



**VILLAGE OF BELCARRA  
REGULAR COUNCIL AGENDA  
VILLAGE HALL  
June 22, 2020  
7:00 PM**



This meeting is being held via Zoom Teleconference and will be recorded.

Meeting details as follows:

Click link to join meeting: <https://zoom.us/j/94694724281> Meeting ID: 946 9472 4281

**COUNCIL**

Mayor Neil Belenkie  
Councillor Rob Begg  
Councillor Carolina Clark  
Councillor Bruce Drake  
Councillor Liisa Wilder

**1. CALL TO ORDER**

Mayor Neil Belenkie will call the meeting to order.

**2. APPROVAL OF THE AGENDA**

**2.1 Regular Council Meeting, June 22, 2020**

**Recommendation:**

That the agenda for the Regular Council Meeting, June 22, 2020 be approved as circulated.

**3. ADOPTION OF MINUTES**

**3.1 Regular Council Meeting, June 8, 2020**

**Recommendation:**

That the minutes from the Regular Council Meeting held June 8, 2020 be adopted.

**4. DELEGATIONS AND PRESENTATIONS**

**5. REPORTS**

**5.1 Lorna Dysart, Chief Administration Officer, report dated June 22, 2020 regarding Land Disposition – Interim Report**

**Recommendation:**

That staff be directed to pursue implementation of land disposition substantially in accordance with the Land Disposition report dated June 22, 2020; and  
That staff bring back a report on amending the Official Community Plan (OCP) and Zoning Bylaw to permit lot sizes less than 0.5 acres, only for Village owned parcels intended for land disposition.

- 5.2** Lorna Dysart, Chief Administrative Officer, report dated June 22, 2020 regarding Disclosure of Legal Advice Policy No. 213

**Recommendation:**

That the Disclosure of Legal Advice to the Policy No. 213 be approved.

**6. REPORTS FROM MAYOR AND PROJECT LEADS**

**Mayor Belenkie Updates:**

- 6.1 Official Community Plan (OCP) Full Review**
- 6.2 OCP Review regarding Section 3.2 – Marine Avenue & Senkler Road – Highway Encroachment Area**
- 6.3 Revenue Generation Committee (RGC) Follow Up**
- 6.4 Water System / Firefighting Capacity Review**

**7. BYLAWS**

- 7.1 Village of Belcarra Bylaw Enforcement Notice Bylaw No. 520, 2018, Amendment Bylaw No. 565, 2020**

**Recommendation:**

That “Village of Belcarra Bylaw Enforcement Notice Bylaw No. 520, 2018, Amendment Bylaw No. 565, 2020” be adopted.

**8. CORRESPONDENCE/PROCLAMATIONS**

**Recommendation:**

That correspondence items 8.1 to 8.5 be received.

**ACTION ITEMS**

**INFORMATION ITEMS**

- 8.1** Mayor Belenkie, letter to Tracy Olsen, Senior Policy Analyst, Building & Safety Standards Branch, Ministry of Municipal Affairs and Housing, dated June 18, 2020 regarding Application to Request a Local Authority Variation
- 8.2** Suzanne Kyra, Belcarra Resident, letter dated June 9, 2020 regarding Thank you for Supporting the Village During COVID-19
- 8.3** Ian Devlin, Water System Capacity for Fire Protection Committee, Chairman, letter dated June 11, 2020 regarding Water Committee Comments to Council
- 8.4** Colleen MacDonald, Belcarra Resident, email dated June 12, 2020 regarding Road Ends Sale Objection
- 8.5** Ralph Drew, Belcarra Resident, email dated June 17, 2020 regarding Creation of Waterfront “Road End Lots”

**9. NEW BUSINESS**

**10. PUBLIC QUESTION PERIOD**

**11. RESOLUTION TO CLOSE MEETING**

That the June 22, 2020 meeting of Council be closed pursuant to the *Community Charter* Section 90 (1) "A part of a Council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

(g) litigation or potential litigation affecting the municipality."

**12. ADJOURNMENT**

**Recommendation:**

That the June 22, 2020 Regular Meeting be adjourned.



**VILLAGE OF BELCARRA  
REGULAR COUNCIL MINUTES  
VILLAGE HALL  
June 8, 2020**



Minutes of the Regular Council Meeting for the Village of Belcarra held June 8, 2020 at the Municipal Hall, 4084 Bedwell Bay Road, Belcarra, BC.

This meeting was held via Zoom Teleconference and was recorded.

**Council in Attendance**

Mayor Neil Belenkie  
Councillor Rob Begg  
Councillor Carolina Clark  
Councillor Bruce Drake  
Councillor Liisa Wilder

**Staff in Attendance**

Lorna Dysart, Chief Administrative Officer  
Stewart Novak, Public Works & Emergency Preparedness Coordinator  
Paula Richardson, Municipal Coordinator

**1. CALL TO ORDER**

Mayor Belenkie called the Zoom meeting to order at 7:00 pm.

**2. APPROVAL OF THE AGENDA**

**2.1 Regular Council Meeting, June 8, 2020**

Moved by: Councillor Clark  
Seconded by: Councillor Drake

That the agenda for the Regular Council Meeting, June 8, 2020 be amended to remove Item 8.7 from the agenda; and  
That the agenda be approved as amended.

**CARRIED**

**3. ADOPTION OF MINUTES**

**3.1 Regular Council Meeting, May 25, 2020**

Moved by: Councillor Begg  
Seconded by: Councillor Clark

That the minutes from the Regular Council Meeting held May 25, 2020 be adopted.

**CARRIED**

**4. DELEGATIONS AND PRESENTATIONS**

No items.

**5. REPORTS****5.1** Lorna Dysart, Chief Administrative Officer, report dated June 8, 2020 regarding "Village of Belcarra Bylaw Notice Enforcement Bylaw No. 520, 2018, Amendment Bylaw No. 565, 2020"

L. Dysart outlined report. Public Works staff are posting new signs where required. Residents are encouraged to obtain resident and guest parking permits.

Councillor Wilder joined meeting 7:04 pm

Discussion ensued. Council asked pertinent questions.

Moved by: Councillor Drake

Seconded by: Councillor Begg

That Bylaw Enforcement Notice Bylaw No. 520, 2018, Amendment Bylaw No. 565, 2020 be read a first, second and third time.

**CARRIED**

**5.2** Lorna Dysart, Chief Administrative Officer, report dated June 8, 2020 regarding Review of the Official Community Plan and Bedwell Bay Sustainability Plan

L. Dysart outlined the report noting that the moratorium on recreational docks will be lifted by the Vancouver Fraser Port Authority (VFPA) on June 15, 2020 with the exception of the Highway Encroachment Area on Marine Avenue and Senkler Road.

The VFPA has provided a grant of \$10,000 for work required on the OCP Review. Richard White, RWPAS Ltd., and Chris Boit, ISL Engineering Services, will work with staff on the review.

Moved by: Councillor Clark

Seconded by: Councillor Drake

That the Chief Administrative Officer be directed to proceed with a review of Section 3.2 "Water Use Policies" of the Official Community Plan and the Bedwell Bay Sustainability Plan within the budget available from a grant from the Vancouver Fraser Port Authority.

**CARRIED**

**5.3** Lorna Dysart, Chief Administrative Officer, verbal report regarding Appointment of Mayor Belenkie as a voting delegate at the Annual General Meetings for the Municipal Insurance Association of BC.

Moved by: Councillor Drake

Seconded by: Councillor Clark

That Mayor Belenkie be appointed as a voting delegate at the Annual General Meetings for the Municipal Insurance Association of BC.

**CARRIED**

**6. REPORTS FROM MAYOR AND COUNCIL COMMITTEE REPRESENTATIVES****6.1 Fire Underwriters Survey (FUS)**

Mayor Belenkie advised that FUS is working with staff on an audit of the water system.

**6.2 Notice of Motion – No Cost to Residents – Sprinkler Installations**

Councillor Drake outlined the Notice of Motion provided at the Regular Council Meeting of May 25, 2020, with regard to No Cost to Residents for Sprinkler Installations.

L. Dysart provided building statistics on the number of homes where sprinklers have been installed since 2017:

- 11 single family homes have been built. 9 of the 11 installed sprinklers.
- 2 coach houses, with sprinkler systems, were also built.

Considerable discussion ensued.

“Whereas the installation of home sprinkler systems help protect lives and property for the homeowner involved as well as neighbours; and whereas such installations reduce the demands on the Sasamat Volunteer Fire Department to everyone’s benefit.

Be it resolved:

Moved by: Councillor Drake

Seconded by: Councillor Clark

That Belcarra ensure that there are no costs assigned by the Village to property owners who install sprinkler systems, which would not be assigned if there were no sprinkler system.”

**CARRIED**

**6.2 Notice of Motion – Request to Province for Sprinkler Bylaw Exception**

Councillor Drake provided the following Notice of Motion at the Regular Council meeting held May 25, 2020 and noted that Belcarra is in a unique situation and should be treated as an exception. Discussion ensued.

“Whereas Belcarra faces unique risks of fire given our setting; and whereas the municipality has been advised by the provincial government that the Village cannot require sprinklers in new homes or with major renovations.

Be it resolved:

Moved by: Councillor Wilder

Seconded by: Councillor Clark

That Belcarra submit a request for an exception to the current policy of the Province, of not allowing such municipal requirements for sprinklers on the grounds that Belcarra faces unique risks and we commit ourselves to aligning Village bylaws with new BC sprinkler policies as soon as these are promulgated.”

**CARRIED**

**7. BYLAWS****7.1 Village of Belcarra 5-Year Financial Plan 2020 – 2024 Bylaw No. 559, 2020, Amendment Bylaw No. 564, 2020**

Moved by: Councillor Drake

Seconded by: Councillor Clark

That “Village of Belcarra 5-Year Financial Plan 2020 – 2024 Bylaw No. 559, 2020, Amendment Bylaw No. 564, 2020” be adopted.

**CARRIED**

**Mayor Belenkie and Councillor Begg voted in opposition**

**7.2 Village of Belcarra Fees and Charges Bylaw No. 517, 2018, Amendment Bylaw No. 563, 2020**

Moved by: Councillor Drake  
Seconded by: Councillor Clark

That "Village of Belcarra Fees and Charges Bylaw No. 517, 2018 Amendment Bylaw No. 563, 2020" be adopted.

**CARRIED****8. CORRESPONDENCE / PROCLAMATIONS**

Moved by: Councillor Wilder  
Seconded by: Councillor Begg

That correspondence items 8.1 to 8.6 be received.

**CARRIED****ACTION ITEMS****8.1 Bonnie Stein, GRAD 2020 Parent Committee SD#43, email dated May 24, 2020 regarding Tri-Cities Grad 2020 Celebrations**

Moved by: Councillor Clark  
Seconded by: Councillor Wilder

That Council declare June 15 – 21, 2020 as "Grad 2020 Week" in the Village of Belcarra.

**CARRIED****8.2 Abigail Cameron, Local Immigration Partnership Manager, S.U.C.C.E.S.S., email dated June 3, 2020 regarding Tri-Cities Statement Against Racism**

Moved by: Councillor Clark  
Seconded by: Councillor Drake

That Council support the Tri-Cities "Joint Statement Against Racism on the Impact of COVID-19 on Vulnerable Groups".

**CARRIED****INFORMATION ITEMS****8.3 Kerri Palmer Isaak, Trustee, School District 43 (SD43), Coquitlam, notice dated May 25, 2020 regarding Community Update – Anmore, Belcarra****8.4 Michael Currie, Vice President, Fire Underwriters Survey, letter dated May 28, 2020 regarding Fire Underwriters Survey – Village of Belcarra's Water Distribution System****8.5 Ron Hicks & Janet Robertson, Belcarra Residents, letter dated May 20, 2020 regarding Remove Site 15 & Other Similar Road Ends from the For Sale List****8.6 Deborah Struk, Belcarra Resident, email dated May 23, 2020 regarding Road End Use Approved**

**9. NEW BUSINESS****9.1 Notice of Motion**

Councillor Drake provided the following Notice of Motion:

“Whereas the Villages of Belcarra and Anmore are the sole participants in the Metro Vancouver Regional District Sasamat Volunteer Fire Department (SVFD) with each Village providing 3 of its 7 person Board of Trustees to serve with an appointed non – Village chair; and whereas the SVFD Trustees will be considering the need for significant investments in its fire halls in each community within the next few years; Be it resolved:

That Belcarra needs to keep these anticipated costs in mind in any decisions related to the Village’s financial position.”

**9.2 Legal Opinion Policy**

Mayor Belenkie requested that Council reconsider the Disclosure of Legal Advice Policy No. 213 with a view to reviewing guidelines presented by Legal Counsel. Discussion ensued.

Moved by: Councillor Begg

Seconded by: Mayor Belenkie

That Council reconsider the Disclosure of Legal Advice Policy No. 213 at the next Council meeting.

**CARRIED**

**Councillor Wilder voted in opposition**

**10. PUBLIC QUESTION PERIOD**

Peter Struk, Belcarra Resident, queried with regard to the following:

- The number of legal opinions obtained with regard to Road Ends.
- The difference between bylaws and policies.
- Support for forming a group to study the feasibility of housing diversity and high rise buildings in the Village as a new revenue stream.

Sherry Chisholm, Belcarra Resident, queried with regard to the following:

- The status of street lights in the Village.
- The status of the surveys and appraisals on Road Ends.

John Shoolestani, Belcarra Resident, queried with regard to the following:

- Whether the Village will support item 8.2 on the Agenda regarding Tri-Cities Statement Against Racism
- The current zoning of the foreshore.
- The requirement for new residents to connect to the water system.

Don Babineau, Belcarra Resident, queried with regard to the following:

- Pressure washing in the Village.
- An ongoing update on the action items from the Revenue and Water Committees.

David Shoolestani, Belcarra Resident, queried with regard to the following:

- Traffic and parking signs on Marine Avenue.

Desmond Wilson, Belcarra Resident, queried with regard to a second road side chipping date.



**11. ADJOURNMENT**

Moved by: Councillor Wilder

Seconded by: Councillor Clark

That the June 8, 2020 Regular Meeting be adjourned at 8:45 pm.

**CARRIED**

Certified Correct:

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Neil Belenkie  
Mayor

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Lorna Dysart  
Chief Administrative Officer



## COUNCIL REPORT

**File:** 0890-07

**Date:** June 22, 2020

**From:** Lorna Dysart, Chief Administrative Officer

**Subject:** Land Disposition - Interim Report

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### Recommendation

That staff be directed to pursue implementation of land disposition substantially in accordance with the Land Disposition report dated June 22, 2020; and

That staff bring back a report on amending the Official Community Plan (OCP) and Zoning Bylaw to permit lot sizes less than 0.5 acres, only for Village owned parcels intended for land disposition.

### Purpose

The purpose of the Interim Report is to provide an update on the status of the 7 Road Ends surveys and appraisals; to seek Council input on preparing amendments to the Official Community Plan and Zoning Bylaw to enable the Village to raise title on parcels smaller than the current minimum lot size; and to advise Council on next steps.

### Background

On November 18, 2019, the Revenue Generation Committee brought a report to Council recommending further exploration of 7 surplus properties ("Road Ends") located in the Village. Council directed Staff to survey and appraise the seven (7) properties and prepare a disposition plan.

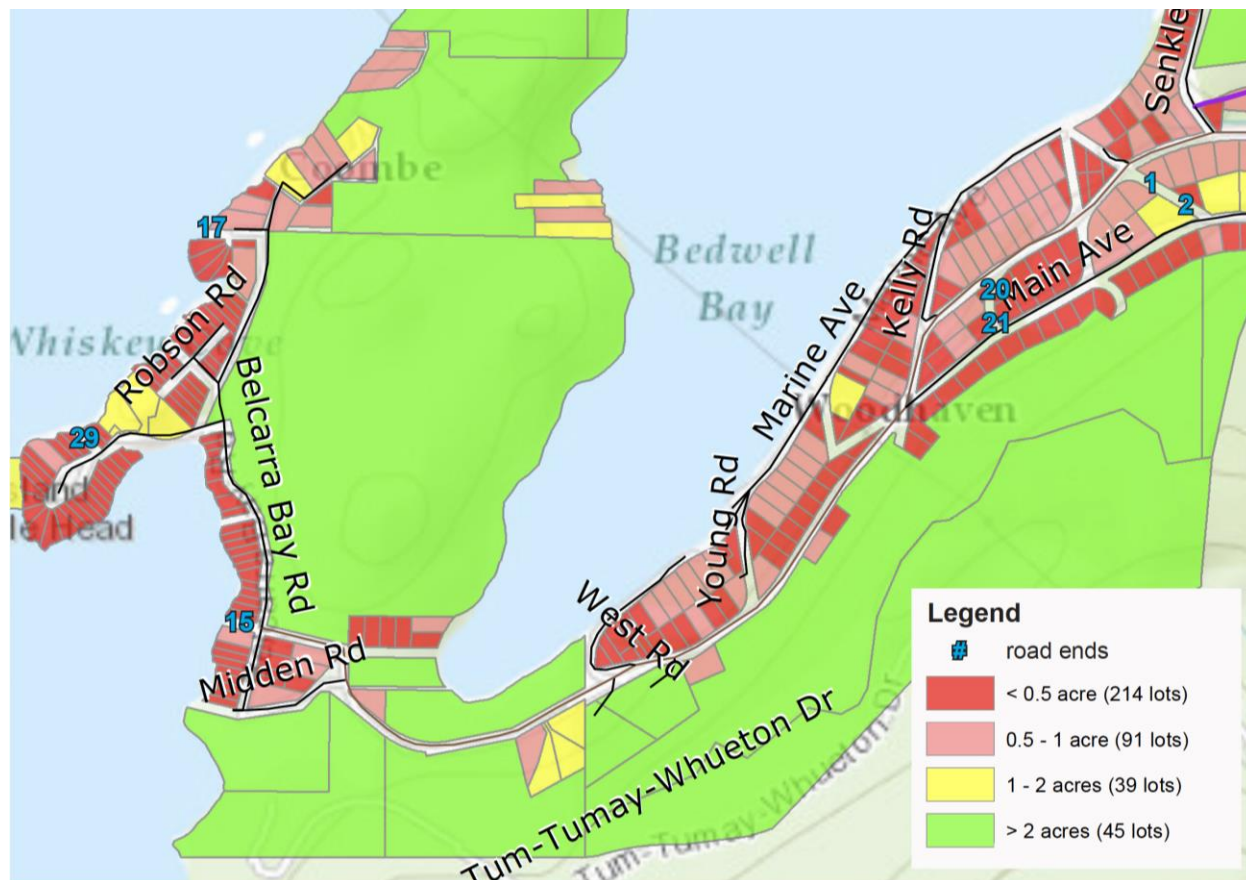
On February 10, 2020, Council approved funds to support staff pursuing the disposition of between one (1) and three (3) parcels.

### Survey and Appraisal Findings

The surveys for the seven Road Ends selected by the Revenue Generation Committee are complete. Preliminary appraisal values have been provided for the purposes of this Interim Report (refer to Table 1). Detailed appraisals are underway for the 7 properties and detailed Appraisal Reports will be provided to Council in July 2020.

Map 1 below illustrates the location of each Road End as well as the size of the surrounding properties. Refer to Attachment 1 for Maps and Surveys; for illustrative purposes, potential encroachments have been highlighted on each survey.

**Map 1: Road Ends and Lot Sizes (zoomed in)**



Attachment 2 - Table 1 provides an overview of various characteristics related to the Road Ends, such as location (inland vs waterfront), developable area, potential encumbrances, anticipated value, etc. This information is intended to inform Council's decision related to prioritizing the disposition of the properties. Staff will provide Council with a detailed report including recommendations on parcels for disposition once the detailed Appraisals are complete in July.

## Considerations

### Minimum Subdivision Requirements

None of the Road Ends properties identified for potential disposition meet the minimum lot area and width requirements of the Village of Belcarra Zoning Bylaw (Section 302.5) or the Official Community Plan (Section 3.1.1.b).

Belcarra has a wide range of property sizes throughout the Village, with 214 properties (or 55% of the total) less than 0.5 acres. Map 1 (above and in Attachment 1) shows the Road Ends properties in the context of lot sizes within the Village.

For the lands to achieve their highest value, they must be developable. To make the properties developable, amendments to the OCP and Zoning Bylaw are required because neither document permits lots to be subdivided to less than 0.5 acres. A public notification process, including a Public Hearing, would be required if Council were to proceed with amending the OCP and Zoning Bylaw.

The following options are presented for Council consideration:

1. Amend the OCP and Zoning Bylaw to permit lot sizes less than 0.5 acres only for Village owned parcels intended for land disposition. *[recommended option]*
2. Explore amendments to the OCP and Zoning Bylaw that would lower minimum lot sizes for all properties less than 0.5 acres, allowing subdivision to occur on all lots large enough to be subdivided to the new minimum subdivision size.
3. Proceed with disposition of lands without amending the OCP and Zoning Bylaw, acknowledging that the lands may not achieve their highest value because they would not be developable per the OCP or Zoning Bylaw, and most likely the only option for disposition would be the sale to adjacent landowners.

Staff notes that the Revenue Generation Committee recommended a land disposition process that would require OCP and Zoning Bylaw amendments. Staff recommendation is that Council proceed with amending the OCP and the Zoning Bylaw to permit lot sizes less than 0.5 acres only for Village owned parcels intended for land disposition. This would allow road ends to be disposed of prior to the completion of the OCP Review.

### Potential Encroachments

Road Ends 1 & 2, 15, 20 & 21, and 29 have potential encroachments; Road End 17 does not. The potential encroachments do not currently exist because the title has not yet been raised for the road ends. Once title is raised, potential encroachments including ditches, retaining walls, a trail, and driveways, would formally exist. The Village has the option of proceeding with disposition with the expectation that existing potential encroachments would be granted easements over the Road End properties, or Council may direct staff to relocate potential encroachments to improve the saleability of lands.

### Consideration of Neighbouring Properties

One approach Council may want to consider is offering to sell the road ends to neighbours first, also known as Right of First Refusal (RFR). Three options for consideration are listed below, and the Draft Land Disposition Policy will include provisions for granting Right of First Refusal (RFR) to owners of properties abutting the side yards of lands being sold by the Village. It is important to note that these are considerations for Council information; Staff will be seeking Council direction on how to approach neighbouring property owners once the Detailed Appraisal Report for the 7 Road Ends is received in July.

Council may approach the RFR a number of ways:

1. When disposing property, offer it to immediate neighbours first, and do not market openly. Public notification will be required. Land would be offered at market value, but the final purchase price may be lower than the price achieved through an open sale.
2. Publicly market land, offer RFR to adjacent property owners to match the highest purchase price offered, and sell to neighbours if they meet the highest purchase price offered.
3. Publicly market land, offer RFR to adjacent property owners, but allow bidding between adjacent owners and the general public.

**Staff will be seeking Council direction on the terms and conditions of Right of First Refusal once the Detailed Appraisal Report is received in July.**

### Waterfront Lot Restrictions

Section 41 (1) of the *Community Charter* only permits the closure and disposition of waterfront property if the municipality is exchanging the property for another property to provide public access to the same body of water. The new public access point must be of at least equal benefit to the public. If the proceeds of the disposition are to be paid into a reserve fund, the money from the fund must be used to acquire a property that provides access to the same body of water.

While the waterfront lots hold the highest value, the Village is limited as to how it can spend funds generated from the sale of these lands. Subject to a legal opinion, one option would be for Council to consider using the funds to support efforts to connect to Farrer Cove North, providing improved public access to the water in that part of the Village.

### Building Code Limiting Distance

In some cases, buildings may have been constructed on properties neighbouring road ends that would not otherwise meet building code requirements for fire separation if the road end were developed. Village staff will need to identify how these limiting distances may impact the developable area of all road ends and neighbouring properties.

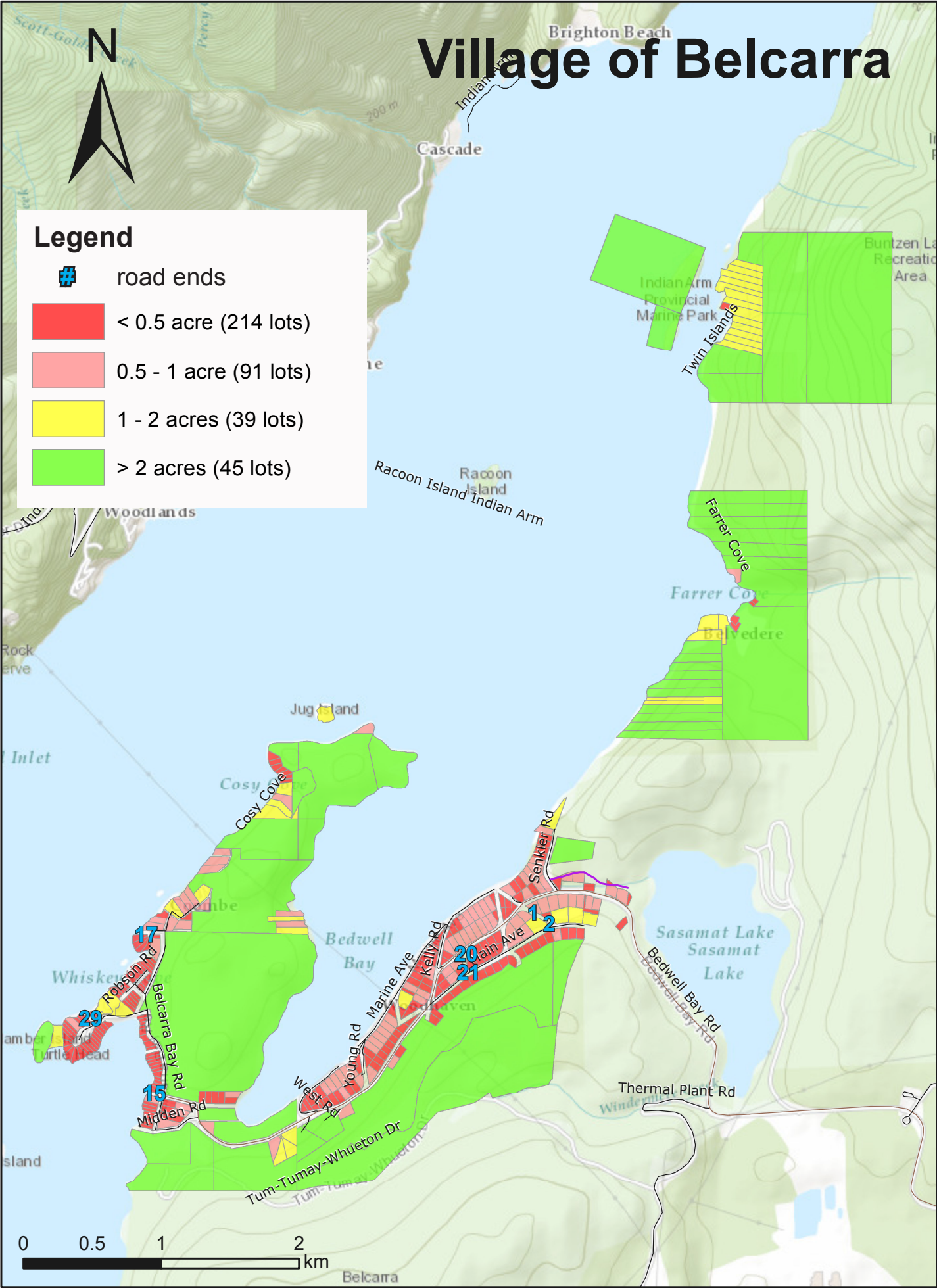
## **Next Steps**

Subject to Council direction, which may involve more than one additional Report, the following are the next steps in the Land Disposition process:

- Prepare Draft Land Disposition Policy for Council review
- Refer interim report and preliminary appraisals for review by Legal and Financial Consultants.
- Review separation distance requirements under the Building Code
- Draft updates to the OCP and Zoning Bylaw
- Identify preferred road end(s) for disposition
- Report back to Council
- Initiate Reference Plan Survey(s), Draft Road Closure Bylaw(s), raise title, and market the property/properties.

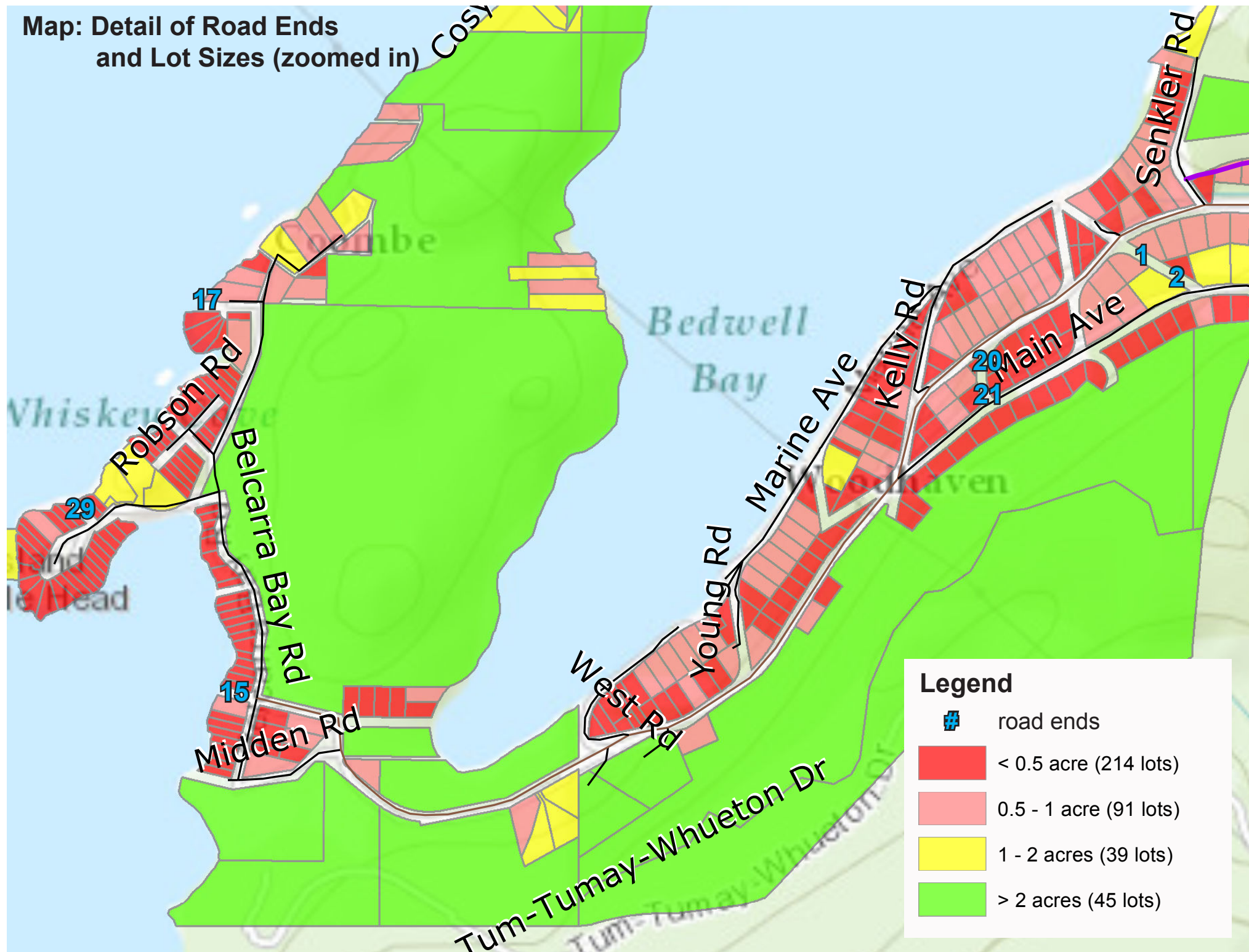
## **Attachments**

- Attachment 1: 6 Maps and Surveys
- Attachment 2: Table 1 – Survey and Appraisal Information





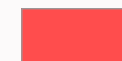
Map: Detail of Road Ends  
and Lot Sizes (zoomed in)



### Legend



road ends



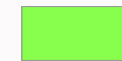
< 0.5 acre (214 lots)



0.5 - 1 acre (91 lots)



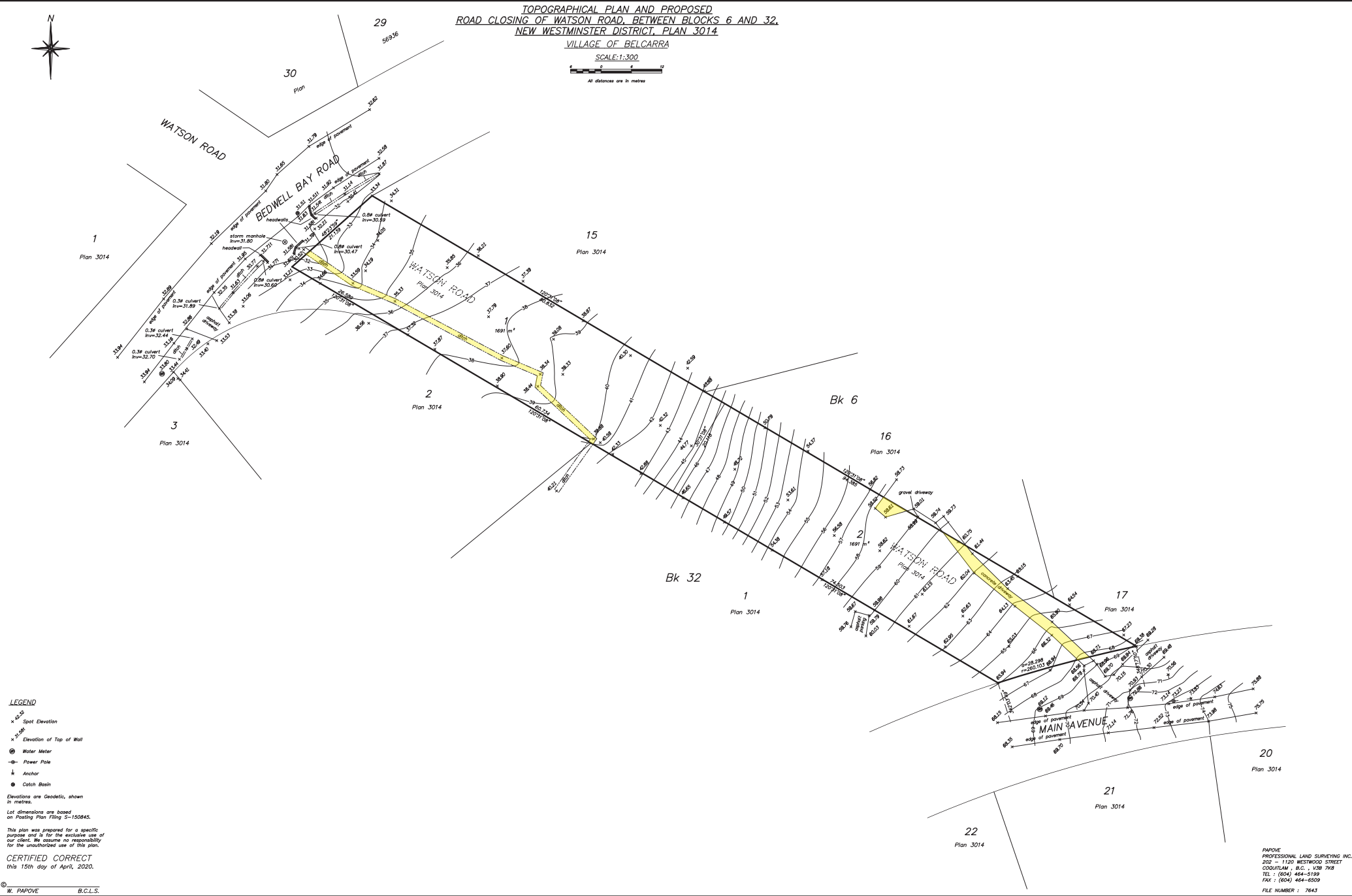
1 - 2 acres (39 lots)



> 2 acres (45 lots)



 potential encroachment



# Survey 3: Road End 15



potential  
encroachment

## TOPOGRAPHICAL PLAN AND PROPOSED ROAD CLOSING OF ROAD BETWEEN BLOCKS 2 AND 3. DISTRICT LOT 229, GROUP 1. NEW WESTMINSTER DISTRICT, PLAN 1095 VILLAGE OF BELCARRA

SCALE:1:250

5 0 5 10  
All distances are in metres

Attachment 1-3



TOPOGRAPHICAL PLAN AND PROPOSED  
ROAD CLOSING OF A PORTION OF WHISKEY COVE LANE,  
DISTRICT LOT 229, GROUP 1,  
NEW WESTMINSTER DISTRICT, PLAN 1095

VILLAGE OF BELCARRA

SCALE:1:250



All distances are in metres

Attachment 1-4



**Survey 4: Road End 17**

NORTH ARM OF  
BURRARD INLET

Parcel A

Plan 52340

WHISKEY COVE LANE

WHISKEY COVE  
LANE

Parcel 47

Plan 1095

5

Plan 1095

Rem. 43

Plan 78100

A  
Plan

B

52340  
C

**LEGEND**

+ 13.39  
Spot Elevation

— Power Pole

↓ Anchor

Elevations are Geodetic, shown  
in metres.

Dimensions shown for the proposed lot  
were derived from LTSA records and are  
preliminary and for discussion purposes  
only.

The Natural Boundary shown is according  
to Plan 1095 which may not reflect the  
true extent of ownership.

This plan was prepared for a specific  
purpose and is for the exclusive use of  
our client. We assume no responsibility  
for the unauthorized use of this plan.

**CERTIFIED CORRECT**

this 5th day of June, 2020.

©  
W. PAPOVE


B.C.L.S.

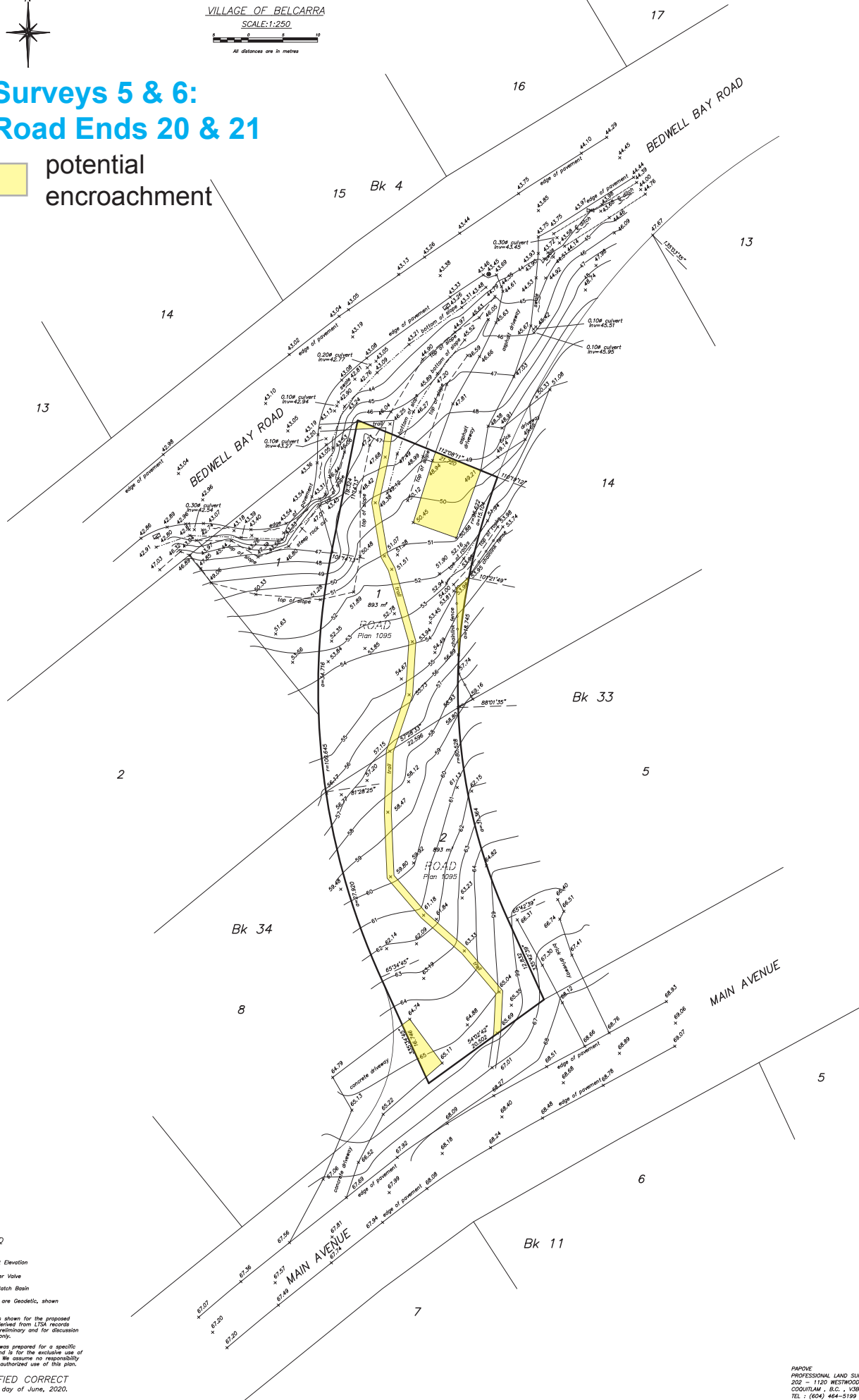
PAPOVE  
PROFESSIONAL LAND SURVEYING INC.  
202 - 1120 WESTWOOD STREET  
COQUITLAM, B.C., V3B 7K8  
TEL : (604) 464-5199  
FAX : (604) 464-6509  
FILE NUMBER : 7647



VILLAGE OF BELCARRA  
SCALE: 1:250  
All distances are in metres

## Surveys 5 & 6: Road Ends 20 & 21

 potential  
encroachment



### LEGEND

- × Spot Elevation
- W Water Vole
- Catch Basin

Elevations are Geodetic, shown in metres.

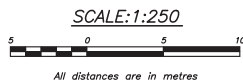
Dimensions shown for the proposed lot were derived from LISA records and are preliminary and for discussion purposes only.

This plan was prepared for a specific purpose and is for the exclusive use of our client. We assume no responsibility for the unauthorized use of this plan.

CERTIFIED CORRECT  
this 8th day of June, 2020.

TOPOGRAPHICAL PLAN AND PROPOSED  
ROAD CLOSING OF ROAD BETWEEN BLOCKS 9 AND 10,  
DISTRICT LOT 229, GROUP 1,  
NEW WESTMINSTER DISTRICT, PLAN 1095  
VILLAGE OF BELCARRA

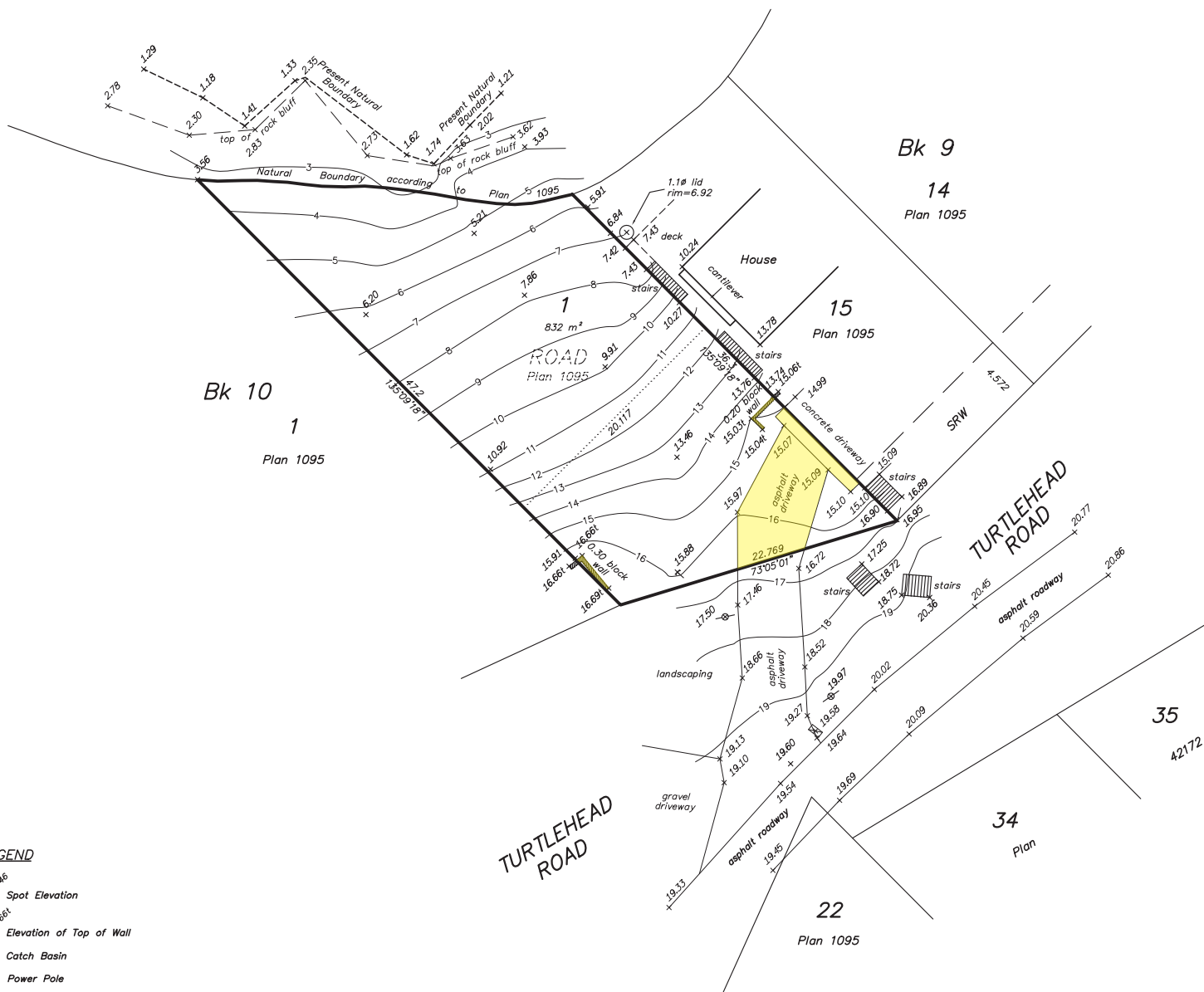
Attachment 1-6



## Survey 7: Road End 29

potential encroachment

NORTH ARM OF BURNARD INLET



### LEGEND

- + 13.46 Spot Elevation
- + 16.66 Elevation of Top of Wall
- ☐ Catch Basin
- Power Pole
- \* Anchor

Elevations are Geodetic, shown in metres.

Dimensions shown for the proposed lot were derived from LTSA records and are preliminary and for discussion purposes only.

The Natural Boundary shown is according to Plan 1095 which may not reflect the true extent of ownership.

This plan was prepared for a specific purpose and is for the exclusive use of our client. We assume no responsibility for the unauthorized use of this plan.

**CERTIFIED CORRECT**  
this 1st day of May, 2020.

© W. PAPOVE B.C.L.S.

PAPOVE  
PROFESSIONAL LAND SURVEYING INC.  
202 - 1120 WESTWOOD STREET  
COQUITLAM, B.C., V3B 7K8  
TEL : (604) 464-5199  
FAX : (604) 464-6509  
FILE NUMBER : 7646

Table 1: Survey and Appraisal Information for the 7 Road Ends

Site	1	2	15	17	20	21	29
*Estimated Market Value	\$1,100,000	\$800,000	\$2,300,000	\$1,700,000	\$600,000	\$700,000	\$1,900,000
Est. value if assembled w neighbouring lots	\$550,000	\$400,000	\$1,150,000	\$850,000	\$300,000	\$350,000	\$950,000
Area	1,691 sq m (18,202 sq ft)	1,691 sq m (18,202 sq ft)	1,249 sq m (13,444 sq ft)	808 sq m (8,697 sq ft)	893 sq m (9,612 sq ft)	893 sq m (9,162 sq ft)	832 sq m (8,956 sq ft)
Meets Zoning Bylaw minimum subdivision size? (0.5 acres / 2,023.43 sq m)	No	No	No	No	No	No	No
Width	20.118 m (66 ft)	20.118 m (66 ft)	20.117 m (66 ft)	20.117 m (66 ft)	21.720 m (71 ft)	20.502 m (67 ft)	20.117 m (66 ft)
Area within setbacks that could be developed, if suitable	1,174 sq m (12,637 sq ft)	1,133 sq m (12,196 sq ft)	806 sq m (8,676 sq ft)	384 sq m (4,133 sq ft)	480 sq m (5,167 sq ft)	492 sq m (5,296 sq ft)	375 sq m (4,036 sq ft)
Permitted Floor Area (based on lot area)	610 sq m (6,566 sq ft)	610 sq m (6,566 sq ft)	579 sq m (6,232 sq ft)	550 sq m (5,920 sq ft)	556 sq m (5,984 sq ft)	556 sq m (5,984 sq ft)	552 sq m (5,942 sq ft)
Potential encroachments	Ditch	Concrete driveway	Asphalt driveway	None	Public trail, asphalt driveway, chain link fence	Public trail, concrete driveway	Asphalt driveway, retaining walls, stairs along property line
Could Right of First Refusal be offered to neighbours?	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Area of neighbouring properties (BC Assessment)	East: 2,398 sq m (25,807 sq ft) West: 2,633 sq m (28,343 sq ft)	East: 1,590 sq m (17,112 sq ft) West: 5,200 sq m (55,970 sq ft)	North: 929 sq m (10,000 sq ft) South: 2,160 sq m (23,251 sq ft)	North: 3,683 sq m (39,642 sq ft) South: 1,552 sq m (16,706 sq ft)	East: 1,689 sq m (18,178 sq ft) West: 2,216 sq m (22,881 sq ft)	East: 2,010 sq m (21,635 sq ft) West: 1,603 sq m (17,250 sq ft)	North: 811 sq m (8,728 sq ft) South: 912 sq m (9,814 sq ft)
Waterfront / Inland	Inland	Inland	Waterfront	Waterfront	Inland	Inland	Waterfront
Other considerations	None at this time.	Heavily sloped site	Concerns have been expressed by neighbour at 4615 Belcarra Bay Road regarding fire separation and associated safety issues.	None at this time.	Adjacent to triangular municipal property and bus stop. Concerns have been expressed about the loss of the public trail.	Concerns have been expressed by neighbours regarding the loss of the public trail.	None at this time.
Public Access considerations?	None at this time.	None at this time.	When publicly owned waterfront land is sold, the proceeds must go towards the purchase of land that provides public access to the same body of water. Refer to Section 41 (1) of the Community Charter.	When publicly owned waterfront land is sold, the proceeds must go towards the purchase of land that provides public access to the same body of water. Refer to Section 41 (1) of the Community Charter.	There is a publicly accessible trail on site, connecting Bedwell Bay Road to Main Avenue.	There is a publicly accessible trail on site, connecting Bedwell Bay Road to Main Avenue.	When publicly owned waterfront land is sold, the proceeds must go towards the purchase of land that provides public access to the same body of water. Refer to Section 41 (1) of the Community Charter.
**Impacts fire separation “limiting distance” of neighbouring building?	Impact to neighbouring properties, including fire separation limiting distance, will need to be determined by the Village’s Building Inspector.						

\*The appraised values assume Council will amend the OCP and Zoning Bylaw to enable lot sizes smaller than 0.5 acres for lands sold by the Village (see Section 6.1 Minimum Subdivision Requirements).

\*\*Refer to “Considerations: Building Code Limiting Distance”





## COUNCIL REPORT

Date: June 22, 2020

From: Lorna Dysart, Chief Administrative Officer

Subject: Revised Policy on the Disclosure of Legal Advice

### Recommendation

That the Disclosure of Legal Advice to the Policy No. 213 be approved.

### Purpose

The purpose of this report is to provide a Policy for Council related to the Disclosure of Legal Advice to the Public that has been received by Council and staff.

### Background

At a Regular Council meeting held June 8, 2020, the following motion was passed:

“That Council reconsider the Disclosure of Legal Advice Policy No. 213 at the next Council meeting.”

Belcarra Legal Counsel, Guy Patterson, attended a Zoom Council meeting on May 25, 2020 to provide advice to Council with regard to the disclosure of any or all of a particular piece of legal advice Council has received or may receive.

Council requested that a Policy be provided to provide for consideration of the Disclosure of Legal Advice to the Public.

Guy Patterson provided the following statements:

“On the question of disclosing the source of any advice being shared with the public, in our view the Village can always choose not to disclose the name of the lawyer who has provided legal advice, but it is very unlikely a lawyer who has provided advice could insist that their name not be disclosed.

A reminder that in some circumstances disclosing a portion of legal advice can mean privilege has been waived over all of the communications relating to that subject matter.”

Two proposed amendments were made by Councillor Drake and are inserted in red in the draft policy.

Attachment 1: Policy No. 213: Disclosure of Legal Advice Policy



**VILLAGE OF BELCARRA**  
**CORPORATE POLICY NO. 213**



Title: Disclosure of Legal Advice Policy

<b>ISSUED BY:</b>	<b>APPROVED BY:</b>	<b>DATE:</b>
<b>REVISED BY:</b>	<b>APPROVED BY:</b>	<b>DATE:</b>

### Purpose

1. This policy is intended to increase transparency and promote the public disclosure of legal advice that the Village receives. This policy provides guidelines for Council regarding the review and potential disclosure of such legal advice.

### Scope

2. This Policy applies to all legal advice received by the Village, with the exception of:
  - a) legal advice containing information protected under the *Freedom of Information and Protection Privacy Act* or other applicable privacy legislation; and
  - b) legal advice obtained in relation to:
    - (i) litigation or potential litigation to which the Village is a party;
    - (ii) labour or employment matters;
    - (iii) Council conflict of interest; or
    - (iv) any matter that Council is required to discuss in a closed meeting, pursuant to the *Community Charter* or any another enactment.

### Definitions

3. For the purpose of this policy:
  - a) “CAO” means the Chief Administrative Officer of the Village of Belcarra.
  - b) “Lawyer” means a practicing lawyer as defined in section 1 (1) of the *Legal Profession Act*.
  - c) “Legal advice” means any written communications from a lawyer that involve either the interpretation of legal principles or the provision of particularized advice that is directed to the Village’s legal rights or duties.

### Policy Statement

4. When a member of staff or Council receives legal advice, **paid for by the municipality**, they will provide a copy to each Council member, together with a brief summary of the legal advice if the advice can be conveniently summarized.



5. On receiving legal advice and any summary provided under section 4 of this Policy, Council, **within a timely manner**, may direct that:
  - a) the legal advice in its original form be disclosed to the public;
  - b) a summary of the legal advice be disclosed to the public;
  - c) the CAO request further legal advice on any possible risks of disclosure, and report back to Council;
  - d) the legal advice not be disclosed to the public; or
  - e) the legal advice not be disclosed except following further consideration by Council.
6. In making a decision under Section 2, Council shall consider the following factors:
  - a) the importance of transparency in local governance;
  - b) the principle of solicitor-client privilege, which has been recognized as a principle of fundamental justice by the Supreme Court of Canada;
  - c) the effect that disclosure may have on solicitor-client privilege;
  - d) any confidentiality or privacy concerns;
  - e) whether disclosure may be harmful to the Village or any individual; and
  - f) any other factors the Council considers appropriate.
7. If a Council member considers that a piece of legal advice should not be disclosed, the member shall state their reasons for preferring non-disclosure of the legal advice.
8. If Council directs disclosure to the public, the legal advice or the summary may be shared through any one or more of the following methods:
  - a) by posting an electronic copy to the Village's website;
  - b) by posting on a bulletin board at the Municipal Hall;
  - c) by e-mail or regular mail to any individual who has requested a copy; or
  - d) by any other method Council deems appropriate in the circumstances.
9. As time permits, following the adoption this Policy, the CAO will provide each Council member a summary of all legal advice the Village has received since November 5, 2018. Council will deal with each piece of legal advice received under this section, in accordance with this Policy.
10. For clarity, Council retains the absolute discretion to refuse to disclose legal advice in any circumstance.



**VILLAGE OF BELCARRA**  
**Bylaw Notice Enforcement**  
**Bylaw No. 520, 2018,**  
**Amendment Bylaw No. 565, 2020**  
**(Bylaw Notice Dispute Adjudication Registry)**



An amendment bylaw to amend penalties of bylaw enforcement notices in conjunction with  
 Village of Belcarra Bylaw Adjudication Registry

WHEREAS the *Community Charter* enables a local government to amend its bylaws from time to time;

NOW THEREFORE the Village of Belcarra enacts as follows:

1. That this bylaw be cited for all purposes as the “Village of Belcarra Bylaw Enforcement Bylaw No. 520, 2018, Amendment Bylaw No. 565, 2020”
2. That the “Village of Belcarra Bylaw Notice Enforcement Bylaw No. 520, 2018” be amended in the “Traffic and Parking Regulation Bylaw No. 518, 2018 Table” by replacing it with the following:

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available <small>(*Maximum 50% Reduction in Penalty Amount Where Compliance Agreement is shown as "Yes")</small>
<b>Traffic and Parking Regulation Bylaw No. 518, 2018</b>						
518	14	Parking Conformity	\$160.00	\$100.00	\$240.00	NO
518	15	Damage to Device	\$250.00	\$200.00	\$300.00	NO
518	16	Obey Commands	\$250.00	\$200.00	\$300.00	NO
518	17 to 19	Speed Limit	\$160.00	\$100.00	\$240.00	NO
518	21	Vehicle Wheels on Highways	\$200.00	\$150.00	\$250.00	NO
518	23	Load Limits	\$200.00	\$150.00	\$250.00	NO
518	24	Vehicle Size	\$200.00	\$150.00	\$250.00	NO
518	28 a - g	Recreation Apparatus	\$200.00	\$150.00	\$250.00	NO
518	31	Removal of Notice	\$200.00	\$150.00	\$250.00	NO
518	43 a - d	Unlawful Parking	\$160.00	\$100.00	\$240.00	NO
518	44 a - b	Time Limits	\$160.00	\$100.00	\$240.00	NO
518	45 a - c	Lane Parking	\$160.00	\$100.00	\$240.00	NO
518	46 i - xii	Prohibited Parking	\$160.00	\$100.00	\$240.00	NO
518	47	Double Parked	\$160.00	\$100.00	\$240.00	NO
518	48	Trailer Parking	\$160.00	\$100.00	\$240.00	NO
518	49 a - c	Disability Parking Zone	\$160.00	\$100.00	\$240.00	NO

**VILLAGE OF BELCARRA Bylaw Notice Enforcement Bylaw No. 520, 2018,  
Amendment Bylaw No. 565, 2020**

**2**

518	50	Residential Parking	\$160.00	\$100.00	\$240.00	NO
518	51 a	Length / Weight Restrictions	\$250.00	\$200.00	\$300.00	NO
518	52 a - b	Hazardous Material	\$250.00	\$200.00	\$300.00	NO
518	53 a - b	Snow Removal	\$160.00	\$100.00	\$240.00	NO
518	54	Drainage	\$160.00	\$100.00	\$240.00	NO
518	55 a - c	Littering	\$160.00	\$100.00	\$240.00	NO
518	56 a - b	Construction	\$200.00	\$150.00	\$250.00	NO
518	57 a - d	Impeding Traffic	\$160.00	\$100.00	\$240.00	NO
518	58	Noise / Advertising	\$200.00	\$150.00	\$250.00	NO
518	59	Trees Over Highway	\$160.00	\$100.00	\$240.00	NO
518	60 a - c	Structures Over Highway	\$250.00	\$200.00	\$300.00	NO
518	61 a - c	Property Access	\$250.00	\$200.00	\$300.00	NO
518	62	Highway Damage	\$300.00	\$225.00	\$400.00	YES
518	63 a - c	Public Utility	\$300.00	\$225.00	\$400.00	YES
518	64	Boulevards Maintenance	\$160.00	\$100.00	\$240.00	YES

READ A FIRST TIME on June 8, 2020

READ A SECOND TIME on June 8, 2020

READ A THIRD TIME on June 8, 2020

ADOPTED by the Council on

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Neil Belenkie  
Mayor

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Lorna Dysart  
Chief Administrative Officer

This is a certified a true copy of  
Village of Belcarra Bylaw Notice Enforcement  
Bylaw No. 520, 2018, Amendment Bylaw No. 565, 2020

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Chief Administrative Officer



# VILLAGE OF BELCARRA

"Between Forest and Sea"

4084 BEDWELL BAY ROAD, BELCARRA, B.C. V3H 4P8

TELEPHONE 604-937-4100 FAX 604-939-5034

belcarra@belcarra.ca • www.belcarra.ca



File No. 7200-01

June 18, 2020

Tracy Olsen  
Senior Policy Analyst  
Building and Safety Standards Branch  
Ministry of Municipal Affairs and Housing  
Via email:

Dear Tracy Olsen:

Re: Application to Request a Local Authority Variation

At a Regular Belcarra Council meeting held June 8, 2020, the following motion was passed:

"That Belcarra submit a request for an exception to the current policy of the Province, of not allowing such municipal requirements for sprinklers on the grounds that Belcarra faces unique risks and we commit ourselves to aligning Village bylaws with new BC sprinkler policies as soon as these are promulgated".

This letter is a request for a variation under Section 7 of the *Building Act*, which requires local governments to demonstrate a compelling reason why, when submitting a request, a variation is needed.

The Village of Belcarra (Village) is located on a forested peninsula on Bedwell Bay, Belcarra Bay and Indian Arm and is situated in the middle of Belcarra Park with a population of approximately 650 residents. There is only one road in and out of the Village.

Over the past 3 years, Belcarra has experienced multiple serious fires that were fortunately contained by the Sasamat Volunteer Fire Department (SVFD). Two of the major fires resulted in the SVFD running out of water while fighting the fires.

Following the last election, the new Belcarra Council formed a 'Water System Capacity for Fire Protection Committee' and a review of the Belcarra water system was initiated. During the review by the Committee, a formal letter from the Fire Underwriters Survey (FUS) dated May 28, 2019, to Belcarra was received that included the following recommendation:

“Knowing that the water supply system as designed would not provide the recommended fire flows for the types of structures being protected, fire prevention and mitigation measures are strongly encouraged to reduce the risk of loss of life and property when a fire occurs. Particularly, provision of the earliest possible fire suppression response is recommended, as the earlier the response, the greater the chance of successful outcome with limited resources.”

The Water Committee highlighted the FUS recommendation in their formal presentation to Council and made the following recommendation as well:

“The Committee consequently recommends mandatory sprinkler requirements in all new residential construction and in residences requesting permits for major renovations.”

The insufficient water supply for fire fighting requires our Village to focus on fire prevention and early fire mitigation tools (as per the FUS). It is imperative that every fire is stopped before it gets out of control. Early attack is the best opportunity in Belcarra for fire protection. Interior sprinklers are the most effective tool available in this regard.

Once an interior fire penetrates the exterior of a house, not just Belcarra, but the entire Tri-Cities Region faces a catastrophic risk of wildfire. As evidenced by the recent wildfires in California and Fort McMurray, wildfires respect no municipal boundaries.

A no more compelling reason can be imagined for a Local Area Variation than a forested municipality with insufficient water to fight fires when the municipality neighbors on multiple urban and rural municipalities who share the same forest canopy. There are no natural fire breaks.

On behalf of Belcarra Council, I respectfully request approval to enact a municipal bylaw for mandatory sprinklers for single family dwellings. The bylaw that would require all new houses being built and / or undergoing major renovations, to be required to install sprinklers.

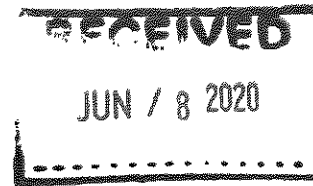
I look forward to your favourable consideration of this request.

Sincerely,



Neil Belenkie  
Mayor

cc Belcarra Council  
L. Dysart, Chief Administrative Officer



June 9, 2020 file no. 220-01

Dear Mayor Neil Belenkie, Counsellors and Staff,

As a resident, I have been attending council meetings both before and since the COVID-19. I see familiar faces and am touched by the pride of the Belcarra residents. I hear the appreciations, the laughter, questions, and frustrations. I reflect on my own curiosity, frustrations and appreciations. I am warmed by the path of democracy taken in every meeting. It is a process. Voices heard, opinions expressed, votes taken, and collaboration and transparency exists.

Now with COVID-19 the world is slow, and services reduced to the bare bones of existence. At the recent council meeting, I felt compassion and empathy for everyone. I heard the pain and need to see results. I heard the explanations for the new reality in getting services completed. I then thought of Dr. Henry who speaks to us most days of every week since the COVID-19. It is the same message. The message is honest, kind, soft and strong. "These are how many reported cases who have contracted COVID-19, these are how many who have died. Our hearts go out to these families. Remember social distancing, stay safe, be kind, be calm."

As a clinical counsellor, I witness the rise of anxiety and silver linings. We are entering a whole new world. These are hard times of adjustments for everyone. I witness long line ups in front of grocery stores, hardware stores, restaurants. I hear how the services we have all taken and enjoyed as our rights, have slowed down to the bare bones of existence. Everything has slowed down. We are all finding our way, and living with our fears and our hopes. Right now we are in the calm of COVID-19. We all need each other.

Thank-you to everyone in the Village of Belcarra as we find our way to be safe and support others to be safe. Thank-you to Mayor Neil Belenkie, counsellors, and staff for your democratic services. You are our front line people to keep us safe, kind and calm. It is not easy and it is most worthy work. We are all in this together.

Sincerely  
Suzanne Kyra

RECEIVED

JUN 15 2020

June 11, 2020  
FILE NO. 0360-20-WSC

Water Committee comments to Council  
To Mayor and Council

There are three (3) items that I would like to bring to Councils attention as the Water Committee could be developing some discussion material while we are waiting to conduct a ZOOM meeting to hold our discussions in public. This written material should be developed by the committee prior to holding any public discussions. Once this draft material has been developed, the committee can move forward in a timely and constructive manner. Suggest that the following items will be useful background information for Council to proceed.

- 1) Decision on the fire flow criteria for Village of Belcarra
- 2) Suggested listing of prevention and mitigation activities for Council to consider
- 3) Draft a working document on current Village of Belcarra Water System

#### **Decision on the fire flow criteria for Village of Belcarra**

Council needs to agree on the single issue of designation of Fire Flow for the Village of Belcarra. This must be agreed based on what is practical, understanding what water volumes can be available from Tatlow Tank during fire flow conditions. As Chris Boit states *"As you can see, there are a variable number of flow rates that could potentially be accepted as correct. The decision on which one to apply, becomes a risk tolerance decision for the Village."*

There are several stated fire flows stated (resulting in much confusion) without the required bylaw amendment by Council. This fire flow is required as it will determine the size of storage tank(s) necessary to accommodate that stated fire flow. It appears that Council has directed Chris Boit to proceed to step 5 of his "Next Steps" as outlined in his May 6, 2020 Design Brief using a fire flow of 90 litres/second for 2 hours.

The current Village of Belcarra Bylaw 492, 2015 – Subdivision and Development section 2.5 states the Fire Flow as 30 litres per second and must be amended by Council to reflect what fire flow they want for the Village of Belcarra.:

2.5

#### **Fire Flow**

Table 2.8 summarizes, on the basis of zoning, the fire flow requirements for properties served by the Village of Belcarra water system. For fire flow needs provided by hydrants refer to Hydrants.

Interim fire flow values may be used if it can be proven that full design flows will be available as a result of eventual extension of the Village of Belcarra water system.

An alternative fire flow criteria may also be used where a proposed RS subdivision fronts an existing water main which can provide 30 litres per second fire flow (at 14m residual pressure) in addition to the peak day demand and where the subdivision wishes to provide sprinkler systems. The subdivision could proceed subject to sprinkling specification of the National Fire Protection Association NFPA 13D and the Subdivision Bylaw.

This was the value for fire flow that was used by Fire Underwriters Survey (FUS) in their August 10, 2010 letter to the Village of Belcarra. In addition, they specified "+Max Day Demand and simultaneously for 1 hour with a minimum residual pressure in the system of 20 psi".

There are factors that the Council needs to take into consideration is the risk that they are prepared to assume on the behalf of the Village, size of average house, prevention and mitigation measures that they want to have considered in setting the fire flow.

- As Chris Boit stated during the ZOOM Council Meeting (April 3, 2020), "The question comes down to level of risk, it is not the engineer telling you guys that you must do something. I can inform you where your level should be at and what the risks are. Is this something you want to invest in or not. The engineer telling you – do you want to build the reservoir or not. I can give information and professional opinions but in the end of the day, it will be up to Council to make the decision."
- In the FUS letter to the Village of Belcarra dated May 28, 2020, they stated, "It is important to note that communities should consider all relevant factors when making decisions around emergency service funding. This includes the economic factors of costs of services, desired outcomes, risk tolerance, etc."
- For information purposes, the Village of Anmore has set a fire flow for RS-1 Single Family Urban at 60 Litres/second for 1.5 hours. They have other fire flows specified for other land use zoning such as schools 120 Litres/second for 2 hours.
- The Village of Belcarra SCADA system can provide important background information which should be analyzed and documented by the Water Committee for consideration and review by Council and Chris Boit.
- One very intriguing piece of information that needs to be pursued is made in the March 1, 2019 letter from District of North Vancouver (DNV) on page 2. *"Increase DNV peak supply flow to 30L/s or 60L/s. Preliminary modeling shows that the DNV system is likely capable of supplying 30 or 60 L/s at the existing VOB feed without immediate impact to the DNV system. **Upgrades to the VOB system would be required.**"* Council needs to understand what this means and perhaps consider this as an option to supply water during fire fighting events.

#### **Suggested listing of prevention and mitigation activities for Council to consider**

In the FUS letter to the Village of Belcarra dated May 28, 2020, they stated, *"Often the most cost effective approaches to managing fire risks are with-in systems, prevention and mitigation activities such as implementing sprinkler bylaws, requiring clear space between vegetation and structures, implementing FireSmart guidelines for property owners."*

In his letter to the Village dated May 6, 2020, Chris Boit stated in a note on page 2 of 6, *"that an important determining factor of flow rate, is based upon exposure (step 4). This requirement is typically based on the adjacent property because fire fighters are concerned with limiting the spread of fire to adjacent properties. In Belcarra there is a large separation between properties. However, it is ISL's opinion that exposure would be determined by separation from the tree line in Belcarra's case. As the trees have the potential to spread fire through the undergrowth and canopy to the next property."*

- Council should also be thinking about the recommendations that the Tree Committee has provided. Clearly the Tree Committee recommended action for **Fire Separation Between Properties Be Introduced** should become a major factor to reduce the fire flow requirements in the Village.
  - In support for this proposal, the FUS letter to the Village of Belcarra dated May 28, 2020, they stated, *"If structures in the built environment have significant Wildland Urban Interface (WUI) exposure and there is concern not only about fire coming into the community through the forest, but also getting into the forest from structure fires, then strong consideration should be given to mitigation techniques that reduce the risk of this by limiting vegetation in the area around structures."*



- The Water Committee has made a recommendation for sprinkler systems to be installed in new homes and this needs to be pursued as another means of reducing the amount of water used to fight fires in Belcarra.
  - Many larger homes in Belcarra have been constructed when the Village of Belcarra Bylaw 492, 2015 – Subdivision and Development states the Fire Flow as 30 litres per second. Recognizing that this would not be enough water to put out a fire in their home, the owners invested in sprinkler systems.
  - Village of Belcarra will need to decide on what size of home they will be able to accommodate when they size the water system for fire fighting. This will be a determination as part of the risk that Council is prepared to assume.
- Other suggestions could be considered to implement in order to reduce the fire flow requirements.
  - Monitored alarm systems allow for fires to be detected and the Fire Department to be informed while the fire is just started. This early warning will result in less water being needed to put the fire out.

#### **Draft a working document on current Village of Belcarra Water System**

During the initial meetings of the Water Committee, it was discovered that the Village did not have any documentation on the as-built water system. There are numerous documents that describe the various parts of the water system but there is not an engineering document that states how the water system is designed to function.

There is no written operating manual describing the various valves and pumps that operate to maintain the water system in a potable condition. The fire hydrant system is not described other than in the annual testing reports. Our Village staff know and understand the operation of the water system, but our Village would not be able to successfully operate the water system if they were not available.

I suggest that a draft written documentation of the water system be developed by the water committee. This draft document could be developed during the period of isolation from the virus. It should not require any Village staff time as most material currently exists in various documents. Committee review could be accomplished by email amongst the committee members. Once the draft document is completed it could be submitted to Council for public comment.

Regards



Ian H. Devlin P.Eng. (retired)

Chairman, WaterSystem for Fire Protection Committee

**Subject:** FW: Road Ends Sale Objection

/00-01

**From:** Colleen MacDonald  
**Sent:** Friday, June 12, 2020 2:12 PM  
**Subject:** Road Ends Sale Objection

Dear Mayor and Council,

I object to the sale of road ends. I think this is a short sighted decision and I feel it is being rushed. Public land is our future and it can never be bought back.

1. Historically, the road ends were created to allow water access for non-waterfront properties and upland residents. Selling these public corridors would deny upland residents access. Even though there may be another access nearby, and a few upland owners now have shared docks, properties were purchased knowing that the road end would 'always be there' to provide waterfront access.

2. My understanding in discussion with Mayor Belenki early on was that any considered change of designation from public land to private lot would only be done if a 10' trail through the road end was maintained to allow this rightful access. What happened to that? As maintaining public access is no longer the case, I completely object to selling road ends.

4. I feel that property owners beside road ends bought said property with the understanding that roads are clearly designated as roads and who would have thought this could be changed at the whim of one council. Large decisions like this need to be done by referendum, not directed by those who have the time to follow councils' every move. Why are some people pushing so hard for this?

5. I wish to speak specifically about the Salish Road end. This access is used and enjoyed by people who live on the east side of Robson Road, and those on the west side of Robson Road who do not have water access. Selling this road end as a lot would deny their rightful water access. We see many families and neighbours on the beach in front of our house and cannot believe council would consider denying them this treasured access. Even though Whiskey Cove is nearby, the access is quite different than the Salish Road end in that one would need a boat to get to the island and beach. This is important public access that must stay public. It is our neighbourhood park.

6. Regarding the road end at the 3way stop on Belcarra Bay Road, I know the : family purchased their property beside a road end, never thinking that would change. The house is designed with windows facing south towards this road. Perhaps this is the case with many of the properties beside road ends. If villagers need to renovate for fire code would the village be liable for cost of renovations or legal action?

7. View corridors. Not everyone in Belcarra is on the waterfront. Some road ends provide view corridors and I feel this important aspect of life in Belcarra must be maintained.

8. There is some confusion about the financial stability of the village and I feel that this needs to be explained more clearly before rash decisions are made by the current council. Is there another way to move forward without selling road ends?

I feel that council is 'selling our future' by selling road ends.

Sincerely,  
 Colleen MacDonald  
 Resident of Belcarra for 44 years.

June 17<sup>th</sup>, 2020.

File No. 100-01

Dear Mayor Belenkie and Belcarra Council,

**Re: Creation of Waterfront “Road-End Lots”**

I write in response to the email notice from the Village dated May 1<sup>st</sup>, 2020, titled “Notice of Survey & Appraisal of Road Ends”. The presumptive surveying and appraisal of “road-end lots” is a perfect example of Council “putting the cart before the horse”!

First, the “road-end lots” do not exist at this point in time; the prerequisite being that the proposed “road-end lots” will have to have “title raised” in the ‘B.C. Land Registry’ which amounts to a “subdivision of land”. The ‘[Official Community Plan](#)’ (OCP) necessitates a minimum parcel size of 0.50 acre as a prerequisite for the subdivision of land — a size which is very much larger than any of the proposed “road-end lots”.

Council must amend the minimum parcel size requirement in the OCP as a prerequisite to the creation (subdivision) of “road-end lots”. That process necessitates a formal public hearing on the question before amendments can be made to the OCP bylaw. Also, the revised ‘[Regional Context Statement](#)’ in the amended OCP must be approved by the [Metro Vancouver](#) (MV) Board before the public hearing process can be initiated. Belcarra is outside of the ‘[Urban Containment Area](#)’ and the MV ‘[Regional Growth Strategy](#)’ does not support the densification of ‘Rural Areas’ such as Belcarra. It is inappropriate for Council to predetermine, or otherwise assume, the outcomes of both the ‘Metro Vancouver’ approval and municipal public hearing processes.

Second, Provincial legislation is very clear that where a municipality sells waterfront property (such as the proposed waterfront “road-end lots”) the proceeds of the sale must be placed in a separate financial reserve account that can only be used for the purchase of replacement waterfront property. An examination of the ‘[Local Government Property Ownership and Disposal](#)’ legislative requirements states the following:

**“Proceeds of Sale** — Local governments must place the proceeds of sales of land and improvements in a reserve fund. In most cases that reserve fund must have as its purpose the purchase of other land, improvements or other capital assets. In some cases, the proceeds must be deposited to a reserve fund with a more specific purpose. Sale of closed roads which provided access to a body of water: The proceeds of disposition [must be used for] acquiring property that will provide public access to a body of water which previously had closed access roads sold.” — See the [Community Charter, Section 188](#)

Statements that the ‘[Village of Lions Bay](#)’ has sold water-front road allowance is only part of the story. Lions Bay has sold waterfront road allowance, as per the Provincial legislation, but plans to use the funds raised from the sale to purchase other lands to augment Lions Bay’s waterfront park as per the legislation. Also, Lions Bay placed the proceeds from the sale of waterfront road allowance into a separate reserve account (‘[Land Reserve Fund Bylaw No. 532, 2017](#)’), as required by Provincial legislation, to be used for the above stated purpose. I suggest that Council ask staff to contact the ‘Village of Lions Bay’ CFO and obtain written details as to exactly what they have done *vis-a-vis* their road-end sale and intended use of the funds raised.

Third, funds placed into a reserve account can only be utilized in accordance with the requirements of Provincial legislation (see section 189 of the ‘Community Charter’). Council can only self-lend from a reserve account with the approval of the ‘Minister of Municipal Affairs’ accompanied by a specific bylaw that states the term of repayment and applicable interest rate. In other words, Council cannot self-lend money from a reserve account without specifying by bylaw both a reasonable term for the loan and an interest rate that reflects the current market rate. There is no “magic loophole” to circumvent the Provincial legislation. I suggest that Council get a legal opinion and/or a written assessment from the ‘Ministry of Municipal Affairs’ on this important aspect of the Provincial legislation.

It will cost tens-of-thousands of dollars to create each waterfront “road-end lot” which will result in considerable wasted money given the above restrictions. It makes no sense to create and sell waterfront “road-end lots” in order to generate funds to lend back to the municipality at the current interest rate. If needed, the municipality can borrow from the ‘Municipal Finance Authority’ (MFA) at the current interest rate without incurring the significant added cost of creating the waterfront “road-end lots”.

There is no “money tree”, and there is no “free lunch”.

Ralph Drew