETING LTD.

Per



THE INSURANCE AFFORDED IS SUBJECT TO THE TERMS, CONDITIONS & EXCLUSIONS OF THE APPLICABLE POLICY



fraserhealth

PERMIT TO OPERATE

A TEMPORARY FOOD SERVICE ESTABLISHMENT

ISSUED TO: Lepp Farm Market

EVENT/LOCATION: Run For Water, Trail Race – Sumas Mtn.

VALID: May 26, 2018 6:00 AM – 4:00 PM

CONDITIONS:

1. The concession must have a canopy or roof cover acceptable to the Health Authority. Flooring acceptable to the Health Authority may be required if conditions are wet, muddy, dusty, etc.
2. All food must come from an approved source. Food preparation/storage in a private home or other unapproved premises is not allowed. All pre-packaged food must be individually labelled with the name and address of the person who packaged it or the facility where it was packaged.
3. Only single service (i.e. disposable) dishes and cutlery are to be used.
4. Only food handlers are to dispense food items. No self-service is permitted with the exception of pre-packaged food. (Self-service condiments shall be either individually packaged items or dispensed from squeeze bottles or pump-type dispensers.)
5. Food and utensils and work surfaces must be protected from contamination at all times.
6. Hot food must be kept hot (60° C / 140° F or hotter) and cold food must be kept cold (4° C / 40° F or colder).
7. Food handlers must practice good personal hygiene, wear clean garments, and refrain from smoking while on duty.
8. Washroom facilities must be conveniently located for food handlers and must consist of water closet, handwash sink, hot and cold running water, soap dispenser and paper towels.
9. A handwash sink with hot and cold, potable, running water and liquid soap and paper towels is required for all concessions, other than those selling only prepackaged, non-perishable foods. Waste water must not discharge onto the ground, nor into a storm sewer, but must be disposed of into a sanitary sewer or waste holding tank.

Alternate handwash facilities, acceptable to the Health Authority may be approved if the temporary food premise is preparing only single use food for which the on-site preparation involves minimal risk to food safety. Such food includes (but is not limited to) ice cream novelties, hot dogs, cotton candy, coffee, popcorn, roasted nuts and the reheating/cooking of food which has been prepared elsewhere at an approved food premises.
10. Covered, lined, garbage containers must be available.
11. At all times during the event at least one food handler must be present who has a FOODSAFE Certificate
12. A Food Safety Plan and a Sanitation Plan for the event must be available on-site during the event.

March 26, 2018

Date of Issuance

Len Strelezki

Name of Public Health
Inspector

Signature

THIS APPROVAL MUST BE DISPLAYED IN A CONSPICUOUS PLACE DURING THE EVENT

From: rhvhorczuk@abbypd.ca
To: ["Kevin Barata"](#); [Louise Hinton](#)
Cc: [Paul Enns](#); ["Barb Roberts"](#)
Subject: RE: Run for Water Trail Race - Written Certification Needed
Date: March-01-18 2:31:11 PM
Attachments: [Special Event Assessment Run for Water Trail.pdf](#)

APD Special Events and Emergency Planning Section is aware of this event and have no concerns.
Please see attached assessment.

Regards,

Rob

Constable Rob Hryhorczuk #352

Special Events and Emergency Planning Section
Abbotsford Police Department
Office: 604-864-4885
Cell : 604-226-8036

This email may contain confidential and/or privileged information.
If you are not the intended recipient or have received this email in error,
please notify the sender immediately and destroy this email.
Any unauthorized copying, disclosure or distribution of the contents in this
email is forbidden.



10

1. Event Details

2. Risk Assessment:

HAS THE DEBRIEF OF THE PREVIOUS OCCURRENCE OF THE EVENT BEEN REVIEWED? ☐ N/A – NEW EVENT

DETAILS/ADDITIONAL CONSIDERATIONS

196



ABBOTSFORD POLICE DEPARTMENT

Special Events Assessment

3. Police Resources Guidelines:

	LOW RISK			MED RISK		HIGH RISK	
Crowd Size	0-100	101-200	201-500	501-1000	1001-2000	2001-3000	3000+
	STANDARD SECURITY/POLICE PRESENCE REQUIRED:						
Fair/Festival	-	-	Private security	2 Constables Private security	1 Sergeant 2 Constables Private security	1 Sergeant 3 Constables Private security	1 additional Constable for each additional 500 attendees
Live Concert	Private security	Private security	Private security	2 Constables Private security	2 Constables Private security	1 Sergeant 3 Constables Private security	1 additional Constable for each additional 500 attendees
VIP/ Film Shoots/ Public Demonstrations	To be determined individually based on event profile and assessed risk.						

Number of required police officers **reduced** from standard due to:

☐ EVENT HISTORY – NO SIGNIFICANT ISSUES HISTORICALLY

☐ EVENT PROFILE – LOWER RISK ASSESSMENT

Number of required police officer **increased** from standard due to:

☐ EVENT HISTORY – SIGNIFICANT ISSUES WARRANT INCREASED PRESENCE

☐ EVENT PROFILE – HEIGHTENED RISK ASSESSMENT

Sergeants required per table above:	0
Constables required per table above:	0
Adjustments to required Constables (+/-):	0
Additional requested by organizer (+):	0
Total police officers required for event:	0

RATIONALE FOR DETERMINING RESOURCE LEVEL:

This is a running event with no alcohol being served. There have been no issues with previous years events. 220 expected participants.

4. Completed by:

MEMBER SIGNATURE	PIN 352 Hryhorczuk	DATE 2018-03-01
------------------	-----------------------	--------------------

Completed form provided to City Special Events Coordinator on [Date]:	2018-03-01
Completed form provided to event organizer on [Date]:	2018-03-01

Questions or concerns regarding this assessment may be directed to the APD Special Events Coordinator's supervisor (Traffic Section Sergeant) at (604) 859-5225.

From: [Paul Enns](#)
To: [Rob WHEELER](#)
Cc: [Adriana Snashall](#); [Jerri Abebe](#); [Kevin Barata](#); [Peg Peters](#)
Subject: Re: Run For Water - May 26, 2018
Date: March-20-18 10:58:06 AM

Thank you for confirming.

I have cc'd Adriana Snashall (FVRD) for her information.

Much appreciated,

Paul Enns
Run for Water Trail Race

On Tue, Mar 20, 2018 at 9:26 AM Rob WHEELER <rob.wheeler@rcmp-grc.gc.ca> wrote:

Hello Paul,

I understand that the Run for Water is hosting their 3rd annual Trail Race on Sumas Mountain on May 26, 2018 and that for your Special Events Permit for the FVRD, you require that the RCMP be made aware of the event. The Sumas Mountain Park is under the jurisdiction of the Abbotsford police Department and any calls for police service there would be handled by the APD. I have reviewed their Special Events Assessment and I concur that there are no (RCMP) police concerns with this event.

If you require anything further, please feel free to contact me at your convenience.

Regards,

Rob

Sgt. Rob Wheeler
Ops Support NCO
Mission RCMP Detachment
7171 Oliver Street
Mission, BC, V2V 6H2
Telephone: (604) 826-7161
Fax: (604) 820-3548
Email: Rob.Wheeler@rcmp-grc.gc.ca

--

Paul Enns
Run for Water Trail Race Director

From: [Paul](#)
To: [Reg Dyck](#)
Cc: [Margaret Thornton](#); [Adriana Snashall](#); [Kevin Barata](#)
Subject: Re: Emergency Services requirements for Run for Water Trail Race event on Sumas Mtn - May 26
Date: February-01-18 5:25:01 AM
Attachments: [image001.png](#)
[ATT00001.htm](#)
[25K_50K_RFW_Trail_Route_2018-3.jpg](#)
[ATT00002.htm](#)
[10K_RFW_Trail_Route_2018.jpg](#)
[ATT00003.htm](#)
[Aid_Station_2_-_RFW_Trail_Race.jpg](#)
[ATT00004.htm](#)
[Aid_Station_1_-_RFW_Trail_Race.jpg](#)
[ATT00005.htm](#)
[Start_Finish_Area_Map_-_RFW_Trail_Race_2018.jpg](#)
[ATT00006.htm](#)
[RFW_Trail_Race_Parking_Plan_-_2018.pdf](#)
[ATT00007.htm](#)
[Run_for_Water_Emergency_Response_Quick_Reference.pdf](#)
[ATT00008.htm](#)
[FVRD_Special_Events_Licence_Worksheet_-_Run_For_Water_Trail_Race_2018.docx](#)
[ATT00009.htm](#)

Hi Reg,

Thanks for your reply and additional detail.

The Special Events License Worksheet seems scant on details regarding fire protection and emergency services, hence my contacting you as directed:



Please see attached our plan for emergency services, including mapping for location.

For the second year in a row we will have Central Fraser Valley and Mission Search and Rescue teams on site during the whole event provide monitoring and support throughout our course route.

For the third year in a row we will have a BC Ambulance FAA and bus on site during the entire duration of the event.

Dr Reg Peters will be our Medical Director.

The main point of access/egress is into the park is Taggart Rd. SAR teams and our RFW lead team have thorough knowledge of all the trails and forest access roads in Sumas Mountain Regional Park.

Fire Protection:

- Lepp Farm Market will be grilling hamburgers on a portable commercial-sized propane grill at the start/finish area at the Lower Parking Lot on Taggart Rd. They will have a fire extinguisher in close proximity at all times.
- No other sources of flame/heat are expected on the course.
- Each aid station will have over 40L of water on hand, plus additional water for wash stations.

I've also included our FVRD Special Events Worksheet in draft form; I'm aware that more steps need to be completed before it can be formally submitted.

Please advise if there are any other details that you require to be able to provide the necessary written certification.

Much appreciated,

Paul Enns
Run for Water Trail Race Director

On Tue, Jan 16, 2018 at 12:12 PM, Reg Dyck <rdyck@fvrld.ca> wrote:

Paul

The requirements are included in the FVRD Special Events License Worksheet . From an Emergency Services viewpoint ensuring the health and safety of all participants and spectators is paramount. Included in this is rescue and first aid, identified routes for evacuation and access/egress routes for emergency services.

Thanks

Reg Dyck

Manager of Electoral Area

Emergency Services

[45950 Cheam Ave, Chilliwack, BC](#)

[V2P 1N6](#)

P [604.702.5028](tel:604.702.5028) || **W** www.fvrld.ca



EMERGENCY RESPONSE QUICK REFERENCE

Emergency Team

Name	Role	Cell
Paul Enns	Race Director / Media Contact	██████████
Peg Peters	Executive Director/ Back up Media Contact	██████████
Kevin Barata	Race Director	██████████
Dr Reg Peters	Medical Team Director	██████████
Shaun Glass	CFVSAR Team Lead	██████████

Emergency Contact Numbers

Organization	Telephone	After Hours
BC Ambulance	On-site during event	9-1-1
Towing	Aggressive Auto Towing	604-854-5669
Abbotsford Police	Non-Emergency: 604-859-5225	9-1-1

*** CFVSAR: Central Fraser Valley Search And Rescue**

RACE BIB Emergency Number:

- every race bib will have the cell phone number of the Race Director written on the back
- racers will be briefed as to appropriate emergency responses



EMERGENCY RESPONSE QUICK REFERENCE

Injury Response - Volunteer Actions:

Notify the Race Director [Kevin Barata](#) - 604-812-7697 immediately if a runner is injured. Initiate "Incident Report" asap (even for minor injuries). The Communications Director will need these details:

- name of runner AND bib number
- location of runner
- injury and runner status

Situation	Volunteer Action	Follow Up
Runner is injured and is at an aid station. CFVSAR volunteers are on site.	<ul style="list-style-type: none"> ● Have runner stay at aid station to be assessed ● Notify CFVSAR volunteers located at Aid Station to assess runner ● Notify Race Director with details 	Race Director will contact Medical Director and Medical Lead to let them know there is an injured runner at an aid station
Runner is injured and is at an aid station. CFVSAR volunteers are NOT on site (ie. responding to another call)	<ul style="list-style-type: none"> ● Have runner stay at aid station until medical help arrives. ● Notify Race Director with details 	Race Director will contact Medical Team to mobilize nearest first aid personnel
Runner is injured and is NOT at an aid station. Runner requires medical attention.	<ul style="list-style-type: none"> ● Have runner stay at location ● Notify Race Director with details and to get further instructions 	Race Director will contact Medical Team to mobilize nearest first aid personnel
Volunteer hears from another runner that there is an injured runner on course.	<ul style="list-style-type: none"> ● Have runner with information give as many details as possible (runner status, location, etc) ● Notify CFVSAR volunteers located at Aid Station (if at an aid station) AND call Race Director with details 	Race Director will contact Medical Team to mobilize nearest first aid personnel
Runner has minor injuries that can be self managed (ie. minor scrape, cut, etc)	<ul style="list-style-type: none"> ● Offer runner antiseptic wipes and band-aids (at Aid Station) for runner to self administer ● NO need to contact Race Director 	Ensure Incident report gets to Race Director or Medical Director

*** CFVSAR: Central Fraser Valley Search And Rescue**



EMERGENCY RESPONSE QUICK REFERENCE

Medical Team Assessment

Most qualified person makes the call. Complete Incident Report (see form below) after incident is resolved. Medical Team will Contact BC Ambulance to arrange transport. Race Director or RFW Team member will meet ambulance when it arrives.

Situation	Action	Follow Up
Runner <u>can</u> continue	Treat onsite or at nearest aid station	<ul style="list-style-type: none"> • Notify Race Director • Race Director will liaise with Medical Team as needed • Fill out Incident Report as needed
Runner <u>cannot</u> continue	Needs hospital	<ul style="list-style-type: none"> • Notify Race Director • Race Director notifies Medical Team • Medical Team will mobilize nearest first aid personnel for assistance as needed • Medical team or Race Director will call 911 • Fill out Incident Report
Runner <u>cannot</u> continue	Does not need hospital	<ul style="list-style-type: none"> • Notify Race Director • Race Director notifies Medical Team • Medical Team will mobilize nearest first aid personnel for assistance as needed. • Fill out Incident Report



EMERGENCY RESPONSE QUICK REFERENCE

Medical Team Locations

Medical Team / Aid Station	Location	First Aid
START/FINISH LINE	Lower Parking Lot - Sumas Mtn Regional Park	2 CFVSAR volunteers, CFVSAR tent
AID STATION #1	SQUIDLINE Parking area (Adjacent to Taggart Rd at Intersection of Knob Gobbler and Holiday Sauce trails)	2 CFVSAR volunteers
AID STATION #2	Upper Parking Lot - Sumas Mtn Regional Park	2 CFVSAR volunteers
CENTENNIAL TRAIL	Trail intersection of Centennial Trail and Upper Parking Lot hiking trail	2 CFVSAR volunteers
TAGGART PEAK	Summit of Taggart Peak via access road	2 CFVSAR volunteers



EMERGENCY RESPONSE QUICK REFERENCE

Meeting Points (Muster Points) in case of emergency:

- #1 Lower Parking Lot, Taggart Road (Sumas Mountain Regional Park)
- #2 Upper Parking Lot, Taggart Road (Sumas Mountain Regional Park)

Temporary Race Closure

Appropriate for storms, earthquake, temporary blocked road crossing.

RFW Emergency Team:

1. Notifies crew of the temporary closure.
2. Instructs racers to stop at closest access point. Ensures they do not proceed.
3. Confirms with course medical team that there are no further incidents.
4. Determines whether safe to re-open course or if a detour route can safely be put in place.
5. Notifies crew about re-opening.

Cancellation of Race

Possible reasons for race cancellation: aggressive wildlife, thunder/lightening storm, wildfire, earthquake

RFW Emergency Team:

1. Communicates cancellation and enforces it.
2. Directs runners to nearest muster points if already on course.
3. Completes cancellation:
 - Determines alternate route to Finish Area or safety location.
 - Facilitates transportation to finish or safety for muster points located further away.
 - Determines how to get food, water, shelter to muster points for runners who will be held there for an extended time.
 - Communications Contact deals with media.

Declaration of an Emergency

RFW Emergency Team:

1. Decides who will make announcement and through which channels.
2. Identifies muster points along route.
3. Follows cancellation of race steps.

Dealing with Media

1. Use statements like this until official announcement is ready:
 - "Until we know all the details, we cannot comment on the situation until we've done our own investigation. There will be an official announcement shortly."
 - "We are working with the authorities."
 - "Safety of participants is our top priority."
2. Volunteers do not talk to media or make comments. You can say – "I'm just a volunteer; please talk to one of the directors who will know more".
3. Media Contact sets up an area for a press conference or announcement.



EMERGENCY RESPONSE QUICK REFERENCE

Major Communication Points with VHF Radio, SAT Phone, and Cell

Try all means of communication if needed.

NOTE: The radio term "Emergency Emergency" is only used when the situation is grave or there is imminent danger to life

Marshal Station #1

- *Between entrances of Holiday Sauce and Squid Line*
- 7-11 am
 - John van der Leek
 - Aaron van der Leek
- 11-2 pm
 - Suzanne Tremblay

Marshal Station #2

- *Intersection of Taggart Road & Knob Gobbler; near Aid Station #1*
- 7-11 am
 - Karen & Amy Brandt
- 11-2 pm
 - Simi Sachdeva
 - Muskaan Sachdeva

Marshal Station #3

- *Mid-point of Rock Diva at access road*
- 7-11 am
 - Rolyson Simpliciano
- 11-2 pm
 - Kathleen Hackett

Marshal Station #4

- *Mid-point of Noah Fear at access road*
- 7-11 am
 - Andreas Gruber
 - Jillian Gruber
- 11-2 pm
 - Candace & Dane Larson; Reese & Sabella Larson



EMERGENCY RESPONSE QUICK REFERENCE

Aid Station #1 - Clearing at top of Squid Line

- 7-11 am
 - Mary-Liz Borseth
 - Rise Friesen
- 11-2 pm
 - Peter Roussy
 - Susan Taylor
- Responsibilities:
 - Set out food and drink
 - Pre-pour some cups, but not too many
 - CHEER!
 - Once final runner has passed, clean up - make note of numbers of final bibs, call in to Kevin and return to finish line

Aid Station # 2 - Innovative Fitness - Upper Parking Lot

- *First set up Aid Station #1 at 5:30-5:45 am; then move to #2 after 50K pass to set up and stay*
- 5:30-2 pm
 - Laura Robinson
 - Devin Krahm
 - Heather Wiggins
 - Yoshia Burton
 - Sheryl Stephenson
 - Laura Craine
- Responsibilities:
 - *Take truck with supplies and set up Aid Station #1 FIRST*
 - *Once 50Ks through, set-up Aid Station #2 at Upper Parking Lot*
 - Set up shelter and table. Set out garbage and compost bags.
 - Set out food and drink
 - Pre-pour some cups, but not too many
 - Stock outhouse nearby with toilet paper
 - CHEER!
 - Once final runner has passed, clean up and return to finish line



EMERGENCY RESPONSE QUICK REFERENCE

Aid Station # 3 - Start/Finish Area

- 7-11 am
 - William Pringle
 - Justina Whipple
- 11-2 pm
 - Tim Yuan
 - David Li
- Responsibilities:
 - Set up shelter and table
 - Set out food and drink
 - Pre-pour some cups, but not too many
 - Collect garbage and compost
 - Cheer!
 - Clean up after last runner through, return to finish line

50K Mid-Point Support - Start/Finish Area

- 7am-12pm (help with registration until 50K racers arrive for turn-around point)
 - Michelle Watrin
 - Lori Harris
- Responsibilities
 - Direct 50K racers to drop bags and reserved tent area to refresh
 - Support racers with needed aid from Aid Station #3
 - Track progress of 50K racers - in/out.
 - Contact Wendy Enns when Aid station volunteers arrive at park for their shift

● Timeline:

- Arrive 15 minutes before your shift. IF you have a 4x4 vehicle you may drive up to your station. Carpool whenever possible.
- If no 4x4 vehicle, **arrive at intersection of Batt, Bakstad, and Taggart Rd.** Parallel park on Bakstad. A shuttle bus will drive you into the park
- Consult with Aid Station lead (Wendy Enns 778-241-4465)
 - 5 am - 50K Race Start
 - 8 am - 25K Race Start
 - 10 am - 10K Race Start
- Clean up after sweep runners pass (afternoon shift)
- Make note of any struggling runners, or those in distress and let Search & Rescue or Kevin Barata (cell numbers above).
- Bring your own lawn chair and dress for the weather.
- Don't forget **bug spray** and sun screen!



EMERGENCY RESPONSE QUICK REFERENCE

INCIDENT REPORT FORM

To be completed within 12 hours of incident.

Incident Date: _____ Incident Time: _____

Injured Person Name: _____ Injured Person Bib Number: _____

Address: _____

Phone Numbers: _____

Male/Female: _____ Date of Birth: _____

Allergies: _____ Medical Conditions: _____

Details of Incident:

Who was injured person? _____

Injury type: _____

Does injury require hospital/physician? Yes No

Hospital Name: _____

Injured person/party signature: _____ Date: _____

IMPORTANT NOTES AND INSTRUCTIONS

Prepared by: _____ Date: _____

Start / Finish Area Map



Parking Outside
Park Gate
(Shuttle Van)









**Highways Use Permit
(Schedule "A")**

HUP # 18 - 105413

Permission is hereby granted to:

RUN FOR WATER SOCIETY

of

2020 ABBOTSFORD WAY UNIT 201 ABBOTSFORD BC V2S 2X8

to complete works upon the lands described as:

RUN FOR WATER

Lot: Block: Plan: Section: Township:

in accordance with the provisions of the Street and Traffic Bylaw, 2006 Bylaw No. 1536-2006, Application No.

HUP # 18 - 105413 submitted by the Applicant and the plans, specifications, and other supporting data filed therewith, copies of which are attached hereto and form part of this permit, and the following additional terms and conditions:

1. The applicant is authorized to have on street parallel parking or angled parking in the direction of travel in conformance with the terms and conditions of this permit, Street and Traffic Bylaw, 1536-2006 and abide by all such terms and conditions imposed in respect of this application.
2. The applicant agrees to assume full responsibility for any loss or damage suffered by on anyone or to any property whatsoever caused directly or indirectly by the Works or other Highway Use for which this Permit was issued, and shall save harmless and indemnify the City from all claims and demands whatsoever in respect of the Works or other Highways Use and in respect of the issuance of this Permit except to the extent that such claims and demands result from the willful act or neglect of the City, its employees, agents, or contractor.
3. The applicant is authorized to carry out the Works or carry out the Highways Use at the location designated in this Permit provided that all work is performed in accordance with:
 - (a) the terms, conditions and regulations;
 - (b) the applicant's approval plans, if any;
 - (c) the City's bylaws; and
 - (d) specifications and regulations governing the proposed Highways Use.

\$75.00	Highways Use Application Fee
\$0.00	Inspection Fee
\$0.00	Security Deposit

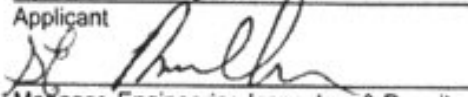
This permit starts on: **MAY 26, 2018**

This permit shall expire on: **MAY 26, 2018**

This permit shall not be renewed, transferred or assigned.

I have read, acknowledge and agree to abide by the conditions as indicated above.


Applicant


Manager, Engineering Inspectors & Permit

FVRD PARK PERMIT

APPLICANT INFORMATION									
Name	Paul Enns								
Organization Name (if applicable)	Run For Water								
Address	#201-2020 Abbotsford Way, Abbotsford								
Telephone	[REDACTED]								
Email	[REDACTED]								
EVENT INFORMATION									
Type of Event	Trail Race								
Park	Sumas Mountain								
Date(s)	May 26th, 2018								
Number of People Attending	300 *events over 199 people per day may require an FVRD Special Event Permit								
Start Time	4:30 am								
End Time	5 pm								
Setup and/or takedown time required?	No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> If yes, specify time required: May 24-27 - flagging race								
<p>Event Description (activities, special requirements, etc.):</p> <p>Trail Run using trails on Sumas Mountain - 10,25,50 km Only a portion of race is in the park - see attached map</p>									
<p>Would any of the following apply to your event? (please check all that relate):</p> <table border="0"> <tbody> <tr> <td><input type="checkbox"/> Fireworks</td> <td><input type="checkbox"/> Drones</td> </tr> <tr> <td><input checked="" type="checkbox"/> Food and/or Beverage Service</td> <td><input checked="" type="checkbox"/> Additional Outhouses</td> </tr> <tr> <td><input type="checkbox"/> Overnight (Island 22 only)</td> <td><input checked="" type="checkbox"/> Additional Waste Bins</td> </tr> <tr> <td><input checked="" type="checkbox"/> Occurs outside regular park hours</td> <td></td> </tr> </tbody> </table>		<input type="checkbox"/> Fireworks	<input type="checkbox"/> Drones	<input checked="" type="checkbox"/> Food and/or Beverage Service	<input checked="" type="checkbox"/> Additional Outhouses	<input type="checkbox"/> Overnight (Island 22 only)	<input checked="" type="checkbox"/> Additional Waste Bins	<input checked="" type="checkbox"/> Occurs outside regular park hours	
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<input type="checkbox"/> Overnight (Island 22 only)	<input checked="" type="checkbox"/> Additional Waste Bins								
<input checked="" type="checkbox"/> Occurs outside regular park hours									

FVRD PARK PERMIT

PARK PERMIT TYPES <i>(all rates include tax unless otherwise specified)</i>	
Picnic Shelter Rental - Weekend or Statutory Holiday	<input type="checkbox"/> \$100/day
Picnic Shelter Rental - Weekday	<input type="checkbox"/> \$75/day
Wedding	<input type="checkbox"/> \$100/day
Special Event/Island 22 Equestrian Area Rental	<input type="checkbox"/> \$200/day
Research/Education	<input checked="" type="checkbox"/> \$0
Filming	<input type="checkbox"/> \$100/day (plus \$150 application fee)
Ring Rental	<input type="checkbox"/> \$100/day
Overnight Security Fees – Island 22 Only (20/hr plus tax)	\$
TOTAL AMOUNT	\$ 0

APPLICANT INFORMATION		
Event Site Plan	<input checked="" type="checkbox"/> Attached	<input type="checkbox"/> Not Applicable
Proof of Liability Insurance (with FVRD named as an “additional insured”)	<input checked="" type="checkbox"/> Attached	<input type="checkbox"/> Not Applicable
Fee Paid	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Other:		

FVRD PARK PERMIT

GENERAL TERMS AND CONDITIONS

In consideration of the issuance to the Permittee of a permit for this purpose, the Permittee agrees that the terms and conditions set out on the following pages form part of this Permit and agrees to fully comply with and be bound by these terms and conditions.

1. Nothing in this permit shall:
 - a) waive the obligations of the permit holder or any person acting on their behalf to comply with all applicable statutes, bylaws and regulations;
 - b) waive the obligations of the permit holder or any person acting on their behalf to obtain the necessary permits, licensing, insurance and approval for the activity or event described above;
2. The holder of the permit is solely responsible for the conduct of the Special Event, activity, or event, the permit authorizes and it is a condition of all Park Permits that neither the FVRD nor any of its elected or appointed officers, employees, servants, agents, contractors, licensees or representatives accepts or assumes any responsibility or liability for any claims, demands, proceedings, actions, suits, costs, expenses, fines, losses or damages in respect to death, injury, loss or damage to persons or property, however caused, arising out of or in connection with a Special Event, activity or event for which a Park Permit has been issued.
3. If the FVRD or any of its elected or appointed officers, employees, servants, agents, contractors, licensees or representatives is named as a party in any proceeding relating to this Park Permit, the Permittee agrees to indemnify the FVRD for any costs, expenses or fees incurred in the defense of that proceeding.
4. The FVRD may recover a debt from any security deposit required by the relevant Park Permit.

REMOVAL OF PROPERTY AND RESTORATION OF AREA

When the approved event time has ended, holders of a Park Permit must:

1. Remove all personal property and dispose of all structures, improvements, and works that they have built.
2. Restore the area as nearly as possible to its natural condition or restore the area to the satisfaction of the Parks Manager. Otherwise the Parks Manager may, after providing or attempting to provide notice, authorize personnel to remove and dispose of the personal property, improvements, or works and restore the area as necessary. A person who fails to comply with owes the amount of that expense as a debt to the FVRD and shall pay that amount immediately on demand.

☒ I certify that, to the best of my knowledge, all of the attached documents are correct, and I agree to the above terms and conditions.

Paul Enns

Name

March 27, 2018

Date

This permit is hereby issued on the terms and conditions attached by,

David Urban

Parks Manager

 Digitally signed by David Urban
Date: 2018.03.27 09:17:12 -07'00'

March 27, 2018

Date

100 Melville Street, Suite 750
Vancouver, BC V6E 4A6

AMENDED

CERTIFICATE OF INSURANCE

THIS IS TO CERTIFY THAT POLICIES OF INSURANCE AS HEREIN DESCRIBED HAVE BEEN ISSUED TO THE INSURED NAMED BELOW AND IN FORCE AT THE DATE HEREOF

Name of Insured and Postal Address

RUN FOR WATER SOCIETY

Suite 201, 2020 Abbotsford Way, Abbotsford, BC V2S 6X8 Attn: Janet Vink

COMMERCIAL GENERAL LIABILITYCert. No.
S2281Master Policy No.
AL5500Insurers
CERTAIN LLOYD'S
UNDERWRITERS**Limit of Liability**
\$5,000,000.00 LIMIT
per occurrence and in the aggregate with
respect to products & completed operations
DEDUCTIBLE \$500.00

Tenants Legal Liability Limit \$500,000, deductible \$500

Policy Extensions

CROSS LIABILITY CLAUSE INCLUDED

PARTICIPANT COVERAGE INCLUDED

SUBJECT TO 30 DAYS WRITTEN NOTICE OF CANCELLATION OR MATERIAL CHANGE

This Certificate is issued at the request of:

CITY OF ABBOTSFORD

FRASER VALLEY REGIONAL DISTRICT

METRO VANCOUVER

MINISTRY OF FORESTS LANDS NATURAL RESOURCE
OPERATIONS

FRASER HEALTH AUTHORITY

BC HYDRO

ABOVE ARE ADDED AS ADDITIONAL INSURED, BUT SOLELY WITH
RESPECT TO THE LIABILITY WHICH ARISES OUT OF THE
ACTIVITIES OF THE NAMED INSURED**Location & Operations to which this certificate applies:**SUMAS MOUNTAIN, BATT ROAD, ABBOTSFORD, BC
"TRAIL ORIENTATION RUNS"
MARCH 3, APRIL 7 & 21, MAY 5, 2018SUMAS MOUNTAIN, BATT ROAD, ABBOTSFORD, BC
"RUN FOR WATER TRAIL RACE DAY"
MAY 26, 2018

*excluding liquor liability

**To whom notice will be mailed if such insurance is cancelled or is changed
in such a manner as to affect this certificate**

Premium: 200.00 Fee: 25.00 Total: 225.00

IDENTIFICATION OF INSURER / ACTION AGAINST INSURER

This insurance has been effected in accordance with the authorization granted to the Coverholder by the Underwriting Members of the Syndicates whose definitive numbers and proportions are shown in the Table attached to Agreement No. MKL2017001, UMRB6027ALLMKL2017001 (hereinafter referred to as "the Underwriters"). The Underwriters shall be liable hereunder each for his own part and not one for another in proportion to the several sums that each of them has subscribed to the said Agreement.

In any action to enforce the obligations of the Underwriters they can be designated or named as "Lloyd's Underwriters" and such designation shall be binding on the Underwriters as if they had each been individually named as defendant. Service of such proceedings may validly be made upon the Attorney In Fact in Canada for Lloyd's Underwriters, whose address for such service is 1155 rue Metcalfe, Suite 2220, Montreal, Quebec, H3B 2V6.

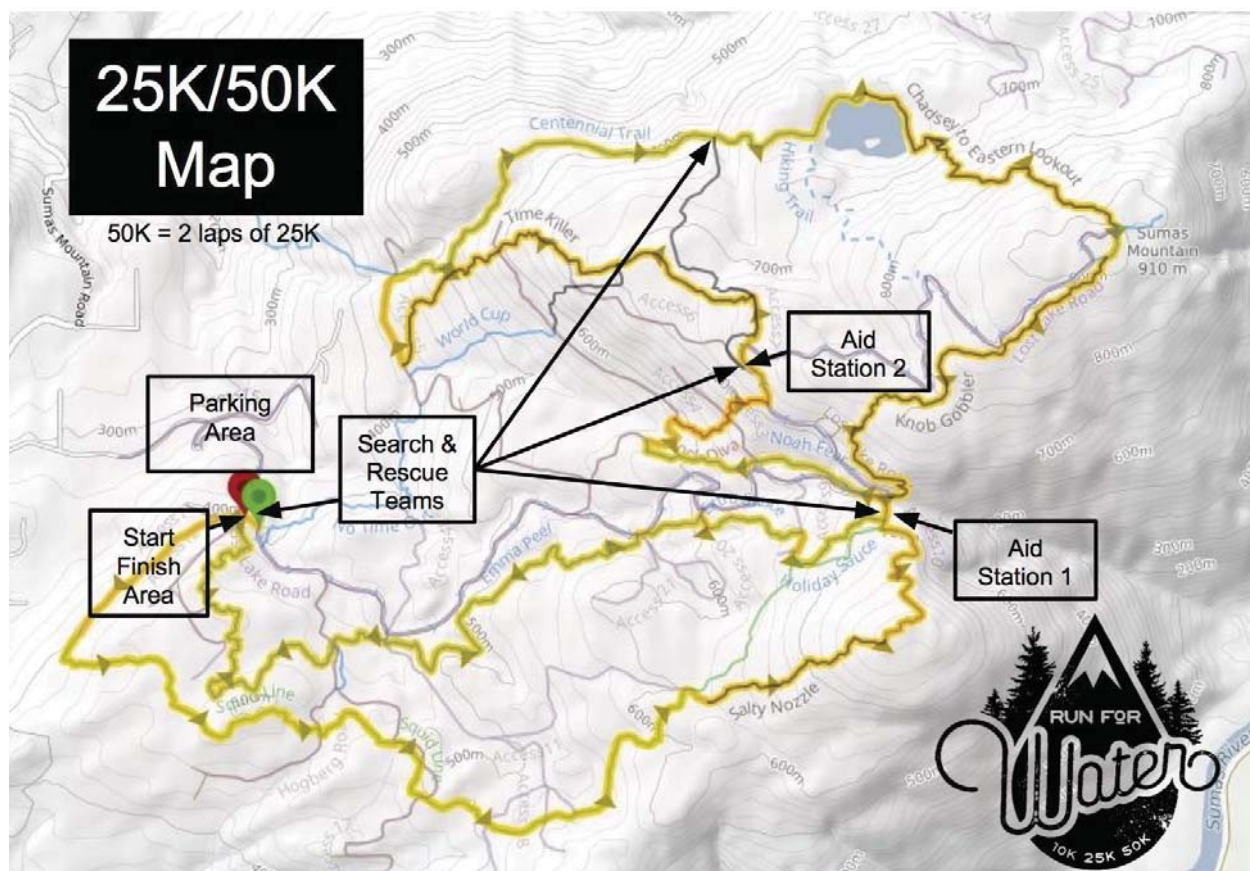
NOTICE: Any notice to the Underwriters may be validly given to the Coverholder.

In witness whereof this policy has been signed as authorized by the Underwriters, by ALL SPORT INSURANCE MARKETING LTD.

Per

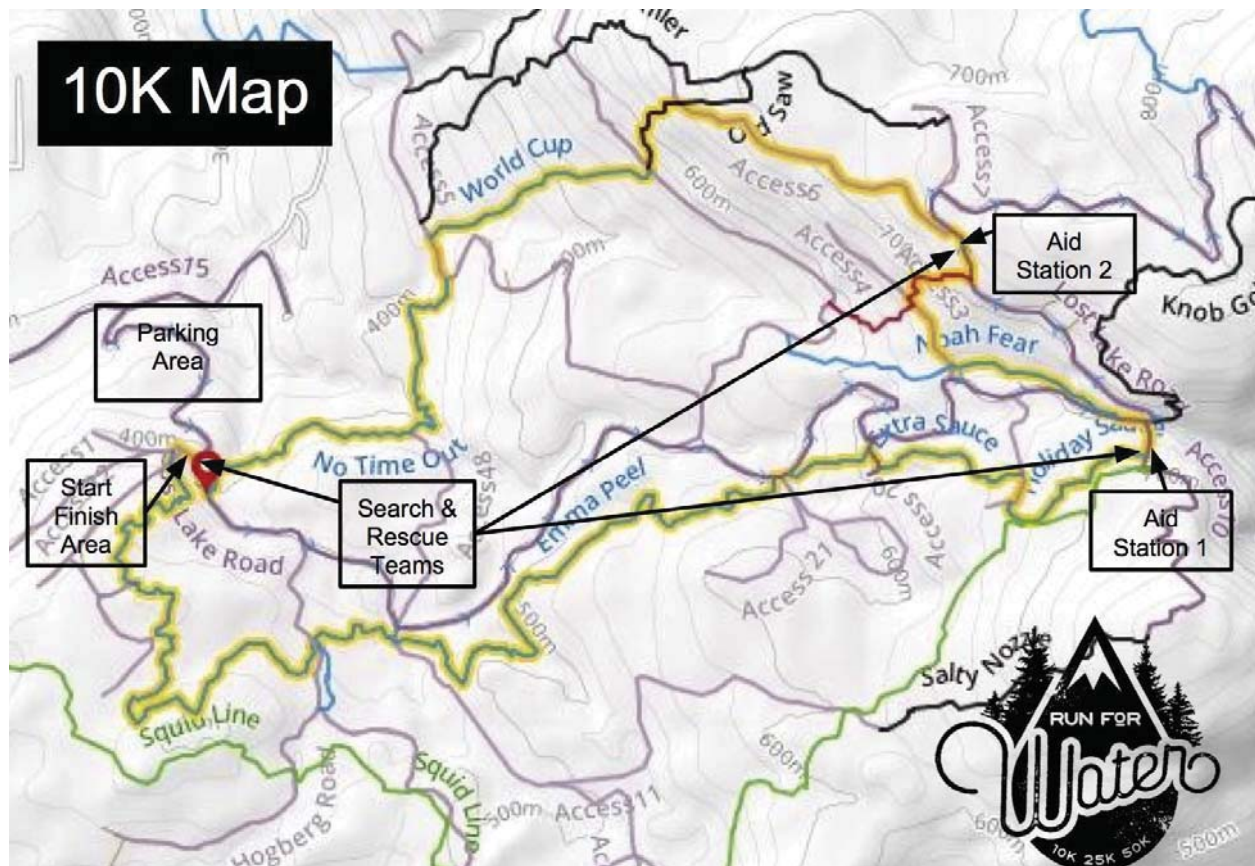


THE INSURANCE AFFORDED IS SUBJECT TO THE TERMS, CONDITIONS & EXCLUSIONS OF THE APPLICABLE POLICY



Interactive map: 25K/50K: <https://www.trailforks.com/route/run-for-water-25-50k-route-2017/map/>

- TRAIL RUN -



Interactive map: 10K: <https://www.trailforks.com/route/run-for-water-10k-trail-route/map/>

- TRAIL RUN -

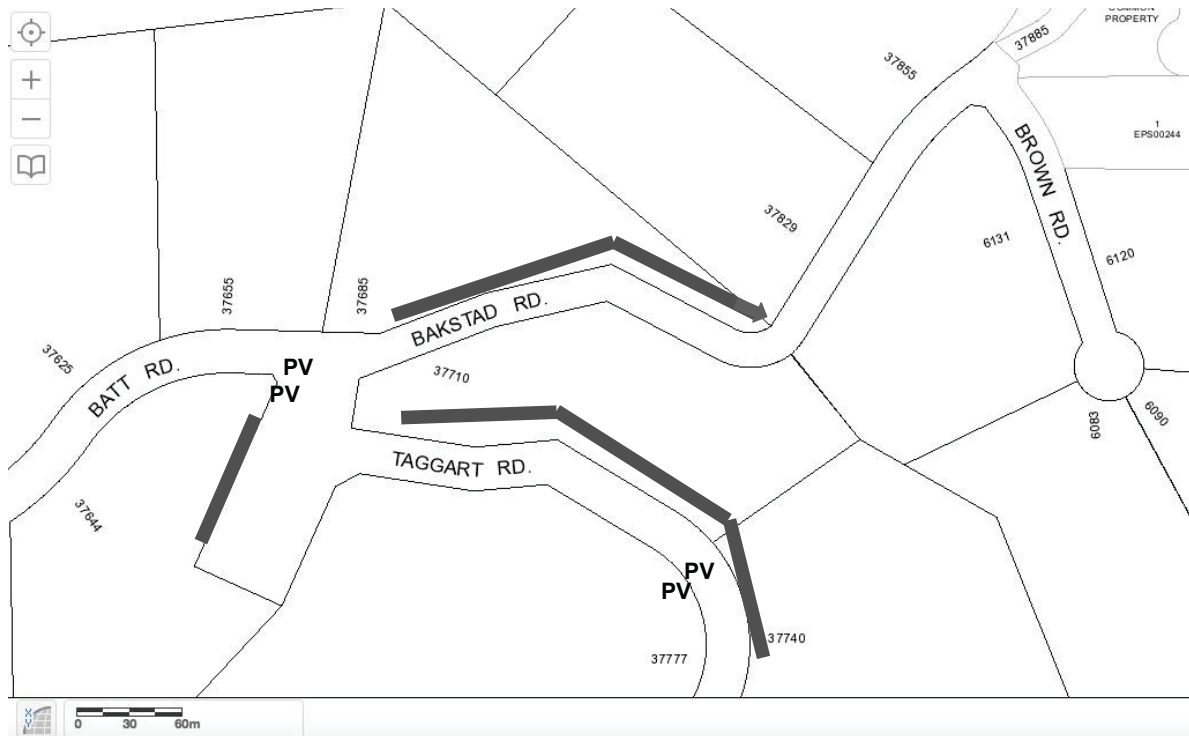


- TRAIL RUN -

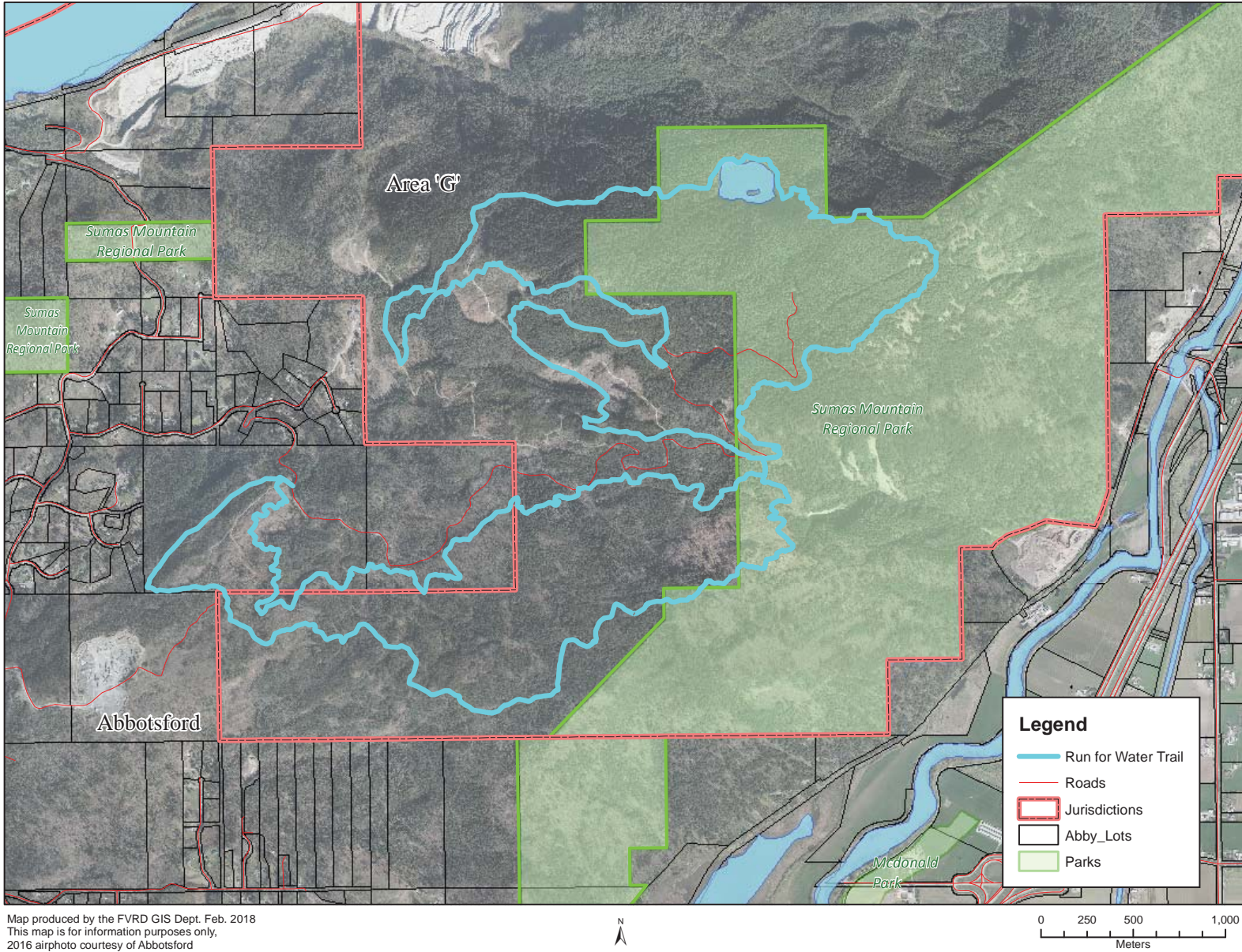
Sat, May 26, 2018

5 am - 5 pm

- Parking Volunteers (PV) give motorists info leaflet re parking on Taggart and Bakstad Roads
- traffic completely unrestricted
- single side angle parking in direction of travel on north and west sides of Taggart Rd keeping driveways clear
- parallel parking on Bakstad Rd keeping driveways clear
- carpooling from Lepp Farm Market strongly encouraged among participants
- shuttle bus transporting pedestrians
- direct letters and flyer posted on community mailbox by May 18 informing residents of event with contact info for concerns
- signed support letters on file from same event in 2016 for 37777, 37710, 37644, 37685. Uninhabited: 37740.
- Organizers cover parking signs with garbage bags the morning of the event and remove them by 5 pm.



Run For Water Trail on Sumas Mtn.



From: [Paul Enns](#)
To: [Allard, Catherine FLNR:EX](#)
Cc: [Kevin Barata](#); [Olaya, Francisca FLNR:EX](#); [Adriana Snashall](#)
Subject: Re: further map detail for Run for Water Trail Race - requesting response by noon Mar 26
Date: March-26-18 10:00:03 AM

Hi Catherine,

Thank you very much for your help with our request.

I'm forwarding your response to the FVRD technician assisting with our application.

Much appreciated,

Paul Enns
Run for Water Trail Race
778-241-4447

On Mar 26, 2018, at 9:54 AM, Allard, Catherine FLNR:EX
<Catherine.Allard@gov.bc.ca> wrote:

Hi Paul,

Thank you for your note. As discussed, the review of your application for a Licence of Occupation on Crown Land is not likely to be completed in time for the event due to our current backlog situation; however, based on my preliminary review of the subject application we do not have any initial concerns with the 2018 event under the general guidance of the Permissions Policy. That being said, there is still more work to be done before we can finalize this approach. Specifically, I have asked an Authorizations Specialist in Crown lands, Francisca Olaya, to review the proposal in more detail and liaise with the Forest District and Rec Sites and Trails branch. Francisca initiated this work last week but unfortunately she is not in the office today, so FLNRORD will need an extension until (I anticipate) the end of this week. Please let me know if you have any questions in the meantime.

Kind regards,

<image001.jpg>

Catherine Allard
A/Section Head
South Coast Regional Office
Ministry of Forests, Lands & Natural Resource Operations
Ph: 604.586.3374

From: Paul [REDACTED]
Sent: Friday, March 23, 2018 3:53 PM
To: Allard, Catherine FLNR:EX

Cc: Kevin Barata

Subject: Re: further map detail for Run for Water Trail Race - requesting response by noon Mar 26

Hi Catherine,

Can you share any updates to our process?

I'm aware that the FVRD has requested we forward a "letter of acknowledgement from MFLNRO (approval of use of forest service roads and recreation sites)" by Monday, Mar 26 at noon.


A response by then would be greatly appreciated, if possible.

Thx for considering,

Paul Enns

Run for Water Trail Race



On Wed, Mar 21, 2018 at 1:24 PM, Paul  wrote:
Hi Catherine,

Here are maps and urls for both of our trail race routes being used on Sat, May 26. All trails are within what is known as Sumas Mountain Inter-regional Park.

The url will allow you to zoom into the Forest Access Road and trail name detail.

10K TRAIL RACE ROUTE: <https://www.trailforks.com/route/run-for-water-10k-trail-route/>
<image002.png>

25/50K TRAIL RACE ROUTE

<https://www.trailforks.com/route/run-for-water-25-50k-route-2017/>
<image003.png>

As we discussed, the FVRD is requesting written confirmation by noon Mar 26 that MFLNRO is aware of and allowing our event on May 26.

Thx for you help with this process,

Paul Enns

Run for Water Trail Race Director (volunteer)



To: Electoral Area Services Committee

Date: 2018-04-10

From: Margaret-Ann Thornton, MCIP, RPP, Director of Planning and Development

File No: 6410-20-037

Subject: Federal and Provincial Regulation of Medical and Recreational Marihuana

INTENT

This report is intended to advise the Electoral Area Services Committee of information pertaining to the Federal and Provincial regulation of medical and recreational marihuana. 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

Provide Responsive & Effective Public Services

BACKGROUND

This report is intended to advise the Electoral Area Services Committee of information pertaining to the Federal and Provincial regulation of medical and recreational marihuana. The new Federal and Provincial regulations and their implementation will impact the land use, building and Bylaw enforcement regulations, policies and staffing resources and priorities for the Electoral Areas.

DISCUSSION

The Federal Government licences and regulates controlled substances including medical and recreational marihuana. These regulations have had numerous recent changes and are still evolving. The Province is also examining regulations regarding the distribution and sale of medical and recreational marihuana. The new Federal and Provincial regulations and their implementation will

impact the land use, building and Bylaw enforcement regulations, policies and staffing resources and priorities for the Electoral Areas.

In 2013 a workshop was held with EASC members to review the Federal regulations at that time and develop a strategy of how Medical Marihuana Production Use will be defined and regulated as a land use. In 2014 the Zoning Bylaws in effect for the Electoral Areas were amended to define a Medical Marihuana Grow Operation as “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”, and permitted in the following zones:

Electoral Area	Zoning Bylaw	Medical Marihuana Grow Operation Permitted In These Zones
A	823	All Zones
B	85	Agricultural (Ag-1) Rural (R) Resource Industrial (I-1) Service Industrial (I-2) Limited Use (L-1) Light Manufacturing (M-1)
B	90	Agricultural (Ag-1) Rural (R) Limited Use (L-1) Rural II (R-II)
B	801	Rural (R-1) Rural Resource (R-4) Industrial (I-1)
C	100	Agricultural (Ag-1) Rural (R)
D	75	None
E and H	66	None

Electoral Area	Zoning Bylaw	Medical Marihuana Grow Operation Permitted In These Zones
C	559	Upland Agriculture (A-1) Floodplain Agriculture (A-2) Agricultural Market (A-3) Rural 1 (R-1) Rural 2 (R-2) Rural 3 (R-3) Rural 4 (R-4) Rural 5 (R-5) Rural 6 (R-6) General Industrial (M-1) Heavy Industrial (M-2)
F	559	Upland Agriculture (A-1) Floodplain Agriculture (A-2) Agricultural Market (A-3) General Industrial (M-1) Heavy Industrial (M-2)
G	559	Upland Agriculture (A-1) Floodplain Agriculture (A-2) Agricultural Market (A-3) Rural 1 (R-1) Rural 2 (R-2) Rural 3 (R-3) Rural 4 (R-4) Rural 5 (R-5) Rural 6 (R-6) General Industrial (M-1) Heavy Industrial (M-2)

Since these Zoning Bylaw Amendments, the Agricultural Land Commission (ALC) has confirmed that if a land owner is lawfully sanctioned to produce marihuana for medical purposes, the farming of marihuana in the Agricultural Land Reserve (ALR) is allowed and is interpreted by the ALC as being a farm use under the Agricultural Land Commission Act.

The FVRD has received written confirmation from Health Canada that, "It is the responsibility of an applicant to ensure that federal, provincial, municipal and environmental legislation, including zoning, building and fire codes, are complied with."

What Does This Mean for the Electoral Areas?

The following are a number of scenarios existing in the Electoral Areas:

1. New Facility with Federal Approvals

The FVRD is processing five (5) applications for Building Permits for a Medical Marihuana Grow Operation. These applications are all located within the ALR and the zoning permits a Medical Marihuana Grow Operation. The Building Permits are processed consistent with any other Agricultural building, and approvals from Health Canada are coordinated with the building permit process.

2. Notice of Intent for a New Facility

The Health Canada guidelines require any new proposed facility to advise in writing the local jurisdiction and local Fire Service area of their intention to apply for a new facility. Upon receipt of these notices, FVRD Planning staff responds in writing to Health Canada, with a copy to the applicant, advising receipt of the notice and property information including if the zoning permits the use, and Development Permit and Building Permit requirements. The FVRD has responded to twenty-four (24) notices of intent.

3. Complaints of Existing Medical Marihuana Grow Operations

The FVRD receives numerous complaints of possible Medical Marihuana Grow Operations. Complaints cite concerns of odours, noise, construction without permits, general disruption of a commercial/industrial use in a residential neighbourhood, and personal safety concerns. Upon receipt of a complaint staff will contact the local RCMP to verify if it is a Federally licenced Medical Marihuana Grow Operation, or not. Health Canada does not advise local governments where facilities licenced by Health Canada are located. This information can only be accessed from the RCMP as a property specific request.

If the property does not have a Health Canada licence, the RCMP typically leads the complaint as a criminal matter. In some instances, the RCMP has advised FVRD staff that there is an ongoing RCMP investigation and to not attend at the site for FVRD staff safety and to not impede the RCMP investigation. Once the RCMP has concluded its investigation, the RCMP will contact Bylaw Enforcement staff to attend the site. This is typically after the RCMP has searched the property. FVRD Bylaw Enforcement staff will attend the property with the RCMP in attendance and post Stop Work Orders (SWO) for any construction without a valid Building Permit, and will follow-up separately on any other Bylaw infractions, such as Zoning, Development Permit requirements, etc.

If the property has a valid licence from Health Canada, Bylaw Enforcement staff will send a letter to the registered property owner requesting a site inspection. The site inspection can take some time to schedule, and is coordinated with the local RCMP to be in attendance to “keep the peace”. This is to ensure the safety of FVRD Bylaw Enforcement staff. FVRD Bylaw Enforcement staff will attend the property with the RCMP in attendance and post Stop Work Orders (SWO) for any construction without a valid Building Permit, and to follow-up separately on any other Bylaw infractions, such as Zoning,

Development Permit requirements, etc. There are currently approximately 100 open Bylaw Enforcement files related to Medical Marihuana Grow Operations.

Challenges and Difficulties Encountered for the Investigation of Federally Licenced Medical Marihuana Grow Operations include:

- Scheduling delays with the registered property owners and/or property tenants and coordination with the RCMP.
- All letters regarding Bylaw Enforcement associated with a Medical Marihuana Grow operation are copied to Health Canada. In addition, a number of letters advising of specific health and safety infractions have been sent to Health Canada, with the request that Health Canada follow-up directly with the operator. Health Canada has not undertaken any inspections or action on the properties licenced by Health Canada within the FVRD.
- Property owners will apply for a Building Permit for the Medical Marihuana Grow Operation, with no intention of completing the Building Permit. Once applied for a Building Permit, the application remains active for two (2) years.
- There are a number of higher profile Medical Marihuana Grow Operations in existing residential neighbourhoods causing nuisance and public safety concerns for the surrounding residents. The FVRD has limited enforcement tools and is frustrated by the lack of enforcement by Health Canada, and delays with the Building Permit process.
- Illegal dumping in rural areas, typically Crown Lands and the wastes associated with Medical Marihuana Grow operations. These wastes are typically dumped in isolated rural areas, often in proximity to watercourses.

Impact of new Federal and Provincial Regulations

Personal Use:

The most recent Federal regulations include provisions for the growing Medical and Recreational Marihuana as a personal use to a maximum of three (3) plants per property. It is not clear how this will be regulated and enforced by Health Canada, or if it will be left to the local government to enforce. It is not clear if the existing Health Canada licences will remain in place and if additional resources for enforcement will be provided by the Federal or Provincial governments.

Retail Sales of Medical and Recreational Marihuana:

Provincial legislation is evolving regarding the retail sale of Medical and Recreational Marihuana. The Province published the "BC Cannabis Private Retail Licensing Guide: Applications and Operations in February 2018 (attached), and notes that "Note that while this document sets out Government's intentions for B.C.'s retail framework, it is subject to legislation yet to be passed at both the federal and provincial levels". The guide distinguishes between "Medical" Marihuana retail sales, and "Non-Medical Cannabis"/Recreational Marihuana retail sales. The Province states that all retail stores will be inspected at least once a year by LCLB staff and more often if complaints are received.

Non-Medical Cannabis Retail Sales

The guide details that wholesale distribution of non-medical cannabis will be solely through the Liquor Distribution Branch (LDB). The LDB will be the operator of government-run retail stores and the Liquor

Control and Licensing Branch (LCLB) will be responsible for licensing and monitoring the retail sector using a mixed public/private model.

The Provincial guide states that the Province will permit local governments to decide whether they wish to have a recreational cannabis retail store in their community, and that prior to the Province issuing a licence, the applicant must have the support of the local government. The guide details requirements for retail stores security, advertising, signage and staffing. For rural areas, the Province advises that it is still evaluating how to best meet the needs for rural access.

Medical Marihuana Retail Sales

Medical Marihuana retail sales will be available on-line, as is the current policy, and also can be sold at Non-Medical Cannabis/Recreational Marihuana retail stores.

Anticipated FVRD Bylaw Amendments:

It is anticipated that the following revisions to all FVRD Zoning Bylaws will be required:

- To acknowledge that Medical and Recreational Marihuana Grow Operations are a permitted use in all lands within the Agricultural Land Reserve. This is to ensure that the FVRD Zoning Bylaw is in compliance with the Agricultural Land Reserve Act.
- Miscellaneous amendments to eliminate and/or define the distinction between "Medical" and "Recreational" Marihuana uses. Previously, Federal legislation only permitted "Medical" Marihuana, and "Recreational" Marihuana was a Criminal Code offence.
- To determine where the retail sales of Medical and Recreational Marihuana will be permitted. Provincial information released in February 2018 advises that the Province is still evaluating how to best meet the need for rural areas, and that it may be necessary to introduce special provisions for rural areas.

Further discussion with EASC is required to consider:

- Banning retail sales altogether in the Electoral Areas
- Capping the number of retail outlets
- Regulating permissible locations, by Zones and/or proximity to certain uses
- Imposition of security requirements and restrictions on hours of operation
- Adopting procedures for public consultation for licence applications
- How to legally implement additional requirements, typically provided for Business Licencing, such as: hours of operation, requiring proof of Provincial licence issuance, successful completion of Provincial employee training program, and fees to cover FVRD costs involved with the licencing process

The Zoning Bylaw consolidation project is currently underway. Depending upon the timing of the Federal and Provincial regulations, amendments to the Zoning Bylaw may be able to be incorporated into the new Zoning Bylaw consolidation, or alternatively, Zoning Amendments to all nine (9) of the existing Zoning Bylaws will be required.

Union of British Columbia Municipalities (UBCM)

UBCM has established a Task Force to review and assist with implementation. FVRD staff provided the following comments to this task force:

1. No Business Licencing powers for Regional Districts. Regional Districts differ from municipalities, with only a few specific exceptions, as not having authority for Business Licencing. Business Licencing is a powerful and flexible tool for municipalities to regulate both the production and retail sales of medical/recreational marihuana. Business Licencing typically will also coordinate for other municipal inspections, such as yearly (or quarterly) Fire Inspections.
2. Fire Service. Typically fire service, if provided, is by volunteer Fire Departments for Electoral Areas of Regional Districts. The medical marihuana licenced facilities can be large and complex buildings, and access for fire suppression, and general emergency calls can be difficult for volunteer fire departments, especially given the security requirements/building design and access.
3. Building Inspection. In some Regional Districts and areas, there is no Building Inspection Service provided. For example, in the FVRD Electoral Areas, Building Permits are not required in Sunshine Valley, and on properties not accessed by a public (MOTI) road – ie. Accessed from Forest Service Roads (FSR).
4. Impact of large industrial type production facilities in rural areas. The growing of medical marihuana also typically includes the drying and processing of the marihuana. In typically rural Electoral Areas, there is not community water or sewage provided. Potential impacts of ground water contamination from production facilities is noted.

Additional information and model Bylaws are anticipated to be provided from UBCM.

COST

There are no direct costs to prepare this report.

COMMENT BY:

Mike Veenbaas, Director of Financial Services

No further financial comments.

COMMENT BY:

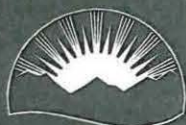
Paul Gipps, Chief Administrative Officer

Reviewed and supported

B.C. Cannabis

PRIVATE RETAIL LICENSING GUIDE

Applications and Operations



BRITISH
COLUMBIA

Contents

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7	<i>Operations: General</i>
8	SUPPLY
9	INSPECTIONS AND COMPLIANCE
10	RURAL AREAS
10	FURTHER RESOURCES

B.C. Cannabis

PRIVATE RETAIL LICENSING GUIDE

Applications and Operations

In B.C., the wholesale distribution of non-medical cannabis will be solely through the Liquor Distribution Branch (LDB). The LDB will be the operator of government-run retail stores and the Liquor Control and Licensing Branch (LCLB) will be responsible for licensing and monitoring the retail sector using a mixed public/private model.

The rules governing retail stores will be similar to those currently in place for liquor, and public and private retailers will have similar operating rules. Note that while this document sets out Government's intentions for B.C.'s retail framework, it is subject to legislation yet to be passed at both the federal and provincial levels.

Who is this guide for?

This guide provides information for those who are considering applying for a provincial licence to retail non-medical cannabis. It contains preliminary information to help applicants make business decisions and describes the application process. This information will also assist local governments in preparing for potential retail store applications within their communities.

The Province recognizes that retail access in rural areas will require a different approach than the one employed in urban communities. There is a separate section related to rural areas at the end of this document.

Engagement with Indigenous governments and organizations is an important element in the development of the provincial regulatory framework for non-medical cannabis. To ensure the retail model appropriately addresses the unique considerations that must be taken into account with respect to Indigenous peoples, the Province remains committed to working in partnership with Indigenous peoples, governments and organizations. These discussions are ongoing and will continue beyond the initial date of federal legalization of cannabis.

Who is eligible?

All applicants will be assessed using the same evaluation criteria, which includes obtaining local government support and background checks of police/criminal records which will be examined on a case by case basis.

Application Process

In spring 2018, the Province will launch an online application portal for individuals and businesses who are interested in applying for a non-medical cannabis retail licence. Additional information on applicant registration will be posted on the website <https://www2.gov.bc.ca/gov/content/employment-business/business/liquor-regulation-licensing/cannabis-regulation> as it becomes available.

■ What is the process for applying for a non-medical cannabis retail licence?

When the application portal opens, you may start the application process by entering the required information and documents. This will allow you to provide the required information early so that the assessment of your application can begin as soon as possible once the applicable legislation is passed.

■ How long will the application process take?

The Province is committed to conducting thorough reviews of applicants and applications in order to ensure that licensed retailers will operate in a safe and lawful manner. A significant number of applications are anticipated, and plans are being put in place to enable the applications to be processed as efficiently as possible.

■ Will there be an application fee?

Yes, each applicant will be required to pay an application fee and a licensing fee. The amount of the fees has not yet been determined. Once the fees have been determined, they will be posted here <https://www2.gov.bc.ca/gov/content/employment-business/business/liquor-regulation-licensing/cannabis-regulation>.

Eligibility

■ If I operated an illegal dispensary prior to legalization, am I prohibited from receiving a licence to operate legally?

Having operated an illegal dispensary will not, on its own, exclude you from being considered for a licence. All applicants will be assessed using the same evaluation criteria, including background checks and local government support. Persons who have operated dispensaries prior to legalization will not receive preferential treatment in the provincial application process.

■ Does having a record of criminal activity exclude me, or a shareholder in my company, from obtaining a non-medical cannabis retail licence?

Having a record of criminal activity will not necessarily exclude you from obtaining a licence. As part of the required background check, police/criminal records will be examined on a case by case basis and evaluated in relation to their relevance to the application and the recentness of the activity or offence(s) committed. For example, low risk criminal activity may not exclude a person from becoming a licensee whereas associations with organized crime will exclude a person from becoming a licensee.

■ **I already have a liquor and/or tobacco licence. Am I automatically allowed to sell non-medical cannabis at my liquor store?**

No, you must apply for a non-medical cannabis retail licence. In addition, if you are granted a licence, you will be required to operate the non-medical retail cannabis store in a completely separate business location from any liquor and/or tobacco sales.

■ **If I, a family member, or a business partner, have an interest in a federally licensed producer or processor, can I be considered for a retail licence?**

Yes, a person or company may have an interest in both a producer and a retailer. However, the LCLB will place restrictions on the business relationship between the producer and the retailer. Where there is a close association (financial or otherwise) between a licensed producer and a non-medical cannabis retail business, the retail business will be prohibited from selling any products from the licensed producer. This restriction ensures that the market remains diverse and larger participants do not consolidate and control the market. The Province may create exceptions in the future to support micro-producers.

Application: Required Information

■ **Will I have to undergo a background check?**

Yes, you will be required to consent to a background check in order to be considered for a licence. Policy work is currently underway to determine which members of a corporation, partnership, or other legal business will be required to undergo a background check.

■ **What kind of information do I need to supply to the Province about my company?**

Depending on the type of entity your company is (corporation, partnership, society, etc.) the application system will prompt you to supply the related documents and names of partners, shareholders, directors, officers, and/or senior management.

■ **What information do I have to provide about my proposed location?**

You will need to provide the parcel identifier number (PID), proof of ownership or a copy of a fully executed lease that does not expire for at least 12 months from the date of licence approval, and a floor plan. If additional information is necessary it will be requested during the application process.

■ **Does my store have to be a certain distance from schools or other retailers?**

The Province will not impose distance requirements for non-medical cannabis retailers. However, local governments will have the authority to impose additional requirements. Therefore, you should inquire with your local government about local requirements before committing to a location.

■ **Are there any rules about what I can name my store?**

Your store name must be approved by the LCLB. The name of your store cannot be misleading as to what type of business you operate. As a non-medical cannabis retailer, you cannot choose a name that would lead people to believe you are a provider of medical cannabis. For example, the words “pharmacy”, “apothecary”, and “dispensary” all have meanings linked to the selling of medicines, so these words cannot be used in association with a non-medical cannabis store.

You must also comply with federal legislation and regulations respecting advertising and promotion.

Application: Local Government Requirements

The Province will permit local governments to decide whether they wish to have a non-medical cannabis retail store in their community. For the Province to issue a licence, applicants must have the support of the local government in the community where the proposed store would be located.

■ What is the process for obtaining local government support?

The local government must ask residents in the vicinity of the proposed retail location to comment on how the store would impact the community. The local government must consider this public input when deciding whether or not to support the application and must notify the LCLB of their decision by way of a council resolution.

■ Can I get local government support in advance of the provincial application?

The Province is working with local governments and the Union of B.C. Municipalities to develop the application process, including what information local governments will need to have in order to provide informed comments on the application. Further details will be announced once they are available. In the interim, it is recommended you check with your local government to ensure that you meet any criteria that are specific to your jurisdiction and to ensure that proper zoning is in place.

■ Do public stores have to go through the local government process?

Yes, public stores must also have local government support.

Licences

To sell non-medical cannabis in British Columbia, retailers will be required to obtain a licence from the Province. There will be two types of retail licences for:

- ▶ self-contained cannabis stores, and
- ▶ stores in rural communities.

■ Will there be a cap on the number of non-medical cannabis retail licences issued in B.C.?

The Province is not capping the number of licences issued. However, local governments will have the authority to make local decisions based on the needs of their communities. This means that some local governments may choose not to allow retail cannabis stores, while others may choose to cap the number of stores that are permitted to operate within their jurisdiction.

■ I only want to sell medical cannabis; can I apply for a medical cannabis retail licence?

No, medical cannabis will continue to be sold online by federally licensed producers only. However, like other Canadians, medical users will be able to buy cannabis from retailers of non-medical cannabis.

The federal government has committed to conducting a review of the medical cannabis system in five years.

■ **Will there be any restrictions on where a non-medical cannabis retail outlet can be located?**

The Province is not regulating the location of stores. However, local governments may choose to do so. For example, local governments may set requirements about the proximity of a store to another cannabis store, schools, daycares or other places.

■ **Will the Province be licensing consumption lounges?**

No, not at this time. The Province is focussed on introducing a safe and responsible retail non-medical cannabis sector; consideration will be given to other types of licences at a later date.

■ **Will sales of non-medical cannabis be permitted at outdoor festivals and other events?**

Initially, non-medical cannabis sales will only be permitted at the licenced retail site. Offsite sales may be considered in the future.

Operations

Provincial and federal governments are committed to ensuring that non-medical cannabis is sold in a lawful, responsible manner. To this end, a range of requirements will be put in place; from who a retailer can buy product from, to who may enter a store, to what type of products may be sold.

Operations: Physical store

■ **Are there any rules about the physical layout or construction of my store?**

To protect youth, the federal government requires that cannabis products must not be visible from outside your store. There will be many different ways for you to achieve this requirement (e.g. window designs). In addition, please remember that you must comply with federal requirements respecting advertising and promotion.

■ **Are there any security requirements for my location?**

You have a strong incentive to secure your premises both during and after operating hours to protect your inventory from theft. The Province is considering what security requirements will be necessary. In addition, local governments may also choose to impose security requirements.

■ **Can I sell non-medical cannabis as part of another business such as a liquor store or pharmacy?**

Not at this time. The Province may consider exceptions in the future, but for now, your non-medical cannabis retail store must be a self-contained business.

There will be exceptions for rural stores, similar to rural liquor stores. The criteria for determining rural areas are currently under development.

Operations: General

■ Can minors enter my store?

No. Unlike liquor stores, where minors are permitted if they are accompanied by a parent or guardian, minors must not enter your cannabis retail store.

There will be exceptions for rural stores to allow entrance by minors. The criteria for determining rural areas are under development.

■ What hours can I be open?

Cannabis retail stores can operate between 9 am to 11 pm unless further restrictions are put in place by your local government.

■ Are there any rules around pricing?

Policy work is ongoing and information on pricing will be made available as soon as possible.

■ Is there a limit on how much non-medical cannabis I can sell to a person?

The proposed federal *Cannabis Act* prohibits an individual from possessing in a public place a total amount of non-medical cannabis, in any authorized form, that is equivalent to more than 30 grams of dried cannabis. Non-medical cannabis must not be sold in amounts greater than this.

This means that if you sell different forms of non-medical cannabis to a single customer, the combined total amount sold must not exceed the equivalent amount of 30 grams of dried cannabis.

Equivalent amounts to 30 grams of dried non-medical cannabis for other cannabis products are listed in Schedule 3 of the proposed federal *Cannabis Act*.

■ Can I sell products online?

No, only the public retailer will be permitted to sell non-medical cannabis products online at this time. Consideration may be given to allowing private online sales in the future.

■ Can people consume non-medical cannabis in my store?

No. Consumption of any kind will not be permitted in the store, and providing samples will not be permitted.

■ Can I deliver my products?

No, retailers will not be permitted to offer a delivery service.

■ Do my employees and/or I need any special training or background checks?

In collaboration with industry, the Province will develop a mandatory training program for non-medical cannabis retail employees, which will be implemented over time. The Province will also be developing a registration requirement for employees which will include background checks. Details of this program are still being developed. Information will be provided as soon as that work is complete.

■ **Where do I have to store my inventory?**

All cannabis products will be required to be stored at your retail site. No offsite storage will be permitted.

■ **Will I be required to have a certain product tracking/inventory control system?**

The federal government has committed to creating a national seed-to-sale tracking system. This is currently under development and more information on retailers' responsibilities in relation to this system will be announced as it becomes available.

■ **Can I advertise my product?**

The federal government is regulating the advertisement of cannabis under the proposed *Cannabis Act* (Bill C-45). See the "Further Resources" section at the end of this document for a link to the Bill.

■ **Can my store sponsor events or teams?**

The federal government is regulating sponsorship under the proposed *Cannabis Act* (Bill C-45). See the "Further Resources" section at the end of this document for a link to the Bill.

Supply

■ **How do I obtain non-medical cannabis to sell in my store?**

The LDB will be the only source of legal wholesale non-medical cannabis. Retailers will not be permitted to purchase any cannabis products directly from licensed producers or any other source.

■ **Can I make financial arrangements with federally licensed producers?**

You cannot accept or request any inducement from a producer. This means you must not:

- ▶ pay money to secure access to a supplier's product;
- ▶ request money from a supplier in return for providing benefits such as preferential shelf space;
- ▶ accept money in exchange for agreeing not to stock a competitor's product.
- ▶ make agreements that give a retailer exclusive access to a producer's product, or product line.

■ **What types of non-medical cannabis can I sell?**

You can sell dried cannabis, cannabis oils and seeds that comply with federal requirements.

■ **Can I sell edibles?**

No, the proposed federal *Cannabis Act* does not permit the commercial production of edibles at this time. Therefore, you cannot legally sell them. The federal government has stated that edibles will be regulated within 12 months of legalization.

■ **What else can I sell besides dried cannabis and cannabis oil?**

You may sell “cannabis accessories,” as defined in the proposed federal *Cannabis Act*:

“Cannabis accessory” means 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 a thing that is represented to be used in the production of cannabis.

You cannot sell snacks, tobacco or other non-cannabis related items.

■ **What format will cannabis products be distributed in?**

LDB will distribute pre-packaged product only, with labelling compliant with federal standards, in ready-to-sell formats (no bulk products). The product brands belong to the licensed federal producers.

Retailers will not be authorized to re-package the product with their own branding. Information about specific size formats will be confirmed at a later date.

Inspections and Compliance

To ensure that non-medical cannabis is being sold in a lawful and responsible manner, the Province will establish a compliance program that will include education, inspection and enforcement activities. The focus will be on encouraging voluntary compliance.

■ **How often will I be inspected?**

Your store will be inspected at least once annually and any time the LCLB investigates a complaint about your store.

■ **What happens if I am found to be out of compliance?**

If an inspector observes a contravention of the provincial legislation at your establishment, you will be issued a Contravention Notice and the inspector may recommend enforcement action. Penalties for contraventions are under development, but could include a monetary penalty or a licence suspension or cancellation. There will be a reconsideration process for licensees that wish to challenge the result of an enforcement hearing.

■ **Can the police enter and inspect my store?**

Yes, police can enter and inspect your store to ensure you are operating in compliance with the legal requirements.

■ **What should I do with any product I have obtained from unlicensed sources?**

Once you have been issued your licence you must not sell cannabis obtained from a source other than the LDB.

Rural Areas

The Province is aware that it may be necessary to introduce special provisions for rural areas in order to provide access to non-medical cannabis to rural populations.

- **Can an existing business in a rural area be authorized to sell non-medical cannabis, like they are for liquor?**

The Province is considering this possibility because a self-contained non-medical cannabis retail store may not be a viable business in some rural areas.

- **Will the rural agency store model (RAS) used for liquor be used for cannabis?**

Many of the operational requirements of the RAS model used for liquor may be applied to non-medical cannabis. However, the Province is still evaluating how to best meet the need for rural access.

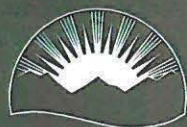
- **If I operate a RAS, will I automatically be able to sell non-medical cannabis?**

No, if a current RAS operator is interested in retailing non-medical cannabis, they will be required to apply for a licence specifically for non-medical cannabis.

Further Resources

Bill C-45 the draft federal Act can be found here <http://www.parl.ca/LegisInfo/BillDetails.aspx?billId=8886269>

Contact information: cannabisregs@gov.bc.ca



BRITISH
COLUMBIA

To: Electoral Area Services Committee

Date: 2018-04-10

From: Reg Dyck, Manager of Electoral Area Emergency Services

File No: 7200-01

Subject: Electoral Area Emergency Services Quarterly Report – March 2018

INTENT

This report is intended to advise the Fraser Valley Regional District Board of information pertaining to activity within the Emergency Services Department. Staff is not looking for a recommendation and has forwarded this information should members want more clarification to discuss the items further.

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

DISCUSSION

The following is a brief overview of the 1st quarter of 2018 for the Electoral Area Emergency Services Department:

Volunteer Fire Departments:

Training:

The implementation of a Record Management System "Firehall.net" has been completed with all halls now being able to track training. Extra courses offered and attended this quarter were; Hybrid Vehicle Response Train the Trainer, Hazmat Operations, Fire Service Instructor 1 and First Responder. Rick Huseby, a retired Calgary Firefighter now with Columbia Valley VFD, is now on a voluntary basis assisting with course development for FVRD Fire Departments. He brings with him a wealth of knowledge and experience.

Individual Firehall Activities

Boston Bar / North Bend:

- Responded to 4 calls for service

- Recruitment continues to be a significant challenge, the department is actively seeking more members

Chilliwack River Valley

- Responded to 22 calls for service
- Will be hosting a Critical Incident Stress Management Awareness session for families on March 28th

Columbia Valley

- Responded to 16 calls for service

Hemlock Valley

- Responded to 1 calls for service
- Acquired 1 new recruit
- Chief McKinney received his 25 year service pin

North Fraser

- Responded to 76 calls for service
- Acquired 6 new recruits
- Volunteer Appreciation Dinner was held on March 3rd
- Deputy Chief Stevens Received his 30 year Medal

Popkum

- Responded to 25 calls for service including assisting at a large incident on the Coquihalla Highway
- Received 5 new MSA self-contained breathing apparatus

Yale and District

- Responded to 6 calls for service
- Acquired 8 new recruits

Emergency Social Services:

During the 1st quarter our ESS Volunteers were called out to standby for 3 incidents including the Coquihalla bus crash.

There have been 3 Area Coordinators appointed to ensure speedy response to local events involving evacuees as well they will use their local knowledge to establish resources such as Reception Centres and Supplier agreements within their areas.

We were successful in our application of an ESS Grant in the amount of \$25,000 for the purchases new equipment for our ESS program and training opportunities for our ESS Volunteers.

Emergency Program:

In preparation of the coming spring, 6000 sandbags have been ordered and will be stored in strategic locations.

There has been a good response from the First Nation Bands which have Fire Protection Agreements with us. We presently have 4 out of 7 agreements in place and are looking to have the remaining 3 completed soon.

Continued progress has been made in Area 'H' concerning the Sleepy Hollow Evacuation Protocol. The committee continues working hard on this project.

Work on our Business Continuity Plan is progressing with regular committee meetings and staff input.

COST

There are no costs associated with this report

COMMENT BY:

Tareq Islam, Director of Engineering & Community Services

Reviewed and supported.

COMMENT BY:

Mike Veenbaas, Director of Financial Services

No further financial comments.

COMMENT BY:

Paul Gipps, Chief Administrative Officer

Reviewed and supported

To: Electoral Area Services Committee

Date: 2018-04-10

From: Graham Daneluz, Deputy Director of Planning & Development File No: 3090-20-2018-15

Subject: Development Variance Permit 2018-15 to reduce road frontage requirements to facilitate a 3 lot subdivision of 52505 Yale Rd, Area "D"

RECOMMENDATION

THAT the Fraser Valley Regional District Board issue Development Variance Permit 2018-15 to reduce the frontage requirement for Proposed Lots 'B' and 'C' at 52505 Yale Road from 10% of the lot perimeter to 9% and 2%, subject to consideration of any comments or concerns raised by the public

STRATEGIC AREA(S) OF FOCUS

Foster a Strong & Diverse Economy

Support Healthy & Sustainable Community

Provide Responsive & Effective Public Services

BACKGROUND

Proposal Description

The purpose of DVP 2018-15 is to facilitate the subdivision of 52505 Yale Road, Popkum, Area "D", (PID: 008-913-501) into three lots by reducing the required road frontage for proposed Lots 'B' and 'C' from 10% of the lot perimeter to 9% and 2% respectively.

The subject property is a 6798 m² (1.68 acre) vacant parcel that is zoned Suburban Residential-2 (SBR-2) under the *'Zoning Bylaw for Electoral Area "D", 1976 of the Regional District of Fraser-Cheam'*.¹ The minimum parcel size in the SBR-2 zone is 1100 m² where there is an approved community water system (as there is in Popkum).

The owners have applied to the Provincial Approving Officer to subdivide the parcel into three lots and have received Preliminary Layout Approval for the subdivision. To facilitate access to the proposed lots from Parkwood Drive, the owners have applied to the FVRD Board for a Development Variance Permit (DVP) to reduce the minimum road frontage requirement for two of the proposed lots.

¹ The property was rezoned to SBR-2 in 2017 by *FVRD Zoning Amendment Bylaw No. 1382, 2016*.

PROPERTY DETAILS

Electoral Area	D		
Address	52505 Yale Road		
PID	008-913-501		
Folio	733.06642.100		
Lot Size	1.68 acres		
Owner	Rick & Clarinda Herfst	Agent	n/a
Current Zoning	SBR-2	Proposed Zoning	n/a
Current OCP	SR	Proposed OCP	n/a
Current Use	Vacant	Proposed Use	Res. Subdivision
Development Permit Areas	n/a		
Agricultural Land Reserve	n/a		

ADJACENT ZONING & LAND USES

North	^	Suburban Residential (SBR-2), Single Family Homes
East	<	Suburban Residential (SBR-2), Single Family Homes
West	>	Country Residential (CR), Single Family Homes
South	v	Yale Road and Country Residential (CR), Single Family Homes

NEIGHBOURHOOD MAP



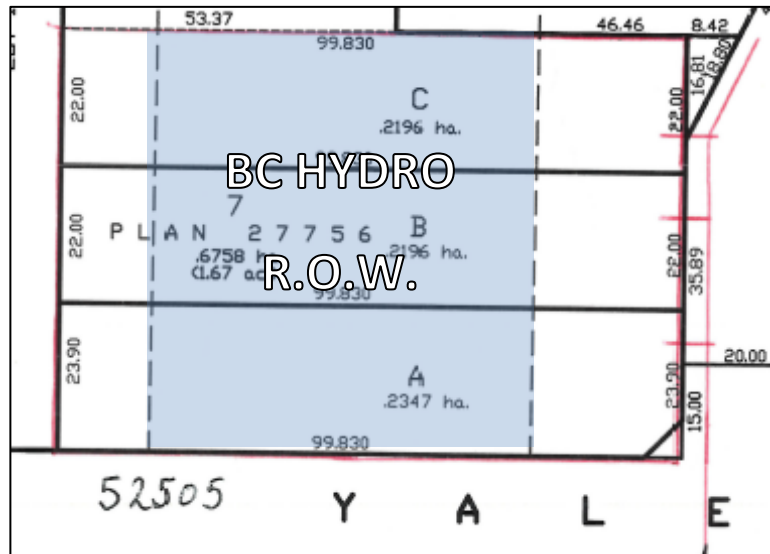
PROPERTY MAP



DISCUSSION

The subject property is proposed to be subdivided as shown on the plan at right. The three proposed lots would be accessed from Parkwood Drive because:

- i. A BC Hydro right-of-way occupies a north-south swath through the middle of the parent parcel preventing the proposed lots from being oriented to the longer frontage along Yale Road; and,
- ii. Access from Parkwood Drive is safer than access from Yale Rd and it avoids the obstruction to traffic that would result from additional driveways accessing the busy Yale Rd collector.



Section 512 of the *Local Government Act*, as well as Section 2303.2 of the '*Zoning Bylaw for Electoral Area "D", 1976 of the Regional District of Fraser-Cheam*', require that the minimum frontage for new parcels be at least 10% of the parcel perimeter. As shown in the table below, proposed Lots 'B' and 'C' would not meet this requirement.

Frontage Waiver (Development Variance Permit) Required

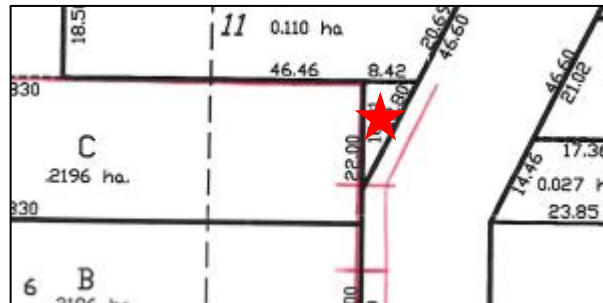
Pursuant to Section 512 of the *Local Government Act*, the minimum frontage on a highway must be a minimum of 10% of the perimeter of the lot width.

Proposed Lot	Frontage Distance	Frontage Percentage	Frontage Waiver Required
A	123m	50%	No
B	22m	9%	Yes
C	5m	2%	Yes

Accordingly, the applicants have applied for a Development Variance Permit to vary the minimum road frontage requirement for proposed Lots 'B' and 'C' from 10% of the parcel perimeter to 9% and 2% respectively.

Staff support the requested frontage reduction because:

- the BC Hydro ROW and road safety considerations prevent the new lots from being oriented to and accessed from the longer frontage on Yale Road;
- the proposed lots will all have adequate road access; and,
- the frontage of proposed Lot 'C' is restricted by the 'triangle'-shaped land adjacent to Parkwood Drive, shown at right with a red star, which belongs to an adjacent parcel and which limits the road frontage of the proposed lot. This 'triangle' is not a buildable parcel; it contains the 'Parkwood' subdivision sign placed by the developer of the subdivision to the north of the subject property.



COST

The Development Variance Permit application fee of \$350.00 has been paid by the applicant

CONCLUSION

The property owners have applied for a DVP to vary the minimum road frontage requirement for two of three lots proposed to be created by subdivision. Staff recommend that the FVRD Board issue the permit because the proposed road frontages are the result of unique site conditions (BC Hydro ROW

and existing lot configurations) and the proposed lots will have adequate access. The variance is not anticipated to negatively affect surrounding properties.

OPTIONS

Option 1 – Issue (Staff Recommendation)

Staff recommend that the FVRD Board issue Development Permit 2018-15 to reduce the frontage requirement for Proposed Lots 'B' and 'C' at 525050 Yale Road from 10% of the lot perimeter to 9% and 2%, subject to consideration of any comments or concerns raised by the public.

Option 2 - Refuse

If the Board wishes to refuse the application, the following motion would be appropriate:

MOTION: THAT the Fraser Valley Regional District Board refuse Development Variance Permit 2018-15.

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 2018-15 to FVRD Staff

COMMENTS BY:

Margaret Thornton, Director of Planning & Development:	Reviewed and supported.
Mike Veenbaas, Director of Financial Services	No further financial comment.
Paul Gipps, Chief Administrative Officer	Reviewed and supported



FRASER VALLEY REGIONAL DISTRICT DEVELOPMENT VARIANCE PERMIT

Permit No. Development Variance Permit 2018-15

Folio No. 733.06642.100

Issued to: Rick & Clarinda Herfst

Address: 54101 Yale Road East, Chilliwack, BC

Applicant: Rick & Clarinda Herfst

Site Address: 52505 Yale Road East, Area "D"

The lands affected by and subject to this permit are shown on Schedule "A", Location Map, attached hereto, which forms an integral part of this permit, and are legally described as:

LOT 7, SECTION 1, TOWNSHIP 3, RANGE 29, MERIDIAN 6, NEW WESTMINSTER DISTRICT, PLAN
NWP27756 MERIDIAN W6.
008-913-501

LIST OF ATTACHMENTS

Schedule "A": Location Map

Schedule "B": Site Plan

AUTHORITY TO ISSUE

1. This Development Variance Permit is issued under Part 14 – Division 9 of the *Local Government Act*.

BYLAWS SUPPLEMENTED OR VARIED

'Zoning Bylaw for Electoral Area "D", 1976 of the Regional District of Fraser-Cheam' is **varied** as follows :

The provision in Section 2303.2 concerning minimum frontage requirements in the SBR-2 zone is varied such that the minimum frontage of proposed Lots 'B' and 'C' (as shown on Schedule "B") are varied from 10% of the perimeter of the parcel to 9% and 2% respectively.

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 licenses 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.

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 2018-15. 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 23rd DAY OF May, 2018.

Chief Administrative Officer / Deputy

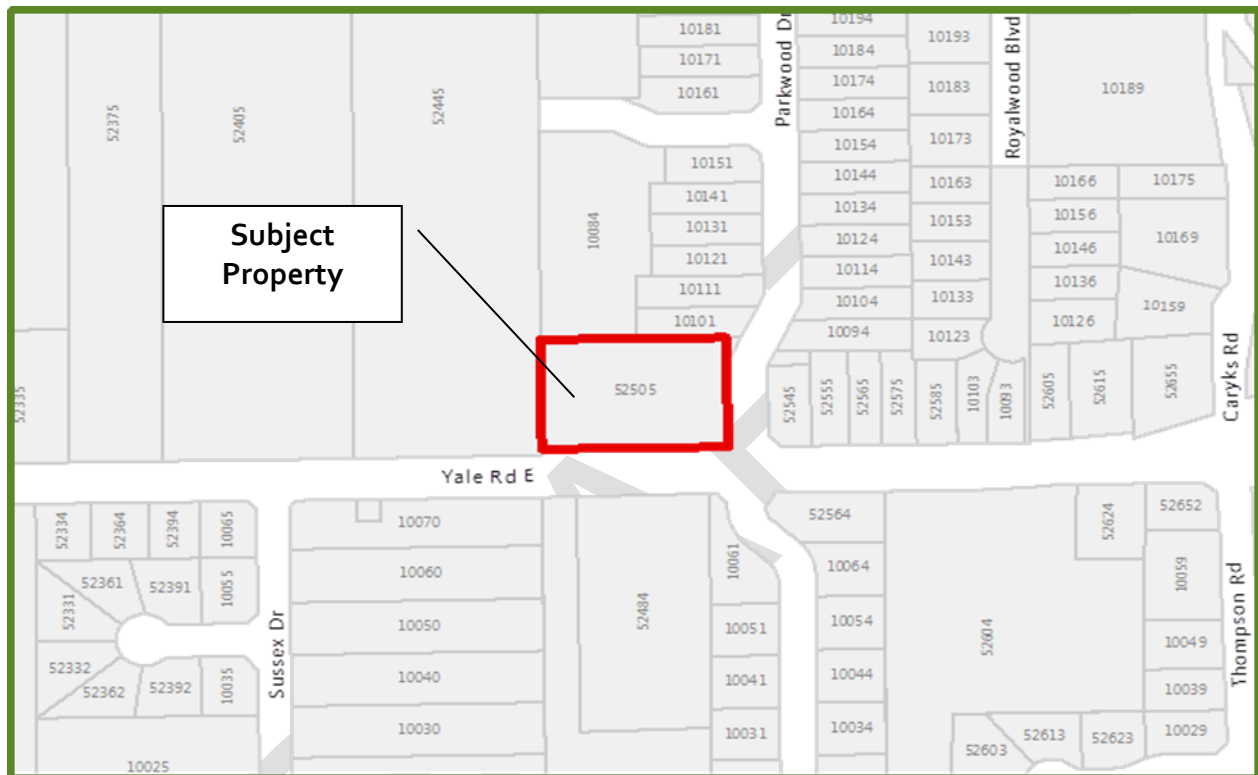
THIS IS NOT A BUILDING PERMIT.

THIS PERMIT DOES NOT CONSTITUTE SUBDIVISION APPROVAL.

DRAFT

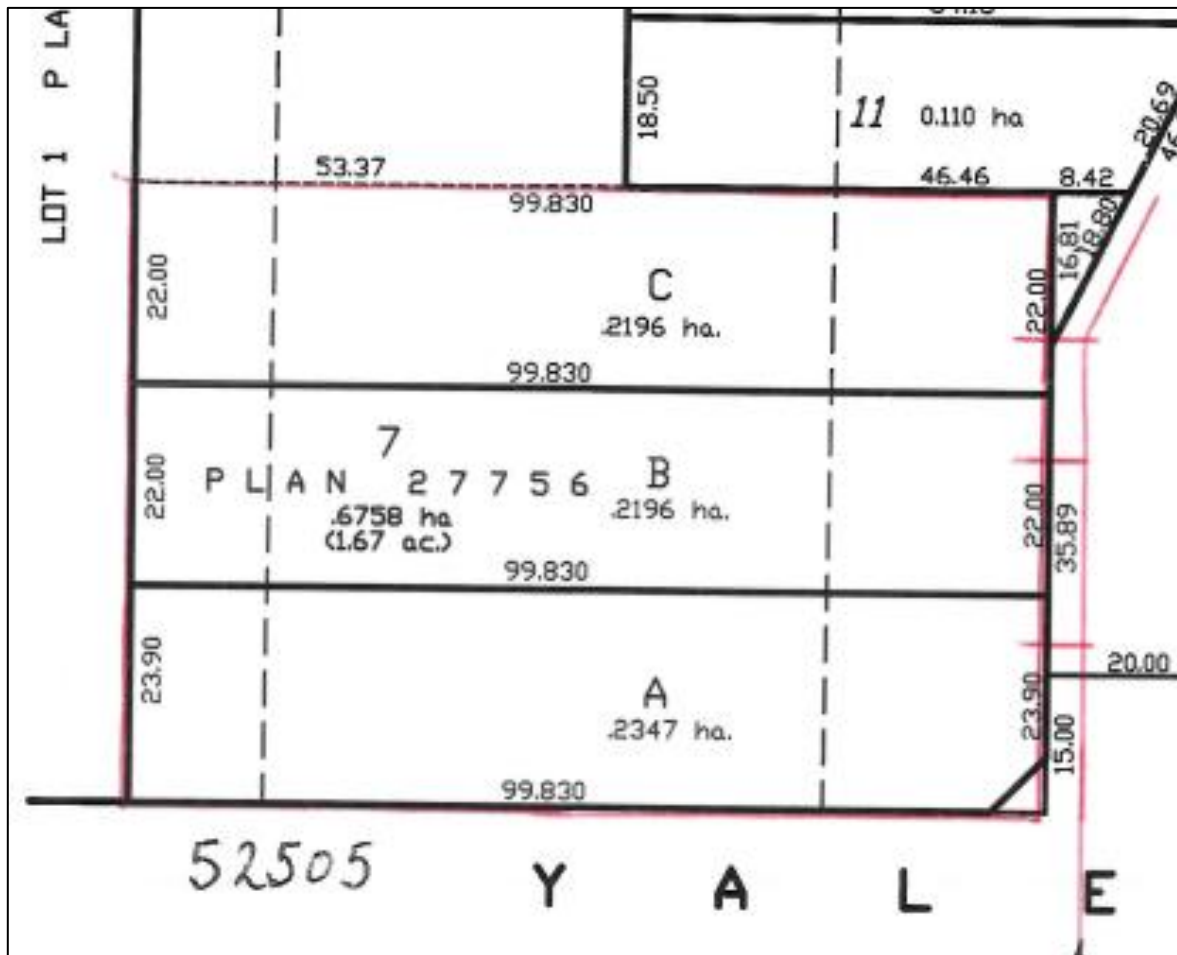
DEVELOPMENT VARIANCE PERMIT 2018-15 SCHEDULE "A"

Location Map



DEVELOPMENT VARIANCE PERMIT 2018-15
SCHEDULE "B"

Site Plan



SCHEDULE A-4

Permit Application

I / We hereby apply under Part 14 of the *Local Government Act* for a;

☒ Development Variance Permit

☐ Temporary Use Permit

☐ Development Permit

An Application Fee in the amount of \$ 350.00 as stipulated in FVRD Application Fees Bylaw No. 1231, 2013 must be paid upon submission of this application.

Civic Address 52505 YAVE RD EAST PID 008-913-501

Legal Description Lot 7 Block _____ Section 1 Township 3 Range 29 Plan 27756

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

☒ Owner's Contact Information

Office Use Only	Date	16 MARCH 2018	File No.	3090-20 2018-15
	Received By	CC	Folio No.	733.06642.100
	Receipt No.	5613/1	Fees Paid: \$	350.00

Agent

I hereby give permission to _____ to act as my/our agent in all matters relating to this application.

Only complete this section if the applicant is NOT the owner.

Signature of Owner	Date
Signature of Owner	Date

Agent's contact information and declaration

Name of Agent		Company
Address		City
Email		Postal Code
Phone	Cell	Fax

I declare that the information submitted in support of this application is true and correct in all respects.

Signature of Agent	Date
--------------------	------

Development Details

Property Size .6758 ha Present Zoning SBR

Existing Use SINGLE HOME RESIDENTIAL

Proposed Development 3 LOT RESIDENTIAL

Proposed Variation / Supplement Frontage Reduction

(use separate sheet if necessary)

Reasons in Support of Application TO FACILITATE SUBDIVIDING OF THE PROPERTY AND BECAUSE OF EAST/WEST ALIGNMENT DUE TO HYDRO RIGHT OF WAY. THIS WOULD ENABLE A BUILDING SITE ON EACH LOT FOR HOME CONSTRUCTION.

Page 2 of 4

Provincial Requirements

(This is not an exhaustive list; other provincial regulations will apply)

Riparian Areas Regulation

Please indicate whether the development proposal involves residential, commercial, or including vegetation removal or alteration; soil disturbance; construction of buildings and structures; creation of impervious or semi-pervious surfaces; trails, roads, docks, wharves, bridges and, infrastructure and works of any kind – within:

yes
☐

no
☒

30 metres of the high water mark of any water body

yes
☐

no
☒

a ravine or within 30 metres of the top of a ravine bank

"Water body" includes; 1) a watercourse, whether it usually contains water or not; 2) a pond, lake, river, creek, or brook; 3) a ditch, spring, or wetland that is connected by surface flow to 1 or 2 above.

Under the *Riparian Areas Regulation* and the *Fish Protection Act*, a riparian area assessment report may be required before this application can be approved.

Contaminated Sites Profile

Pursuant to the *Environmental Management Act*, an applicant is required to submit a completed "Site Profile" for properties that are or were used for purposes indicated in Schedule 2 of the *Contaminated Sites Regulations*. Please indicate if:

yes
☐

no
☒

the property has been used for commercial or industrial purposes.

If you responded 'yes,' you may be required to submit a Site Profile. Please contact FVRD Planning or the Ministry of Environment for further information.

Archaeological Resources

Are there archaeological sites or resources on the subject property?

yes
☐

no
☒

I don't know

☐

If you responded 'yes' or 'I don't know' you may be advised to contact the Archaeology Branch of the Ministry of Tourism, Sport and the Arts for further information.

Required Information

When providing Application Forms to the applicant, Regional District staff shall indicate which of the following attachments are required for this application. **Additional information may also be required at a later date.**

	Required	Received	Details
Location Map		<input checked="" type="checkbox"/>	Showing the parcel (s) to which this application pertains and uses on adjacent parcels
Site Plan		<input checked="" type="checkbox"/>	Reduced sets of metric plans
			North arrow and scale
At a scale of:			Dimensions of property lines, rights-of-ways, easements
1: _____			Location and dimensions of existing buildings & setbacks to lot lines, rights-of-ways, easements
			Location and dimensions of proposed buildings & setbacks to lot lines, rights-of-ways, easements
			Location of all water features, including streams, wetlands, ponds, ditches, lakes on or adjacent to the property
			Location of all existing & proposed water lines, wells, septic fields, sanitary sewer & storm drain, including sizes
			Location, numbering & dimensions of all vehicle and bicycle parking, disabled persons' parking, vehicle stops & loading
			Natural & finished grades of site, at buildings & retaining walls
			Location of existing & proposed access, pathways
			Above ground services, equipment and exterior lighting details
			Location & dimensions of free-standing signs
			Storm water management infrastructure and impermeable surfaces
			Other:
Floor Plans			Uses of spaces & building dimensions
			Other:
Landscape Plan			Location, quantity, size & species of existing & proposed plants, trees & turf
			Contour information (_____ metre contour intervals)
			Major topographical features (water course, rocks, etc.)
			All screening, paving, retaining walls & other details
			Traffic circulation (pedestrian, automobile, etc.)
			Other:
Reports			Geotechnical Report
			Environmental Assessment
			Archaeological Assessment
			Other:

The personal information on this form is being collected in accordance with Section 26 of the *Freedom of Information and Protection of Privacy Act*, RSBC 1996 Ch. 165 and the *Local Government Act*, RSBC 2015 Ch. 1. It will only be collected, used and disclosed for the purpose of administering matters with respect to planning, land use management and related services delivered, or proposed to be delivered, by the FVRD. Questions about the use of personal information and the protection of privacy may be directed to the FVRD Privacy Officer at 45950 Cheam Avenue, Chilliwack, BC V2P 1N6, Tel: 1-800-528-0061 FOI@fvrld.ca.

Reasons for Decision

In the Matter of

Notice of Work (NoW) “1610123 - Golden” (the Application) on Sumas Mountain, BC

dated March 1, 2017

March 23, 2018

1.0 Introduction

This is a summary of my considerations, rationale and decision-making regarding the Notice of Work (NoW) application under the *Mines Act* entitled “1610123 - Golden”, (the Application), Mine Number 1610123201701, Tracking Number 100180879, dated March 1, 2017 and received by the BC Ministry of Energy and Mines (now known as MEMPR) on March 9, 2017. The applicant is a numbered company, 266531 BC Ltd (Applicant), and Mr. Howard Turner is the agent acting on behalf of the Applicant. For all intents and purposes, communication with the agent is deemed to have also been with the Applicant. The Application is for mining activities on Sumas Mountain that include the quarrying, crushing, screening and stockpiling of rock for landscape and decorative purposes.

2.0 Legislated Authority

Pursuant to s.10(1) of the *Mines Act*, R.S.B.C. 1996, before starting any work in, on, or about a mine, the owner, agent manager or any other person must hold a permit for that work issued by the chief inspector of mines, unless exempted in writing by the chief inspector.

The application for a permit must include a plan outlining the details of the proposed work and a program for the conservation of cultural heritage resources and for the protection and reclamation of the land, watercourses and cultural heritage resources affected by the mine, including the information, particulars and maps established by the regulations or the Health Safety and Reclamation Code for Mines in BC (Code).

Pursuant to Part 10.1.1 of the Code, the proposed mine plan and reclamation program filed with the inspector in compliance with section 10 (1) of the *Mines Act*, shall consist of the appropriate Notice of Work forms together with such other information as the inspector may require, for approval of placer mining, sand and gravel pits, rock quarries and industrial mineral quarries.

At the time of the Application and the decision, I had, and continue to have delegated authority as a senior inspector of mines (permitting) from the chief inspector under section 6 of the *Mines Act*. My considerations and rationale are limited to the authorization issued under the *Mines Act*.

I understand an application had been made to the Chief Gold Commissioner under the *Mineral Tenure Act* for an extension of the mining lease on which the Application for a quarry is made; however, my decision is separate and distinct from that application. I am aware other authorizations may be required under other legislation or by other governing bodies, other than the *Mines Act*.

3.0 Overview of the Application

3.1 Background

Mineral exploration permit MX-7-150 was issued to the Applicant (266531 BC Ltd) in March 2003 and subsequently amended in December 2008. The permit was for the extraction of 9,000 tonnes (T) of dimension stone/decorative rock (a mineral) over the area roughly coincident with the current Application. In 2011, 265531 BC Ltd applied for a *Land Act* tenure to obtain a licence to quarry for decorative stone, however that application (2410612) was subsequently withdrawn.

No physical disturbance of the ground was reported under MX-7-150 for the years 2009 – 2017. The Applicant filed a Notice of Work (NoW) application, dated March 1, 2017 for a quarry (Q) permit to allow for mining activities as summarized below. The Application consisted of the NoW form with the required maps, sections and a blast plan which included procedures for guarding, blast initiation, blast hole loading and fly rock control.

In September 2017, 265531 BC Ltd applied for a return of the reclamation bond under MX-7-150. The Annual Summaries of Exploration Activities submitted by the company for 2009 – 2017 indicated that no physical work had been conducted under the permit. The reclamation bond was returned to 265531 BC Ltd. and permit MX-7-150 was closed in September 2017.

3.2 Location, Access and Tenure

The Application is for mining activities on Crown land. The area of the proposed mining activity, as described in the Application and herein referred to as the Application Area, is on mineral tenure 1046251, situated near the top west side of Sumas Mountain (49.1165° N, 122.1540° W) in the lower Fraser Valley, east of the City of Abbotsford (Abbotsford), and approximately 65 km east of Vancouver, BC.

Mineral tenure 1046251, which includes the Application Area, is in the S'olh Téméxw, the asserted traditional territory of the Stó:lō First Nations, signatories to the Stó:lō Strategic Engagement Agreement, and within the asserted traditional territory of a number of other First Nations. Mineral tenure 1046251 is also in Electoral Area G of the Fraser Valley Regional District (FVRD), adjacent to and contiguous with Sumas Mountain Inter-Regional Park (SMIR Park) which is managed jointly by the FVRD and Metro Vancouver Regional District (MVRD).

Access to Application Area from Abbotsford is east on the Trans Canada Hwy then north on Whatcom Rd for less than 100m to North Parallel Rd, then easterly on North Parallel Rd to Sumas Mountain Rd., then northerly to Batt Rd, then southerly to Taggart Rd, then easterly along Sumas Mountain Forest Service Road to the higher elevations on the mountain. Sumas Mountain Forest Service Road is also used as the only public access road to SMIR Park.

The mining tenure on which the Application is made is Mining Lease (ML) 1046251, issued August 25, 2016 and covers 106.0 hectares (ha). The ML is owned 100% by 266531 BC Ltd. and overlaps the SMIR Park on the northeast side of the mineral tenure. The ML holder must not carry out exploration and development or produce minerals in a park, as per s. 22 of the Mineral Tenure Act.

3.3 Proposed Mining Activity

The Applicant has applied for a quarry (Q) permit under the *Mines Act* to allow for the extraction of industrial mineral (decorative landscape rock). Key activities, aspects and scheduling of the mining activities proposed in the Application include:

- Quarrying: drilling (6" bore dia.), blasting, excavation, (Excavator Cat-349E, 4 cubic yard and 980K Cat Loader 7.5 cubic yard)
- Processing: crushing (both jaw and cone crushers), screening (triple deck screen) and stockpiling (with stacking conveyor) of rock for landscape and decorative purposes;
- Crushing between 7:00AM and 7:00PM, Monday to Saturday; blasting anytime during a regular shift; operating year round for a fifty year period (Sept. 1, 2018 to Aug. 31, 2068);
- Maximum annual extraction of 59,000 T of 1-12 inch clear material;
- New access construction (0.4km) and modification of existing access (1.61 km) +/- 10m wide with proposed stream crossings (culverts);
- New heli-pad construction (0.3 ha);
- A small ATCO Trailer (2.5m x 6.0m) for a site office, staging area (1.5 ha);
- Estimated total mineable reserves over the life of mine of 2,000,000 T;
- Total disturbance of 9.84 hectares.

3.4 Land Use and Status

The province of BC and the Fraser Valley Regional District (FVRD) entered into an agreement in 2001 to establish a regional park (Sumas Regional Park) on certain lands on Sumas Mountain with the intent that the lands would be used as a park for public use and enjoyment and conservation. In 2012 the FVRD and Metro Vancouver Regional District (MVRD) announced an agreement to create Sumas Mountain Inter-Regional Park (SMIR Park) to jointly protect and enhance lands in the Sumas Mountain area for conservation and recreation. Those lands included the existing park lands managed by the FVRD, with the intent to incorporate more greenspace on the mountain's south and west flanks owned by Metro Vancouver and the City of Abbotsford.

The Application Area is on the west exposed side of Sumas Mountain approximately 75m to 100m from the north edge of ML 1046251, which overlaps the SMIR Park to the north and east of the mining lease. The overlapping area of ML 1046251 is excluded from exploration, development and mining as per the *Mineral Tenure Act*.

The Application Area has been previously logged and planted. New trees in the area are in the order of 15 to 30+ years old and are in the regeneration stage. The land is under Woodlot Licence W2057, issued to "Sumas First Nation" on January 1, 2013 for a term of 20 years, subject to future replacement.

Lands in the Application Area, on Sumas Mountain and within SMIR Park are used by hikers, runners, cyclists, equestrians, naturalists and others for recreation, enjoyment and spiritual purposes. A popular network of trails exists on the mountain; some of which traverse or are in close proximity to Application Area. A public vehicle parking lot for park users is situated approximately 125m south of the Application Area on the Sumas Mountain Forest Service Road.

4.0 First Nations

4.1 Consultation

The Province has a duty to consult and, if appropriate, accommodate First Nations with respect to decisions that could adversely impact asserted or established Aboriginal or treaty rights and title (“Aboriginal Interests”). The content of the duty to consult varies with the circumstances.

Many First Nations have asserted traditional territories overlapping the Application Area. The province initiated consultation with these First Nations on August 9, 2017 and has received, accepted and considered input from First Nations as part of its consultation process.

4.1.1 Consultation under the Stó:lō Strategic Engagement Agreement

Mineral tenure 1046251 and the Application Area lie within S'olh Téméxw (Our Land: Our World), the asserted traditional territory of the Stó:lō people. In 2014, the Province and sixteen Stó:lō First Nations entered into a Strategic Engagement Agreement (Stó:lō SEA), that sets out the process by which the Province will consult the Stó:lō First Nation signatories (Stó:lō First Nations) with respect to proposed activities in a defined geographic area. The SEA process applies to the Application Area and this process was followed for consultation with these sixteen Stó:lō First Nations.

The People of the River Referrals Office (PRRO) is the organization identified under the SEA as responsible for administering all referrals relating to a proposed activity that may impact the territories of the Stó:lō First Nations. The PRRO assesses potential impacts on behalf of Stó:lō First Nations and helps coordinate engagement with the Province.

Consultation with the Stó:lō First Nations, which includes a smaller subset of First Nations understood to most likely be affected by the Application, was carried out in accordance with the Stó:lō SEA. An initial referral was submitted to the PRRO via the Stó:lō Connect web portal on August 10, 2017. The Province engaged both with the PRRO and directly with specific Stó:lō First Nations. The PRRO identified Sema:th (Sumas) and Leq'á:mél First Nations as the communities to be engaged with on the Application along with their positions to reject the Application.

The Final Engagement Level under the SEA was confirmed by the PRRO as Level 3 (Extensive). Consultation with Sema:th First Nation (SFN) was considered to be Deep, and consultation with Leq'á:mél First Nation (LFN) to be Normal, based on consideration of the strength of claimed Aboriginal Interests and potential adverse impacts discussed in sections 4.2 to 4.4 below.

Consultation for a proposed quarry for decorative stone dates back to 2011 when referrals were first sent to First Nations regarding a *Lands Act* Lease application (file 2410612) for a quarry over essentially the same ground as the current Application. The file was held in abeyance for three years to allow the Applicant to resolve internal management and financial issues. A decision to disallow the lease under the *Lands Act* was made in May of 2014 following an email from the Applicant informing the Ministry of Forests, Lands and Natural Resource Operations that they would instead be pursuing a permit under the *Mines Act*. SFN were opposed to this initial quarry

proposal, and their current concerns and opposition are consistent with the responses received on this Application.

The Applicant's description of First Nations engagement activities in the current Application indicates that company personnel consulted with Chief and Council of the SFN four years ago. The company's engineer also had a meeting with the Chief and explained that 266531 BC Ltd. was in the process of developing a quarry on Sumas Mountain. The Chief conveyed to the Applicant that the mountain was, in the eyes of the SFN, sacred land and therefore the SFN was not in favour of any development on the mountain. The Chief conveyed to the company the band was not interested in any resource development and/or being part of any resource development on Sumas Mountain. The Applicant states there is no documentation from the company's meetings with First Nations.

4.1.2 Consultation with Other First Nations

In addition to consultation through the SEA, the province sent consultation letters dated August 9, 2017 to the following First Nations or organizations representing First Nations:

- Cowichan Tribes
- Halalt First Nation
- Lake Cowichan First Nation
- Lyackson First Nation
- Penelakut Tribe
- Peters Band
- Seabird Island Band
- Semiahmoo First Nation
- Stó:lō Nation
- Stó:lō Tribal Council
- Stz'uminus First Nation

No responses were received by the Province from these listed First Nations.

4.2 Aboriginal Interests Assessment

SFN is assessed as having strong *prima facie* claim for Aboriginal rights and title to the Application Area.

LFN is assessed as having a weak-to-moderate *prima facie* claim for Aboriginal Rights and a weak *prima facie* claim for Aboriginal Title to the Application Area.

4.3 Summary of First Nations Concerns and Input

The following potential impacts were provided by the PRRO, SFN and LFN:

4.3.1 Cultural Heritage

- According to the S'ólh Téméxw Use Plan, Sumas Mountain is considered a cultural landscape feature zone representing terrestrial sites on the landscape that are integral to Stó:lō worldview and establishes their unique relationship with the land and resources of

their traditional territory; avoidance/no impacts is the preferred policy with respect to any development proposals;

- The Application Area overlaps a resource harvesting site where Stó:lō have harvested resources critical to their cultural, spiritual, and/or physical well-being. SFN have indicated that they still collect traditional medicinal plants in the area;
- The Application Area overlaps a Spiritual Practice Site where Stó:lō ceremonies are held, critical to their cultural and spiritual wellbeing;
- The Application Area overlaps a Sxwōxwlyám site, tied to Stó:lō oral histories of the distant past. Sumas Mountain plays a central role in the SFN flood story where they fled for refuge;
- The Application Area is situated in an area of high archaeological potential, as determined by the archaeological potential model utilized by the PRRO;

4.3.2 Environmental

- Potential impacts to the integrity of terrestrial environmental values; Sumas Mountain is a highly culturally sensitive area and for the collection of traditional medicinal plants;
- Potential impacts to the integrity of aquatic environmental values;
- Potential impacts to the integrity of floral and faunal environmental values;
- Potential impacts to the integrity of fish related environmental values;
- Proximity of the project area to Chadsey Lake (650m), an area of significant cultural, ecological, and spiritual value for SFN. Recent Traditional Use and Occupancy (TUOS) identified significant cultural heritage, traditional use and other cultural resource related values associated within this area;
- Sumas Mountain is considered sacred to SFN and other First Nations;
- Loss of access for cultural pursuits such as harvesting, hunting, and traditional and ceremonial practices.

4.3.3 Health

- The project has potential to negatively impact land and resource sustainability in S'ólh Téméxw. (impacts to the health, safety and well-being of Stó:lō members and their communities).

SFN have expressed their unequivocal opposition to the project in writing and follow up meetings have only solidified this position. The LFN have also expressed their unequivocal opposition to the proposed quarry.

The PRRO provided their final consultation report indicating the referral had been rejected by SFN and LFN and that the Stó:lō SEA decision has been made to reject the Application.

4.4 Impacts Assessment

A seriousness of impacts assessment for the proposed quarry was completed by the province. The assessment concluded the project represents serious impacts to both Aboriginal Title and Rights for SFN.

The following are the key impact factors that were considered particularly relevant in assessing the seriousness of impacts.

- The length of the Application term (50 years) and with operations proposed year-around, would effectively prevent First Nations from using the land within the Application Area for a duration of ten years (term of the lease), and potentially beyond for the remaining mine's life, unless permission for access is granted from the mine manager.
- The amount of new disturbance proposed in the application is 9.8 hectares and includes an area of 7.7 hectares over which quarry rock will be removed at a rate of up to 59,000 tonnes/year.
- It is expected that the quarry operations proposed in the Application would result in an increase in truck traffic along roads on Sumas Mountain.
- Quarry operations would include continuous use of heavy machinery and are expected to result in a significant increase in noise immediately surrounding the Application Area. Blasting will occur periodically and is expected to result in temporary access, exit and area restrictions, and significant noise disturbance over a much greater area than just the quarry permit area.
- The number and size of existing permitted mines (quarries) on Sumas Mountain were considered in assessing the cumulative effects of existing development on Sumas Mountain and the impacts to availability (diminished area) and opportunity to exercise Aboriginal interests (i.e. harvest traditional medicinal plants, hunting, spiritual practices).
- Consideration has been given to the First Nations' perspective on the impacts to their use of the Application Area and more generally on Sumas Mountain. SFN, LFN and the PRRO have all stated their outright opposition to the Application given the significant ecological, cultural and spiritual values that exist across Sumas Mountain, including the surrounding the Chadsey Lake area (650m northeast of the Application Area), for a substantial number of decades.

4.4.1 Impacts to Aboriginal Rights

Numerous factors were considered in the Province's assessment of the overall seriousness of impact of the Application to Aboriginal rights; however the following describes those factors given the greatest weight. Impacts to Aboriginal rights were considered for SFN and LFN.

SFN and the PRRO have indicated that the Application Area overlaps with sites used to harvest traditional medicinal plants. If permitted, the quarry would effectively prevent First Nations from pursuing such activities within the Application Area for at least the duration of operations and site reclamation. The availability of such plants elsewhere throughout Sumas Mountain is unclear. However, it would seem reasonable to infer that based on the site's proximity to the public parking lot, the quarry, if permitted could materially affect how and when SFN accesses these plants and as a result, weak to moderately impact the Aboriginal right to harvest plants.

A similar argument can be made for SFN's Aboriginal right to harvest wildlife; Sumas Mountain is understood to have provided important deer hunting opportunity. If permitted, the quarry could displace deer and materially affect how, where and when SFN access and travel to hunting areas, and as a result, weak to moderately impact the Aboriginal right to hunt.

Consideration has been given to the serious impacts to the social and cultural context of exercising Aboriginal rights. The Application proposes significant disturbance to the immediate Application Area and will likely impact the experiential component of exercising Aboriginal rights, particularly with respect to peaceful enjoyment. Further, serious impacts to the social, cultural and spiritual aspects are expected as a result of the Application Area overlapping ceremonial and spiritual sites. Impacts to medicinal plants have also been considered within this context.

4.4.2 Aboriginal Title

Numerous factors were considered in the Province's assessment of the overall seriousness of impact of the Application to Aboriginal title; however the following describes those factors given the greatest weight. Impacts to Aboriginal title were considered only for SFN.

On the use and occupation component of Aboriginal title, the Province considers the seriousness of impacts to be serious. The degree and extent of alienation of the area, the degree and functional effect of the disturbance, access restrictions and impacts to the experience and enjoyment of SFN members in the area were all considered.

The Application is viewed as being incompatible with SFN's vision for the land and would directly conflict with their land use objectives, their ability to proactively use and manage the land and to make decisions in the Application Area.

Regarding economic benefits, SFN would in no way benefit from the Application. SFN have not indicated through consultation a desire; however, Any potential aspirations on the part of the SFN to pursue economic development in the area would likely be directly impacted with the presence of an operating quarry.

Based on the above factors, the Province has concluded that the impacts to both Aboriginal rights and title as a result of the Application are likely to be serious.

4.5 Conclusion on Consultation and Accommodation

In making my decision on the Application, I have considered all key issues raised during the First Nations consultation process, even if they are not specifically identified in these reasons for decision.

I have been advised by First Nations relations staff directly involved in consultation of the seriousness of impacts to Aboriginal Interests and that given the lack of accommodations available to address these there is significant risk in issuing a permit based on the Application and information before me.

Review and careful consideration of all relevant information, has led me to conclude that consultation between the Province and First Nations has been adequate and meaningful and that the Province's legal obligations have been met. . It is my understanding that the terms of the SEA have been followed.

I have concluded that issuing a permit based on the Application and information before me would result in serious, immitigable impacts to Aboriginal Interests and that no accommodation is available at this time to address those impacts.

5. Other Agency and Local Government Concerns

5.1 Ministry of Forests, Lands & Natural Resource Operations - Chilliwack Forest

The Applicant indicated the total volume of timber to be cut under this proposal would not exceed 50m³ of merchantable timber and therefore only a Free Use Permit issued by MEM is required.

Under section 52 (1) of the *Forest and Range Practices Act*, “A person must not cut, damage or destroy Crown timber unless authorized to do so”. This legislation indicates that it is unlawful to cut, damage or destroy Crown timber of any size unless authorized; it does not distinguish between merchantable and non-merchantable. The Applicant would be required to obtain authorization from the Ministry of Forests, Lands, Natural Resource Operations & Rural Development.

Before using a Forest Service Road for industrial purposes, the Applicant would have to acquire a Road Use Permit from the Chilliwack Natural Resource District. Before doing any work or improvement within a Forest Service right of way (Sumas Mountain Forest Service Road), the Applicant would have to acquire a Works Permit from the Chilliwack Natural Resource District.

5.2 Fraser Valley Regional District (FVRD)

The FVRD manages Sumas Mountain Inter-Regional Park (SMIR Park) jointly with the MVRD. The FVRD objects to the proposed mining activity, and raises certain concerns, some of which are described below:

- A Permit to remove aggregate is required under the FVRD Electoral Areas Commercial Gravel Operations Bylaw No. 1181, 2014.
- FVRD Zoning does not permit aggregate processing. OCP policies do not support aggregate processing and state that the potential impacts of aggregate operations in the area should be considered in terms of their cumulative impacts, because there are a number of such operations already in the area.
- The Sumas Mountain Inter-Regional Park (SMIR Park) parking lot facility and trails are directly adjacent or travel through the proposed extraction site. Park impacts also include; visual, noise, dust and vibration impacts.
- There are potential environmental and hydrological impacts to Sumas Mountain habitat adjacent to SMIR Park, including potential impacts to Mountain Beaver (Species at Risk).

While local governments can zone with respect to secondary processing, they cannot regulate mining itself. Notice of the FVRD’s bylaws was communicated to the Applicant. The FVRD provided comments on the Crown land referral for the same land in 2011 and a Mining Lease referral in 2015. In both instances the FVRD raised strong objections to the proposed Crown lease and mining activity.

5.3 Metro Vancouver Regional District (MVRD)

The MVRD manages Sumas Mountain Inter-Regional Park (SMIR Park) jointly with the Fraser Valley Regional District (FVRD).

MVRD is opposed to the mining activities as described in the Application. MVRD opposed a 2011 application to the Ministry of Forests, Lands and Natural Resource Operations for a *Land Act* Lease to

establish a quarry in the same general area as the current Application. MVRD's concerns are summarized below:

- No impact assessment has been provided with the Application.
- Quarry operations require tree, ground cover and soil removal, and generate noise, dust, traffic and visual alterations of the landscape. This can degrade wildlife habitat and corridors, hydrology, and other environmental and cultural values.
- Existing trails connecting the staging and parking area for the park to internal trails are directly affected by the proposed works.
- The overall visitor experience and safety are expected to be impacted by the quarry activities (including dust, noise, vehicle traffic, access disruption).
- Recreationists in vehicles and on bicycles would share the same Forest Service Road mountain access.

6. Public Concerns

Public notice of the Application was advertised in the BC Gazette, Abbotsford News and by a public notification sign posted on a trail access on the southern boundary of the proposed mine area. A copy of the Application including supporting documentation was available for public viewing at Clearbrook Public Library in Abbotsford.

Sumas Mountain is recognized for the recreation features and opportunities it offers Lower Mainland residents. As the surrounding area is used recreationally for a number of activities, there is potential risk to those user's health and safety in and proximal to the Application Area.

Existing recreational uses in and around the Application Area are reported to include: hiking, trail running, mountain biking, horseback riding, nature/wildlife viewing and birdwatching, and spiritual endeavours. Recreational and other public users who access and use roads and trails in and around the Application Area include:

- Fraser Valley Mountain Biking Association (FVMBA)
- Abbotsford Trail Running Club
- Fox Fleet Female trail runners
- Valley Vertikiller Trail Races
- Run for Water (R4W, a registered charity that has hosted trail running races)
- Central Fraser Valley Search & Rescue

All of the above have expressed their opposition to this project. Significant public opposition was noted in an online petition. Many of the concerns raised by the public are similar to those mentioned by the FVRD and MVRD.

My review of the Application Area indicates that it completely overlaps a 140m length of former logging road which is now used as a walking / biking trail by a substantial number of the public, thus eliminating

access to the rest of the road/trail beyond. The road/trail beyond the Application Area is used as the primary hiking access route to Chadsey Lake in SMIR Park.

The boundary of the Application Area is within 50m of over 1,000 linear metres of two former logging roads now used as walking / biking trails by the public. These trails exist on both the north and south sides of the proposed quarry. A portion of these routes on the south side of the Application Area is used for vehicles to access and service the SMIR Park and communications infrastructure (microwave / repeater stations) east of and beyond the Application Area. The main (upper) public parking lot on the Sumas Mountain Forest Road serves as the only public entrance and staging point for SMIR Park. The parking lot is within 130m to the south of the proposed quarry boundary.

Even though many trails, routes and roads exist outside the Application Area, they would be impacted by the proposed mine activities (primarily blasting) in terms of the timing for use of access, as these routes would have to be closed to the public for periods of time, guarded and monitored for safety to protect the public from approaching the Application Area during a blast, and then for clearing an area after a blast. The Application Area and its periphery could pose a significant challenge to monitoring and public safety for those on nearby trails and roads.

Other concerns or impacts, both within and outside the Application Area include:

- Temporary (during periods of blasting) or near-permanent (decades) loss of roads and existing trail infrastructure;
- Significantly increased heavy-duty commercial vehicle traffic volume and frequency on a winding gravel surface road shared with the public;
- road safety related to steep grades, steep side-slopes and drop-offs, size and type of vehicles, road widths and pull outs, limited visibility due to sharp bends, slow vehicle speeds and long stopping distances for loaded vehicles heading down hill, access may need to be radio-controlled, further limiting access to SMIR Park by the public and maintenance workers;
- potential impacts to hydrology and hydrogeology, from the Application Area and road run-off;
- loss of ecosystem habitat, green-space and potential impacts to aquatic environments.

7. Ecosystem Concerns

A Sensitive Ecosystem Inventory (SEI) of Sumas Mountain was drafted in 2010. It noted over 40 species at risk and six ecosystems at risk on Sumas Mountain. The conversion of natural areas to other land uses on Sumas Mountain has resulted in habitat loss and fragmentation, leading to reduced tree cover, water sedimentation and pollution, changes in hydrological regimes, intensive recreational use and the spread of invasive plant species.

The SEI noted young forests on Sumas Mountain are generally greater than 30 to 40 years old and can be important habitat areas for many wildlife species. They serve as primary connections between ecosystems in a highly fragmented landscape. Over time, if no additional disturbances occur, many of these ecosystems may develop into mature forest and eventually older forest class ecosystems.

Red-listed (i.e., endangered) species known or suspected to occur in the SMIR Park include:

Pacific Giant Salamander	- Chadsey Lake area
Peregrine falcon	- throughout
Spotted Owl (observed 1959)	- throughout
Pacific water shrew	- Chadsey Lake
Western Long-eared Myotis (bat)	- coniferous/mixed forest/bluffs
Keen's Long-eared Myotis (bat)	- coniferous/mixed forest/bluffs
Snowshoe hare	- coniferous forest/mixed forest
Mountain beaver	- coniferous forest/shrub-grass

Blacktail deer, black bear, coyote and bobcat are also known to range throughout Sumas Mountain.

Two red-listed wildlife species worthy of note are the mountain beaver and Pacific water shrew. In Canada, the mountain beaver is unique in BC and limited numbers occur in the Fraser Valley. One of the main concentrations is near Sumas peak, in open shrubby and grassy areas and in the adjacent coniferous forest.

Recommendations of the SEI included:

- Maintain as much habitat as possible to sustain population viability of species, particularly those already at risk due to specialized habitat requirements.
- Establish buffers around core habitat and other core conservation areas to protect against possible adverse effects from adjacent land use, and to preserve linkages between these areas.

8. Application Review and Response from the Applicant

The Notice of Work (NoW) online application form requests the Applicant to provide descriptions of the proposed mining activities and other information relevant to the application. Where information or a description is unclear, lacking or absent, a mines inspector may request additional information.

Pursuant to Part 10.1.1 (1) of the Code, the proposed mine plan and reclamation program filed with the inspector in compliance with section 10 (1) of the Mines Act, shall consist of the appropriate NoW forms together with such other information as the inspector may require, for approval of placer mining, sand and gravel pits, rock quarries and industrial mineral quarries.

Part 10.1.3 of the Code states that the application shall include certain information, including the following:

- (b) the present use and condition of the land and watercourses including:
 - (i) land ownership, including surface and mineral rights, licensed or permitted users,
 - (v) fisheries and aquatic resources,
 - (x) wildlife,
- (c) established and asserted aboriginal and treaty rights;
- (d) a mine plan including:
 - (iv) development schedule for construction and mine sequencing,
 - (vi) designs and details for ... stockpiles, ... water management structures, water storage ... road construction and significant transportation infrastructure, compatible with environmental protection, reclamation and mine closure,

- (e) a program for the environmental protection of land and watercourses during the construction and operational phases of the mining operation, including plans for
 - (iii) erosion control and sediment retention, and
 - (iv) environmental monitoring and surveillance designed to demonstrate that
 - (A) the objectives of section 10.4.4 (a) of this code are being met,
 - (B) the reclamation standards as outlined in section 10.7 of this code are being met,
 - (C) environmental protection of land and watercourses required under paragraph (g) (i) and (ii) of this section are being achieved and maintained,
 - (j) any other relevant information required by the chief inspector.

After considering the above, and other parts of the Code, and having reviewed the Application and input from referrals, public and consultation, I requested additional information from the Applicant on October 27, 2017. I visited the Application Area on November 9, 2017 and made my own observations of the proposed access and the east end of the proposed mine area (Application Area).

Following the visit and review of additional input from referrals, consultation and the public, I made a second request for information from the Applicant on November 22, 2017.

I requested the information to supplement that already provided in the Application, to fill in what I considered gaps in the Application, and to ensure the Applicant had sufficiently considered relevant concerns that may be raised at a potential public meeting to be hosted by the Applicant.

I believed that much of the information I sought was relevant under the *Mines Act* and the Health, Safety and Reclamation Code for Mines in British Columbia (Code). My information request also included notification of other legislation and bylaws, in anticipation of questions that may be raised at a public meeting.

The information requested and notifications provided are summarized below:

- Ensure the relevant information required as per Part 10.1.3 (Application Requirements) and Part 10.1.17 (Preparation of Plans and Programs) of the Code is addressed
- Information under Part 10.7 of the Code regarding Reclamation Standards. These included Part 10.7.1 (Reclamation Defined) and Parts 10.7.4 (end land use) through 10.2.21 (monitoring) of the Code regarding land use and reclamation. The Applicant was requested to provide a thorough and comprehensive Reclamation, Monitoring and Closure Plan
- Request to submit an ecological risk assessment as per Part 10.7.18 of the Code, based on reports of sensitive and threatened (Blue) listed species in the area
- How to address potential impacts from haul truck traffic on un-surfaced and surfaced public roads on and around Sumas Mountain (traffic volume and control, density, safety, dust, maintenance, etc.);
- Impacts on the nearby parking area (Mountain Bike Staging Area)
- Mitigate or address potential impacts to loss of trail use for mountain biking and hiking;
- Mitigate or address potential impacts on use and enjoyment of adjacent / nearby trails from noise, dust, blasting, traffic, etc.;

- •Mitigate or address potential impacts on fish (from road creek crossings and potential sediment run-off from site) and local wildlife;
- Address concerns related to local hydrology and control of run-off (quantity and quality) in periods of high intensity and duration precipitation events;
- Visual impact management impacts
- On-site sediment and erosion control measures to prevent off-site impacts
- Provide mapping that indicates the storage location of soil and overburden stockpiles for later use in reclamation, and how they will be managed (protected, i.e. kept viable) until ready for final use in reclamation;
- How to mitigate or compensate the owner of the woodlot licence over the proposed quarry
- Notification that FVRD zoning does not permit aggregate processing.
- Notification that the area of the proposed quarry is zoned LU/R-1 (Limited Use / Resource) as per Sumas Mountain Rural Land Use Bylaw No. 500, and that the proposal will require rezoning
- The need for a Road Use Agreement with the road use permit holder for the use of the Sumas Mountain Forest Service Road (SMFSR). Awareness of work and costs that may be required for road upgrades
- How to mitigate impacts to other road users, including SMFSR and hiking/bike trails
- Communications with any local First Nations, especially the Sumas First Nation, and to provide a summary of the Applicant's engagement record with them.

The Applicant was asked to contact me if he had any questions or comments on the above information. I did not receive any questions, comments or any communication from the Applicant with respect to the above information request and notification.

Regarding reclamation for example, the NoW form requires an applicant to describe the proposed reclamation and timing for a specific activity. In most instances, the Applicant's description was simply that reclamation would be carried out when the mining operation ceased.

Regarding reclamation of the pit, the Applicant's description in the NoW was simply that stockpiled overburden will be spread over benches and seeded with grasses suitable for the area. The Applicant previously indicated the current land use as forestry yet did not provide details as to how the site would be reclaimed back to productive and functional forest. Nor did the Applicant indicate that any progressive reclamation would be carried out during the life of the mine. Overall, I found the description of the reclamation program as submitted was lacking in detail, therefore prompting my request for more details.

Failure to progressively and fully reclaim the Application Area to the eventual end land use of forestry would have a negative impact on the future of the area as a woodlot. While the current woodlot licence has a term of 20 years, there is potential it could be renewed in the future. A quarry on the site for 50 years, plus time for regeneration, substantially increases the time-frame for realizing the full timber value from the Application Area, compared to the time within which the timber values could be realized if the quarry did not exist. Along that same line, the Applicant did not respond to my request of if, or how, the woodlot licence holder (SFN) might be compensated for loss or delay of timber values.

Considering the woodlot licence holder is the SFN, I found the Applicant's non-response to my question of compensation, demonstrated a lack of fairness on its part, by not considering the rights to another resource holder over the same ground.

Knowing a Sensitive Ecosystem Inventory (SEI) of Sumas Mountain had been prepared in 2010, and that it noted there were over 40 species at risk and six ecosystems at risk on Sumas Mountain, I requested the Applicant to submit an ecological risk assessment as per Part 10.7.18 of the Code over the Application Area. Though the site had been logged previously and was in a state of regeneration, I wanted to verify what, if any, impact there may be to the ecology of the Application Area, and what, if any, impact a quarry could have on the surrounding ecosystem. The Applicant did not provide any information in this regard, nor respond to my request for an assessment in this regard.

It has been clearly demonstrated in the responses to referrals that the upper elevations of Sumas Mountain, including the Application Area, and indeed SMIR Park generally is very popular with many outdoor enthusiasts, recreationalists and others, who live in the lower Fraser valley and Lower Mainland. With population growth expected to increase in this region for the foreseeable future, the use of established parks, existing recreational areas and use of recreational infrastructure such as trails peripheral to these areas, will face similar increases in use by the public. It is reasonable to expect that public use of the roads and trails and off-trail areas, will increase over time on Sumas Mountain.

If the Application Area is approved as a quarry for fifty years, and if the road and trail accesses remain open to the public around the Application Area, and in SMIR Park, I see increasing potential for public safety issues related to vehicle traffic and blasting. I also see loss of peace and enjoyment to the public due to noise from equipment, traffic, and blasting, and potentially to dust.

If the Application Area is approved as a quarry for fifty years, and if the road and trail accesses around the Application are closed to the public for certain periods, public safety issues are likely decreased, however the loss of use and enjoyment of the area is restricted.

The Applicant has provided a blast plan with guarding procedures. The plan indicates all personnel will be cleared from the area surrounding the blast zone (danger zone), guards will be in place with radio communication, and that all roads, trails and accesses are to be cleared and guarded. Given the proximity of trails to the Application Area, guarding from the public may pose a challenge, especially to those moving quickly by on mountain bikes. The high use and expected increasing public use of the area around the proposed quarry may likely pose an increasing challenge to public health and safety for the proposed fifty year life of the quarry.

According to the Application, noise is not expected to be a significant problem as the nearest residence is located some 1.25km west of the proposed quarry operation. This may be true for residences, and the Applicant states noise levels will be monitored to ensure that neighboring properties would not be affected. However one would expect noise could be a significant problem for park visitors who may park vehicles 130m away or travel on hiking trails 25 m away from the quarry boundary. The Application does not consider the impacts of noise from the quarry on SMIR Park visitors and other recreational users in the area.

According to the Application, dust will be controlled at all times to prevent impact to the environment, people and property. The control of fugitive dust created by the development, processing and operation of the quarry will be controlled by water and dust palliatives if required. The Application does not state the location of the water source; the estimated volume of water needed, and what, if any impacts there may be to the water supply from pumping to obtain the water.

The Application states that the proposed pit area, being on the west exposed side of Sumas Mountain, approximately 1.3km east of the City of Abbotsford border some 300m in elevation above the nearest residence, may not be generally visible from any residences or stakeholders in the area. My own experience at the Application Area suggested the area would be visible from the Fraser valley and Abbotsford. Tree growth below and west of the Application Area may gradually hide the disturbance caused by the quarry over time.

After trying to contact the Applicant (via the agent) in October and November about the Application, and not receiving a response, I contacted the Applicant a third time, at the end of February, 2018 to inquire when I might receive a response to my questions, emails and request for more information. I was informed that the Applicant had not made any effort to respond to my requests, and that it did not intend to. Instead, I was informed the Applicant was focusing all its efforts on negotiating a sale of the ML, if the sale did not happen, the Applicant would withdraw its Application for a Mines Act permit for the quarry.

On February 27th, with that information, I informed the Applicant that I believed a sufficient amount of time had passed to respond to my information requests and questions, and in light of our communications, I had no reason not to proceed to a decision on the Application at that time with the information that was before me.

9. Conclusions and Decision

The BC MEMPR facilitates and encourages a thriving, safe and environmentally responsible mining sector, while minimizing the health, safety and environmental risks related to mining activities. With this in mind I have considered whether or not the Application before me, should it be approved, could result in adverse impacts to the physical nature of the site, existing and surrounding infrastructure, First Nations aboriginal interests, and the health and safety of the people in the lower Fraser valley and Lower Mainland who currently use the area and who will continue to increasingly use the high elevation areas of Sumas Mountain, regardless of the existence of a quarry.

I understand that decisions under the *Mines Act* are about mine operations, and whether such operations can be conducted in a way that adequately addresses health, safety and environmental concerns; not about land use and whether a particular use of land is appropriate.

Having reviewed the responses and concerns about the Application from referrals, consultation and the public, I considered whether the responses and concerns were relevant to the health, safety and interests of the public and First Nations and the protection of the environment. I decided many of the responses and concerns were valid and relevant.

Pursuant to Part 10.1.1 (1) of the Code, the proposed mine plan and reclamation program filed with the inspector shall consist of the Notice of Work forms with other information as required by the inspector. Other information was requested by me, as specified above. The Applicant offered no response or comment to my requests or questions that might supplement or further support the Application.

As per section 10 (1) of the Mines Act, as part of the application for a permit there must be filed with an inspector, a program for the reclamation of the land and cultural heritage resources affected by the mine. A general reclamation plan was provided by the Applicant, however I found the plan lacking in details, as referred to in earlier sections. The Applicant did not respond to my request for details of the proposed program for the reclamation of the land and cultural heritage resources affected by the mine.

As per section 10 (1) of the Mines Act, as part of the application for a permit, there must be filed with an inspector, a plan outlining the details of the proposed work. A plan was provided by the Applicant, however I found the plan lacking in details, as referred to in the previous sections above. The Applicant did not respond to my request to provide such details of the proposed work. No response was provided by the Applicant to my invitation to discuss this part of the application requirement.

As per section 10 (1) of the Mines Act, as part of the application for a permit, there must be filed with an inspector, a program for the conservation of cultural heritage resources. The Application did not provide a program for the conservation of cultural heritage resources. Information was requested from the Applicant regarding this application requirement, but no response was provided by the Applicant.

The Notice of Work (NoW) application form requires descriptions of the proposed reclamation for specific components of the mining activities. The responses given in these sections acknowledged that reclamation would be carried out on completion of all mining operations, but it did not provide a description of the reclamation to be carried out, or was lacking sufficient detail. The Application did not provide a reclamation program with sufficient detail to demonstrate that the stated end land use (forestry) could successfully be achieved, that being a “free-to-grow” forest, equivalent to the forest currently on the Application Area.

The Applicant stated that progressive reclamation of the site would not take place. While it is understood that reclamation of the site is something that would take place in the future, I would like to have seen a better effort to demonstrate that the Applicant had at least turned his mind towards this important aspect of the project. I did not find it unreasonable for the Applicant to invest some effort in fulfilling this request prior to creating a physical disturbance of the ground.

The Applicant has estimated the total volume of timber to be cut for construction of the proposed quarry would not exceed 50m³ of merchantable timber and only a Free Use Permit would be required. As per the Forest and Range Practices Act, a person must not cut, damage or destroy Crown timber of any size unless authorized. Based on my direct observations of the Application Area, the

volume of timber to be cut has been greatly under-estimated. Therefore the Applicant would be required to obtain authorization from the Ministry of Forests, Lands, Natural Resource Operations & Rural Development.

The Applicants disregard for progressive and full reclamation of the Application Area to the forestry end land use would have a negative impact on the future of the area as a woodlot. A quarry on the site for 50 years, plus time for regeneration, substantially increases the time-frame for realizing the full timber value from the Application Area. The Applicant did not respond to my request of if or how it might mitigate or compensate the owner of the woodlot licence (SFN) for loss or delay in recouping timber values over the Application Area.

No ecological impact assessment has been provided with the Application, given that there were reportedly over 40 species at risk and six ecosystems at risk on Sumas Mountain. I requested the Applicant to submit an ecological risk assessment as per Part 10.7.18 of the Code, which states where there is a significant ecological risk, reclamation procedures shall ensure that levels are safe for plant and animal life and, where this cannot be achieved, other measures shall be taken to protect plant and animal life. The Applicant did not provide any information, nor respond to my request for an assessment to verify what, if any, impact there may be to the ecology of the Application Area, and what, if any, impact a quarry could have on the surrounding ecosystem.

The Applicant did not respond to my request for additional information related to impacts from blasting, noise, dust, water or visual management concerns, as outlined in Section 8 above.

Not all concerns raised by referral to public agencies and the public process are relevant or can be addressed in relation to an authorization. However I believe some of these issues are important. I have determined that certain concerns are relevant in the context of this Application and the *Mines Act*, and that they should be addressed by the Applicant prior to issuance of a *Mines Act* permit.

The disturbance from the proposed quarry would take place over a considerable length of time, projected to be 50 years. Considering the current high use of the SMIR Park area by the public, and that such use would likely increase over the life of the mine, the proposed quarry would result in long term impacts to SMIR Park visitors in terms of health, safety, and access. The Applicant offered no alternatives to aid in the establishment and relocation of new trails around the Application area to access the SMIR Park, to off-set those trails that would be impacted by the proposed quarry.

I determine there are potential adverse impacts to public health and safety, given the proposed quarry is in a high outdoor use recreational area, and in part because the Applicant has failed to provide additional information to address those impacts, especially regarding impacts from blasting to the health and safety of those using the SMIR Park parking area, mountain-bike staging area and those trails that are very close to the Application Area.

The Applicant has not addressed many of the concerns raised in consultation and referral, nor answered technical questions I have put forward, nor demonstrated how it may attempt to mitigate various potential impacts. It appears the Applicant does not have intent to proceed with the activities in this Application if a permit were to be issued.

The Applicant was made aware that other laws apply, such as local government bylaws, and that it is the Applicant's responsibility to ensure compliance with other applicable legal requirements.

The courts have been clear that an inspector can consider the zoning of land in the context of a *Mines Act* application, but that the decision should be independent of what that zoning may provide for. While I understand zoning restrictions are for the Applicant to deal with, I provided the notice of the zoning to ensure the Applicant was aware of it, and I wanted to know if and how the Applicant was going to approach that issue, especially as the issue of zoning would likely be raised at a public meeting, which I was wanting the Applicant to prepare for.

Similarly with municipal or regional bylaws, it is not an inspector's responsibility to determine if a bylaw is valid and applicable in the context of a *Mines Act* application. My interest here was if the Applicant had considered this aspect of the project and how it would respond to the question of bylaws, as it would likely be raised at a proposed public meeting.

Review and careful consideration of all relevant information has led me to conclude that consultation between the Province and First Nations has been reasonable, appropriate, meaningful and sufficient in the circumstances, and that the Province's legal obligations have been met. It is my understanding that the terms of the SEA have been followed.

I have considered whether the decision before me will result in adverse impacts to aboriginal rights and title claims of the affected First nations, especially the SFN. BC has assessed the SMF as having strong *prima facie* claims to Aboriginal rights and title in the Application Area.

A seriousness of impacts assessment concluded the project represents serious impacts to both Aboriginal Title and Rights for SFN. On the use and occupation component of Aboriginal title, the Province considers the impacts to be serious. The degree and extent of alienation of the area, the degree and functional effect of the disturbance, access restrictions and impacts to the experience and enjoyment of SFN members in the area were all considered.

The potential and expected impacts to the immediate environment are considered high for a long period of time, should a permit be granted as per the Application. Physical reclamation of the site, while not detailed in the application, may be possible, by establishing an effective subsoil layer and properly replacing and re-contouring a viable layer of sufficient top soil to the Application Area on a progressive and on-going basis with proper stability and drainage control. The disturbed areas would require revegetation and reforestation (tree-planting) and would require regular monitoring over a long time and potential amelioration. Considering the degree of impact from stripping and mining the bedrock, and limited potential for timely reclamation, accommodating the SFN for these impacts could be a significant challenge.

Given the seriousness of impacts to Aboriginal Interests and recognizing the lack of accommodations available to address these impacts, there is risk to the province in issuing a permit based on the Application and information before me. I have concluded that issuing a permit based on the

Application and limited information before me would result in serious and likely immitigable impacts to Aboriginal Interests, as I can think of no accommodation that is available at this time to address those impacts.

I have considered what I believe are all of the relevant facts and all other arguments raised, even if they are not specifically identified in these reasons for decision.

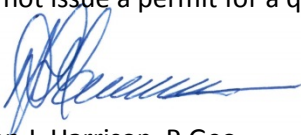
There are few individual reasons I have considered that lend sufficient weight to not issuing a permit based on the Application. However taken collectively, I believe the reasons in their entirety lend sufficient weight to not issue a *Mines Act* permit.

Since 2003, when 265531 BC Ltd was first permitted for a 9,000T bulk sample over what is now the Application area, the company has shown little to no interest in seriously exploring for or developing a decorative stone quarry, despite its stated intentions. The Applicant has applied for permits to conduct increasingly large mining activities based on little to no physical work on the ground. Despite my attempts to clarify and seek more information on the Applicant's plans and ideas, the Applicant has not responded. After what I considered to be more than enough time to prepare responses to my requests, questions and concerns, I was informed that the Applicant had in fact not turned his mine toward my requests and concerns, nor had a consultant been retained to help prepare a response. Rather, I was informed that the Applicant was instead focused on selling the mining lease to a third party. This third party was to have made a decision to purchase on or around March 8th, 2018. I was informed by the Applicant that if the sale of the mining lease was not made, the Applicant would withdraw the Application.

I informed the Applicant on February 27, 2018, that as of that day, I was proceeding to a decision on the application based on the Application as it was and based on all the information I had.

In summary, I cannot justify issuing a permit based on the Application before me, not due to one or two particular reasons, but rather due the entire weight of numerous reasons taken collectively, including the lack of information provided in the Application, considering its potential impacts on an area of high and increasing public use, the potential ecosystem impacts, and the serious potential impacts on SFN's Aboriginal rights and title claims.

Having considered the information summarized above and other relevant information, it is my decision to not issue a permit for a quarry based on this Application.



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