

# VILLAGE OF HARRISON HOT SPRINGS

## NOTICE OF MEETING AND AGENDA



### REGULAR COUNCIL MEETING

**Date:** Monday, November 4, 2019  
**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 Acting Mayor Palmer.

#### 2. INTRODUCTION OF LATE ITEMS

#### 3. APPROVAL OF AGENDA

#### 4. ADOPTION OF COUNCIL MINUTES

(a) THAT the Regular Council Meeting Minutes of October 21, 2019 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

#### 7. DELEGATIONS/PETITIONS

#### 8. CORRESPONDENCE

#### 9. BUSINESS ARISING FROM CORRESPONDENCE

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

#### 11. REPORTS FROM MAYOR

12. REPORTS FROM STAFF		
(a)	Report of the Deputy Chief Administrative Officer/CO – October 22, 2019 Re: Parking Area – Harrison Hot Springs Elementary School	Item 12(a) Page 7
(b)	Report of the Planning Consultant – October 29, 2019 Re: Panhandle Lot Policy 1.31  <u>Recommendation</u>  THAT Panhandle Lot Considerations Policy 1.31 be adopted.	Item 12(b) Page 9
(c)	Report of the Planning Consultant – October 29, 2019 Re: Panhandle Lot width exemption  <u>Recommendation</u>  THAT Council exempt proposed Lot 4 in subdivision file 3320-20-SUB-34ECHO for land legally described as: Lot 34, Section 13, Township 4, Range 29, West of the 6 <sup>th</sup> Meridian, New Westminster District, Plan 27133, from the 10% frontage requirement; and  THAT Council authorize the proposed frontage of 7.5 M for proposed Lot 4 in subdivision file 3320-20-SUB-34ECHO for land legally described as Lot 34, Section 13, Township 4, Range 29, West of the 6 <sup>th</sup> Meridian, New Westminster District Plan 27133.	Item 12(c) Page 13
(d)	Report of the Planning Consultant – October 28, 2019 Re: Panhandle Lot width exemption  <u>Recommendation</u>  THAT Council exempt proposed Lot 2 in subdivision file 3320-20-SUB-875/879HSR for land legally described as: Lots G and F, Section 12, Township 4, Range 29, West of the 6 <sup>th</sup> Meridian, New Westminster District, Plan 16245, from the 10% frontage requirement; and  THAT Council authorize the proposed frontage of 7.531 M for proposed Lot 2 in subdivision file 3320-20-SUB-875/879HSR for land legally described as Lots G and F, Section 12, Township 4, Range 29, West of the 6 <sup>th</sup> Meridian, New Westminster District Plan 16245.	Item 12(d) Page 17
13. BYLAWS		
(a)	Report of the Planning Consultant – October 29, 2019 Re: Soil Removal and Deposit Bylaw 1146, 2019  <u>Recommendation</u>  1/. That Soil Removal and Deposit Bylaw 1146, 2019 be given three readings;  2/. That Soil Removal and Deposit Bylaw 1146, 2019 be referred to the Ministry of Energy, Mines and Petroleum Resources; and  3/. That Soil Removal and Deposit Bylaw 1146, 2019 be referred to the Ministry of Environment and Climate Change Strategy	Item 13(a) Page 21
14. QUESTIONS FROM THE PUBLIC (pertaining to agenda items only)		
15. ADJOURNMENT		

4(a)

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

**DATE:** Monday, October 21, 2019  
**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  
Infrastructure Manager, Troy Davis

**ABSENT:**

*Recording Secretary: Debra Key*

**1. CALL TO ORDER**

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

**CARRIED  
UNANIMOUSLY**  
RC-2019-10-14

**2. INTRODUCTION OF LATE ITEMS**

None

**3. APPROVAL OF AGENDA**

Moved by Councillor Piper  
Seconded by Councillor Vidal

THAT the agenda be approved.

**CARRIED  
UNANIMOUSLY**  
RC-2019-10-15

**4. ADOPTION OF COUNCIL MINUTES**

Moved by Councillor Piper  
Seconded by Councillor Hooper

THAT the Regular Council Meeting Minutes of October 1, 2019 be adopted as amended.

**ERRORS AND OMISSIONS**

On page 3, bullet 7, under Councillor Piper's reports, it should read...."very successful event with an estimated **500** people attending....."



On page 4, bullet 1, under Councillor Vidal's reports, it should read....."Towards **Parity** and Breaking Down Barriers....."

**CARRIED  
UNANIMOUSLY**  
RC-2019-10-16

## **5. BUSINESS ARISING FROM THE MINUTES**

None

## **6. CONSENT AGENDA**

iv. Correspondence

- (a) Ministry of Municipal Affairs and Housing – September 23, 2019  
Re: Solar Assessment of Village Buildings and Structures Grant

**Moved by Councillor Vidal**  
**Seconded by Councillor Palmer**

THAT the correspondence on the Consent Agenda be received

**CARRIED  
UNANIMOUSLY**  
RC-2019-10-17

## **7. DELEGATIONS/PETITIONS**

- (a) Delegation: Veronique Astles  
Re: Proposal to Review the Heritage Conservative of the Village: Heritage Building Case

Ms. Astles reported out on the Float Building Heritage Case with respect to the Rivtow Building on Rockwell Drive located in the District of Kent. She also provided a brief overview of the BC Ministry of Heritage Guidelines with respect to the designation of heritage buildings and suggested that Council establish a heritage conservation function.

- (b) Petition – Public Parking Lot

**Moved by Councillor Palmer**  
**Seconded by Councillor Hooper**

THAT the Petition be received for information and that it be referred to staff to provide additional information regarding the legal status of the issue in relation to Village regulations.

**CARRIED  
UNANIMOUSLY**  
RC-2019-10-18

## **8. CORRESPONDENCE**

None

## **9. BUSINESS ARISING FROM CORRESPONDENCE**

None

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

### **Councillor Piper**

- October 8, 2019 attended the Agassiz Harrison Chamber of Commerce Board Meeting
- October 16, 2019 attended the Lower Mainland Local Government Association Executive Board Meeting

### **Councillor Vidal**

- October 8, 2019 attended the Fraser Valley Regional District Regional and Corporative Services on October 8, 2019 on behalf of Mayor Facio
- October 9, 2019 attended a seminar on "Ending Violence Against Women/Partners" held at Cheam First Nations and received information on "Moose Hide Campaign"
- October 16, 2019 attended a planning meeting on Truth and Reconciliation Day at Chawathil First Nation
- October 18, 2019 attended the Open House for the Lagoon Area Master Plan and Active Transportation Plan at the Village Office

### **Councillor Hooper**

- October 9, 2019 attended a seminar on "Ending Violence Against Women/Partners" held at Cheam First Nations
- October 12, 2019 attended the Agassiz Harrison Museum turkey scavenger hunt
- October 17, 2019 attended the Agassiz Harrison Healthy Community Committee meeting
- October 18, 2019 attended a Canadian National Institute for the Blind meeting
- October 18, 2019 participated in the Walk for Me event in Hope
- October 18, 2019 attended the Open House for the Lagoon Area Master Plan and Active Transportation Plan
- October 21, 2019 attended a Community Response Network session

### **Councillor Palmer**

- Reported that he will be attending the upcoming Fraser Valley Regional Library Board meeting on October 23, 2019

## **11. MAYOR'S REPORT**

- October 4, 2019 attended the Canadian Women for Women in Afghanistan Annual Symposium at the Harrison Hot Springs Resort
- October 8 and 9, 2019 attended the Fraser Basin Council Lower Mainland Flood Forum in Vancouver

## 12. REPORTS FROM STAFF

(a) Report of the Deputy Chief Administrative Officer/CO – October 11, 2019  
Re: Christmas Closure Schedule – 2019

**Moved by Councillor Vidal**  
**Seconded by Councillor Hooper**

THAT the Village Office be closed to the public from December 25, 2019 through to January 1, 2020.

**CARRIED  
UNANIMOUSLY**  
*RC-2019-10-19*

(b) Report of the Deputy Chief Administrative Officer/CO – October 11, 2019  
Re: 2020 Regular Council Meeting Schedule

**Moved by Councillor Piper**  
**Seconded by Councillor Vidal**

THAT the proposed Regular Council meeting schedule for 2020 be approved as submitted.

**CARRIED  
UNANIMOUSLY**  
*RC-2019-10-20*

(c) Report of the Financial Officer – October 11, 2019  
Re: Council Expenditure Report

**Moved by Councillor Palmer**  
**Seconded by Councillor Piper**

THAT Council approves the reimbursement of Councillor Vidal's September expense claim in the full amount of \$564.14.

**CARRIED  
UNANIMOUSLY**  
*RC-2019-10-21*

**Moved by Councillor Palmer**  
**Seconded by Councillor Piper**

THAT Council approves the increase in budget for Quarter 4 (Oct-Dec) 2019 for Councillor Hooper and Councillor Vidal up to \$500 each person.

**CARRIED  
UNANIMOUSLY**  
*RC-2019-10-22*

- (d) Report of the Deputy Chief Administrative Officer/CO – October 15, 2019  
Re: Appointment to the Fraser Valley Regional Library Board Representative and Alternate for 2020

**Moved by Councillor Piper**  
**Seconded by Councillor Vidal**

THAT Council appoint Councillor Gerry Palmer to fulfil the role as municipal director for the Fraser Valley Regional Library Board for 2020; and

THAT Council appoint Councillor Michie Vidal to fulfil the role as alternate municipal director for the Fraser Valley Regional Library Board for 2020.

**CARRIED  
UNANIMOUSLY**  
RC-2019-10-23

- (e) Report of the Infrastructure Manager – October 18, 2019  
Re: Application for Grant Funding

**Moved by Councillor Piper**  
**Seconded by Councillor Vidal**

THAT staff be authorized to apply for a Community Emergency Preparedness Fund – Structural Flood Mitigation Grant for up to \$350,000 to upgrade the access road to the Harrison Hot Springs Waste Water Treatment Plant.

**CARRIED  
OPPOSED BY COUNCILLOR HOOPER**  
RC-2019-10-24

### **13. BYLAWS**

None

### **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 7:55 p.m.

**CARRIED  
UNANIMOUSLY**  
RC-2019-10-25

\_\_\_\_\_  
Leo Facio  
Mayor

\_\_\_\_\_  
Debra Key  
Corporate Officer









## VILLAGE OF HARRISON HOT SPRINGS

### REPORT TO COUNCIL

**TO:** Mayor and Council **DATE:** October 22, 2019

**FROM:** Debra Key **FILE:** 3800-20-501HSR/4520-20-19  
Deputy Chief Administrative Officer/CO

**SUBJECT:** Parking Area – Harrison Hot Springs Elementary School

**ISSUE:** Parking area located on Harrison Hot Springs Elementary School

#### BACKGROUND:

At a Regular meeting of Council on October 21, 2019 a Petition was included on the agenda regarding a parking lot constructed on the Harrison Hot Springs Elementary School Property; the petitioners are seeking immediate removal of the parking lot installation. The Petition was received by Council and was referred back to staff to provide additional information regarding the legal status of the issue in relation to Village regulations.

In 2018 the Harrison Hot Springs Preschool and Childcare applied for a building permit for an additional portable classroom facility and a parking expansion of up to 17 stalls on the School District property. A building permit was issued by the Fraser Valley Regional District to accommodate the new structure. School District #78 Fraser Cascade approved the placement of the new portable and construction of the parking area. The new location for the parking lot area was chosen by the School District in order to facilitate future expansion of School District facilities.

As part of the building permit process the applicant was also required to apply for a Land, Road and Highway Use Permit for the parking lot area construction. The applicant was also advised that parking stalls were to be constructed to comply with the parameters as outlined in Zoning Bylaw No. 1115, 2017. Under section 6.1.3 of the bylaw, two (2) spaces per classroom is the minimum number of off-site parking stalls required for community land use.

The Land, Road and Highway Use permit was approved for up to 14 parking stalls, but due to an existing speed bump, crosswalk and other challenges, the applicant only constructed 5 parking stalls within the area. This decision was made by the applicant to ensure that it didn't conflict with the existing crosswalk and speed bump on Walnut Avenue.

During the construction period, the Village received telephone calls and written complaints from the property owners of Harrisburg Estates on Walnut Avenue complaining of construction noise and loss of aesthetic views. A written response was provided to the

complainant explaining the application and development process undertaken by the Harrison Hot Springs Preschool and Daycare and associated regulatory requirements.

On September 16, 2019 the Village received a letter from a lawyer representing the resident/residents of Harrisburg Estates challenging the legality of the new parking area on the Harrison Hot Springs Elementary School grounds alleging that the parking lot area did not meet the requirements for off-street parking because it was located within 60 m of a residential lot line. For clarification, the 60 m set-back provisions of the Zoning Bylaw are specific to any Commercial off-street parking areas and do not apply to the lands as it is zoned P1 for Community Use.

Accordingly, we referred the matter to the Village Solicitors who provided a response on the Village's behalf advising that the parking lot conforms to the requirements of Bylaw No. 1115, 2017 and that no cause of action arose out of facts alleged.

Respectfully submitted:

REVIEWED BY:

Debra Key

Debra Key  
Deputy Chief Administrative Officer/  
Corporate Officer

Madeline McDonald

Madeline McDonald  
Chief Administrative Officer



## VILLAGE OF HARRISON HOT SPRINGS

### REPORT TO COUNCIL

TO: Mayor and Council DATE: Oct 29, 2019

FROM: Ken Cossey, MCIP, RPP FILE: 0340-50  
Planning Consultant

SUBJECT: Panhandle Lot Considerations Policy 1.31

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#### ISSUE:

Seeking adoption of this policy.

#### BACKGROUND:

Under the *Local Government Act*, specifically section 512, if a Lot is being created by a subdivision the minimum frontage along a highway, must be the greater of:

- 10% of the perimeter of the Lot that fronts the highway; and
- It must meet the minimum frontage requirement that the Village has adopted through Zoning Bylaw, 1115, 2017.

Council may exempt any Lot being created by subdivision from these requirements.

In order to assist the Council on whether or not the 10% requirement should be waived staff have created the attached policy. The guiding principle for this policy is the concept of "fair play", in that all the applicants seeking relief from this requirement are treated in the same manner. The guiding objectives for the creation of the attached policy was:

- Safety - Is the frontage reduction too restrictive for an emergency vehicle's access to the proposed dwelling?
- Impact analysis - Identification of the potential impacts of the reduced frontage.
- Servicing of the new dwelling - Can the dwelling unit still be properly serviced? Can the sewer and water lines or other utility lines be located under the access strip?
- Drainage - Will the access strip cause any additional surface water runoff discharge, if so, will it flow onto the adjacent owner's property?

With the adoption of this policy, this will provide direction to staff and every time an applicant is seeking relief on the frontage issue, this policy will guide the staff report that will be placed in front of Council, for their recommendation.

During a past Council meeting, Council referred the draft policy to the Advisory Planning Commission (APC) for their comments. The APC met on October 16, 2019 to discuss this policy, with their recommendation noted below:

"That the draft Panhandle Policy be supported as proposed."

**RECOMMENDATION:**

1/. That Panhandle Lot Considerations Policy 1.31 be adopted.

**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 (1) Panhandle Policy No 1.31



**VILLAGE OF  
HARRISON HOT SPRINGS  
POLICY**

COUNCIL	POLICY NO. 1.31
PANHANDLE LOT CONSIDERATIONS	DATE APPROVED:

## 1. PURPOSE

To guide the Council with respect to determining a position on waiving the requirements on subdivision applications that do not meet the minimum 10% highway frontage requirements of the *Local Government Act*, as amended from time to time.

## 2. POLICY

- (a) All panhandle Lots that do not provide the minimum 10% highway frontage requirement, as outlined in the *Local Government Act* as amended from time to time, must be submitted to Council for their consideration of waiving or relaxing this requirement.
- (b) Staff must process the request through the Development Variance Permit process.
- (c) When reviewing an application, Council must consider the following:
  - i. will the reduced frontage adversely affect the streetscape or result in a conflict with existing driveways, intersections, walkways, trails, sidewalks or any natural features; and
  - ii. will the reduced frontage affect any privacy issues for the neighbouring properties; and
  - iii. is the length of the panhandle excessive or is the width so restrictive with respect to the ability to access the proposed building site with emergency vehicles; and
  - iv. is the area and width of the Lot in accordance with the Zoning Bylaw. As per the definition of a Panhandle Lot in the Zoning Bylaw, the access strip portion is not to be included in the Minimum Lot size calculations; and
  - v. is the width of the Lot wide enough to place, any utility lines and the required community sewer and water lines down the proposed access strip. Access to community sewer and water lines must be through the applicant's access strip and not through any of the adjacent neighbouring properties; and
  - vi. will the access strip create any additional surface water runoff discharge, and will it flow onto any of the adjacent properties.



126)



## VILLAGE OF HARRISON HOT SPRINGS

### REPORT TO COUNCIL

**TO:** Mayor and Council **DATE:** Oct 29, 2019  
**FROM:** Ken Cossey, MCIP, RPP **FILE:** 3320-20-SUB-34ECHO  
Planning Consultant  
**SUBJECT:** Panhandle Lot width exemption

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#### ISSUE:

Seeking relief under section 512 of the *Local Government Act*, minimum highway frontage requirements.

#### BACKGROUND:

Under the *Local Government Act*, specifically section 512, if a Lot is being created by a subdivision the minimum frontage along a highway, must be the greater of:

- 10% of the perimeter of the Lot that fronts the highway; and
- It must meet the minimum frontage requirement that the Village has adopted through Zoning Bylaw, 1115, 2017.

Council may exempt any Lot being created by subdivision from these requirements.

In this case the applicant is proposing a frontage of 7.5 M, which is less than the 10% requirement of 13.7 M and the minimum Lot width of 12.5 M as per Zoning Bylaw 1115, 2017.

In order to assist the Council on whether or not the 10% requirement and the minimum frontage requirements should be waived, a policy has been created and was adopted by Council. The guiding principle for this policy is the concept of "fair play", in that all the applicants seeking relief from this requirement are treated in the same manner. The guiding objectives for this policy require that a review is to be completed that looks at the following:

- Safety
- Impact analysis
- Servicing of the new dwelling
- Drainage

In addition to the above review requirements, Council directed staff to refer this application to the Village's Fire Department and the Village's Engineering firm for their review and comments. Based upon the adopted panhandle policy a review of the following, is noted below.

### **Results of the review**

- 1/. Safety - Is the frontage reduction too restrictive for an emergency vehicle's access to the proposed dwelling?

No comments were provided by the Fire Department. However, the average fire truck is from 2.4 to 3.04 M wide. With respect to ambulances, in BC we have three ground vehicle types; Type III, Type II and Type I and the width of the three types ranges from 2 M to 2.48 M.

- 2/. Impacts - Identification of the potential impacts of the reduced frontage.

Based upon a site inspection of the site, no sight line impacts are anticipated nor will there be an impact upon the limited pedestrian flows in this area right now.

- 3/. Servicing - Can the dwelling unit still be properly serviced? Can the sewer and water lines or other utility lines be located under the access strip?

taken from the proposed Village's Subdivision Development and Servicing Bylaw

"If laid above each other, the water line is over top of the sewer line and is separated by a distance of 0.5 M. In addition to this, all the water line joints must be heat wrapped. If laid vertically they must be at least 3 M apart from each other. In this situation as well, all the water line joints must also be heat wrapped."

The Village's Engineering firm has reviewed the application and has determined:

"Safe Installation of water, sanitary sewer and storm water utilities is possible with the proposed 7.5 M access."

- 4/. Drainage

The site is relatively flat, and no extra surface water runoff is expected.

### **RECOMMENDATION:**

- 1/. That Council exempt proposed Lot 4 in subdivision file 3320-20-SUB-34ECHO for land legally described as: Lot 34, Section 13, Township 4, Range 29, West of the 6<sup>th</sup> Meridian, New Westminster District Plan 27133, from the 10% frontage requirement; and



- 2/. That Council authorize the proposed frontage of 7.5 M for proposed Lot 4 in subdivision file 3320-20-SUB-34ECHO for land legally described as: Lot 34, Section 13, Township 4, Range 29, West of the 6<sup>th</sup> Meridian, New Westminster District Plan 27133.

**Respectfully submitted;**

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

*Ken Cossey*

Ken Cossey, MCIP, RPP,  
Planning Consultant

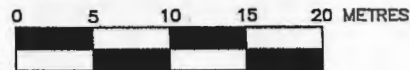
*Madeline McDonald*

Madeline McDonald  
Chief Administrative Officer

Attachments (1)      Site plan

**PROPOSED SUBDIVISION PLAN OF LOT 34  
SECTION 13 TOWNSHIP 4 RANGE 29 WEST OF THE 6TH MERIDIAN  
NEW WESTMINSTER DISTRICT PLAN 27133**

SCALE 1 : 300



ALL DISTANCES AND ELEVATIONS ARE IN  
METRES AND DECIMALS THEREOF



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OUR FILE: 0700 DRAWING: 0700 PROP SUB 3

DIMENSIONS SHOWN ARE ACCORDING TO LAND TITLE & SURVEY AUTHORITY  
OF BC RECORDS PLAN 27133.

PREPARED BY EDWARD C. EATON, BCLS, CLS  
THIS 24th DAY OF JANUARY, 2019.

12(d)



## VILLAGE OF HARRISON HOT SPRINGS

### REPORT TO COUNCIL

**TO:** Mayor and Council **DATE:** Oct 28, 2019  
**FROM:** Ken Cossey, MCIP, RPP **FILE:** 3320-20-SUB-875/879HSR  
Planning Consultant  
**SUBJECT:** Panhandle Lot width exemption

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#### ISSUE:

Seeking relief under section 512 of the *Local Government Act*, minimum highway frontage requirements.

#### BACKGROUND:

Under the *Local Government Act*, specifically section 512, if a Lot is being created by a subdivision the minimum frontage along a highway, must be the greater of:

- 10% of the perimeter of the Lot that fronts the highway; and
- It must meet the minimum frontage requirement that the Village has adopted through Zoning Bylaw, 1115, 2017.

Council may exempt any Lot being created by subdivision from these requirements.

In this case the applicant is proposing a frontage of 7.531 M, which is less than the 10% requirement of 18.6 M and the minimum Lot width of 18 M as per Zoning Bylaw 1115, 2017.

In order to assist the Council on whether or not the 10% requirement and the minimum frontage requirements should be waived, a policy has been created and was adopted by Council. The guiding principle for this policy is the concept of "fair play", in that all the applicants seeking relief from this requirement are treated in the same manner. The guiding objectives for this policy require that a review is to be completed that looks at the following:

- Safety
- Impact analysis
- Servicing of the new dwelling
- Drainage

In addition to the above review requirements, Council directed staff to refer this application to the Village's Fire Department and the Village's Engineering firm for their review and comments. Based upon the adopted Panhandle Lot Considerations Policy a review of the following, is noted below.

### **Results of the review**

- 1/. Safety - Is the frontage reduction too restrictive for an emergency vehicle's access to the proposed dwelling?

No comments were provided by the Fire Department. However, the average fire truck is from 2.4 to 3.04 M wide. With respect to ambulances, in BC we have three ground vehicle types; Type III, Type II and Type I and the width of the three types ranges from 2 M to 2.48 M.

- 2/. Impacts - Identification of the potential impacts of the reduced frontage.

Based upon a site inspection of the site, no sight line impacts are anticipated, nor will there be an impact upon the limited pedestrian flows in this area right now.

- 3/. Servicing - Can the dwelling unit still be properly serviced? Can the sewer and water lines or other utility lines be located under the access strip?

taken from the proposed Village's Subdivision Development and Servicing Bylaw

"If laid above each other, the water line is over top of the sewer line and is separated by a distance of 0.5 M. In addition to this, all the water line joints must be heat wrapped. If laid vertically they must be at least 3 M apart from each other. In this situation as well, all the water line joints must also be heat wrapped."

The Village's Engineering firm has reviewed the application and has determined:

"Safe Installation of water, sanitary sewer and storm water utilities is possible with the proposed 7.531 M access."

- 4/. Drainage

The site is relatively flat, and no extra surface water runoff is expected.

### **RECOMMENDATION:**

- 1/. That Council exempt proposed Lot 2 in subdivision file 3320-20-SUB-875/879HSR for land legally described as: Lots G and F, Section 12, Township 4, Range 29, West of the 6<sup>th</sup> Meridian, New Westminster District Plan 16245, from the 10% frontage requirement; and



- 2/. That Council authorize the proposed frontage of 7.531 M for Lot 2 in subdivision file 3320-20-SUB-875/879HSR for land legally described as: Lots G and F, Section 12, Township 4, Range 29, West of the 6<sup>th</sup> Meridian, New Westminster District Plan 16245.

**Respectfully submitted;**

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

*Ken Cossey*

Ken Cossey, MCIP, RPP,  
Planning Consultant

*Madeline McDonald*

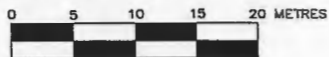
Madeline McDonald  
Chief Administrative Officer

Attachments (1)      Site plan

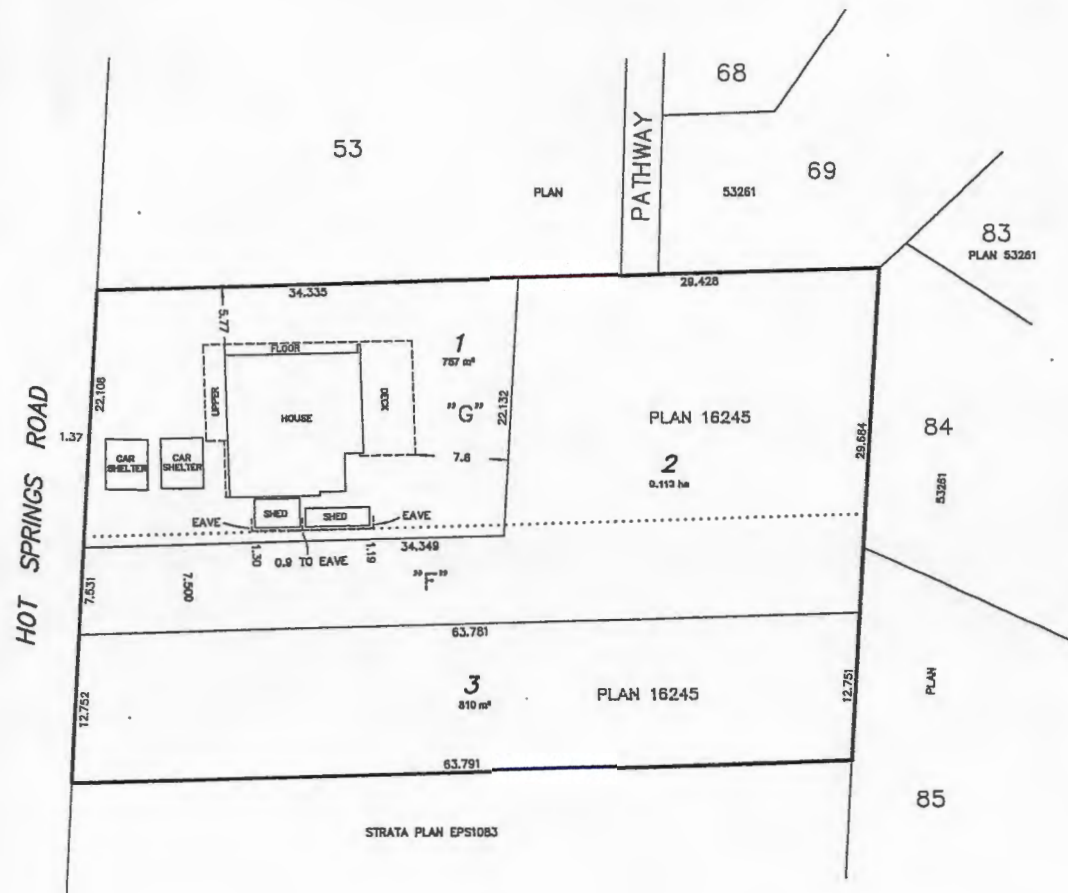
PROPOSED SUBDIVISION PLAN OF LOTS "F" AND "G"  
SECTION 12 TOWNSHIP 4 RANGE 29 WEST OF THE SIXTH MERIDIAN  
NEW WESTMINSTER DISTRICT PLAN 16245

875 & 879 HOT SPRINGS ROAD, HARRISON HOT SPRINGS, BC

SCALE 1 : 300



ALL DISTANCES ARE HORIZONTAL GROUND-LEVEL  
DISTANCES IN METRES AND DECIMALS THEREOF



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www.eatonlandsurveying.com  
Ph. (604) 796-LAND (5263)

OUR FILE: 0844 DRAWING: 0844 PROP SUB 5

PREPARED BY EDWARD EATON, BCLS, CLS  
THIS 11th DAY OF APRIL, 2019.



## VILLAGE OF HARRISON HOT SPRINGS

### REPORT TO COUNCIL

TO: Mayor and Council DATE: October 29, 2019

FROM: Ken Cossey, MCIP, RPP FILE: 3900-01  
Planning Consultant

SUBJECT: Soil Removal and Deposit Bylaw 1146, 2019

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#### ISSUE:

Seeking approval on the Soil Removal and Deposit Bylaw.

#### BACKGROUND:

Land development activities, such as the clearing of land, the stock piling of soil on a cleared site, the grading of slopes, the excavation of a site, the construction of roads requires soils to be removed or deposited. The stockpiling of or the removal of soils can lead to a variety of nuisance such surface runoff into riparian areas, disputes with neighbours, or dust and dirt on the roads.

Many landowners are interested in depositing or removing soil from their property for a variety of reasons, including the regulatory requirement to achieve flood construction elevation levels during property development. For the purposes of this bylaw, soil includes topsoil, gravel, sand, rock, peat, silt and clay.

The offer for free soil or the opportunity to generate income from depositing soil can be tempting but can result in significant hardship for property owners if the deposition is not done correctly.

To help avoid these problems, the deposition of contaminated soil, which includes rubble or construction waste, and soils which are deemed to be contaminated under the provisions of the BC Contaminated Sites Regulation will be prohibited.

Depositing soil on your property has the potential to impact neighbouring properties by affecting drainage.

The attached bylaw has been created to protect property owners as much as they are to protect neighbouring properties, the Village's infrastructure and function in an environmental stewardship manner.

In addition to the above, the Village has no regulatory mechanism in place to prevent an individual or company from dumping "dirty dirt" on a construction site and leaving it there.

Currently the only regulatory authority that is applicable to the placement of soil, within the Village boundaries applies only to lands within the Agricultural Land Reserve (ALR). The Agricultural Land Commission, through their Bylaw No. 2 can regulate the placement of fill on any Agricultural Land Reserve area. Adjacent to the Village, the District of Kent has Bylaw 1491 in place, but that only applies to lands with the District's boundaries.

For local governments the Community Charter can be utilized to regulate, prohibit and impose requirements for the removal and placement of soil on non-ALR land.

The recommended application fee, while not in this Bylaw, is a flat fee of \$200.00 per application. This fee, if approved, will be included in Schedule A of the Miscellaneous Fee Bylaw and any enforcement provisions will be introduced into the Bylaw Notice Enforcement Bylaw. The comparison range of other municipalities is difficult to assess in that some charge a flat application fee and then others charge an application fee and then they charge for the volume of soil removed or deposited. The application fee range is from \$0.00 to \$500.00. The volume fees range from \$.50 to \$1.00 per M<sup>3</sup>.

#### **RECOMMENDATIONS:**

- 1/. That Soil Deposit and Removal Bylaw 1146, 2019 be given three readings;
- 2/. That Soil Deposit and Removal Bylaw 1146, 2019 be referred to the Ministry of Energy, Mines and Petroleum Resources; and
- 3/. That Soil Deposit and Removal Bylaw 1146, 2019 be referred to the Ministry of Environment and Climate Change Strategy

**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 (1)      Soil Removal and Deposit Bylaw 1146, 2019



# SOIL REMOVAL AND DEPOSIT BYLAW

FOR THE VILLAGE OF  
HARRISON HOT SPRINGS  
BYLAW NO. 1146, 2019



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**Village of Harrison Hot Springs  
Soil Deposit and Removal Bylaw No. 1146, 2019  
A BYLAW TO REGULATE SOIL REMOVAL AND DEPOSIT  
WITHIN THE VILLAGE OF HARRISON HOT SPRINGS**

---

**WHEREAS** section 8(3)(m) of the *Community Charter, SBC 2003, Chapter 25*, as amended from time to time, authorizes Council by Bylaw to regulate, prohibit and impose requirements in relation to the removal of Soil and the deposit of Soil or other material

**AND WHEREAS** section 15(1) of the *Community Charter, SBC 2003, Chapter 25*, as amended from time to time, Council may, provide for a system of licenses, Permits or approvals, the establishment of terms and conditions for the issuance of the of the license, Permit or approval and the continuation or cancellation of the license, Permit or approval;

**AND WHEREAS** section 195(1) of the *Community Charter, SBC 2003, Chapter 25*, as amended from time to time, authorizes a municipal to set fees for the removal of Soil and or the deposit of Soil from a site;

**NOW THEREFORE** the Municipal Council of the Village of Harrison Hot Springs in open meeting assembled enacts as follows:

## **PART 1.0      APPLICATION AND ADMINISTRATION**

---

### **1.1      Title**

- a) This Bylaw may be cited for all purposes as the "Village of Harrison Hot Springs Soil Removal and Deposit Bylaw No. 1146, 2019".

### **1.2      Purpose**

- a) This Bylaw has been enacted for the purpose of regulating the removal and deposit of Soil within the Village of Harrison Hot Springs in the general public interest.

### **1.3      Application and Interpretation Requirements of the Bylaw**

- a) This Bylaw applies to all Lands located within the boundaries of the Village of Harrison Hot Springs and as shown on Schedule "A", the Zoning Map of the *Village of Harrison Hot Springs Zoning Bylaw 1115, 2017*, as amended from time to time.
- b) The Village recognizes that within areas designated as Agricultural Land Reserve (ALR) under the *Agricultural Land Commission Act, SBC 2002, Chapter 26*, as amended from time to time, and located within the Village boundaries this Bylaw has no force or effect unless the Soil deposit or extraction is permitted under the *Agricultural Land Commission Act* or related Regulations.
- c) The Village recognizes that any permit issued under the authority of the *Mines Act, RSBC 1996, Chapter 293*, as amended from time to time, is applicable to all Land located within the Village's boundaries.

- d) The Villages recognizes that any permit, order or agreement issued under the authority of the *Environmental Management Act*, SBC 2003, c. 53, as amended from time to time, is applicable to all Land located within the Village's boundaries.
- e) This Bylaw applies to the removal and deposit of Soil within the Village's boundaries.
- f) This Bylaw applies to the deposit of Soil on any Lot located within the Village's boundaries, brought in from outside of the Village's boundaries.
- g) This Bylaw applies to the removal and deposit of the Soil from within the Village's boundaries that is to be deposited or is intended to be deposited outside of the Village's boundaries.
- h) Words used in the present tense include the future tense.
- i) Words used in the singular include the plural.
- j) The use of the abbreviation "M" indicates that the unit of measure is based upon the metric system and must be interpreted as metre.

#### **1.4 Severability**

- a) If any section, subsection, sentence, clause, or phrase of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, such decision must not affect the validity of the remaining portions of this Bylaw.

#### **1.5 Definitions**

- a) The definitions contained in the *Village of Harrison Hot Springs Zoning Bylaw 1115, 2017*, as amended from time to time plus the following definitions below apply to this Bylaw.

##### **Applicant**

means the individual applying for a Permit under this Bylaw, and if they are not the owner of the Lot than the authorized individual acting as an agent for the owner;

##### **Contaminated Site**

has the same definition as outlined in the *Environmental Management Act* , SBC 2003, c 53, as amended from time to time;

##### **Community Drainage System**

has the same definition as outlined in the *Village of Harrison Hot Springs, Subdivision and Development Bylaw, No. 578, 1993*, as amended or replaced from time to time;



### **Clean Soil**

means Soil that is free from food waste, construction and demolition waste, masonry, rubble, rocks, concrete, asphalt, glass, unchipped lumber, drywall, plastics, biological waste, compost, manure, fertilizers or other soil conditioners and is not Soil from a Contaminated Site;

### **Permit**

means the written authority granted by the Village pursuant to this Bylaw, for either the removal or deposit of Soil from or on a non-Contaminated Site;

### **Qualified Professional**

means an individual, whether acting alone or together with another Qualified Professional, who:

- a) is registered and in good standing with one or more of the following professional organizations:
  - i) Association of Professional Engineers;
  - ii) Association of British Columbia Forest Professionals;
  - iii) College of Applied Biologists;
  - iv) Applied Science Technologists and Technicians of British Columbia;
  - v) British Columbia Institute of Agrologists;
  - vi) British Columbia Society of Landscape Architects

and for sediment and erosion control purposes only:

- i) Certified Professional in Erosion and Sediment Control;

### **Sediment or Sediment Laden Water**

means any sediment, rock, gravel, sand, soil silt, clay, earth, construction or excavation wastes or other substances whether or not suspended in water;

### **Site Profile**

has the same definition as outlined in the *Environmental Management Act*, SBC 2003, c 53, as amended from time to time;

### **Soil**

has the same meaning as Soil contained within the *Contaminated Site Regulation*, BC Reg 375/96, as amended from time to time and includes wood waste;

### **Works and Services**

has the same definition as the Village of Harrison Hot Springs, *Subdivision and Development Bylaw, No. 578, 1993*, as amended or replaced from time to time; and

**Village**

means the Village of Harrison Hot Springs;

**Wood Waste**

means hog fuel, mill ends, bark, sawdust, tree stumps, branches, logs or log ends.

## **PART 2.0 PROHIBITIONS, ENFORCEMENT AND EXEMPTIONS**

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**2.1 Prohibitions**

- a) No person will cause or permit the removal or deposit of Soil greater than 10 M<sup>3</sup> on any Lot within the Village of Harrison Hot Springs unless a Permit has been granted pursuant to this Bylaw;
- b) Notwithstanding section 2.1(a) and (c), no person will cause or permit the removal or deposit of Soil on any Lot within the Agricultural Land Reserve unless it is approved in writing by the Agricultural Land Commission;
- c) No person will cause or permit the deposit of Soil on any Lot located within the Village of Harrison Hot Springs, that is not Clean Soil;
- d) No person will discharge, cause, suffer or permit another person to discharge or deposit Sediment or Sediment Laden Water directly into a Community Drainage System nor must they allow any Sediment Laden Water to leave their site; and
- e) There must be no deposit or removal of Soil within 30 M of the Miami River and any tributary system, without approval from the applicable government having jurisdiction.

**2.2 Exemptions to the requirements of this Bylaw**

- a) Any Soil that is deposited on or removed from Agricultural Land Reserve Land and has the approval of the Agricultural Land Commission to remove Soil from the Lot or deposit Soil on the Lot;
- b) Any Soil, notwithstanding the above Soil definition, that is deposited or removed as approved by a permit issued under the *Mines Act*, RSBC 1996, Chapter 293, as amended from time to time;
- c) Any Soil, notwithstanding the above Soil definition, that is deposited or removed as approved by an order, agreement or permit issued under the *Environmental Management Act*, SBC 2003, c. 53, as amended from time to time;
- d) Is relocated from the same Lot, within the Village's boundaries, as it originates from;
- e) Is required for any construction or the repair of any Works or Services done by or on behalf of the Village, the province or the federal government;

- f) Is from or on any parks or other Village controlled Lands. This includes any parks administered through the Fraser Valley Regional District;
- g) Any permit issued by the federal government issued under the *Plant Protection Act*, S.C. 1990, Chapter 22, as amended from time to time and or the *Plant Protection Regulations*, SOR/95-212, as amended from time to time; and
- h) Driveways for which the Village has granted a driveway permit.

### **PART 3.0 GENERAL REQUIREMENTS**

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- a) If applicable, in addition to receiving approval from other governments having jurisdiction, any Soil removal or deposit must adhere to all applicable Village Bylaws.
- b) The Village may refuse to issue a permit if the proposed Soil removal or deposit activity, as outlined on the submitted plans, and application form does not comply with this Bylaw or if the proposed Soil removal and Deposit would, in the Village's opinion, adversely affect the natural environment or any adjacent properties, rights-of-way, Highways, utilities or drainage infrastructure.
- c) As a part of the Village's efforts to control Sediment Laden Water discharge from any Development site, the owners or agents of the site are expected to adhere to best management practices including but not limited to the following:
  - i. retaining existing vegetation where possible;
  - ii. restricting vehicle access to the site;
  - iii. the use of silt fencing around stockpiles and at the toe of disturbed sites;
  - iv. completely cover temporary stockpiles of soil and surround stockpiles with a silt fence;
  - v. installs and maintain filter bags inside any catch basins, lawn basins, exposed manholes or any open storm water access points;
  - vi. divert any surface water runoff away from any cleared areas;
  - vii. ensuring any surface water runoff is channeled through swales;
  - viii. keep all sands, gravels, spoiled materials and concrete mix off of any paved surfaces, by regularly sweeping the affected Highway.
- d) If the holder of a Permit wishes to deviate in any way from the approval Permit issued or any conditions associated with the Permit, they must make an application for a new revised Permit.
- e) The Village is hereby authorized at all reasonable times to enter upon and inspect any Lot to ascertain whether the provisions of this Bylaw, the Permit and any conditions related to the Permit are being complied with. A person must not interfere, hinder, obstruct any Village employee assigned to enforce this Bylaw from entering onto a Lot or in the exercise of their duties.
- f) A Permit must not be transferred to a third party without the written consent of the Village.



- g) Any person engaged in the Soil removal or deposit operation must ensure that no dust or Soil can leave the site, so as to constitute a nuisance to another property.

### **3.1 Security**

- a) The amount of security required will be based on \$4,000.00 per Lot where the Soil is to be deposited or removed from. If required, an Applicant must provide the Village with an irrevocable letter of credit for the security
- b) When the Permit holder completes all the conditions and requirements of the Permit, the Village must return the security deposit or whatever remains in the security deposit account to the Permit holder who provided the security, within 30 days of a final inspection completed by the Village.

### **3.2 Insurance**

- a) As a minimum condition on any Permit issued, the Applicant must maintain at all times throughout the term of the Permit comprehensive liability insurance in the amount of \$2,000,000 per Permit that:
  - i. names the Village as an additional insured; and
  - ii. provides for no expiry date until the Village advises that the policy is no longer required. The Village must advise the holder of the Permit after 30 days of the project completion and the Village is satisfied that all conditions have been addressed.

### **3.3 Permit Term**

- a) The term for any Permit must not exceed two-years from the date of issuance. If the work is not completed during this time period, then a new application is required prior to the work commencing.

### **3.4 Permit Issuance**

- a) The Village may;
  - i. refuse the application for a Permit;
  - ii. issue the Permit without conditions; or
  - iii. issue the Permit with conditions

### **3.5 Repair of damage**

- a) Any damage to Village property, as a result of either the removal or deposit of Soil must be repaired immediately by the Permit holder.

### **3.6 Revocation of a Permit**

- a) If the Permit holder fails to comply with the requirements of this Bylaw or any condition associated with the issuance of a Permit, the Village may revoke the Permit, by providing written notice to the Permit holder. The written notice must be



mailed to the Permit holder and is to be considered mailed if the address that is used is the same address as used by the Permit holder on their application.

## **PART 4.0 SOIL PERMIT APPLICATION REQUIREMENTS**

### **4.1 Application Requirements**

Every application for a Permit pursuant to this Bylaw must be made in writing to the Village in the form prescribed by the Village, as amended from time to time and must contain the following:

- a) The civic address of the Lot, the Legal description of the Lot and a copy of the current State of Title Certificate, that is not more than a week old, for the Lot under consideration and if applicable a copy of any charges filed against the State of Title Certificate, the name of the Lot owner and a signature of the Lot owner or the owner's letter of authorization if the owner is not the Applicant;
- b) A description on the type of Soil to be removed and if applicable a description of the Soil to be deposited;
- c) A site plan drawn at a scale of 1:5:000, depicting distances to any adjacent property lines, Buildings or Structures, Highways, rights-of-way, drainage systems, fences, driveway access and egress points, the contours for the site, the surface water drainage direction and the distance to the Miami River and any tributaries;
- d) When required by the Village, a report by a Qualified Professional, certifying that the Soil to be removed or deposited meets the requirements of any provincial or federal regulations regarding contaminants and if it is to be deposited on any Lot within the Village's boundary it is certified as Clean Soil;
- e) When required by the Village, a report created by a Qualified Professional Engineer, certifying that the Soil to be removed or deposit will not cause a geo-technical hazard.
- f) A drawing or sketch depicting the Lot access route, the haul route and a dated photograph of the Highways to be used;
- g) A clean water management plan; this could include but not be limited to any or all of the following:
  - i. a clean water interceptor ditch;
  - ii. a clean water interceptor berm;
  - iii. the use of a temporary downspout and gutter connection
- h) Aggress and egress controls; this could include but not be limited to any or all of the following:
  - i. a wheel wash facility;
  - ii. rock mulch access and egress pads;
  - iii. mud mats

- i) Perimeter control measures; this could include but not be limited to any or all of the following:
  - i. general silt fencing;
  - ii. wire backed silt fencing;
  - iii. wood mulch berm;
  - iv. fibre log barriers
- j) On-site water management; this could include but not be limited to any or all of the following:
  - i. interceptor ditch and the use of swales;
  - ii. slope drains
- k) Storm inlet protection; this could include but not be limited to any or all of the following:
  - i. filter sock inserts;
  - ii. sediment barrier berms or check dams
- l) Erosion control; this could include but not be limited to any or all of the following:
  - i. temporary stockpile protection;
  - ii. temporary slope protection;
  - iii. the use of straw mulch;
  - iv. rolled erosion control products;
  - v. broadcast and or hydraulic seeding
- m) Paved road surface sweeping and maintenance; this could include but not be limited to any or all of the following:
  - i. hand sweeping;
  - ii. mechanical sweeping;
- n) Project planning or phasing; this could include but not be limited to any or all of the following:
  - i. vegetation retention;
  - ii. project phasing;
  - iii. wet weather operating procedures;
  - iv. project scheduling; and
- o) Sediment barriers; this could include but not be limited to any or all of the following:
  - i. contour silt fencing;
  - ii. straw wattles;
  - iii. wood mulch berms;
  - iv. rock mulch berms;
  - v. straw bale barriers

#### 4.2 Soil Profile

- a) The Village may require that a Site Profile be completed, at no cost to the Village, for either the removal of or the deposit of Soil within the Village's boundaries. The Applicant for the Permit may also be required to provide funding to the Village such that a third party review can be performed on the submitted Site Profile.
- b) If required the Site Profile must follow the requirements of the Administrative Guidance on Contaminated Sites, Version 5 August 2013, issued by the Ministry of Environment, as amended from time to time.

### **PART 5.0 VIOLATIONS, ENFORCEMENT AND PENALTIES**

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#### 5.1 Violation

- a) This Bylaw is designated under the provisions of Section 260 of the *Community Charter, SBC 2003, c. 26*, as amended from time to time, as a Bylaw that may be enforced under the provisions of the *Village of Harrison Hot Springs Bylaw Notice Enforcement Bylaw, 855*, as amended from time to time;
- b) Any person who:
  - i) violates any provision of this Bylaw, or
  - ii) who suffers or permits any act or thing to be done in contravention of this Bylaw, or
  - iii) who neglects to do, or refrains from doing anything required to be done by any of the provisions of this Bylaw, or
  - iv) prevents or obstructs or attempts to prevent or obstruct the authorized entry of any of the Enforcement persons noted in Section 2.1(l) above,

commits an offence and is subject to penalties under the *Village of Harrison Hot Springs Bylaw Notice Enforcement Bylaw, 855*, as amended from time to time; and
- c) Each day that a contravention or violation of or failure to perform any provision of this Bylaw continues to exist will be deemed to be a separate offence.

**PART 6.0 EFFECTIVE DATE**

---

**6.1 Effective Date**

READ A FIRST TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019

READ A SECOND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019

READ A THIRD TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019

APPROVED by the MINISTRY of Energy  
Mines and Petroleum Resources this \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019

APPROVED by the Ministry of Environment  
and Climate Change Strategy this \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer