



VILLAGE OF HARRISON HOT SPRINGS NOTICE OF MEETING AND AGENDA

REGULAR COUNCIL MEETING

Date: Monday, March 16th, 2020
Time: 7:00 p.m.
Location: Council Chambers, 495 Hot Springs Road
Harrison Hot Springs, British Columbia

1. CALL TO ORDER		
Meeting called to order by Mayor Facio.		
2. INTRODUCTION OF LATE ITEMS		
3. APPROVAL OF AGENDA		
4. ADOPTION OF COUNCIL MINUTES		
(a) THAT the Regular Council Meeting Minutes of March 2nd, 2020 be adopted.		Item 4(a) Page 1
5. BUSINESS ARISING FROM THE MINUTES		
6. CONSENT AGENDA		
i. Bylaws		
ii. Agreements		
iii. Committee/ Commission Minutes		
iv. Correspondence	Correspondence from the Union of BC Municipalities regarding the UBCM Resolution Process	Item 6(iv) Page 5
7. DELEGATIONS/PETITIONS		
(a) Sgt. Mike Sargent, NCO I/c Agassiz CPO RE: End of year crime statistics and a summary of policing activities for 2019.		
8. CORRESPONDENCE		
(a) Email dated March 10, 2020 to Mayor Facio from Mayor Dugas of Port Hardy RE: Insurance Premium Tax		Item 8(a) Page 7
9. BUSINESS ARISING FROM CORRESPONDENCE		

10. REPORTS OF COUNCILLORS, COMMITTEES, COMMITTEE OF THE WHOLE AND COMMISSIONS

Councillor Hooper

- Agassiz Harrison Healthy Communities
- Fraser Health

Councillor Palmer

- Fraser Valley Regional Library Board
- Kent Harrison Joint Emergency Program Committee
- Public Art Committee

Councillor Piper

- Corrections Canada Citizen's Advisory Committee
- Harrison Agassiz Chamber of Commerce
- Kent Harrison Joint Emergency Program Committee
- Tourism Harrison

Councillor Vidal

- Agassiz Harrison Healthy Communities
- Fraser Valley Regional District Board (Alternate)
- Fraser Valley Regional District Hospital Board (Alternate)
- Fraser Valley Regional Library Board (Alternate)

11. REPORTS FROM MAYOR

12. REPORTS FROM STAFF

- (a) Report of the Chief Administrative Officer – March 12th, 2020
Re: Operational Provisions regarding COVID 19

Item 12(a)
Page 9

- (b) Report of the Planning Consultant– March 3rd, 2020
Re: Issuance of a Development Permit – 247 Miami River Drive

Item 12(b)
Page 11

Recommendation

THAT Council issue Development Permit 3060-20-DP03/18 for land legally described as: Lot 19 Except: Part on Plan 66847; Blk 3 Fractional, Section 13; Township 4 Range 29 West of the Sixth Meridian New Westminster District Plan 9786.

Subject to:

Entering into a registered covenant to address the following:

- (a) The cutting and retention of trees in the SPEA. The mitigative planting ratio must be at least 4 young conifer trees for each mature tree removed.
- (b) During the construction stage, measures must be taken to avoid the introduction of any pollutants into the ground. Machines used for construction must be clean and free from leaks and refueling must occur on the road. Any machines working within the 30 M riparian assessment area must operate on non-toxic, biodegradable hydraulic oil.
- (c) The creation of a sediment and erosion control plan. This plan must include at a minimum the following: covering exposed areas; limiting the amount of excavation on site and the use of sediment fencing. A Qualified Environmental Professional must ensure that the sediment fencing is set up properly and is maintained during the construction process.

- (c) Report of the Planning Consultant – March 4th, 2020
Re: Rezoning of 622 Hot Springs Road

Recommendation

That Zoning Amendment Bylaw 1147, 2019, be given 1st and 2nd reading, and

That Zoning Amendment Bylaw 1147, 2019 be referred to the Ministry of Transportation and Infrastructure; and

That staff be authorized to set up a public hearing.

- d) Report of the Planning Consultant – March 4th, 2020
Re: The Official Community Plan Review Consultation requirements

Recommendation

THAT the Official Community Plan consultation plan be approved.

13. BYLAWS

- (a) Report of the Deputy Chief Administrative Officer/CO – March 11, 2020
Re: Inter-Municipal Transportation Network Services Business Licence Agreement Bylaw No. 1155, 2020 and Inter-Municipal Transportation Network Services Business Licence Scheme Bylaw No. 1156, 2020

Recommendation

THAT Inter-Municipal Transportation Network Service Business Licence Agreement Bylaw No., 1155, 2020 be adopted; and

THAT Inter-Municipal Transportation Network Services Business Scheme Bylaw No. 1156, 2020 be adopted.

14. QUESTIONS FROM THE PUBLIC (pertaining to agenda items only)

15. ADJOURNMENT



**VILLAGE OF HARRISON HOT SPRINGS
MINUTES OF THE REGULAR MEETING OF COUNCIL**

DATE: Monday, March 2nd, 2020

TIME: 7:00 p.m.

PLACE: Council Chambers
495 Hot Springs Road, Harrison Hot Springs, BC

IN ATTENDANCE: Mayor Leo Facio
Councillor Samantha Piper
Councillor Ray Hooper
Councillor Gerry Palmer
Councillor Michie Vidal

Chief Administrative Officer, Madeline McDonald
Deputy Chief Administrative Officer/CO, Debra Key
Financial Officer, Tracey Jones

ABSENT: None

Recording Secretary: Irene Petty

1. CALL TO ORDER

Mayor Facio called the meeting to order at 7:00 p.m.

Mayor Facio congratulated Tianna Van Oort, Samuel Murillo-Keusch, Rylan MacNeil, and Brooke Dorey, students from Harrison Hot Springs Elementary School on earning First Place in the Fraser Cascade School District Geography Challenge. He presented those students in attendance with a certificate and several mementos from the Village of Harrison Hot Springs.

2. INTRODUCTION OF LATE ITEMS

None.

3. APPROVAL OF AGENDA

Moved by Councillor Vidal
Seconded by Councillor Hooper

THAT the agenda be approved.

**CARRIED
UNANIMOUSLY**
RC-2020-03-01

4. ADOPTION OF COUNCIL MINUTES

Moved by Councillor Piper
Seconded by Councillor Hooper

THAT the Regular Council Meeting Minutes of February 18th, 2020 be adopted.

**CARRIED
UNANIMOUSLY**
RC-2020-03-02

*Village of Harrison Hot Springs
Minutes of the Regular Council Meeting
Monday, March 2nd, 2020*

5. BUSINESS ARISING FROM THE MINUTES

None.

6. CONSENT AGENDA

7. DELEGATIONS

(a) Canadian Red Cross

Nicolette Joosting, presenter

Re: Role of the Canadian Red Cross in the community.

Ms. Joosting provided a brief presentation on the role of the Canadian Red Cross.

8. CORRESPONDENCE

None.

9. BUSINESS ARISING OUT OF CORRESPONDENCE

None.

10. REPORTS OF COMMITTEES, COMMITTEE OF THE WHOLE AND COMMISSIONS

Councillor Vidal

- February 19, 2020 attended the Lets'mot Community to Community meeting at the Memorial Hall
- February 20, 2020 attended the Chilliwack Healthy Communities and Indigenous Peoples Workshop
- February 20, 2020 attended the Agassiz Harrison Healthy Communities Meeting
- February 25, 2020 attended a presentation on poverty game changers
- February 26, 2020 attended Extended Collaborative Services Committee at Chilliwack General Hospital
- February 27, 2020 attended "Coffee With A Cop"

Councillor Hooper

- February 19, 2020 attended the Lets'mot Community to Community meeting at the Memorial Hall
- February 20, 2020, February 21, 2020 and February 27, 2020 attended Agassiz Harrison Healthy Communities meetings
- February 24, 2020 attended a Community Response Network meeting
- February 24, 2020 asked to review Fraser Healthy Pathway report
- February 27, 2020 attended "Coffee With A Cop"
- March 2, 2020 attended the Miami Stream Keepers Annual General Meeting
- Approached by Clean BC/Active Transportation Plan and BC Cycling Coalition to become an active member

Councillor Palmer

- February 19, 2020 attended a day long meeting of the Fraser Valley Regional Library Board

*Village of Harrison Hot Springs
Minutes of the Regular Council Meeting
Monday, March 2, 2020*

Councillor Piper

- February 19, 2020 attended the Lower Mainland Local Government Association Executive Meeting

11. MAYOR'S REPORT

- February 19, 2020 attended the Lets'mot Community to Community meeting at the Memorial Hall
- February 28, 2020 met with Provincial Emergency Coordinator here in Harrison Hot Springs
- February 28, 2020 attended the Small Business of BC Award Ceremony, for which the Village of Harrison Hot Springs was nominated. The Village of Lumby was the successful nominee.

12. REPORTS FROM STAFF

None.

BYLAWS

13.

- (a) Report of the Deputy Chief Administrative Officer/CO – February 18th, 2020
Re: Bylaws for an Inter Municipal Ride-hailing Business Licence

Councillor Palmer excused himself from the Chambers at 7:27 p.m. due to a potential conflict of interest stating that this item may have a future impact on a client of his law firm.

The Corporate Officer reported that under s. 59(2) of the Community Charter, public notice was given regarding the proposed Inter Municipal transportation Network Services Business Licence Scheme.

The Mayor called for any public representations on the matter. Hearing none, the public opportunity was closed.

Moved by Councillor Piper
Seconded by Councillor Vidal

THAT Council approve the Village of Harrison Hot Springs' participation in the Inter-Municipal Business Licence (IMBL) for Ride-hailing and give the Inter-Municipal Transportation Network Service Business Licence Agreement Bylaw No. 1155, 2020 first, second and third readings.

CARRIED
RC-2020-03-03

Moved by Councillor Piper
Seconded by Councillor Hooper

THAT Inter-Municipal Transportation Network Services Business Scheme Bylaw No. 1156, 2020 be given first, second and third readings

CARRIED
RC-2020-03-04

Councillor Palmer reentered the Chambers at 7:37 p.m.

*Village of Harrison Hot Springs
Minutes of the Regular Council Meeting
Monday, March 2, 2020*

- (a) Report of the Financial Officer – February 25th, 2020
Re: 2020-2024 Financial Plan Bylaw No. 1153, 2020

Moved by Councillor Piper
Seconded by Councillor Vidal

THAT the 2020-2024 Financial Plan Bylaw No. 1153, 2020 be adopted.

**CARRIED
UNANIMOUSLY**
RC-2020-03-05

14. QUESTIONS FROM THE PUBLIC (pertaining to Agenda items only)

Questions from the public were entertained.

15. ADJOURNMENT

Moved by Councillor Palmer
Seconded by Councillor Vidal

THAT the meeting be adjourned at 7:41 p.m.

**CARRIED
UNANIMOUSLY**
RC-2020-03-06

Leo Facio
Mayor

Debra Key
Corporate Officer

6(1v)

RECEIVED



March 4, 2020

MAR 05 2020

BY VILLAGE OF HARRISON HOT SPRINGS

To: Chair and Board
Chief and Council
Mayor and Council

Re: UBCM Resolutions Process

In response to member feedback, the UBCM Executive is undertaking a review of the resolutions process. This will include consultation with members at Area Association spring conferences, and a subsequent report to the membership at the 2020 Annual Convention. While the review progresses, the Executive has committed to exercise their existing authority more fully, and apply greater rigour to the screening and vetting of resolutions submitted to UBCM for 2020.

With the understanding that a resolutions process review is already underway, the Resolutions Committee of the UBCM Executive has identified measures that UBCM can implement in the immediate term to streamline the process and address the number and repetitiveness of resolutions. In 2020, the Committee will seek to:

- Identify more directly the resolutions that address issues of priority to the membership, and ensure that debate of these priority issues takes place early on.
- Be more firm in sending resolutions back to the sponsor if resolutions do not meet UBCM criteria for format, clear writing, factual information, or relevance to local government administration or operations.
- Standardize language to be gender neutral and, where applicable, refer to local governments or First Nations rather than municipalities or regional districts. The goal is to avoid using debate time to make such amendments.
- Combine similar resolutions, without losing or changing their intent.
- Offer further education and support to members on writing clear, effective resolutions.
- Work more closely with Area Associations to improve the quality of resolutions debated at their spring conventions.

These streamlining measures could affect resolutions that your community submits to Area Associations or to UBCM this year.

Please feel free to contact Reiko Tagami, Policy Analyst (rtagami@ubcm.ca or 604 270 8226 ext. 115), with questions about resolutions streamlining, or the resolutions process review.

Sincerely,

Maja Tait
UBCM President

Claire Moglove
Chair, Resolutions Committee

FILE #	DATE	CAO	INFRA	DCAO/CO	PW	FO	OTHER	ACCOUNTS	COMM SP.	INITIAL	DATE	AS: AREQ. ACTION:	INFO - WIREP:	INFO ONLY
0-20-04	Mar 16/20		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		Mar 16/20			

8(a)

FW: Provincial Funding for Emergency / Fire Equipment Small Communities

Dennis Dugas <ddugas@porthardy.ca>

Tue 2020-03-10 3:00 PM

To: Leo Facio <LFacio@harrisonhotsprings.ca>;

📎 2 attachments

Resolution 2017-B61 Follow Up.pdf; Insurance Premium Tax 2020.pdf;

Hello Mayor Facio :

Leo I am sending you this email to get you and your councils support to form a coalition of Small Communities to get our voice heard at the Provincial Government level. It is time that Small Communities in our Province make our voices heard loud and clear that we can not sustain Fire Protection services without Provincial financial support.

The Insurance Premium Tax (information attached) is still being collected in BC for House Insurance and Vehicle Insurance at a rate of 4.4% which I would estimate as being in the billions? Within BC there are 5 Area Associations and we need to get the Small Communities to set up coalitions in each UBCM Association area to address this issue so it can become a main topic at the UBCM convention in the Fall.

I hope with your support you can help spearhead this topic at your LMLGA Conference on May 6-8 in Whistler. I am reaching out to as many Mayors as I can within your LMLGA area and to the other BC Associations to get the ball rolling.

With the upcoming Provincial election not far away it is a good time to put pressure on the government but we need numbers to do that.

Your comments and suggestions sent back to me will be greatly appreciated and please let me know if you received this email.

As we say " Together we are Stronger ".

Regards

Dennis Dugas (D2)

District of Port Hardy Mayor



VILLAGE OF HARRISON HOT SPRINGS

REPORT TO COUNCIL FOR INFORMATION

TO: Mayor and Council **DATE:** March 12, 2020

FROM: Madeline McDonald **FILE:** 0340-50
Chief Administrative Officer

SUBJECT: Operational Provisions regarding COVID 19

ISSUE: Concerns regarding the novel coronavirus (COVID 19)

BACKGROUND:

With respect to COVID 19, the Village administration continues to follow the advice of Fraser Health with respect to public gatherings to Work Safe BC's directives regarding worker safety. For the public's benefit, we have provided a link to the most up to date advice and information regarding the virus on the front page of our website and on our Village Facebook page. We have also met with our staff to remind them to practice good hygiene, to disinfect public areas and to err on the side of caution and stay home if they feel ill.

Our utilities department is taking measures to ensure that essential services will continue without interruption in the event of employee absenteeism. The management team has developed business continuity measures to ensure we can continue to function should we be forced to close the office for any period of time. In that unlikely event, public messaging will continue to be rolled out on our website and Facebook page.

On March 12, 2020, the Province issued an advisory regarding public events asking event organizers to cancel events involving gatherings of 250 people or more. That directive has been shared with Tourism Harrison, the Harrison Festival of the Arts and private parties with existing bookings at Memorial Hall. Any party, even those with less than 250 participants, are welcome to cancel at any time without penalty. With respect to public Council Meetings, we hope to have our video streaming up and running in time for the April 6, 2020 Regular Meeting. In the meantime, people may choose to attend public meetings until such time as the health authority advises against it.

Respectfully submitted;

Madeline McDonald

Madeline McDonald
Chief Administrative Officer

12(b)

VILLAGE OF HARRISON HOT SPRINGS



REPORT TO COUNCIL

TO: Mayor and Council

DATE: March 3, 2020

FROM: Ken Cossey, MCIP, RPP

FILE: 3060-20-DP03/18
(247 Miami River Drive)

SUBJECT: Issuance of a Development Permit

ISSUE:

Seeking direction from Council on the issuance of a Development Permit.

BACKGROUND:

In June 2018, staff were authorized to work on the DVP and the DP. Under the earlier Development Variance Permit application, the Village approved a front yard variance request.

The site is approximately 0.07 Ha in size, is within the Low Density Residential designation of the OCP, is currently vacant and can be easily serviced. The site is Zoned as R1 Residential (Conventional Lot) and is designated as Low Density Residential in the Official Community Plan and is within the Miami River Development Permit Area.

With respect to the *Riparian Areas Regulations* (RAR) requirements the applicant and his Qualified Environmental Professional (QEP) have been addressing these requirements since June 2018.

Miami River Development Permit Area requirements

Listed below are the required guidelines for this Development Permit Area.

"14.4.4 Guidelines

- a) All new development west of McCombs Drive within 30 m of the top of the bank of Miami River, and all new development east of McCombs Drive within 50 m of the top of the bank of the Miami River, except as specifically exempted, will be required to obtain a development permit and to comply with the assessment requirements and riparian protection measures to be specified by a Qualified Environmental Professional in accordance with the *Riparian Areas Regulation* of the *Fish Protection Act*.

- b) The development permit application will specify the measures to be undertaken to:
 - (i) maintain, restore or enhance contiguous natural riparian vegetation within the stream protection and enhancement area recommended by a Qualified Environmental Professional as defined by the *Riparian Areas Regulation*;
 - (ii) control drainage through landscaping, land shaping and other measures such that stormwater runoff from the development site does not increase nutrient and sediment loading to the Miami River; and
 - (iii) prevent soil erosion and sediment runoff to Miami River during construction and after development.
- c) Works within the wetted area of the Miami River and aquatic habitat will require written approval of the relevant federal and provincial agencies."

Referral Agencies

Based upon an earlier Council meeting, Council did not require that this development permit be referred to any agency.

Charges on Title

There is a floodplain covenant registered against this title.

Conclusion of the Qualified Environmental Professional (QEP)

Upon a review of the associated report for this site, prepared by Madrone Environmental Services Ltd, the conclusion of the QEP is as follows:

"If the streamside protection and enhancement areas identified in the report are protected from development and the measures prescribed in the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area."

The above referenced QEP report has formed the backbone of the attached Development Permit.

Staff is of the opinion that all the Development Permit requirements have been adequately addressed, through the issuance of the permit and the use of a registered covenant.

RECOMMENDATION:

- 1/. THAT Council issue Development Permit 3060-20-DP03/18 for land legally described as: Lot 19 Except: Part on Plan 66847; Blk 3 Fractional, Section 13; Township 4 Range 29 West of the Sixth Meridian New Westminster District Plan 9786.

Subject to:

Entering into a registered covenant to address the following:

- (a) The cutting and retention of trees in the SPEA. The mitigative planting ratio must be at least 4 young conifer trees for each mature tree removed.
- (b) During the construction stage, measures must be taken to avoid the introduction of any pollutants into the ground. Machines used for construction must be clean and free from leaks and refueling must occur on the road. Any machines working within the 30 M riparian assessment area must operate on non-toxic, biodegradable hydraulic oil.
- (c) The creation of a sediment and erosion control plan. This plan must include at a minimum the following: covering exposed areas, limiting the amount of excavation on site and the use of sediment fencing. A Qualified Environmental Professional must ensure that the sediment fencing is set up properly and is maintained during the construction process.

Respectfully submitted;

**REVIEWED BY and CONCURRENCE
with the RECOMMENDATIONS:**

Ken Cossey

Ken Cossey, MCIP, RPP,
Planning Consultant

Madeline McDonald

Madeline McDonald, CAO

Attachments (2) DP03/18
 Location Map

Village of Harrison Hot Springs

DEVELOPMENT PERMIT NO. DP03/18

ISSUED this ____ day of _____, 2020

FILE No: 3060-20-DP03/18

FOLIO No: 1631-52477

TO: **Wayne George and Cheryl Kim Leora Desaulniers**

(the "Permittee")

ADDRESS: **5432 Maple Crescent
Delta, BC
V4K 1G2**

1. This Development Permit is issued subject to compliance with all of the bylaws of the Village of Harrison Hot Springs applicable thereto. This Development Permit must not be used to supplement any bylaw or vary the requirements of the Village of Harrison Hot Springs zoning requirements.
2. This Development Permit applies to and only to those parcels of land(s) within the Village of Harrison Hot Springs legally described below:

**Lot 19 Except part on Plan 66847; Blk 3 Fractional Section 13 Township 4 Range 29
West of the Sixth Meridian New Westminster District Plan 9786.**

(the "Lands")

and any and all buildings, structures, and other development thereon.

3. **This Development Permit is issued only to allow:**

for the residential development of the Lands.

4. The development must be carried out according to the following time schedule, if applicable: **N/A**
5. As a condition of the issuance of this Development Permit, the Council holds security set out below to ensure that development is carried out in accordance with the terms and conditions of this Development Permit. Should any interest be earned upon the security, it must accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the work hereby authorized according to the terms and conditions of the Development Permit within the time provided, the Village may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee; or should the Permittee carry out the work Permitted by this Development Permit within the set time set out below, the security shall be returned to the Permittee.

- (a) an Irrevocable Letter of Credit in the amount of \$ _____
(b) none required ☒

6. THE FOLLOWING CONDITIONS APPLY TO THE DEVELOPMENT OF THE LANDS OR APPLY TO THE USE OF THE LANDS:

- (a) Any excavation on the site must occur away from the dripline of any tree. A dripline buffer must be marked with a construction fence to protect the trees, prior to any Development taking place.
(b) Any machine operating within the 30M riparian area must carry spill kits, for deployment in the event of a spill.
(c) With respect to the control of any stormwater, the proponent must not direct any stormwater directly into the creek. The Permittee must use any of or all of the following methods to regulate the volume and direction of stormwater:
(i) the creation of a rock-lined infiltration chambers
(ii) the use of rain barrels, or
(iii) the creation of a rain garden.

7. The Lands must be developed and used strictly in accordance with this Development Permit, including any attached plans, maps and specifications.

8. The following plans, maps or specifications are attached to and form a part of this Development Permit:

- a/. The Riparian Areas Regulation Assessment Report, dated September 13, 2019 and prepared by Madrone Environmental Services Ltd.

9. **This Development Permit is NOT a Building Development Permit, a subdivision approval nor a soil deposit or removal permit.**

10. This Development Permit must lapse on the ____ day of ____, 2022 unless the development is substantially started.

RESOLUTION PASSED BY COUNCIL, THIS ____ day of ____, 2020

I HEREBY CERTIFY that I have read the terms and conditions of the Development Permit contained herein. I understand and agree that the Village of Harrison Hot Springs has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with the owner of the parcel of land or me other than those contained in this Permit.

Wayne Desaulniers(signature)

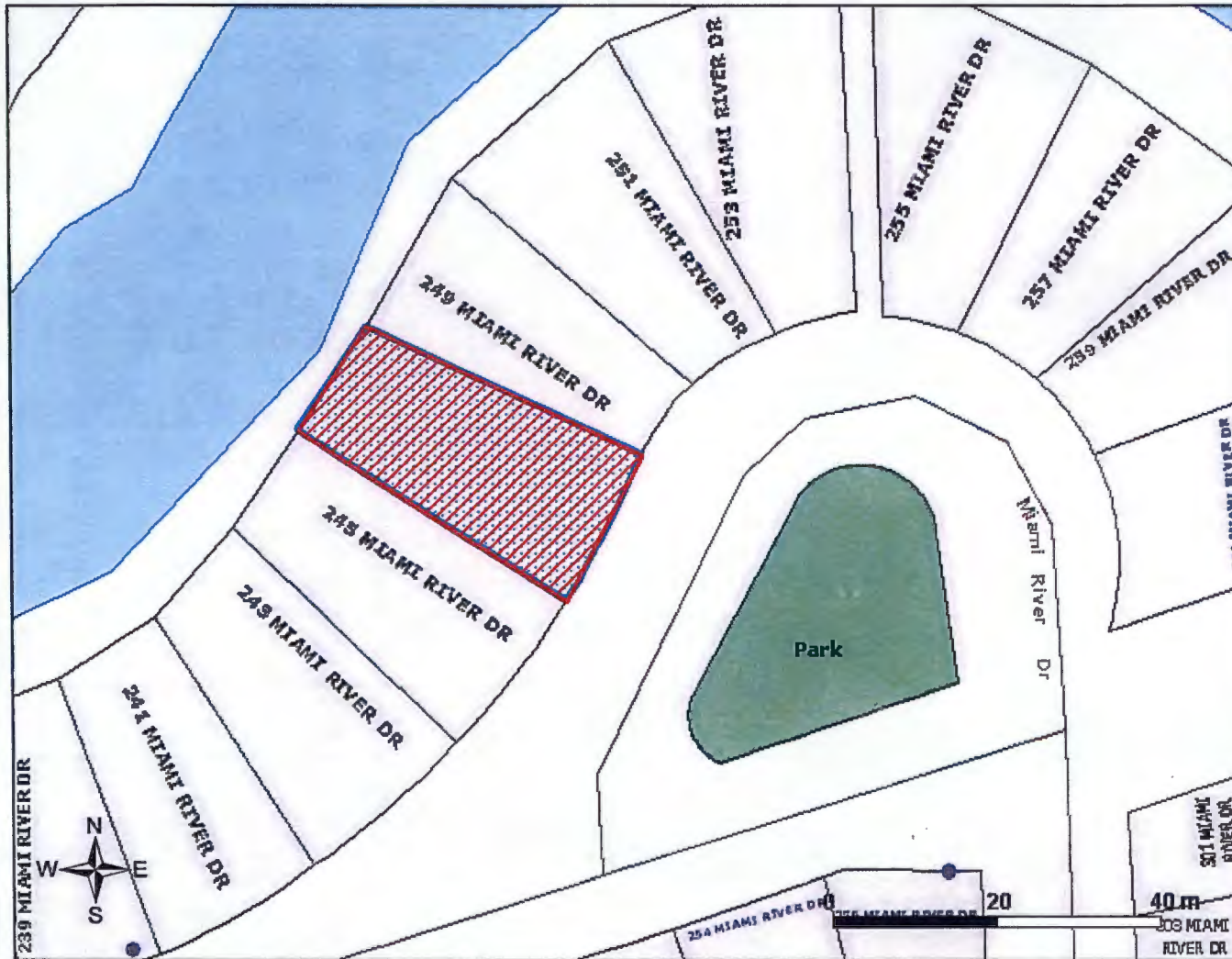
Cheryl Desaulniers (signature)

Print Name

Print Name

Corporate Officer

247 Miami River Drive



Legend

Fire Hydrants

- Standard
- Siamese
- Standpipe
- Storage Tank
- Storz
- Other
- Unknown

Right-of-ways Text

- Right-of-ways
- Dykes

Regional Districts

- Other Regional Districts
- Fraser Valley Regional District

Jurisdictions

- Fraser Valley Regional District
- + Railways

Roads

- Paved Roads
- Unpaved Roads
- Streams
- Waterbodies

Disclaimer: This map was compiled by the Fraser Valley Regional District, using data believed to be accurate; however, a margin of error is inherent in all maps. This product is distributed without warranties of any kind, either expressed or implied, including but not limited to warranties of suitability of particular purpose or use.

Scale 1:821
16 April 2018, 08:40

FORM 1
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Riparian Areas Regulation: Assessment Report

Please refer to submission instructions and assessment report guidelines when completing this report.

Date 2019-09-13

I. Primary QEP Information

First Name	Laurie	Middle Name	
Last Name	Kremsater		
Designation	R.P.Bio.	Company	Madrone Environmental Services Ltd.
Registration #	RPBio 593	Email:	laurie.kremsater@madrone.ca
Address	202-2790 Gladwin Road		
City	Abbotsford	Postal/Zip	V2T 4S7
Prov/state	BC	Country	Canada
		Phone #	604 504 1972

II. Secondary QEP Information (use Form 2 for other QEPs)

First Name		Middle Name	
Last Name			
Designation		Company	
Registration #		Email	
Address			
City		Postal/Zip	
Prov/state		Country	
		Phone #	

III. Developer Information

First Name	Wayne	Middle Name	
Last Name	Desaulniers		
Company			
Phone #	(604)-940-8511	Email:	4desaulniers@gmail.com
Address	5432 Maple Crescent		
City	Delta	Postal/Zip	V4K 1G2
Prov/state	BC	Country	Canada

IV. Development Information

Development Type	Single family residential		
Area of Development (ha)	TBD	Riparian Length (m)	55
Lot Area (ha)	0.07	Nature of Development	New build
Proposed Start Date	TBD	Proposed End Date	TBD

V. Location of Proposed Development

Street Address (or nearest town)	247 Miami River Drive		
Local Government	Village of Harrison Hot Springs	City	Village of Harrison Hot Springs
Stream Name	Miami Creek (Alias: Miami River)		
Legal Description (PID)	002-314-584	Region	2
Stream/River Type	Stream	DFO Area	Lower Mainland
Watershed Code	110-232100		
Latitude	49	18	5.03
Longitude	121	46	53.61

Completion of Database Information includes the Form 2 for the Additional QEPs, if needed.
Insert that form immediately after this page.

Table of Contents for Assessment Report

Section 1. Description of Fisheries Resources Values and a Description of the Development proposal	3
Section 2. Results of Detailed Riparian Assessment (SPEA width).....	6
Section 3: Site Plan	8
Section 4. Measures to Protect and Maintain the SPEA.....	13
1. Danger Trees.....	13
2. Windthrow	13
3. Slope Stability.....	13
4. Protection of Trees.....	13
5. Encroachment	14
6. Sediment and Erosion Control.....	14
7. Stormwater Management.....	15
8. Floodplain Concerns (highly mobile channel)	16
Section 5. Environmental Monitoring.....	17
Section 6. Photos.....	18
Section 7. Professional Opinion.....	20
Appendix 1: Reduction of front road setback	21
Appendix 2: Covenant on property and subdivision.....	23
Appendix 3: QEP information	25

Section 1. Description of Fisheries Resources Values and a Description of the Development proposal

(Provide as a minimum: Species present, type of fish habitat present, description of current riparian vegetation condition, connectivity to downstream habitats, nature of development, specific activities proposed, timelines)

The subject parcel is approximately 0.07 ha (0.176 acres) and was purchased by Wayne and Cheryl Desaulniers in 2007 (the landowners). It falls in the low density residential land use zone of the Village of Harrison Hot Springs and inside the Miami River DPA. The property is a vacant lot. This draft Riparian Areas Regulation (RAR) assessment report is being prepared for a current landowner so that they can understand the buildable envelope.

We began in 2017, by doing a Detailed Riparian Areas Assessment, but that returned a 30 m buffer that essentially sterilizes the property (approximately a 7.5 m by 20 m strip available for development).

We conducted a hardship calculation that allowed the buffer to be reduced to 28.5 m to allow 30% of the buildable envelop (30% of the area not under city setbacks). Subsequently, the Village of Harrison Hotsprings reduced the front setback. That setback resulted in the 30 m SPEA once again being appropriate as it allowed 40% of the developable area of the lot to be used for house and yard.

In hopes of obtaining a SPEA that was more in line with others in the neighbourhood, we conducted a Simple Riparian Areas Assessment. While the measurements show that houses on foundation are almost all within 15 to 17 m of the Miami River, the Simple Assessment still resulted in a category 1 vegetation type. Category 1 vegetation types have greater than 15 m average potential riparian width, and the resulting SPEA is still 30 m for undeveloped lots. Hence the simple assessment did not reduce the SPEA.

The Village of Harrison Hotsprings has a Miami River DPA which requires protection and restoration of the hydrological and ecological attributes of the Miami River and sets a 30 m buffer in the area of the subject property and requires a RAR assessment to alter that buffer.

Despite these reasons for a 30 m buffer we are asking the Province and the Village of Harrison Hotsprings to consider a variance to 20m (still larger than any other lot developed to date in the subdivision). The client is asking for a variance to allow most of his house to be outside the 30 m SPEA, all of it outside the hardship SPEA (before the front setbacks were reduced), but a deck be constructed to about 25 m. The areas from 25m to the requested 20 m SPEA would allow some backyard. In my professional opinion, the variance is warranted and I am supporting the owners in asking the Province and the Village of Harrison Hotsprings to consider a variance.

The reasons for granting a variance are threefold:

- 1) Under RAR, developments that have been approved but not yet built are honoured. This subdivision has been planned since 1947 and a covenant in place since 1983 that protects 15 m from the River. That covenant speaks to flood protection but also to protection of natural vegetation (see section 6 of covenant and section 8 that states alterations to the 15m are permissible only with approval of Fish and Wildlife Branch, Ministry of Environment). The subdivision has three vacant lots left along the river (of 43). Only two of those do not have approved DPs. The third vacant lot, adjacent to the subject property, has a recent (within last 5 years) DP that allows a 15 m stream buffer. I expect (but have not been able to confirm) that that neighbouring lot has approval for a 15 m SPEA by being considered as grandfathered. In my opinion, the subject lot should also be grandfathered. The municipality provided the original site layouts and covenants to me in hopes they would aid in the grandfathering argument.
- 2) If the grandfathering request is rejected, then I would argue that the deck does not constitute a HADD (harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life in the riparian assessment area). The zones of sensitivities (ZoSS) that are potentially affected by the deck are the shade zone of sensitivity and the large woody debris (LWD) zone of sensitivity (The other ZoS, the litterfall zone of sensitivity, is 15 m). Certainly the deck will cover vegetation and limit tree growth, and a HADD under RAR is anything that affects present or future vegetation. However, in this circumstance, with houses in the vicinity and a municipal trail between the property and the river, tall trees will not be able to grow and decay to an extent that they will be able to fall and provide LWD to the river. The potential LWD tree would be assessed as a danger tree and removed safely long before it could fall. As well, only a very large tree has the potential to cast shade in summer to Miami River from the outer edges of the SPEA. Even if a tree grew at 20 m from the river, it would need to be more than 25 m tall to cast a shadow in summer long enough to reach the river. Hence the deck will not affect likely affect shade to the River as homeowners are unlikely to allow such tall trees immediately adjacent to the house (even if the house is outside the 30 m SPEA). Shade can be better created by planting larger trees on the property close to the Miami River trail that lies between the property and the river. The deck does not affect long term potential as it could be removed if in future a larger buffer was developed for the neighbourhood. The deck certainly does not create a HADD under the Federal Fisheries Act

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

(which no longer considers HADDs, but considers similar terms and concepts; the Fisheries Act previously used the HADD term but with a less restrictive definition than under RAR). As well, note that the hardship calculation would have allowed the rest of the house (besides the deck) before the front setback reduction.

- 3) If the grandfathered argument is rejected, and the no-HADD argument rejected, then a variance based on fairness is, in my opinion, is still warranted. This steps outside my role as a QEP conducting a RAR, but with only 2 lots left (of 43 along the river), and this subject lot bought long ago with expectations that covenants were determined, it seems unfair to allow a house that has both no front yard and no backyard. A trail lies closer to the River and has more impact on the riparian area than sitting the house outside the hardship area, and the deck outside of 25 m, ever would. Like the trail, the deck could be removed if deemed important to the riparian zone and fish.

The rest of the report details the detailed assessment, hardship calculations, setback reductions, and resulting SPEA from detailed assessment to provide the background steps to the SPEA request.

Description of fisheries resources

Most of the land is quite flat, sloping gently from Miami River Drive to the watercourse. Miami Creek (called Miami River or Miami Slough by the locals) is a low-gradient (riffle pool), slow-moving watercourse typically 25 to 30 m wide in the wet season and narrower during the dry season. The water flows north, discharging into Harrison Lake in the Village of Harrison Hot Springs, about 1 km northwest of the subject property. From Harrison Lake, the water empties into Harrison River, eventually meandering 17 km southwest before emptying into the Fraser River system.

Miami Creek is fish-bearing. The stream was reviewed using Habitat Wizard, and the corresponding Streams Report included the following species: brassy minnow (*Hybognathus hankinsoni*), sculpin (*Cottus* spp), slimy sculpin (*Cottus cognatus*), coastrange sculpin (*Cottus aleuticus*), prickly sculpin (*Cottus asper*), coho salmon (*Oncorhynchus kisutch*), Chinook salmon (*Oncorhynchus tshawytscha*), cutthroat trout (*Oncorhynchus clarkii*), coastal cutthroat trout (*Oncorhynchus clarkii clarkii*), rainbow trout (*Oncorhynchus mykiss*), steelhead (*Oncorhynchus mykiss*), redside shiner (*Richardsonius bluteatus*), threespine stickleback (*Gasterosteus aculeatus*), and salish sucker (*Catostomus* sp. cf. *catostomus*; endangered), northern pikeminnow (*Ptychocheilus oregonensis*), pumpkinseed sunfish (*Lepomis gibbosus*) and largescale sucker (*Catostomus macrochellus*).

The Stream Report also included data regarding stocking information, which noted that the stream has been stocked in the past with rainbow trout, steelhead and cutthroat trout.

The stream has been flagged as critical habitat to the Pacific water shrew (*Sorex bendirii*), which has been caught within 1 km of the property (approximately 800 meters upstream from 247 Miami River Drive). Pacific water shrews are red-listed provincially, and have a COSEWIC and SARA designation of Endangered. The 1 km search for listed species also returned a hit for the pygmy longfin smelt (*Spirinchus* sp.), which has been found on the southern banks of Harrison Lake (900 m downstream of the property).

The stream has an organic substrate, with no pools or riffles, rather an almost level, slow flow. Various home owners have developed into the Streamside Protection and Enhancement Area (SPEA) and have ornamental planting such as walnut trees. There is a greenway easement that separates the properties from the streamside vegetation and provides a walkway trail for public use.

Streamside vegetation consists of heavy cover by Nootka rose (*Rosa nutkana*) and an infestation of Himalayan blackberry (*Rubus armeniacus*) (an invasive species). Additional streamside vegetation includes pink spiraea (*Spiraea douglasii*), pin cherry (*Prunus pensylvanica*), beaked hazelnut (*Corylus comuta*), salmonberry (*Rubus spectabilis*), red alder (*Alnus rubra*), red-osier dogwood (*Comus stolonifera*), snowberry (*Symphoricarpos albus*), fowl bluegrass (*Poa palustris*), and bluejoint (*Calamagrostis canadensis*). Emergent vegetation within the stream included reed canary grass (*Phalaris arundinacea*), common mare's-tail (*Hippuris vulgaris*), small-fruited bulrush (*Scirpus microcarpus*), yellow water lily (*Nuphar polysepala*), and giant bur-reed (*Sparganium eurycarpum*). Additional non-native (invasive) species present in the watercourse included creeping smartweed (*Persicaria longiseta*), and Eurasian milfoil (*Myriophyllum spicatum*).

The subject lot has several (>20 stems) western redcedar (*Thuja plicata*) trees present. These cedars appear to be mostly between 20-30 years old, but some are older (40 to 50 years old). Other tree and shrub species that dominate the cover on the lot include black cottonwood (*Populus trichocarpa*), red alder, thimbleberry (*Rubus parviflorus*) and snowberry. The lot is mainly treed, with scant understory vegetation present. The little herbaceous vegetation cover on the lot of land is given by native sedges (*Carex* spp.) and fireweed (*Chamerion angustifolium*), and by invasive/disturbance species such as Japanese knotweed (*Fallopia japonica*), Himalayan blackberry, creeping buttercup (*Ranunculus repens*), hawkweed (*Hieracium* sp.), orchard grass (*Dactylis glomerata*), Kentucky bluegrass (*Poa pratensis*), wall lettuce (*Lactuca muralis*), field bindweed (*Convolvulus arvensis*), English holly (*Ilex aquifolium*), hemp nettle (*Galeopsis tetrahit*), hairy cat's-ear (*Hypochaeris radicata*), silver nettle (*Lamium maculatum*) and ornamental walnut trees (*Juglans* sp.). Recent spraying of the Japanese knotweed with herbicide was evident.

Hardship calculation

According to the Ministry of Forests Lands and Natural Resource Operations (MFLNRO) draft hardship protocol, the site would be considered a greenfield; therefore up to 30% (rather than the brownfield 40%) of the developable area could be made available for the development footprint. The developable area is considered the area of the entire property.

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

excluding any setbacks imposed by the municipality. It should be noted the development should be located as far away from the High Water Mark (HWM) as possible. Values associated with the hardship variance calculations are found below (Table 1).

Table 1. Hardship Variance Calculations

Lot size = 692m ²	Developable Area – area outside of municipal setbacks (m ²)	Area outside of municipal setbacks, and SPEA (m ²)	% of area legally allowed to develop with 30 m SPEA	30% of developable area (m ²)	Allowable encroachment in SPEA according to protocol for greenfield (m ²)
7.5 m City setback for front, 7.5 m for back; 1.5 m for sides	352	80	22%	105	272 (2928 square feet)

With a 30m SPEA the owners would be able to develop 80m² of their lot (22% of the area not under city setbacks). The hardship guidelines would allow them to develop 30% of the developable area or 105 m², so the SPEA could be reduced by 272 m². Effectively that changes the SPEA from 30m to 28.5 m. The SPEA of 28.5 m would allow the 105m² buildable envelope. That is only a 10 by 10m building and so the Village of Harrison may consider adjusting their property setbacks to allow a larger envelope.

Front setback relaxed – no hardship needed

When the Village of Harrison agreed to a 5 m front setback rather than the 7.5 M setback, the hardship variance was not longer necessary as the developable areas becomes 44% of the are not under city setbacks.

Variance requested

As noted above I am supporting a variance request by the owners to 20 m SPEA. See the three reasons detailed above (grandfathering perspective, no HADD, and fairness).

There are several measures noted below to protect the SPEA. As well, the owners should note that the Miami River is a slow-moving channel, it's meandering nature across such a flat landscape raises significant concern that the stream may flood the property during a severe flood event. Houses must be built above the flood level set by the FVRD or Village of Harrison Hot Springs.

Prepared by

Laurie Kremsater



Laurie Kremsater
M.Sc., R.P.F., R.P. Bio.
Senior Habitat Ecologist

References:

Habitat wizard <http://www.env.gov.bc.ca/habwiz>. Accessed August 16th, 2017

FORM 1
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Section 2. Results of Detailed Riparian Assessment (SPEA width)

Refer to Chapter 3 of Assessment Methodology

Date: 2019-09-13

Description of Water bodies involved (number, type)

1. Stream

Stream	X
Wetland	
Lake	
Ditch	
Number of reaches	1
Reach #	1

1. Channel width and slope and Channel Type (use only if water body is a stream or a ditch, and only provide widths if a ditch)

Channel Width(m)		Gradient (%)
starting point	30.8	
upstream	29.8	1%
	33.9	
	27.2	
	23.9	
	23.8	
downstream	29.1	
	30.4	1%
	29.8	
	29.2	
	28.2	
Total: minus high /low		1%
mean	28 m	1%
	C/P	S/P
Channel Type	X	

I, Laurie Kremsater, hereby certify that:

a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;

b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Wayne Desaulniers;

c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

2. Site Potential Vegetation Type (SPVT)

SPVT Polygons	Yes	No	
		X	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes
			<p>I, <u>Laurie Kremsater</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Wayne Desaulniers</u>;</p> <p>c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and</p> <p>d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.</p>
Polygon No:			Method employed if other than TR
SPVT Type	LC	SH	TR
			X
Polygon No:			Method employed if other than TR
SPVT Type	LC	SH	TR
Polygon No:			Method employed if other than TR
SPVT Type			

3. Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons
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LWD, Bank and Channel Stability ZOS (m)	30				
Litter fall and Insect drop ZOS (m)	15				
Shade ZOS (m) max	30	South bank	Yes	x	No
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)				
Ditch Fish Bearing	Yes	No	If non-fish bearing insert no fish bearing status report		
SPEA maximum	30	(For ditch use table3-7)			

I, Laurie Kremsater, hereby certify that:

- I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
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- I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
- In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Comments

A "Detailed Riparian Areas Assessment" of Miami Slough returns a 30 m buffer that essentially sterilizes the property. The hardship calculation returned a 28.5 m buffer. After the Village of Harrison Hot Springs relaxed its front setback to 5m, that hardship situation no longer applies and the 30 m buffer allows >40% of the property that is not under city setbacks, to be developed. The Simple Assessment resulted in category 1 vegetation and a 30 m buffer even though the houses on foundation are 15 to 17 m from the River edge.

I am supporting the owners in asking for a variance of the SPEA to 20m for three reasons outlined above -- the primary ones being that the development should be considered grandfathered and has covenant meant to protect riparian habitat and address flood concerns, and that the small portion of the house and deck in the SPEA, in this particular situation, will not alter the potential for shade or large woody debris to the river and thus will not cause a HADD.

Section 3: Site Plan

Village of Harrison Hot Springs



Figure 1: Satellite view of property and general location.

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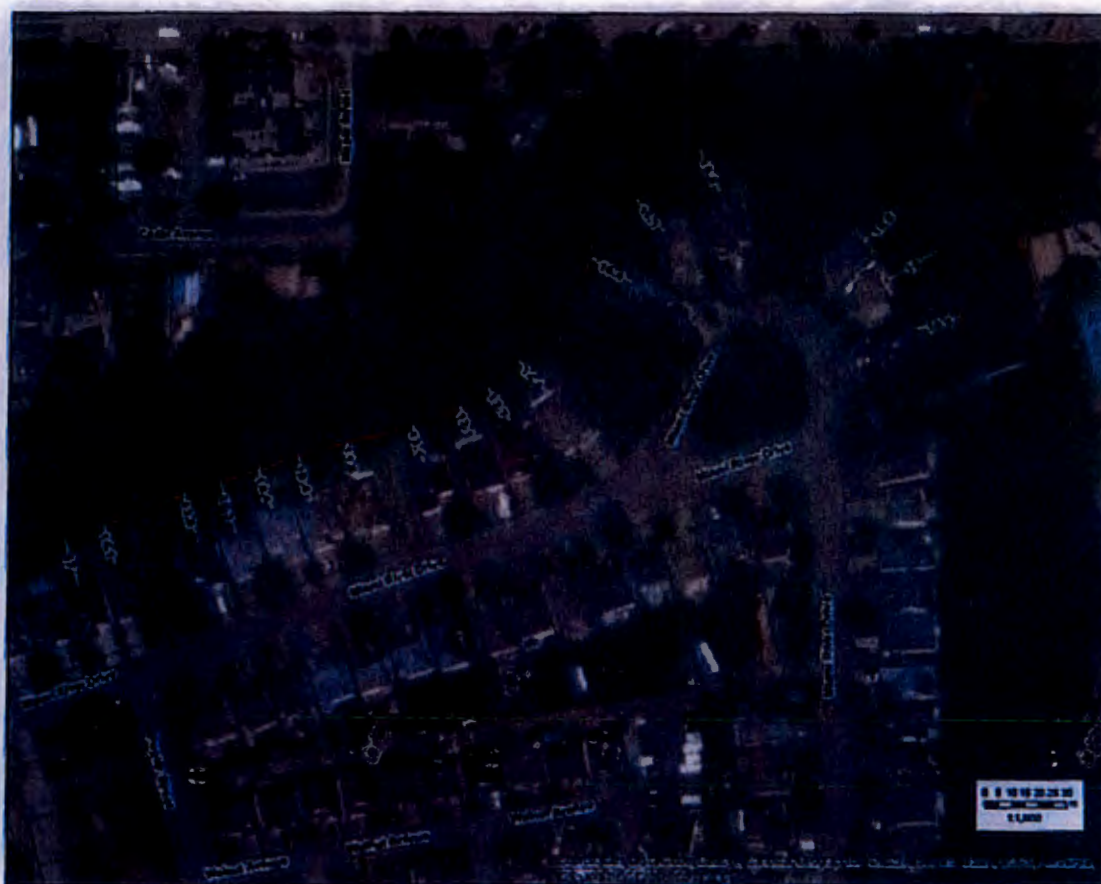


Figure 2: Distances to foundations for Simple Riparian Areas Assessment. The adjacent property at 245 Miami River Drive has an approved DP with a 15 m stream buffer.

FORM 1
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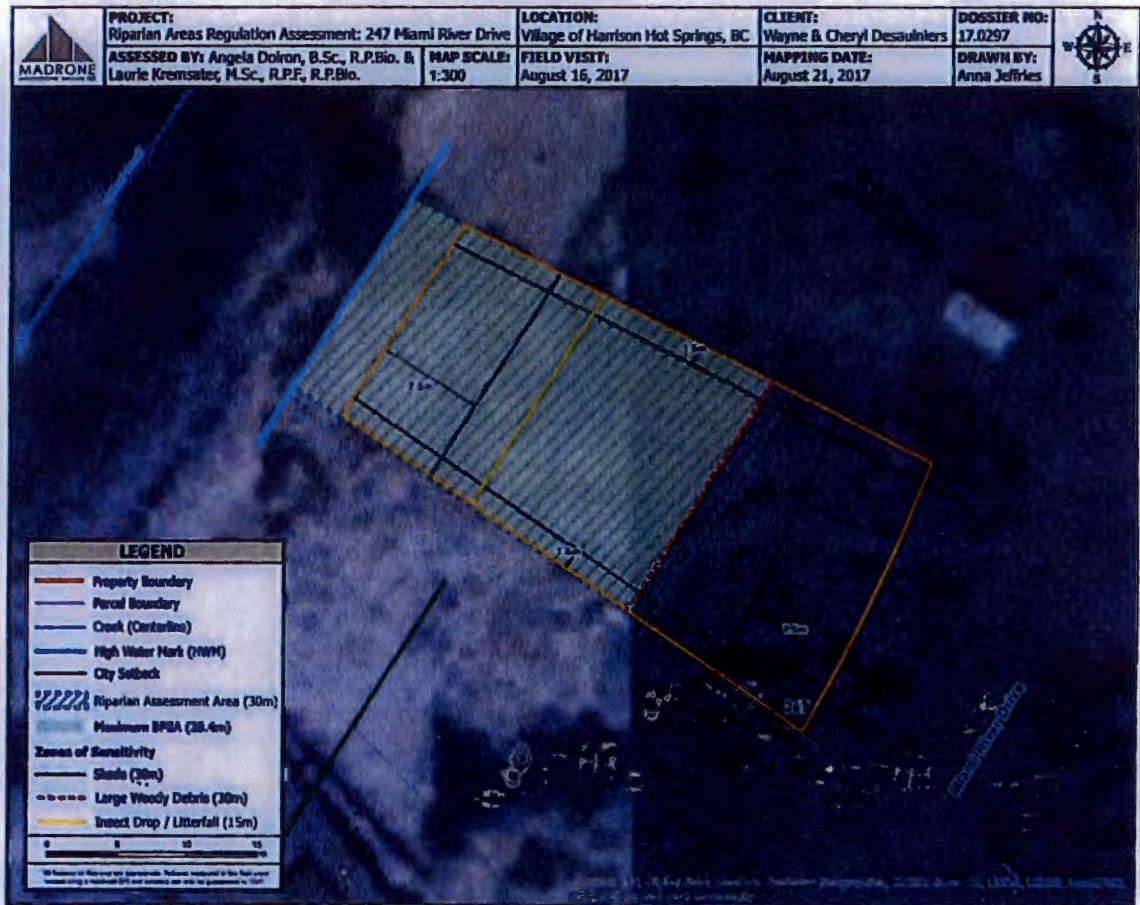


Figure 3: SPEA from Hardship Calculation

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Figure 4: 30 m SPEA after front setback reduced to 5 m

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Figure 5: Proposed house footprint and requested variance of SPEA to 20 m. Note deck is at 25 m and house outside of the hardship SPEA of 28.4 m.

Section 4. Measures to Protect and Maintain the SPEA

This section is required for detailed assessments. Attach text or document files, as need, for each element discussed in chapter 1.1.3 of Assessment Methodology. It is suggested that documents be converted to PDF *before* inserting into the assessment report. Use your "return" button on your keyboard after each line. You must address and sign off each measure. If a specific measure is not being recommended a justification must be provided.

1. Danger Trees	
I, <u>Laurie Kremsater</u> , hereby certify that: e) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; f) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Wayne Desaulniers</u> ; g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
The on the property, the western redcedar trees appear healthy and are not danger trees. Ideally, they should be retained, but it is very likely that 5-10 may be too close to any building envelope that is given. Their roots would likely be unavoidably impacted by construction. All efforts should be made to retain the trees, but if any trees are to be removed to accommodate house construction, that removal should adhere to existing bylaws. Regardless of bylaws, because the trees are within the SPEA, mitigative planting would be necessary -- at least four young conifer trees to replace each mature tree removed. An arborist must assess trees in the SPEA to see if they must be removed or can remain.	
2. Windthrow	
I, <u>Laurie Kremsater</u> , hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Wayne Desaulniers</u> ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
All trees on the property appear windfirm.	
3. Slope Stability	
I, <u>Laurie Kremsater</u> , hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Wayne Desaulniers</u> ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
The slope are very gentle (less than 5%) and slope stability is not an issue.	
4. Protection of Trees	
I, <u>Laurie Kremsater</u> , hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Wayne Desaulniers</u> ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
Construction activities have the potential to negatively impact upon the integrity of trees, either directly or indirectly. The most likely impacts to occur involve excavation activities, which have the potential to cut	

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	<p>through the roots of trees (e.g. from the digging action of excavator buckets). Damage to trees in the SPEA can also occur through damage to limbs and bark as a result of adjacent machinery activity. Compaction of roots, either through modification of the surface (e.g. addition of fill), or the movement of heavy machinery can also impact upon trees. Potential construction-related contaminants can also infiltrate into the soil (e.g. concrete wash or hydrocarbons), which have the potential to negatively impact trees.</p> <p>The potential for damage to trees located within the SPEA during the development depends on the proximity of development. Any excavations should occur away from the dripline of the trees. The dripline buffer must be marked with construction fence to protect the trees</p> <p>During the construction process, measures must be taken to avoid the introduction of potential pollutants into the ground, which may become mobilized in the soil, leading to negative impacts to trees growing inside the adjacent proposed 28.4 m SPEA (and also to the stream itself). Any concrete forms used during construction must be sound, with no potential for migration of uncured concrete beyond the confines of the forms and into the ground. Machinery used for construction must be clean and free from leaks, and refuelling must occur at the road. Preferentially, machines working inside the 30 m riparian assessment area would operate on non-toxic, biodegradable hydraulic oil. Regardless of the type of hydraulic fluid used, machines operating inside the 30 m riparian assessment area must carry spill kits, for deployment in the event of a spill. Any spills in excess of 100 litres must be reported to the Provincial Emergency Program (1 800 663 3456).</p>
<p>5. Encroachment</p>	<p>I, <u>Laurie Kremsater</u>, hereby certify that:</p> <ol style="list-style-type: none"> I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Wayne Desaulniers</u>; I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation <p>No new "development" is permitted within the SPEA (apart from any Danger tree management required in the future). During the construction process, the edge of the SPEA must be clearly identified with temporary high-visibility fencing in those areas where development is occurring. Orange "snow fencing" is recommended. Identifying the edge of the SPEA will prevent any inadvertent encroachment into the SPEA during construction.</p> <p>Post construction, it should be noted that none of the following activities are permitted within the SPEA:</p> <ul style="list-style-type: none"> - Removal, alteration, disruption or destruction of vegetation; - Disturbance of soils; - Construction or erection of buildings and structures; - Creation of non-structural impervious or semi-impervious surfaces; - Flood protection works; - Construction of roads, trails, docks, wharves and bridges; - Provision and maintenance of sewer and water services; - Development of drainage systems; and - Development of utility corridors. <p>Replanting the SPEA and controlling invasive vegetation or undertaking restoration is not considered "encroachment".</p>
<p>6. Sediment and Erosion Control</p>	<p>I, <u>Laurie Kremsater</u>, hereby certify that:</p> <ol style="list-style-type: none"> I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Wayne Desaulniers</u>; I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation <p>The most appropriate way to control sediment is to manage potential sediment sources. If potential erosion sources are managed properly, sediment cannot be mobilized. Relatively inexpensive techniques, such as covering exposed areas with mulch, can prevent the mobilization of sediment. Generally, the impact of rain drops upon an exposed surface provides sufficient energy to detach soil particles (depending upon particle size), which then become entrained in surface flowing water. Covering exposed areas with mulch protects the surface from rain-splash energy, in turn preventing the liberation of soil particles. Coverage with mulch</p>

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also prevents the formation of features such as rills and gullies, which have the ability to erode and entrain sediment.

Clearing activities associated with preparing construction footprints are the actions that have the highest potential of producing erodible surfaces. To help ensure the proper control of erosion and potential mobilization of sediment that may occur as a result of land preparation activities, the following measures must be employed during the construction process:

- Limiting the amount of excavation to the absolute minimum, and staging operations in such a way that allows for the maximum retention of undisturbed ground (especially vegetated ground) for as long as possible; and
- Applying straw mulch to all exposed ground and piles of fill and/or covering these areas with tarps or non-woven geotextile material. Covering exposed ground will help to decrease the mobilization of sediment from rainfall and surface run-off.

Sediment fencing is often relied upon as the only "ESC" control measure. In reality, sediment fencing does nothing to control erosion, but addresses the control of sediment that has already been mobilized. The proper management of potential sediment sources, using mulching techniques, must be the priority.

In this case, the land is so flat that erecting sediment fencing would not normally be necessary, but because construction will be within the SPEA and because the land has been completely cleared, we require sediment fencing to be set up before any construction activities a QEP must ensure that fencing has been properly set up and is properly maintained during the construction process. During construction, hills of soil may be created and be a source of sediment. Construction activities and resulting sediment should be carefully observed and actions taken (e.g., mulch, sediment fencing) to ensure runoff does not flow to the slough. Figure 3 (below) shows properly installed sediment fencing.

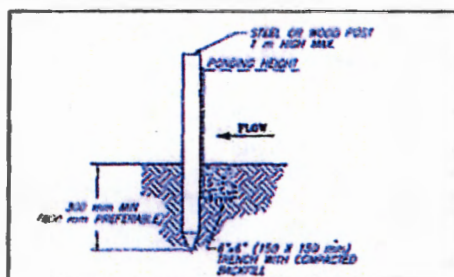


Figure 3. Diagram of how to properly install sediment fencing.

7. Stormwater Management

I, Laurie Kremsater, hereby certify that:

- I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
- I am qualified to carry out this part of the assessment of the development proposal made by the developer Wayne Desaulniers;
- I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation

Development activities generally lead to a net increase in the surface coverage of impermeable materials (e.g. rooftops and driveways) and a decrease in the coverage of permeable surfaces (e.g. vegetated areas). This leads to an increase in surface water run-off from storm events and a decrease in the amount of water that is able to slowly infiltrate into the ground.

Elevated stormwater run-off can have negative impacts on watercourses, including a potential increase in short-lived peak flow events and a decrease in the long-term supply of water to a system, which can result in lower flows in the summer months.

Increased peak flows can potentially impact fluvial environments by flushing alluvial material from the system (e.g. increased scour), which could have repercussions on the availability of spawning habitat. Stream banks can also become more unstable, which can lead to an increased potential for fine sediment transportation. An increase in the frequency of summer low flow events can lead to a decrease in available wetted habitat for fish.

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

	<p>The goal of stormwater management is to capture storm flow and return it to natural hydrological pathways. Ideally, any development should aim towards a "no net gain" in stormwater leaving the site.</p> <p>The proposed development will increase the impermeable surfaces on the site (primarily roofs and roads surfaces associated with new homes). Potential impacts to stream flows, or impacts to connected downstream habitats associated with stormwater would be difficult to quantify. It is important to note, however, the potential negative effects associated with cumulative impacts of multiple impermeable footprints over an entire watershed. Based on the dimensions of the development footprint, one potential option would be to construct rock-lined infiltration chambers, which receive stormwater flow from the impervious roof top, via rain leaders and piping. Stormwater will be encouraged to infiltrate slowly into the ground if directed into the chambers. Storm water should not be directed directly into the creek but rather be directed to percolate through the soil.</p> <p>A portion of the water flowing off the roof top could also be collected using rain barrels. This water could be used for non-potable applications (e.g. irrigation).</p> <p>Rain gardens also offer solutions to capturing stormwater and allowing it to infiltrate slowly into the ground. Rain gardens are beneficial in that they are aesthetically-pleasing features that can add to the visual appeal of a property. The surface area of a rain garden should be approximately 20% of the impermeable surface area feeding into it. Rain-gardens should be in the form of a shallow depression and be approximately 10-15cm deep (after soil amendments have been added). The surface of a rain-garden should be kept as level as possible, with a slight depression in the centre. Run-off from impermeable surfaces such as the roof tops of the barn and/or carriage house could be directed into a rain-garden via flexible plastic pipes running from the downspouts. To prevent erosion, small gravel (e.g. pea gravel) should be placed around the pipe inflow.</p> <p>After the rain-garden has been dug out, an adequate soil mix should be added, consisting of washed, coarse sand (approximately 50% by volume), hardwood mulch (15% by volume), weed free topsoil with a high organic content (30% by volume) and compost (5% by volume). It is important that the soil is not compacted (e.g. by foot traffic or machinery) after being spread. Minimal foot trampling will be unavoidable during the planting stage.</p> <p>There are numerous options regarding potential plants to use in a rain-garden; but the following species are recommended: red osier dogwood (<i>Cornus sericea</i>), salmonberry (<i>Rubus spectabilis</i>), red elderberry (<i>Sambucus racemosa</i>) and slough sedge (<i>Carex obnupta</i>).</p>
<p>8. Floodplain Concerns (highly mobile channel)</p>	<p>I, <u>Laurie Kremsater</u> hereby certify that:</p> <ol style="list-style-type: none"> I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Wayne Desautlers</u>; I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation <p>The development is adjacent to a low energy channel (Miami Creek) but is on a very flat area so there is the danger of the stream flooding the property during a severe flood event. Houses must be built above the flood level set by the FVRD or Village of Harrison Hot Springs. The new house will not affect flooding of Miami Creek.</p>

Section 5. Environmental Monitoring

Attach text or document files explaining the monitoring regimen. Use your "return" button on your keyboard after each line. It is suggested that all document be converted to PDF before inserting into the PDF version of the assessment report. Include actions required, monitoring schedule, communications plan, and requirement for a post development report.

Monitoring is required during developments that trigger the RAR process to ensure that suggested measures are implemented as required. The following schedule must be adhered to:

Actions Required/Monitoring Schedule

Tree Management Activities:

An arborist or QEP must be involved for any trees to be removed in the SPEA setback or within 5 m of the SPEA.

Initial construction-related on-site meeting:

The developer must arrange for an initial meeting between the monitor and construction personnel to ensure that all measures, where applicable, are understood and have been implemented prior to any construction activities occurring. The most important measure in this case would be to ensure that the surveyed SPEA has been clearly demarcated with orange fencing prior to development occurring and that sediment fencing has been put in place effectively.

Monitoring visits during the construction period:

Following the initial meeting, a scheduled site visit must be made by an environmental monitor approximately mid-way through the construction period. The main objective of the visit would be to check on site conditions and assess the effectiveness of measures being employed to protect the SPEA. Modifications can be made to the implemented measures during the mid-point site visit, where appropriate. Construction activities would be documented during the site visit using photographs.

Post-construction site visit and planting assessment:

When development has been completed, a final site visit must be undertaken to close the monitoring process. If plants are planted to compensate for activities in or near the SPEA, then the final site visit should take place after plants are planted. Monitoring of planted vegetation requires checking annually over a 3 year period to ensure adequate survival.

Communications Plan:

The developer must contact a qualified environmental professional prior to construction activities occurring. The developer must also contact a QEP mid-way through the construction process and also when construction activities are complete, to allow the post-construction site visit to be carried out.

Post Construction Report:

As part of the monitoring process, a report that documents all "development" activities is required (including any tree management). The report will contain a chronological break down (with site photos) of all development activities and describe compliance to the various measures and of the restoration planting. Once complete, the post construction report would be uploaded using the RAR on-line submission process.

Section 6. Photos



Photo 1: View south of property from approximately 20 meters north of Miami River Drive road (visible through trees). Note low cover of herbaceous vegetation, which is mainly field bindweed (invasive).



Photo 2: View west along greenway easement, which separates the properties on Miami River Drive from the riparian streamside vegetation (visible on the right of the photo).

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



Photo 3: Northwest view of Miami Creek from the HWM location. Note slow-flow conditions were relatively stagnant during our August 16th 2017 field visit.



Photo 4: View west, downstream from property. Photo taken from the HWM.

Section 7. Professional Opinion

Assessment Report Professional Opinion on the Development Proposal's riparian area.

Date 2019-09-13

1. Laurie Kremsater, R.P.Bio.

Please list name(s) of qualified environmental professional(s) and their professional designation that are involved in assessment.)

hereby certify that:

- a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
- b) I am qualified to carry out the assessment of the proposal made by the developer Wayne Desaulniers, which proposal is described in section 3 of this Assessment Report (the "development proposal");
- c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
- d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation; AND

2. As a qualified environmental professional, I hereby provide my professional opinion that:

- a) ☒ if the development is implemented as proposed by the development proposal there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed, **OR**
(Note: include local government flex letter, DFO Letter of Advice, or description of how DFO local variance protocol is being addressed) (These letters are no longer provided by DFO; local government has supported the notion of grandfathering, but I do not have a letter)
- b) if the streamside protection and enhancement areas identified in this Assessment Report are protected from the development proposed by the development proposal and the measures identified in this Assessment Report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed.

[NOTE: "qualified environmental professional" means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if

- (a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association,
- (b) the individual's area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal, and
- (c) the individual is acting within that individual's area of expertise.]

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Appendix 1: Reduction of front road setback



File: 3090-20-DVP04/18

June 20, 2019

Wayne and Cheryl Desaulniers
5432 Maple Crescent
Delta, BC V4K 1G2

Dear Sir and Madame:

**Re: Development Variance Permit 04/18
247 Miami River Drive, Harrison Hot Springs, BC**

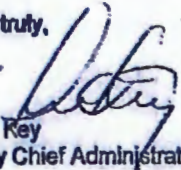
I am pleased to inform you that at the June 17, 2019 Regular meeting of Council the following recommendation was approved:

"THAT Development Variance Permit DVP 04/18 be issued to Wayne and Cheryl Desaulniers for the property located at 247 Miami River Drive, Harrison Hot Springs for land legally described as:

Lot 19, Except: Part on Plan 66847; Block 3 Fractional Section 13 Township 4 Range 29 West of the Sixth Meridian New Westminster District Plan 9786."

Kindly sign the Development Variance Permit as noted and return to the Village Office at your earliest convenience so it may be sent to Land Titles for registration.

Yours truly,


Debra Key
Deputy Chief Administrative Officer

/s/
enclosure

Municipal Office: P.O. Box 160, 495 Hot Springs Road, Harrison Hot Springs, BC V0M 1K0
E info@harrisonhotsprings.ca W www.harrisonhotsprings.ca
T 604 796 2171 F 604 796 2192

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Appendix 2: Covenant on property and subdivision

W137330

W137331

NOT USED

6 Oct 83 15 05

FORM 17

LAND OFFICE APPLICATION
NEW WESTMINSTER, B.C.NATURE OF CHARGE: RESTRICTIVE COVENANT
AGREEMENT

TRUE VALUE: Nil

FEES HEREWITH: 20.00
\$10.00Full name, address, telephone number of
person presenting application:

Ronald A. Kelly, Esq. 792-1376
 BAKER, NEWBY & COMPANY
 Barristers & Solicitors
 P.O. Box 390, Chilliwack, B.C. V2P 6K2

Ronald A. Kelly
 Signature of Solicitor

THIS INDENTURE made the 15th day of July, A.D. 1983.

BETWEEN:

WHISTLER MOUNTAIN HOLDINGS LTD., a body corporate,
 duly incorporated under the laws of the Province of
 British Columbia on the 18th day of June, 1969, under
 incorporation number 87,538, and having its registered
 and records office at 700 - 925 West Georgia Street,
 Vancouver, in the Province of British Columbia

(hereinafter called the "Grantor")

OF THE FIRST PART

AND:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
 BRITISH COLUMBIA as represented by the Ministry of
 Environment and THE CORPORATION OF THE VILLAGE OF
 HARRISON HOT SPRINGS, a Municipal Corporation under
 the "Municipal Act", being Chapter 290 of the Revised
 Statutes of British Columbia, 1979 having its
 Municipal Offices at 499 Hot Springs Road, in the
 Village of Harrison Hot Springs, in the Province of
 British Columbia

(hereinafter jointly called the "Grantee")

OF THE SECOND PART

WHEREAS the Grantor is the registered owner of all and
 singular that certain parcel or tract of land and premises
 situate, lying and being in the Village of Harrison Hot Springs,
 in the Province of British Columbia and more particularly
 and described as:

RECEIVED
 15 OCT 83
 NEW WESTMINSTER LAND TITLE OFFICE

15 OCT 83
 NEW WESTMINSTER LAND TITLE OFFICE

Covenant W1373301373311

1.10.83
15:36

VILLAGE OF
HARRISON HOT SPRINGS

L.T.A. 24.215
J. T. G. L.

- 2 -

Village of Harrison Hot Springs

- (X) FIRSTLY: Lots 3 - 11 inclusive and Lots 15 - 26 inclusive, Block 3, Plan 9786, Except part subdivided by Plan ~~66847~~ AND
- (X) SECONDLY: Lots 337 and 338, Plan 62904, Except part subdivided by Plan ~~66847~~ AND
- (X) THIRDLY: Lots 1 - 17 inclusive of Block 4, Plan 9786, Except part subdivided by Plan ~~66847~~ AND
- (X) FOURTHLY: Lots 165 - 181 inclusive, Plan 53383, Except part subdivided by Plan ~~66847~~ AND
- (X) FIFTHLY: Lots 234 - 245 inclusive, Plan ~~66847~~
- ALL of Fractional Section 13, Township 4, Range 29, West of the 6th Meridian, New Westminster District

(hereinafter called "the Land")

AND WHEREAS it is enacted by Section 215 of the Land Title Act that there may be registered as a charge against the title to land that is being or has been registered a condition or covenant in favour of the Crown or of a Crown Corporation or agency or of a municipality or regional district;

AND WHEREAS the Grantor has applied to the Approving Officer for the Village of Harrison Hot Springs for approval of a subdivision creating the said land;

AND WHEREAS the Grantor has agreed with the Grantee to enter into the following covenants;

NOW THEREFORE in consideration of the premises and the sum of ONE (\$1.00) DOLLAR now paid to the Grantor by the Grantee (the receipt and sufficiency whereof is hereby acknowledged) the Grantor covenants with the Grantee as follows, pursuant to the provisions of Section 215 of the Land Title Act, and covering the said lands:

1. In this Agreement the term "natural boundary" means the visible high water mark of Miami Creek where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark upon the soil of the bed of the said creek a character distinct from that of the banks thereof in respect of vegetation as well as in respect of the nature of the soil itself.

DATED:

BETWEEN:

WHISTLER MOUNTAIN HOLDINGS LTD.

OF THE FIRST PART

AND:

HER MAJESTY THE QUEEN IN RIGHT
OF THE PROVINCE OF BRITISH COLUMBIA
as represented by the Ministry
of Environment and THE CORPORATION
OF THE VILLAGE OF HARRISON HOT
SPRINGS

OF THE SECOND PART

RESTRICTIVE COVENANT

Ronald A. Kelly, Esq.
BAKER, NEWBY & COMPANY
Barristers & Solicitors
9259 Main Street, P.O. Box 390
CHILLIWACK, B.C. V2P 6K2 (792-1376)

File No.

RAK/kvs

12. COUNTER NW W137330 Registered JAN-13-12 10 of 9

137330

2. Hereafter, no building shall be constructed, nor mobile home located within FIFTEEN (15) metres of the natural boundary of Miami Creek.

3. Hereafter, no area used for habitation, business, or storage of goods damageable by floodwaters shall be located ~~within any building at an elevation such that the underside of the floor system thereof is less than~~ FOURTEEN POINT FIVE (14.5) metres Geodetic Survey of Canada datum, nor lower than ONE POINT FIVE (1.5) metres above the natural boundary of Miami Creek, whichever elevation is the higher. In the case of a mobile home, the ground level or top of concrete or asphalt pad on which it is located shall be no lower than the above described elevation.

4. The required elevation may be achieved by structural elevation of the said habitable, business, or storage area or by adequately compacted landfill on which any building is to be constructed or mobile home located, or by a combination of both structural elevation and landfill. No area below the required elevation shall be used for the installation of furnaces or other fixed equipment susceptible to damage by floodwater. Where landfill is used to raise the natural ground elevation, the toe of the landfill slope shall be no closer to the natural boundary than the setback requirement given in Condition #1 above. The face of the landfill slope shall be adequately protected against erosion from flood flows.

5. The owner acknowledges that neither the Province of British Columbia nor the Village of Harrison Hot Springs represent to the owner or any other person that any building constructed or mobile home located in accordance with paragraphs (3) and (4) herein will not be damaged by flooding or erosion, and the owner covenants and agrees not to claim damages from the Province of British Columbia, the Regional District of Fraser-Chiem or the Village of Harrison Hot Springs or hold the Province of British Columbia, the Regional District of Fraser-

Handwritten signature

Chow or the Village of Harrison Hot Springs responsible for damages caused by flooding or erosion to the land or to any building, improvement, or other structure built, constructed or placed upon the said lands and to any contents thereof.

6. The Grantor will not, without the prior written consent of the Corporation of the Village of Harrison Hot Springs and the Regional Manager of the Fish & Wildlife Branch, Ministry of Environment, which consent may be arbitrarily withheld, cut down, trim, prune, defoliate, alter, remove or in any way tamper with or work on any trees, shrubs, plants, bushes, ground cover, vegetation or any other form of plant life within that portion of the said lands within a distance of NINE (9) metres from the natural boundary of each side of the Miami Creek so that the said trees, shrubs, plants, bushes, ground cover, vegetation and other forms of plant life remain in a naturally vegetated state in perpetuity.

7. Nothing contained or implied herein shall prejudice or affect the rights and powers of the Grantee in the exercise of its functions under any public or private statutes, by-laws, orders and regulations, all of which may be fully and effectively exercised in relation to the said lands as if this Agreement had not been executed and delivered by the Grantor.

8. The covenants set forth herein shall charge the said lands pursuant to Section 215 of the Land Title Act and shall be covenants the burden of which shall run with the said lands. It is further expressly agreed that the benefit of all covenants made by the Grantor herein shall accrue solely to the Grantee and that this Agreement may only be modified or discharged by agreement of the Grantee and the Regional Manager of the Fish & Wildlife Branch, Ministry of Environment, pursuant to the provisions of Section 215(5) of the Land Title Act.

AKC

9. The Grantor will, after execution hereof by it, at the expense of the Grantor, do or cause to be done all acts reasonably necessary to grant priority to this Agreement over all charges and encumbrances which may have been registered against the title to the said lands in the New Westminster Land Title Office save and except those specifically approved in writing by the Grantee or in favour of the Grantee.

10. Wherever the singular or masculine is used herein, the same shall be construed as meaning the plural, feminine or body corporate or politic where the context or the parties so require.

11. The parties hereto shall do and cause to be done all things and execute and cause to be executed all documents which may be necessary to give proper effect to the intention of this Agreement.

IN WITNESS WHEREOF the Grantor has hereunto set its common seal by the hands of its duly authorized signatories on the day and year first above-written.


The Common Seal of WHISTLER MOUNTAIN HOLDINGS LTD. was affixed hereto in the presence of its duly authorized signatories:

(SEAL)


Authorized Signatory

Authorized Signatory

This is the instrument creating the condition or covenant entered into under Section 215 of the Land Title Act by the registered owner referred to herein.

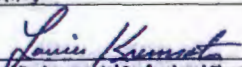

Approving Officer for the Corporation of the Village of Harrison Hot Springs

FORM 1
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Appendix 3: QEP information

Attachment 1. Summary of Qualifications – Qualified Environmental Professional, Riparian Assessments for the Riparian Areas Regulation

Date:	July 19, 2019
Name of Qualified Environmental Professional (QEP):	Laurie Kremsater
Professional designation:	Registered Professional Biologist, Registered Professional Forester
Professional association:	Association of Biologists of BC; Association of BC Forest Professionals
Registration number:	RPBio 589; RPF 2270
Training in Riparian Areas Regulation	Riparian Areas Regulation Methods Course
Organization or agency delivery training:	Natural Resources Extension Program (through VIU)
Name of trainer:	Michelle Jones
Date of training session:	2013
Certificate number:	N/A
Other relevant education, training or experience	<ul style="list-style-type: none"> I have attended provincial-government-led QEP RAR workshops over the years to discuss RAR implementation I have attended ABCFP and APB workshop on professional guidance for RARs I have a MSc in Ecology, including upper level courses in hydrology and fish/forestry interactions
Riparian assessments completed:	Since completion of the RAR course in 2013, I have completed more than 70 RAR assessment reports or municipal RAR-related assessments. These reports have mainly been Detailed Assessments involving individual residences, small and large-scale subdivision-based development proposals. I have included ten recent reports to provide up-to-date examples.
Report title (RARNs No.):	Hopa (RARNs Report No. 5782)
Report date (year-month-day):	June 2019
As lead Qualified Environmental Professional (Y/N)	Y
As supporting specialist (Y/N)	N
Report title (RARNs No.):	Langley (RARNs Report No. 5772)
Report date (year-month-day):	June 2019
As lead Qualified Environmental Professional (Y/N)	Y
As supporting specialist (Y/N)	N
Report title (RARNs No.):	Eastgate Manning Park (RARNs Report No. 5502)
Report date (year-month-day):	Dec 2018
As lead Qualified Environmental Professional (Y/N)	Y
As supporting specialist (Y/N)	N
Report title (RARNs No.):	Hatzik Lake (RARNs Report No. 5248)
Report date (year-month-day):	June 2018
As lead Qualified Environmental Professional (Y/N)	Y
As supporting specialist (Y/N)	N
Report title (RARNs No.):	Mission (RARNs Report No. 4407)
Report date (year-month-day):	Nov 2016
As lead Qualified Environmental Professional (Y/N)	Y
As supporting specialist (Y/N)	N
Report title (RARNs No.):	Harrison (RARNs Report No. 4566)
Report date (year-month-day):	May 2017
As lead Qualified Environmental Professional (Y/N)	Y
As supporting specialist (Y/N)	N
Report title (RARNs No.):	Mission (RARNs Report No. 5768)
Report date (year-month-day):	June 2019
As lead Qualified Environmental Professional (Y/N)	Y
As supporting specialist (Y/N)	N
Report title (RARNs No.):	Chilliwack (RARNs Report No. 5743)
Report date (year-month-day):	May 2019
As lead Qualified Environmental Professional (Y/N)	Y
As supporting specialist (Y/N)	N
Report title (RARNs No.):	Mission (RARNs Report No. 4407)
Report date (year-month-day):	Nov 2016
As lead Qualified Environmental Professional (Y/N)	Y
As supporting specialist (Y/N)	N
Report title (RARNs No.):	Langley (RARNs Report No. 5639)
Report date (year-month-day):	April 2019
As lead Qualified Environmental Professional (Y/N)	Y
As supporting specialist (Y/N)	N


 Qualified Environmental Professional Signature

July 30, 2019
 Date

Attachment 2. Riparian Assessment Assurance Statement – Qualified Environmental Professional

Note: This Statement is to be read and completed in conjunction with the *Professional Practice Guidelines – Legislated Riparian Assessments* and the Riparian Areas Regulation 2004 OIC 837 and is to be provided for riparian assessments (not landslides, floods or flood controls) for the purposes of the Riparian Areas Regulation. Italicized words are defined in the guidelines.

To: Village of Harrison Hot Springs

Date: July 30, 2019

With reference to the Riparian Areas Regulation for the property:
247 Miami River Drive, 002-314-584

The undersigned hereby gives assurance that he/she is a Qualified Environmental Professional:

Name of Qualified Environmental Professional: Laurie Kremsater M.Sc., R.P.Bio, R.P.F.

Professional designation: Registered Professional Biologist (registration No. 539); Registered Professional Forester (2270)

Professional association: Professional Biologists of BC; Association of BC Forest Professionals

I have signed, sealed and dated, and thereby certified, the attached riparian assessment report on the property in accordance with the *Professional Practice Guidelines – Legislated Riparian Assessments* and with the *assessment methods*. That report must be read in conjunction with this statement. In preparing that report I have:

- ☒ 1. Collected and reviewed appropriate background information
- ☒ 2. Reviewed the *development proposal* on the property
- ☒ 3. Conducted field work on and, if required, beyond the property
- ☒ 4. Reported on the results of the field work on and, if required, beyond the property
- ☒ 5. Incorporated recommendations or assessment results from other specialists
- ☒ 6. Prescribed measures to protect and maintain the integrity of the streamside protection and enhancement area
- ☒ 7. Prescribed measures to avoid the occurrence of a HADD*
- ☒ 8. Reported on the requirements for *field reviews or environmental monitoring* of the property during or following site works for the proposed *development* and recommended who should conduct those *field reviews or environmental monitoring*
- ☒ 9. Reviewed the *riparian assessment* report with the *client* and explained the content and the measures required to be implemented.

*HADD – harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes

I hereby confirm that in my professional opinion, based on the conditions contained in the attached *riparian assessment report*, as required by the Riparian Areas Regulation (Section 4):

Check one:

☐ If the *development* is implemented as proposed there will be no harmful alteration, disruption or destruction of *natural features, functions and conditions* that support fish life processes in the *riparian assessment area*.

☒ If the *streamside protection and enhancement areas* identified in the report are protected from the *development* and the measures prescribed in the report as necessary to protect the integrity of those areas from the effects of the *development* are implemented by the *developer*, there will be no harmful alteration, disruption or destruction of *natural features, functions and conditions* that support fish life processes in the *riparian assessment area*.

Check one:

- ☒ with one or more recommended registered covenants
- ☐ without any registered covenant.

Laurie Kremsater



July 19, 2019

Signature, seal and date

VILLAGE OF HARRISON HOT SPRINGS



REPORT TO COUNCIL

TO:	Mayor and Council	DATE: March 4, 2020
FROM:	Ken Cossey, MCIP, RPP Planning Consultant	FILE: 3360-20-Z03/19 (622 Hot Springs Road)
SUBJECT:	Rezoning of 622 Hot Springs Road	

ISSUE:

Seeking direction on referring Zoning Amendment Bylaw 1147, 2019 to the Ministry of Transportation and Infrastructure and setting up a public hearing.

BACKGROUND:

This site is currently developed with one dwelling unit and is approximately 0.56 Ha (2,290.88 M²) in size. The site has an extensive depressed area, that covers proposed Lots 2 and 3, that will require extensive fill for this area to raise this site to the FCL of 14.55 M.

The site can be easily serviced as adjacent sewer and water lines and BC Hydro lines are quite close to this site. There are two fire hydrants located immediately adjacent to this site. The requested rezoning amendment is to change the current zoning from an R-1 zone (Conventional Lot) to an R-3 zone (Residential – Small Lot). The request is to facilitate a future 3-Lot subdivision application.

Official Community Plan (OCP) designation

The site is currently designated as a Low Density Residential area, as per s 6.3.2 of the Village's OCP. No OCP amendment is required as the proposed R-3 uses are compatible with the current Low Density Residential policies.

In 2010 this site was redesignated from Tourist Commercial to Low Density Residential. This site was also rezoned at the same time from TC to R-1.

Surrounding Land Uses

On the north, south and west sides of this site, the zoning is C-3 (Tourist Commercial) and on the east side of the site, across Hot Springs Road, the zoning is R-2. In this neighbourhood, the site is approximately 40M from an R-4 site and 140M from an R-3 site.

Title Issues

Both Certificate of Titles for this development site have been reviewed and there are no issues to report on.

Traffic concerns

Assuming an average of 1.5 to 2.4 vehicles per proposed lot, the development could contribute 3 to 5 new vehicles into the Village's transportation network. (The estimated vehicle figures have been rounded up)

Results of the Advisory Planning Commission (APC) meeting

On October 16, 2019 the APC met to review this rezoning application. The recommendation of the APC is as follows:

"That the Zoning Amendment Bylaw related to 622 Hot Springs Road not be supported because the change to the R-3 zoning is not consistent with the adjacent land use."

RECOMMENDATION:

- 1/. That Zoning Amendment Bylaw 1147, 2019, be given 1st and 2nd reading; and
- 2/. That Zoning Amendment Bylaw 1147, 2019 be referred to the Ministry of Transportation and Infrastructure; and
- 3/. That staff be authorized to set up a public hearing.

Respectfully submitted:

**REVIEWED BY and Concurrence
with the RECOMMENDATIONS**

Ken Cossey

Ken Cossey, MCIP, RPP,
Planning Consultant

Madeline McDonald

Madeline McDonald
Chief Administrative Officer

Attachments (2) Zoning Amendment Bylaw 1147, 2019
 Subdivision Plan, dated June 2019



VILLAGE OF HARRISON HOT SPRINGS BYLAW NO. 1147, 2019

A bylaw to amend Village of Harrison Hot Springs Zoning Bylaw No. 1115, 2017

WHEREAS the Mayor and Council has deemed it advisable to amend the Village of Harrison Hot Springs Zoning Bylaw No. 1115, 2017, the Zoning Bylaw for the Village of Harrison Hot Springs, as adopted May 7, 2018;

NOW THEREFORE in open meeting assembled, the Mayor and Council of the Village of Harrison Hot Springs enacts as follows:

CITATION

1. This Bylaw may be cited for all purposes as the "**Village of Harrison Hot Springs Zoning Amendment Bylaw No. 1147, 2019**".

2. MAP AMENDMENT

That:

- (a) Schedule A, the Zoning Map of the Village of Harrison Hot Springs Bylaw No. 1020, be amended by rezoning the lands, legally described as Parcel "A" (Reference Plan 11753) Lots 15 and 16 Except: Parcel One (Reference Plan 12824) Section 12 Township 4 Range 29 West of the Sixth Meridian New Westminster District Plan 5519 (PID 011-150-882) and Parcel "B" (Explanatory Plan 15935) Lot 15 Section 12 Township 4 Range 29 West of the Sixth Meridian New Westminster District Plan 5519 (PID 004-828-925), outlined in red and cross-hatched on Schedule 1 of this Bylaw from **Residential 1 (Conventional Lot) - R-1** zone to **Residential 3 (Small Lot) R-3** zone; and,
- (b) the map appended hereto designated as Schedule 1 showing such amendment is an integral part of this Bylaw.

READ A FIRST TIME THIS _____ DAY OF _____, 2020

READ A SECOND TIME THIS _____ DAY OF _____, 2020

A PUBLIC HEARING WAS HELD ON THE _____ DAY OF _____, 2020

READ A THIRD TIME THIS _____ DAY OF _____, 2020

ADOPTED THIS _____ DAY OF _____, 2020

Mayor

Corporate Officer

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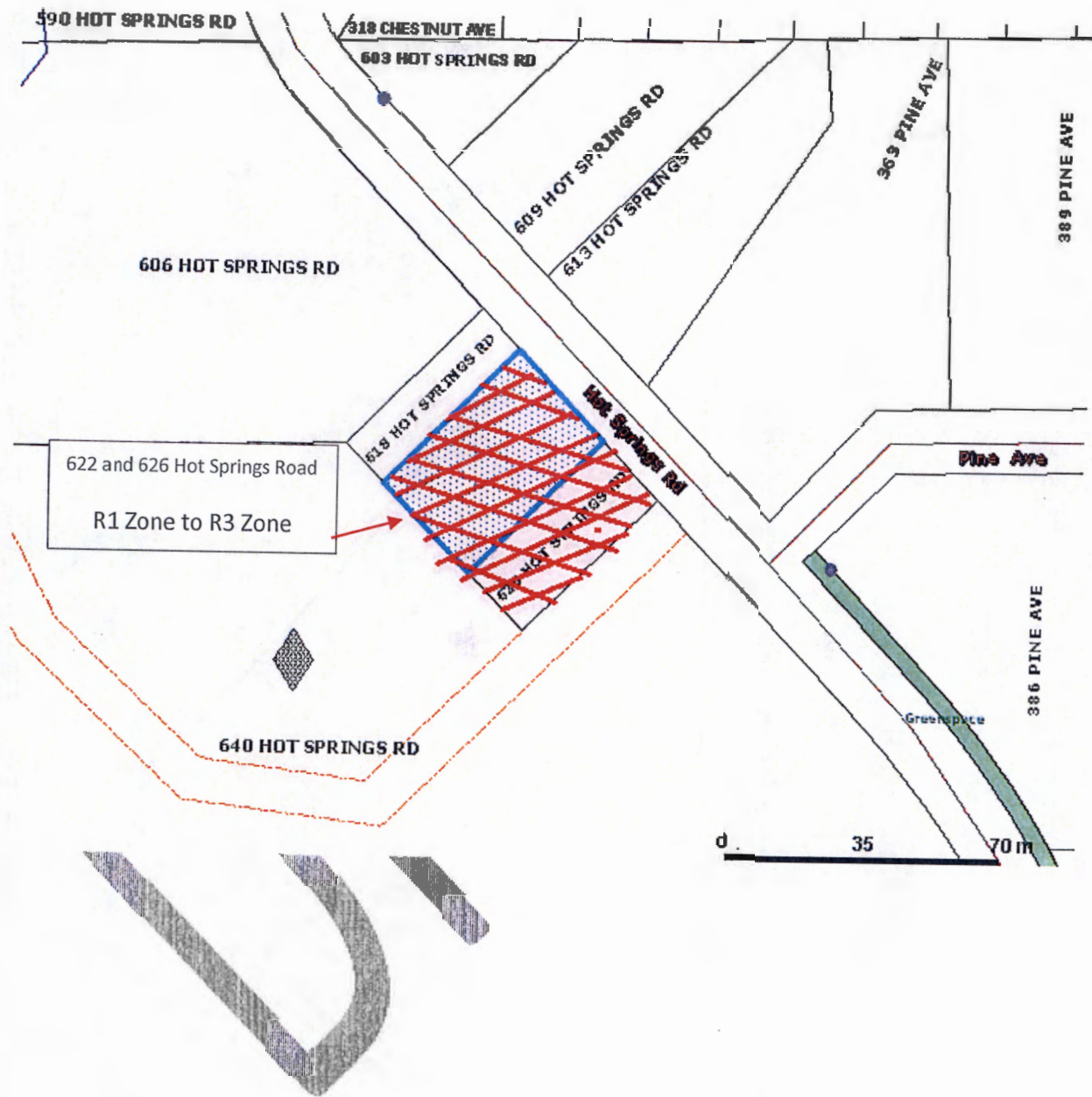
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Schedule 1
Bylaw No. 1147, 2019



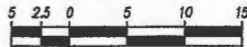
DRAFT PLAN OF SUBDIVISION OF:

VILLAGE OF HARRISON HOT SPRINGS FILE:

- 1) PARCEL "A" (REFERENCE PLAN 11753) LOTS 15 AND 16
EXCEPT: PARCEL "ONE" REFERENCE PLAN 12824);
 - 2) PARCEL "B" (EXPLANATORY PLAN 15935) LOT 15
- both of SECTION 12 TOWNSHIP 4 RANGE 29
WEST OF THE SIXTH MERIDIAN
NEW WESTMINSTER DISTRICT PLAN 5519

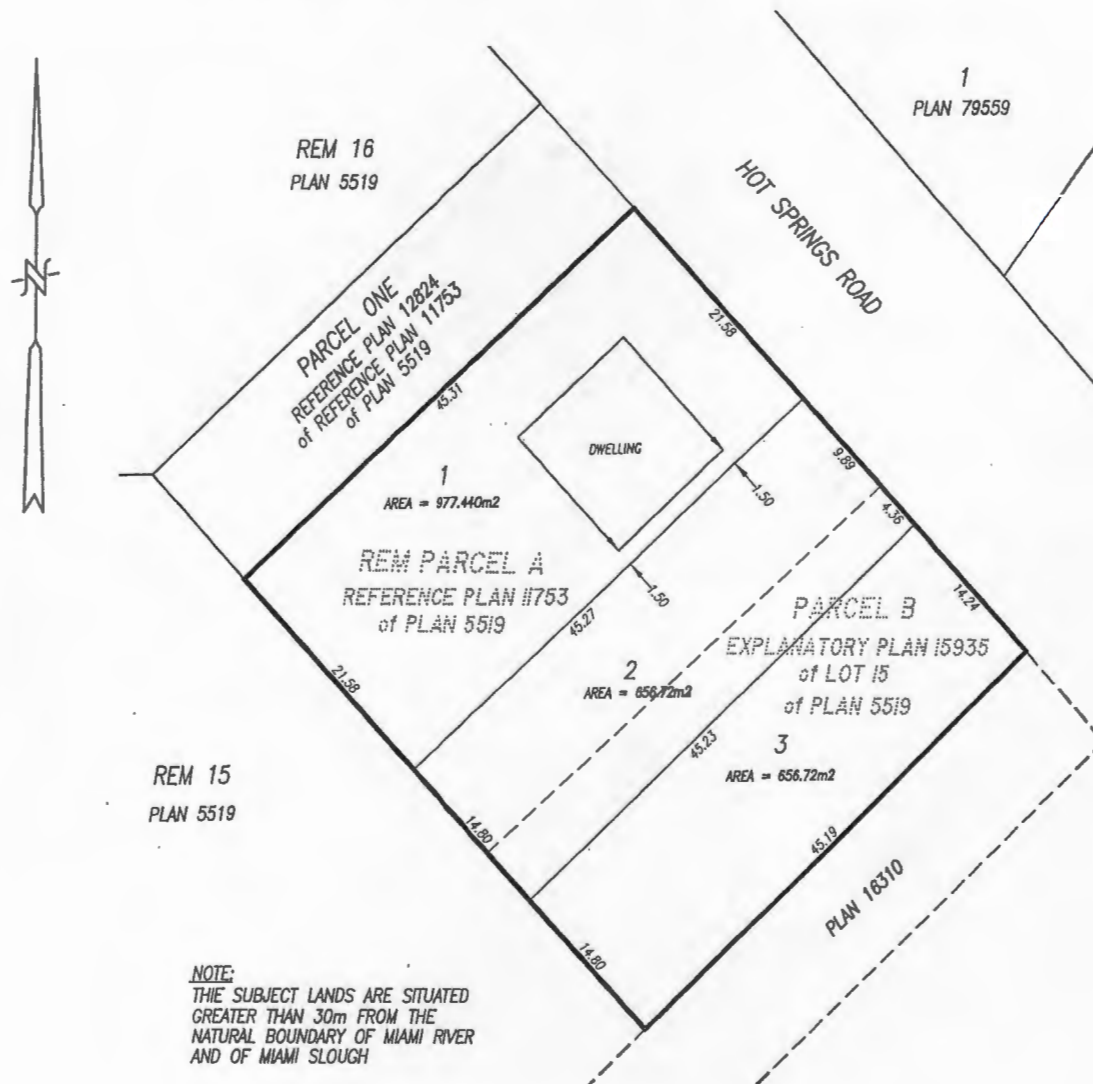
SCALE 1 : 400

ALL DISTANCES ARE IN METRES AND DECIMALS
THEREOF UNLESS OTHERWISE INDICATED.



CIVIC ADDRESS: 622 and 626 HOT SPRINGS ROAD, VILLAGE OF HARRISON HOT SPRINGS

PARCEL IDENTIFIER: 011-150-882, 004-828-925



LOT DIMENSIONS DERIVED FROM
PLAN EPP12131

WADE & ASSOCIATES LAND SURVEYING LTD.
BC LAND SURVEYORS
MISSION & MAPLE RIDGE
PHONE: (604) 826-9561 OR 463-4753
FILE: M3519-11 P1

PREPARED FOR: A JASTRZEBSKI

DATED THIS 26th DAY OF JUNE, 2019

Devon Pallmann
DEVON PALLMANN, B.C.L.S.

VILLAGE OF HARRISON HOT SPRINGS



REPORT TO COUNCIL

TO: Mayor and Council **DATE:** March 4, 2020

FROM: Ken Cossey, MCIP, RPP **FILE:** 3900
Planning Consultant

SUBJECT: The Official Community Plan Review Consultation requirements

ISSUE:

Outlining the Official Community Plan consultation requirements.

BACKGROUND:

Purpose and function of an OCP

An Official Community Plan (OCP) is a comprehensive policy document designed to guide the physical, environmental, economic, social and cultural development of the Village. Whether you are a large or small municipality, the OCP provides the big picture, in that it expresses the community's vision and is a blueprint for future development. The OCP should showcase the municipality, encouraging investors to invest, visitors to visit, and non-residents to relocate. It should be visual, attractive, and thorough in its presentation of goals, objectives and policies and it must align with provincial interests to foster responsible growth. Finally, the vision and the goals of the OCP should be set up in such a manner that the success of the vision and the goals can be measured at some point in the future, to see if the OCP is achieving its goals.

Consultation and Engagement requirements

Consultation is an important factor on the development of the OCP, and Council must provide one or more opportunities for consultation, as per section 475 and 476 of the *Local Government Act*. Please note that this is required outside of the public hearing process. As per section 475, the Village must consider what consultation must take place with persons, organizations and authorities it considers will be affected by the revised OCP.

With respect to the Village residents, staff will be using various methods to conduct various engagement processes. This will include an initial community survey, the hosting of open houses, a world café concept and attending various community events. These will be done outside of the required public hearing.

In addition, input should be provided from the following agencies of governments through the following process:

Letter and the suggestion for a follow up stakeholder meeting

- 1/. Tourism Harrison Hot Springs
- 2/. Harrison Agassiz Chamber of Commerce
- 3/. Sts'ailes First Nation

Letter only

- 1/. Agricultural Land Commission
- 2/. District of Kent
- 3/. Fraser Cascade School District
- 4/. Fraser Valley Regional District
- 5/. Fraser Health

Presentation to the APC

- 1/. As directed by Council, staff will prepare a presentation for the APC, as and when required. A report will be presented to Council outlining what will be presented before any APC meeting has been set up.

The Council can add or delete to this list as required.

RECOMMENDATIONS:

- 1/. Staff recommends that the above OCP consultation plan be supported.

Respectfully submitted:

**REVIEWED BY and Concurrence
with the RECOMMENDATIONS**

Ken Cossey

Ken Cossey, MCIP, RPP,
Planning Consultant

Madeline McDonald

Madeline McDonald
Chief Administrative Officer



VILLAGE OF HARRISON HOT SPRINGS

REPORT TO COUNCIL

TO: Mayor and Council

DATE: March 11, 2020

FROM: Debra Key
Deputy Chief Administrative Officer/CO

FILE: 3900-01

SUBJECT: Inter-Municipal Transportation Network Services Business Licence Agreement
Bylaw No. 1155, 2020 and Inter-Municipal Transportation Network Services
Business Licence Scheme Bylaw No. 1156, 2020

ISSUE: To adopt the Inter-Municipal Transportation Network Services Business Licence Agreement and Inter-Municipal Transportation Network Services Business Licence Scheme Bylaws

BACKGROUND:

At the Regular meeting of Council on March 2, 2020, Council approved three readings for both the Inter Municipal Transportation Network Service Business Licence Agreement Bylaw No. 1155, 2020 and the Inter Municipal Transportation Network Services Business Scheme Bylaw No. 1156, 2020.

Accordingly, the bylaws are here for Council's consideration for adoption.

RECOMMENDATION:

THAT Inter-Municipal Transportation Network Services Business Licence Agreement Bylaw No. 1155, 2020 be adopted; and

THAT Inter-Municipal Transportation Network Services Business Licence Scheme Bylaw No. 1156, 2020 be adopted.

Respectfully submitted:

REVIEWED BY:

Debra Key

Debra Key
Deputy Chief Administrative Officer/CO

Madeline McDonald

Madeline McDonald
Chief Administrative Officer



**VILLAGE OF HARRISON HOT SPRINGS
BYLAW NO. 1155**

**A bylaw to enter into an agreement among the Participating Municipalities
regarding an Inter-municipal Transportation Network Services Business Licence Scheme**

WHEREAS the Council hereby authorizes the Village of Harrison Hot Springs to enter into an Agreement with the Participating Municipalities in substantially the form and substance of the Agreement attached to this Bylaw as Schedule A, and also authorizes the Corporate Officer to execute the Agreement on behalf of the Village, and to deliver it to the Participating Municipalities on such terms and conditions as the Corporate Officer deems fit.

NOW THEREFORE the Council of the Village of Harrison Hot Springs, in public meeting, enacts as follows:

1. This Bylaw is to come into force and take effect on the date of its enactment.
2. The name of this Bylaw, for citation, is the "*Inter-municipal TNS Business Licence Agreement Bylaw No. 1155, 2020*".

READINGS AND ADOPTION

READ A FIRST TIME THIS 2nd DAY OF March, 2020

READ A SECOND TIME THIS 2nd DAY OF March, 2020

READ A THIRD TIME THIS 2nd DAY OF March, 2020

ADOPTED THIS DAY OF , 2020

Mayor

Corporate Officer

Schedule A

Inter-municipal TNS Business Licence Agreement

WHEREAS the City of Abbotsford, the Village of Anmore, the Bowen Island Municipality, the City of Burnaby, the City of Chilliwack, the City of Coquitlam, the City of Delta, the Village of Harrison Hot Springs, the Corporation of the City of Langley, the Corporation of the Township of Langley, the Village of Lions Bay, the City of Maple Ridge, the Corporation of the City of New Westminster, the Corporation of the City of North Vancouver, the Corporation of the District of North Vancouver, the City of Pitt Meadows, the Corporation of the City of Port Coquitlam, the City of Port Moody, the City of Richmond, the District of Squamish, the City of Surrey, the City of Vancouver, the Corporation of the District of West Vancouver, the Resort Municipality of Whistler, and the Corporation of the City of White Rock (the "*Participating Municipalities*"), wish to permit transportation network services ("*TNS*") businesses to operate across their jurisdictional boundaries thereby eliminating the need to obtain a separate municipal business licence in each jurisdiction;

NOW THEREFORE the *Participating Municipalities* agree as follows:

1. The *Participating Municipalities* agree to establish an *Inter-municipal TNS Business Licence* scheme among the *Participating Municipalities* pursuant to section 14 of the *Community Charter* and section 192.1 of the *Vancouver Charter*.
2. The *Participating Municipalities* will request their respective municipal Councils to each ratify this Agreement and enact a bylaw to implement an *Inter-municipal TNS Business Licence* scheme effective April 1, 2020 if this Agreement is ratified and a bylaw is enacted prior to or on April 1, 2020, or upon the date of enactment if this Agreement is ratified and a bylaw is enacted after April 1, 2020.
3. In this Agreement:

"*Accessible Vehicle*" means a motor vehicle designed and manufactured, or converted, for the purpose of transporting persons who use mobility aids;

"*Administrative Costs*" means the direct and indirect costs and investments attributable to setting up and administering the *Inter-municipal TNS Business Licence* scheme, including wages, materials, corporate overhead and rent;

"*Business*" has the same meaning as in the *Community Charter*;

"*Community Charter*" means the *Community Charter*, S.B.C. 2003, c. 26, as may be amended or replaced from time to time;

"*Inter-municipal TNS Business*" means a *TNS Business* that has been licensed to operate in the Region 1 operating area by the Passenger Transportation Board;

"Inter-municipal TNS Business Licence" means a business licence which authorizes an *Inter-municipal TNS Business* to be carried on within the jurisdictional boundaries of any or all of the *Participating Municipalities*;

"Inter-municipal TNS Business Licence Bylaw" means the bylaw adopted by the Council of each *Participating Municipality* to implement the *Inter-municipal TNS Business Licence* scheme contemplated by this Agreement;

"Mobility Aid" has the same meaning as in the *Passenger Transportation Act*, S.B.C 2004, c. 39, as may be amended or replaced from time to time;

"Municipal Business Licence" means a licence or permit, other than an *Inter-municipal TNS Business Licence*, issued by a *Participating Municipality* that authorizes a *Business* to be carried on within the jurisdictional boundaries of that *Participating Municipality*;

"Participating Municipality" means any one of the *Participating Municipalities*;

"Premises" means one or more fixed or permanent locations where the *TNS Business* ordinarily carries on *Business*;

"TNS Business" means a person carrying on the business of providing *Transportation Network Services*;

"Transportation Network Services" has the same meaning as in the *Passenger Transportation Act*, S.B.C 2004, c. 39, as may be amended or replaced from time to time;

"Vancouver Charter" means the *Vancouver Charter*, S.B.C. 1953, c. 55, as may be amended or replaced from time to time; and

"Zero Emission Vehicle" means a motor vehicle that is exclusively propelled by electricity or hydrogen from an external source.

4. Subject to the provisions of the *Inter-municipal TNS Business Licence Bylaw*, each *Participating Municipality* will permit a *TNS Business* that has obtained an *Inter-municipal TNS Business Licence* to carry on the *Business* of providing *Transportation Network Services* within that *Participating Municipality* for the term authorized by the *Inter-municipal TNS Business Licence* without obtaining a *Municipal Business Licence* for the *TNS Business* in that *Participating Municipality*.
5. All *Inter-municipal TNS Business Licences* will be issued by the City of Vancouver.
6. The City of Vancouver may issue an *Inter-municipal TNS Business Licence* to a *TNS Business* if the *TNS Business* is an *Inter-municipal TNS Business* and meets the requirements of the *Inter-municipal TNS Business Licence Bylaw*, in addition to the requirements of the City of Vancouver's License Bylaw No. 4450.
7. Notwithstanding that a *TNS Business* may hold an *Inter-municipal TNS Business Licence* that would make it unnecessary to obtain a *Municipal Business Licence* for the *TNS Business* in the *Participating Municipalities*, the *TNS Business* must still comply with all orders and

regulations under any municipal business licence bylaw in addition to those under any other bylaws, regulations, or provincial or federal laws that may apply within any jurisdiction in which the *TNS Business* carries on *Business*.

8. Any *Participating Municipality* may require that the holder of an *Inter-municipal TNS Business Licence* also obtain a *Municipal Business Licence* for any *Premises* that are maintained by the licence holder within the jurisdiction of the *Participating Municipality*.
9. The annual *Inter-municipal TNS Business Licence* fee is \$155, plus \$150 for each vehicle operating under the authority of the *Inter-municipal TNS Business*, except that the per vehicle fee for *Zero Emission Vehicles* will be \$30, and there will be no per vehicle fee charged for *Accessible Vehicles*. Any fees paid by an applicant to any *Participating Municipality* for a *Municipal Business Licence* for the *TNS Business* prior to the availability of the *Inter-municipal TNS Business Licence* that are not refunded by that *Participating Municipality* will be credited against the initial *Inter-municipal TNS Business Licence* fee owing under this section 9.
10. The fee for any additional vehicles that begin operating under the authority of an *Inter-municipal TNS Business Licence* holder after the annual license fee is paid will be the per vehicle fee set out in section 9, pro-rated by dividing the applicable annual per vehicle fee by 12 and multiplying the resulting number by the number of months remaining in that calendar year, including any partial months which will be counted as whole months.
11. The City of Vancouver will distribute the revenue generated from *Inter-municipal TNS Business Licence* fees amongst all *Participating Municipalities* based on the City of Vancouver retaining an amount to cover its *Administrative Costs*, with the remaining fees to be distributed proportionally to the *Participating Municipalities*, including the City of Vancouver, based on the number of pick-ups and drop-offs in that *Participating Municipality*. The City of Vancouver will provide the other *Participating Municipalities* with an itemized accounting of the fees collected and disbursed, including an accounting of its *Administrative Costs*, at the time it distributes the remaining fees to those *Participating Municipalities*.
12. If the revenue generated from *Inter-municipal TNS Business Licence* fees in the initial year is insufficient to cover the *Administrative Costs* relating to the initial set up of the scheme, then the City of Vancouver may retain such portion of the *Inter-municipal TNS Business Licence* fees collected in the subsequent year or years as is necessary to reimburse the City of Vancouver for such initial *Administrative Costs*, until the full amount has been recovered.
13. Any revenue payable to a *Participating Municipality* in the initial year will be offset by any fees collected and not refunded by that *Participating Municipality* for a *Municipal Business Licence* for the *TNS Business* prior to the availability of the *Inter-municipal TNS Business Licence*, and if the fees collected by the *Participating Municipality* exceed the amount owing to that *Participating Municipality*, then that *Participating Municipality* shall remit the difference to the City of Vancouver for inclusion in the revenue distribution set out above.
14. The revenue generated from *Inter-municipal TNS Business Licence* fees collected from January 1 to December 31 inclusive that is to be distributed to the *Participating Municipalities* in accordance with section 11, including the fees collected for any additional vehicles under section 10, will be distributed by the City of Vancouver by February 28 of the year following the year in which fees were collected.

15. The length of term of an *Inter-municipal TNS Business Licence* is 12 months, except that the length of term of the initial *Inter-municipal TNS Business Licence* issued to an *Inter-municipal TNS Business* by the City of Vancouver may be less than 12 months in order to harmonize the expiry date of the *Inter-municipal TNS Business Licence* with the calendar year, in which case the annual fee will be pro-rated by dividing the applicable annual license fee by 12 and multiplying the resulting number by the number of months remaining in that calendar year, including any partial months which will be counted as whole months.
16. An *Inter-municipal TNS Business Licence* will be valid within the jurisdictional boundaries of all of the *Participating Municipalities* until its term expires, unless the *Inter-municipal TNS Business Licence* is suspended or cancelled. If a *Participating Municipality* withdraws from the *Inter-municipal TNS Business Licence* scheme among the *Participating Municipalities* in accordance with the *Inter-municipal TNS Business Licence Bylaw*, then the *Inter-municipal TNS Business Licence* will cease to be valid within the jurisdictional boundary of that former *Participating Municipality*.
17. A *Participating Municipality* may exercise the authority of the City of Vancouver as the issuing municipality and suspend an *Inter-municipal TNS Business Licence* in relation to conduct by the holder within the *Participating Municipality* which would give rise to the power to suspend a business licence under the *Community Charter* or *Vancouver Charter* or under the business licence bylaw of the *Participating Municipality*. The suspension will be in effect throughout all of the *Participating Municipalities* and it will be unlawful for the holder to carry on the *Business* authorized by the *Inter-municipal TNS Business Licence* in any *Participating Municipality* for the period of the suspension.
18. A *Participating Municipality* may exercise the authority of the City of Vancouver as the issuing municipality and cancel an *Inter-municipal TNS Business Licence* in relation to conduct by the holder within the *Participating Municipality* which would give rise to the power to cancel a business licence under the *Community Charter* or *Vancouver Charter* or the business licence bylaw of the *Participating Municipality*. The cancellation will be in effect throughout all of the *Participating Municipalities*.
19. The suspension or cancellation of an *Inter-municipal TNS Business Licence* under section 17 or 18 will not affect the authority of a *Participating Municipality* to issue a *Municipal Business Licence*, other than an *Inter-municipal TNS Business Licence*, to the holder of the suspended or cancelled *Inter-municipal TNS Business Licence*.
20. Nothing in this Agreement affects the authority of a *Participating Municipality* to suspend or cancel any *Municipal Business Licence* issued by that municipality or to enact regulations in respect of any category of *Business* under section 15 of the *Community Charter* or sections 272, 273, 279A, 279A.1, 279B, and 279C of the *Vancouver Charter*.
21. A *Participating Municipality* may, by notice in writing to each of the other *Participating Municipalities*, withdraw from the *Inter-municipal TNS Business Licence* scheme among the *Participating Municipalities*, and the notice must:
 - (a) set out the date on which the withdrawing municipality will no longer recognize the validity within its boundaries of *Inter-municipal TNS Business Licences*, which date must be at least 6 months from the date of the notice; and

- (b) include a certified copy of the municipal Council resolution or bylaw authorizing the municipality's withdrawal from the *Inter-municipal TNS Business Licence* scheme.
22. Nothing contained or implied in this Agreement shall fetter in any way the discretion of the Councils of the *Participating Municipalities*. Further, nothing contained or implied in this Agreement shall prejudice or affect the *Participating Municipalities'* rights, powers, duties or obligations in the exercise of their functions pursuant to the *Community Charter, Vancouver Charter*, or the *Local Government Act*, as amended or replaced from time to time, or act to fetter or otherwise affect the *Participating Municipalities'* discretion, and the rights, powers, duties and obligations under all public and private statutes, bylaws, orders and regulations, which may be, if each *Participating Municipality* so elects, as fully and effectively exercised as if this Agreement had not been executed and delivered by the *Participating Municipalities*.
23. Despite any other provision of this Agreement, an *Inter-municipal TNS Business Licence* granted in accordance with the *Inter-municipal TNS Business Licence Bylaw* does not grant the holder a licence to operate in any jurisdiction other than within the jurisdictional boundaries of the *Participating Municipalities*. Furthermore, a business licence granted under any other inter-municipal *TNS Business* licence scheme is deemed not to exist for the purposes of this Agreement even if a *Participating Municipality* is a participating member of the other inter-municipal *TNS Business* licence scheme.
24. This Agreement may be executed in several counterparts, each of which shall be deemed to be an original, and may be delivered by email or facsimile transmission, and each such counterpart, howsoever delivered, shall be deemed to be an original. Such counterparts together shall constitute one and the same instrument, notwithstanding that all of the *Participating Municipalities* are not signatories to the original or the same counterpart.
25. In the event that the municipal Council of a *Participating Municipality* other than the City of Vancouver does not ratify this Agreement, then that municipality will not be considered a *Participating Municipality* for the purposes of this Agreement, and the terms and conditions of this Agreement shall be effective as among the other *Participating Municipalities*.

Signed and delivered on behalf of the *Participating Municipalities*, the Councils of each of which have, by Bylaw, ratified this Agreement and authorized their signatories to sign on behalf of the respective Councils, on the dates indicated below.

The City of Abbotsford

Mayor _____

Corporate Officer _____

Date _____

Village of Anmore

Mayor _____

Corporate Officer _____

Date _____

Bowen Island Municipality

Mayor _____

Corporate Officer _____

Date _____

City of Burnaby

City Clerk _____

Date _____

City of Chilliwack

Mayor _____

Corporate Officer _____

Date _____

City of Coquitlam

Mayor _____

City Clerk _____

Date _____

City of Delta

Mayor _____

City Clerk _____

Date _____

Village of Harrison Hot Springs

Mayor _____

Corporate Officer _____

Date _____

The Corporation of the City of Langley

Mayor _____

Corporate Officer _____

Date _____

The Corporation of the Township of Langley

Mayor _____

Township Clerk _____

Date _____

Village of Lions Bay

Mayor _____

Corporate Officer _____

Date _____

City of Maple Ridge

Presiding Member _____

Corporate Officer _____

Date _____

The Corporation of the City of New Westminster

Mayor _____

City Clerk _____

Date _____

The Corporation of the City of North Vancouver

Mayor _____

City Clerk _____

Date _____

The Corporation of the District of North Vancouver

Mayor _____

Municipal Clerk _____

Date _____

The City of Pitt Meadows

Mayor _____

Corporate Officer _____

Date _____

The Corporation of the City of Port Coquitlam

Mayor _____

Corporate Officer _____

Date _____

City of Port Moody

Mayor _____

Corporate Officer _____

Date _____

The City of Richmond

Chief Administrative Officer _____

General Manager _____

Corporate and Financial Services _____

Date _____

District of Squamish

Mayor _____

Corporate Officer _____

Date _____

City of Surrey

Mayor _____

City Clerk _____

Date _____

The City of Vancouver

Director of Legal Services _____

Date _____

The Corporation of the District of West Vancouver

Mayor _____

Corporate Officer _____

Date _____

Resort Municipality of Whistler

Mayor _____

Municipal Clerk _____

Date _____

The Corporation of the City of White Rock

Mayor _____

Director of Corporate Administration _____

Date _____

**A bylaw to enter into an Intermunicipal Transportation Network Services
Business Licence Scheme**

WHEREAS the municipalities that have entered or will enter into the *Inter-municipal TNS Business Licence Agreement* (the "*Participating Municipalities*") wish to permit licenced transportation network services ("*TNS*") businesses to operate across their jurisdictional boundaries thereby eliminating the need to obtain a separate municipal business licence in each jurisdiction;

AND WHEREAS each of the *Participating Municipalities* has or will adopt a similar bylaw to implement the *Inter-municipal TNS Business Licence* scheme;

NOW THEREFORE THE COUNCIL OF THE VILLAGE OF HARRISON HOT SPRINGS, in public meeting, enacts as follows:

1. There is hereby established an *Inter-municipal TNS Business Licence* scheme among the *Participating Municipalities*, pursuant to section 14 of the *Community Charter* and section 192.1 of the *Vancouver Charter*.
2. The name of this Bylaw, for citation, is the "*Inter-municipal TNS Business Licence Scheme Bylaw No. 1156, 2020*".
3. In this Bylaw:

"*Accessible Vehicle*" means a motor vehicle designed and manufactured, or converted, for the purpose of transporting persons who use mobility aids;

"*Business*" has the same meaning as in the *Community Charter*,

"*Community Charter*" means the *Community Charter*, S.B.C. 2003, c. 26, as may be amended or replaced from time to time;

"*Inter-municipal TNS Business*" means a *TNS Business* that has been licenced to operate in the Region 1 operating area by the Passenger Transportation Board;

"*Inter-municipal TNS Business Licence*" means a business licence which authorizes an *Inter-municipal TNS Business* to be carried on within the jurisdictional boundaries of any or all of the *Participating Municipalities*;

"*Mobility Aid*" has the same meaning as in the *Passenger Transportation Act*, S.B.C 2004, c. 39, as may be amended or replaced from time to time;

"Municipal Business Licence" means a licence or permit, other than an *Inter-municipal TNS Business Licence*, issued by a *Participating Municipality* that authorizes a *Business* to be carried on within the jurisdictional boundaries of that *Participating Municipality*;

"Participating Municipality" means any one of the *Participating Municipalities*;

"Premises" means one or more fixed or permanent locations where the *TNS Business* ordinarily carries on *Business*;

"TNS Business" means a person carrying on the business of providing *Transportation Network Services*;

"Transportation Network Services" has the same meaning as in the *Passenger Transportation Act*, S.B.C 2004, c. 39, as may be amended or replaced from time to time;

"Vancouver Charter" means the *Vancouver Charter*, S.B.C. 1953, c. 55, as may be amended or replaced from time to time; and

"Zero Emission Vehicle" means a motor vehicle that is exclusively propelled by electricity or hydrogen from an external source.

4. Subject to the provisions of this Bylaw, each *Participating Municipality* will permit a *TNS Business* that has obtained an *Inter-municipal TNS Business Licence* to carry on the *Business* of providing *Transportation Network Services* within that *Participating Municipality* for the term authorized by the *Inter-municipal TNS Business Licence* without obtaining a *Municipal Business Licence* for the *TNS Business* in that *Participating Municipality*.
5. All *Inter-municipal TNS Business Licences* will be issued by the City of Vancouver.
6. The City of Vancouver may issue an *Inter-municipal TNS Business Licence* to a *TNS Business* if the *TNS Business* is an *Inter-municipal TNS Business* and meets the requirements of this Bylaw, in addition to the requirements of the City of Vancouver's Licence Bylaw No. 4450.
7. Notwithstanding that a *TNS Business* may hold an *Inter-municipal TNS Business Licence* that would make it unnecessary to obtain a *Municipal Business Licence* for the *TNS Business* in the *Participating Municipalities*, the *TNS Business* must still comply with all orders and regulations under any municipal business licence bylaw in addition to those under any other bylaws, regulations, or provincial or federal laws that may apply within any jurisdiction in which the *TNS Business* carries on *Business*.
8. Any *Participating Municipality* may require that the holder of an *Inter-municipal TNS Business Licence* also obtain a *Municipal Business Licence* for any *Premises* that are maintained by the licence holder within the jurisdiction of the *Participating Municipality*.
9. The annual *Inter-municipal TNS Business Licence* fee is \$155, plus \$150 for each vehicle operating under the authority of the *Inter-municipal TNS Business*, except that the per vehicle fee for *Zero Emission Vehicles* will be \$30, and there will be no per vehicle fee charged for *Accessible Vehicles*. Any fees paid by an applicant to any *Participating*

Municipality for a Municipal Business Licence for the TNS Business prior to the availability of the Inter-municipal TNS Business Licence that are not refunded by that Participating Municipality will be credited against the initial Inter-municipal TNS Business Licence fee owing under this section 9.

10. The fee for any additional vehicles that begin operating under the authority of an *Inter-municipal TNS Business Licence* holder after the annual licence fee is paid will be the per vehicle fee set out in section 9, pro-rated by dividing the applicable annual per vehicle fee by 12 and multiplying the resulting number by the number of months remaining in that calendar year, including any partial months which will be counted as whole months.
11. The length of term of an *Inter-municipal TNS Business Licence* is 12 months, except that the length of term of the initial *Inter-municipal TNS Business Licence* issued to an *Inter-municipal TNS Business* by the City of Vancouver may be less than 12 months in order to harmonize the expiry date of the *Inter-municipal TNS Business Licence* with the calendar year, in which case the annual fee will be pro-rated by dividing the applicable annual licence fee by 12 and multiplying the resulting number by the number of months remaining in that calendar year, including any partial months which will be counted as whole months.
12. An *Inter-municipal TNS Business Licence* will be valid within the jurisdictional boundaries of all of the *Participating Municipalities* until its term expires, unless the *Inter-municipal TNS Business Licence* is suspended or cancelled. If a *Participating Municipality* withdraws from the *Inter-municipal TNS Business Licence* scheme among the *Participating Municipalities* in accordance with this Bylaw, then the *Inter-municipal TNS Business Licence* will cease to be valid within the jurisdictional boundary of that former *Participating Municipality*.
13. A *Participating Municipality* may exercise the authority of the City of Vancouver as the issuing municipality and suspend an *Inter-municipal TNS Business Licence* in relation to conduct by the holder within the *Participating Municipality* which would give rise to the power to suspend a business licence under the *Community Charter* or *Vancouver Charter* or under the business licence bylaw of the *Participating Municipality*. The suspension will be in effect throughout all of the *Participating Municipalities* and it will be unlawful for the holder to carry on the *Business* authorized by the *Inter-municipal TNS Business Licence* in any *Participating Municipality* for the period of the suspension.
14. A *Participating Municipality* may exercise the authority of the City of Vancouver as the issuing municipality and cancel an *Inter-municipal TNS Business Licence* in relation to conduct by the holder within the *Participating Municipality* which would give rise to the power to cancel a business licence under the *Community Charter* or *Vancouver Charter* or the business licence bylaw of the *Participating Municipality*. The cancellation will be in effect throughout all of the *Participating Municipalities*.
15. The suspension or cancellation of an *Inter-municipal TNS Business Licence* under section 12 or 13 will not affect the authority of a *Participating Municipality* to issue a *Municipal Business Licence*, other than an *Inter-municipal TNS Business Licence*, to the holder of the suspended or cancelled *Inter-municipal TNS Business Licence*.

16. Nothing in this Bylaw affects the authority of a *Participating Municipality* to suspend or cancel any *Municipal Business Licence* issued by that municipality or to enact regulations in respect of any category of *Business* under section 15 of the *Community Charter* or sections 272, 273, 279A, 279A.1, 279B, and 279C of the *Vancouver Charter*.
17. A *Participating Municipality* may, by notice in writing to each of the other *Participating Municipalities*, withdraw from the *Inter-municipal TNS Business Licence* scheme among the *Participating Municipalities*, and the notice must:
 - (a) set out the date on which the withdrawing municipality will no longer recognize the validity within its boundaries of *Inter-municipal TNS Business Licences*, which date must be at least 6 months from the date of the notice; and
 - (b) include a certified copy of the municipal Council resolution or bylaw authorizing the municipality's withdrawal from the *Inter-municipal TNS Business Licence* scheme.
18. The invalidity or unenforceability of any provision of this Bylaw shall not affect the validity or enforceability of any other provisions of this Bylaw and any such invalid or unenforceable provision shall be deemed to be severable.
19. Despite any other provision of this Bylaw, an *Inter-municipal TNS Business Licence* granted in accordance with this Bylaw does not grant the holder a licence to operate in any jurisdiction other than within the jurisdictional boundaries of the *Participating Municipalities*.
20. A business licence granted under any other inter-municipal *TNS Business* licence scheme is deemed not to exist for the purposes of this Bylaw, even if a *Participating Municipality* is a participating member of the other inter-municipal *TNS Business* licence scheme.

READINGS AND ADOPTION

READ A FIRST TIME THIS 2nd DAY OF March, 2020

READ A SECOND TIME THIS 2nd DAY OF March, 2020

READ A THIRD TIME THIS 2nd DAY OF March, 2020

ADOPTED THIS DAY OF , 2020

Mayor

Corporate Officer