

City of Maple Ridge

COUNCIL WORKSHOP AGENDA

October 13, 2020

11:00 a.m.

Virtual Online Meeting including Council Chambers

The purpose of the Council Workshop is to review and discuss policies and other items of interest to Council. Although resolutions may be passed at this meeting, the intent is to make a consensus decision to send an item to Council for debate and vote or refer the item back to staff for more information or clarification. The meeting is live streamed and recorded by the City of Maple Ridge.

REMINDER: October 13, 2020 Council Meeting at 7:00 p.m. Virtual Online/Council Chambers

1. APPROVAL OF THE AGENDA

2. ADOPTION OF MINUTES

2.1 Minutes of the September 29, 2020 Council Workshop Meeting

3. PRESENTATIONS AT THE REQUEST OF COUNCIL

4. UNFINISHED AND NEW BUSINESS

4.1 BC Hydro Water Licence Renewal on the South Alouette River

Presentation by LGL Limited, Environmental Research Associates

Staff report dated October 13, 2020 providing information on a report by LGL Limited and Ecofish Research on development of the City's position pertaining to the BC Hydro water licence renewal on the South Alouette River.

4.2 Process for Early Termination of Land Use Contracts

Staff report dated October 13, 2020 outlining a general process for terminating land use contracts and presenting a strategy to meet provincial deadlines.

4.3 Extension of Expedited Patio and Parklet Process

Staff report dated October 13, 2020 recommending that the current expedited permitting process to allow restaurants, cafes and craft breweries to operate outdoor patios be extended until October 31, 2021 and that winterization of patios be supported where the location permits.

5. CORRESPONDENCE
6. BRIEFING ON OTHER ITEMS OF INTEREST / QUESTIONS FROM COUNCIL
7. MATTERS DEEMED EXPEDIENT
8. NOTICE OF CLOSED COUNCIL MEETING

The meeting will be closed to the public pursuant to Sections 90 (1) and 90 (2) of the *Community Charter* as the subject matter being considered relates to the following:

Section 90(1)(b) Personal information about an identifiable individual who is being considered for a municipal award or honour.

Section 90(1)(g) Litigation or potential litigation affecting the municipality.

Any other matter that may be brought before the Council that meets the requirements for a meeting closed to the public pursuant to Sections 90 (1) and 90 (2) of the *Community Charter* or *Freedom of Information and Protection of Privacy Act*.

9. ADJOURNMENT

APPROVED BY:


DATE:

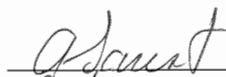
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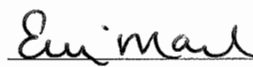
DATE:

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Oct. 8/20


Oct 8, 2020


Oct 8/20

COUNCIL WORKSHOP MINUTES

September 29, 2020

The Minutes of the City Council Workshop held on September 29, 2020 at 11:02 a.m. hosted in the Council Chambers at City Hall, 11995 Haney Place, Maple Ridge, British Columbia for the purpose of transacting regular City business.

| | |
|---------------------------------|--|
| <i>PRESENT</i> | <i>Appointed Staff</i> |
| <i>Elected Officials</i> | A. Horsman, Chief Administrative Officer |
| Mayor M. Morden | D. Boag, General Manager Parks, Recreation & Culture |
| Councillor J. Dueck | C. Carter, General Manager Planning & Development Services |
| Councillor K. Duncan | T. Thompson, Acting General Manager Corporate Services |
| Councillor C. Meadus | S. Nichols, Corporate Officer |
| Councillor G. Robson | D. Pollock, General Manager Engineering Services |
| Councillor R. Svendsen | <i>Other Staff as Required</i> |
| Councillor A. Yousef | K. Baird, Tourism Coordinator |
| | W. Dupley, Director, Economic Development |
| | C. Goddard, Director of Planning |
| | M. Johnson, Film Production Liaison |
| | E. Mark, Clerk, Legal & Legislative Services |
| | M. Orsetti, Director of Bylaw and Licensing Services |

Note: These Minutes are posted on the City Web Site at www.mapleridge.ca

Note: Due to COVID Councillor Yousef participated electronically. Councillor Meadus was absent at the start of the meeting.

1. *APPROVAL OF THE AGENDA*

R/2020-372

It was moved and seconded

That the agenda of the September 29, 2020 Council Workshop Meeting be approved as circulated.

CARRIED

2. *ADOPTION OF MINUTES*

2.1 Minutes of the September 8, 2020 Council Workshop Meeting

R/2020-373

It was moved and seconded

That the minutes of the Council Workshop Meeting of September 8, 2020 be adopted as circulated.

CARRIED

3. *PRESENTATIONS AT THE REQUEST OF COUNCIL* – Nil

4. *UNFINISHED AND NEW BUSINESS*

4.1 Committee Task Force Review – Phase 3 Recommendations

Staff report dated September 29, 2020 recommending that proposed amendments to Policies 3.10 and 3.11 be approved, that the proposed 2021 Council Appointment Schedule structure be approved, that Advisory Committee members receive a one year term extension, that the Audit and Finance Committee begin meeting in January 2021, and that the Corporate Governance and Human Resources Committee Terms of Reference be approved.

The Corporate Office introduced the item. Councillor Dueck and Councillor Yousef spoke to the staff report. Staff responded to questions from Council.

Note: Councillor Meadus joined the meeting at 11:21 a.m.

R/2020-374

Moved and seconded

- 1. That Policy 3.10 - Council and Staff Liaison Roles be approved as amended; and,**
- 2. That the proposed structure for the 2021 Council Appointment Schedule be approved; and,**
- 3. That Policy 3.11- Committees of Council be approved as amended; and**
- 4. That all Advisory Committee and Commission Members receive a one year extension to their current membership term due to work plan delays related to COVID; and,**
- 5. That the Audit and Finance Committee begin meeting in January 2021 in accordance with the revised Terms of Reference; and,**
- 6. That the Corporate Governance and Human Resources Committee Terms of Reference be approved and the Committee begin Fall 2020; and further**

7. That the Task Force provide a report on the role of the Deputy Mayor, the Corporate Development & Enterprise Services Committee, the Community Safety Committee and a youth committee, based on the comments and discussion received at the September 29, 2020 Council Workshop meeting.

CARRIED

Councillor Duncan, Councillor Robson – OPPOSED

Note: Councillor Duncan left the meeting at 12:30 p.m. and returned at 12:36 p.m.

4.2 Economic Development Committee Update

Staff report dated September 29, 2020 providing an update on work carried out by the Economic Development Committee.

The Director of Economic Development advised that there was no staff presentation and introduced the item.

Dominic Kotarski, Chair, Economic Development Committee spoke to the report and responded to questions of Council.

4.3 Tourism and Film Sector Update

Staff report dated September 29, 2020 providing an update on Maple Ridge's tourism and film activities.

K. Baird, Tourism Coordinator, introduced the City's new tourism video provided a summary presentation. M. Johnson, Film Production Coordinator, reported on the City's film activity. Staff responded to questions from Council.

4.4 New Boulevard Maintenance Bylaw

Staff report dated September 29, 2020 recommending that the report titled "Maple Ridge Boulevard Maintenance Bylaw No. 7666-2020" be forwarded to the October 13, 2020 Council Meeting.

The Director of Licensing and Bylaw spoke to the staff report and advised that the bylaw is currently with legal for review. Staff responded to questions from Council.

R/2020-375

Moved and seconded

That the attachment to the September 29, 2020 Council Workshop report titled "Maple Ridge Boulevard Maintenance Bylaw No. 7666-2020" be forwarded to the Council Meeting on October 13, 2020.

CARRIED

5. *CORRESPONDENCE* – Nil

6. *BRIEFING ON OTHER ITEMS OF INTEREST/QUESTIONS FROM COUNCIL* – Nil

Councillor Robson inquired as to the status of the sustainability report that was scheduled to come forward. The Chief Administrative Officer advised that the report will be vetted through Committee.

7. *MATTERS DEEMED EXPEDIENT* – Nil

8. *NOTICE OF CLOSED COUNCIL MEETING*

R/2020-376

Moved and seconded

That the meeting be closed to the public pursuant to Sections 90 (1) and 90 (2) of the Community Charter as the subject matter being considered relates to the following:

Section 90(1)(a) Personal information about an identifiable individual who holds a position appointed by the municipality.

Section 90(1)(b) Personal information about an individual who is being considered for a municipal award.

Section 90(1)(e) The disposition of land if the council considers that disclosure might reasonably be expected to harm the interests of the municipality.

Section 90(2)(d) A matter that under another enactment is such that the public must be excluded from the meeting - under the Freedom of Information and Protection of Privacy Act Section 16(1)(a)(ii)

Any other matter that may be brought before the Council that meets the requirements for a meeting closed to the public pursuant to Sections 90 (1) and 90 (2) of the Community Charter or Freedom of Information and Protection of Privacy Act.

CARRIED

9. *ADJOURNMENT* – 2:28 p.m.

M. Morden, Mayor

Certified Correct

S. Nichols, Corporate Officer

TO: His Worship Mayor Michael Morden
and Members of Council

MEETING DATE: October 13, 2020
FILE NO: 11-5225-05

FROM: Chief Administrative Officer

MEETING: Workshop

SUBJECT: BC Hydro Water Licence Renewal on the South Alouette River

EXECUTIVE SUMMARY:

The construction of the Alouette Reservoir (Reservoir) by BC Hydro (Hydro) in the late 1920s to generate hydroelectric power as part of the Alouette-Stave-Ruskin system resulted in cutting off all fish access to the upper reaches of the Alouette. City Councils have expressed interest in evaluating the viability of re-establishing permanent passage for fish over the Reservoir into Alouette Lake, focussing on salmon species.

There are a number of regulatory processes underway related to the Reservoir including Water Licence renewals, the Water Use Plan Order Review (WUPOR), the Alouette River Salmon Restoration Program (ARSRP), (formerly known as the Sockeye Reanadromization Program) under the Fish Passage Decision Framework for BC Hydro Facilities (the Framework). All of the aforementioned processes are multi-year initiatives, some not scheduled for completion until 2027. Details of the various processes were outlined in a report to the May 12, 2020 Council Workshop as well as a synopsis of the Alouette River Ecosystem Partnership (AREP) between the City and local First Nations. A copy of the staff report dated May 12, 2020 is attached to this report.

As a result of the lack of progress on the AREP, at the May 12, 2020 Council Workshop, a motion was passed to retain a suitably qualified independent consultant to review the existing decision-making frameworks, analytical reports and data generated through the various processes to facilitate dialogue with Council as the basis for the development of a position to the Comptroller of Water Rights, a task for which LGL Limited and Ecofish Research were subsequently retained. A copy of their memorandum, dated October 01, 2020 is attached for Council's consideration in considering further direction regarding fish passage and the Alouette ecosystem. The memorandum provides information on initiatives currently underway, salmon species of interest as well as study initiatives supporting re-introduction, fish passage options and hatchery implications.

Moving forward, possible direction for Council may be to:

1. Focus on advocating for, and lobbying Hydro to secure a fish ladder across the dam through the Hydro Water Licence and Water Use Plan Order Review processes.
2. Have the City formally participate in the ARSRP process on the feasibility of fish passage through the Framework, seeking a staged process to build the returns into the reservoir as outlined in the Framework while also enhancing habitat below the reservoir with the goal to see the construction of a fish ladder at the Reservoir.
3. Promote the enhancement of the larger, overall Alouette ecosystem, both upstream and downstream of the reservoir by the federal and provincial regulatory agencies. This endeavour would be significant in scale, beyond available City resources, but certainly the City could play a supporting role in an initiative that would be more feasible if driven by higher levels of government.

RECOMMENDATION:

This report is for information only.

DISCUSSION:

a) Background Context:

The South Alouette River was dammed in the late 1920s to create the Reservoir, used for hydroelectric power generation as part of the BC Hydro Alouette-Stave-Ruskin system. One consequence of the Reservoir construction is that fish passage to the upper reaches of the Alouette has been blocked. Aside from the release over the Reservoir, the water that is stored is diverted from the Reservoir east to Stave Lake to be used for power generation at the Alouette Generating Station.

The benefits of the hydro-electrical power generation are counter-balanced by impacts on the river and ecosystem and there have been many investigations over an extended period of time, presenting a range of perspectives. There are currently a number of regulatory processes underway relating to Hydro's ongoing use of the Reservoir for power generation: Hydro is in the process of seeking the renewal of one of three water licences for the diversion and storage of water at the Reservoir, although it is not seeking to change to conditions of the expired licence. In addition, Hydro is also engaging with stakeholders, including the City, on the Water Use Plan Order Review (WUPOR). In response to Hydro's water licence renewal application, Council has expressed a desire to develop a set of recommendations to create a functioning watershed ecosystem in the Alouette Watershed, including a scientifically sound fish passage for all species of salmon and freshwater species, protecting and enhancing the current freshwater species, enhancing wildlife resources and collaboratively developing recreational and functional opportunities with BC Parks and others as well as securing direction from the Comptroller of Water Rights to include a requirement for the construction of permanent fish passage as a water licence condition.

As a result of COVID-19, Hydro has suspended engagement activities on the WUPOR. Hydro staff have stated that while Hydro will continue to engage the City as a stakeholder in the processes, City endorsement or approval for their application processes is not required and that Hydro will look to the Comptroller of Water Rights for approval.

Initiated by the City in September 2018, the Alouette River Ecosystem Partnership (AREP) was created in response to Hydro pursuing the water licence renewal with the goal to address the fish passage issue but progress by the AREP towards its stated goals has been minimal and the partnership is considered defunct.

The Fish and Wildlife Compensation Program (FWCP) is a partnership between BC Hydro, the Province of BC, Fisheries and Oceans Canada, First Nations and Public Stakeholders established to conserve and enhance fish and wildlife in watersheds impacted by existing BC Hydro dams. In 2008, FWCP created the Fish Passage Decision Framework for BC Hydro Facilities (the Framework) to establish a formalized decision-making approach to the analysis, technical feasibility and likelihood of success of restoring target species above Hydro facilities through the installation of some form of fish passage infrastructure. Through the FWCP Framework the ARSRP was launched with a focus on promoting the re-establishment of anadromous Alouette Sockeye and investigating the feasibility of fish passage at the Reservoir.

At the May 12, 2020 Council Workshop, a motion was passed to retain a suitably qualified independent consultant to review the existing decision-making frameworks, analytical reports and data generated through the various processes to facilitate dialogue with Council as the basis for the development of a position to the Comptroller of Water Rights, a task for which LGL Limited and Ecofish Research were subsequently retained.

A copy of the LGL/Ecofish memorandum, dated October 01, 2020 is attached for Council's consideration in considering further direction regarding fish passage and the Alouette ecosystem. The memorandum provides information on initiatives currently underway, salmon species of interest as well as study initiatives supporting re-introduction, fish passage options and hatchery implications.

Next Steps

Moving forward, possible direction for Council may be to:

1. Focus on advocating for, and lobbying Hydro to secure a fish ladder across the dam through the Hydro Water Licence and Water Use Plan Order Review processes.
2. Have the City formally participate in the ARSRP process on the feasibility of fish passage through the Framework, seeking a staged process to build the returns into the reservoir as outlined in the Framework while also enhancing habitat below the reservoir with the goal to see the construction of a fish ladder at the Reservoir.
3. Promote the enhancement of the larger, overall Alouette ecosystem, both upstream and downstream of the reservoir by the federal and provincial regulatory agencies. This endeavour would be significant in scale, beyond available City resources but certainly the City could play a supporting role in an initiative that would be most feasible if driven by higher levels of government.

b) Desired Outcome:

In 2018, the Council of the day indicated their intent to communicate a position to the Comptroller of Water Rights regarding the Hydro applications in progress, seeking to secure an agreement with Hydro and the Province of BC on the Alouette Watershed and the desire for the restoration of lost fish passage incurred as a result of the construction of the Reservoir. However, such a position has not been developed to date.

c) Strategic Alignment:

The goals of the AREP align with the Natural Environment section of the Council Strategic Plan.

d) Citizen/Customer Implications:

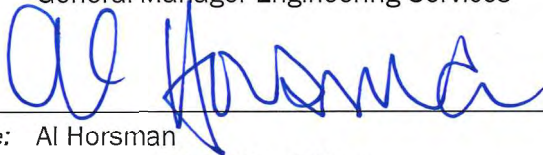
The Alouette watershed is a highly prized waterway, valued by all residents in the City of Maple Ridge and the community at large has a vested interest in protecting the Alouette River ecosystem.

CONCLUSION:

The Alouette River ecosystem is a valuable resource to not only City residents but to people all across the Metro Vancouver Region and the City has a vested interest in its preservation and protection and ultimately the improvement in the overall health of the watershed system.



Prepared by: David Pollock, PEng.
General Manager Engineering Services



Concurrence: Al Horsman
Chief Administrative Officer

Attachments:

- (A) May 12, 2020 Report to Council Workshop – “BC Hydro Water Licence Renewal on the South Alouette River”
- (B) October 01, 2020 LGL and Ecofish – “Alouette Reservoir Salmon Restoration Summary”

TO: His Worship Mayor Michael Morden
and Members of Council

MEETING DATE: May 12, 2020
FILE NO: 11-5225-05

FROM: Chief Administrative Officer

MEETING: Workshop

SUBJECT: BC Hydro Water Licence Renewal on the South Alouette River

EXECUTIVE SUMMARY:

BC Hydro (Hydro) is seeking the renewal of one of three water licences for the diversion and storage of water at the Reservoir although it is not seeking to change to conditions of the expired licence. In addition, Hydro is also engaging with stakeholders on the Water Use Plan Order Review (WUPOR), including the City.

Damming of the South Alouette River in the 1920s to construct the Alouette Lake Reservoir (Reservoir) for the generation of hydro-electric power resulted in the loss of passage for multiple species of fish. The benefits of the hydro-electrical power generation are counter-balanced by impacts on the river and there has been many investigations over an extended period of time with divergent perspectives.

In addition to the broader objectives supporting the goal of a functional, healthy watershed there has been advocacy in the community for the re-establishment of unhindered fish passage at the Reservoir to replace the current trap and truck operation. Between 2007 and 2017 there has been a recorded total of 331 Sockeye salmon returning.

The Alouette River Sockeye Reanadromization Program (ARSRP) is a joint initiative among the Katzie First Nation (Katzie), the Alouette River Management Society (ARMS), BC Hydro, the Ministry of Environment and Climate Change (MOE), the Department of Fisheries and Oceans (DFO) and local stakeholders to promote the re-establishment of anadromous Alouette Sockeye and investigate the feasibility of fish passage at the Reservoir. The project is expected to take some 11 years to complete.

In 2018 the Alouette River Ecosystem Partnership (AREP) was started as a separate initiative, comprised of four parties including the City, Katzie, Kwantlen and ARMS. The AREP has made little progress since its inception and it has not been possible to date to have all parties meet, except for an initial meeting in January 2019.

This report does not seek, nor claim to present a full historical record of actions and impacts but to acknowledge activities that are currently in progress to facilitate discussion by Council on possible next steps.

Regarding next steps, Council may elect to:

1. Retain a suitably qualified independent consultant to review the existing decision-making frameworks, analytical reports and data generated through the various processes to facilitate dialogue with Council as the basis for the development of a position to the Comptroller of Water Rights

2. Have the City formally participate in the ARSRP with Katzie, Hydro, MOE, DFO and ARMS on the feasibility of fish passage through the Framework
3. Continue dialogue with Hydro and develop an independent position on the water licences and fish passage outside of the ARSRP and respond directly to the Comptroller of Water Rights on the applications
4. Work with other community stakeholders to prepare a response to the Comptroller of Water Rights.

RECOMMENDATION:

That a suitably qualified independent consultant be retained to review all reports and data generated to date for the various processes underway in support of the BC Hydro Water Licence and Order to facilitate dialogue and generate the development of a Municipal position for submission to the Comptroller of Water Rights.

DISCUSSION:

a) Background Context:

The South Alouette River was dammed in the late 1920s to create the Reservoir, to be used for hydroelectric power generation as part of the BC Hydro Alouette-Stave-Ruskin system. One consequence of the Reservoir construction was that fish passage to the upper reaches of the Alouette was blocked; aside from the release over the Reservoir the water that is stored is diverted from the Reservoir east to Stave Lake to be used for power generation at the Alouette Generating Station.

The benefits of the hydro-electrical power generation are counter-balanced by impacts on the river and there has been many investigations over an extended period of time with divergent perspectives. This report does not seek, nor claim to present a full historical record of actions and impacts but to note activities that are currently in progress to facilitate discussion by Council on possible next steps.

BC Hydro – Water Licences

Hydro is seeking approval for the renewal of one of the three licences associated with the Reservoir; two pertain to the diversion of water to the Alouette Generating Station (Licences FWL 124724 & FWL 124725, for 8.5 and 19.8 cubic metres per second (cms) respectively) while the third licence (FWL 124726) is for storage of water in the Reservoir. Of the three licences, two were issued in perpetuity while the third (Licence FWL 124724) for the diversion of 8.5 cms of water expired on December 31, 2018 but the renewal application was made prior to the expiry date so it is still valid. Hydro is not proposing any changes to the licence conditions or footprint as part of the renewal application.

A Water Use Plan and Order for the Reservoir was approved in 2009 and as Hydro is currently undertaking a review of their compliance with the Order in addition to the licence renewal application. The link between the Water Licence and the Order is that the Licence defines the limits under which water can be stored and diverted while the Order defines how Hydro needs to operate within the Licence limits.

Fish Passage Decision Framework

The Fish and Wildlife Compensation Program (FWCP) is a partnership between BC Hydro, the Province of BC, Fisheries and Oceans Canada, First Nations and Public Stakeholders established to conserve and enhance fish and wildlife in watersheds impacted by existing BC Hydro dams.

In 2008, FWCP created the Fish Passage Decision Framework for BC Hydro Facilities (the Framework) document to establish a formalized decision-making approach to the analysis, technical feasibility and likelihood of success of restoring target species above Hydro facilities through the installation of some form of fish passage infrastructure. Upon completion of the feasibility phase, if the FWCP Board endorses the fish passage proposal established through the implementation of the Framework it then goes to Hydro for the development of a business case and financial approval.

The Alouette River Sockeye Reanadromization Program (ARSRP) is a joint initiative among the Katzie First Nation (Katzie), the Alouette River Management Society (ARMS), BC Hydro, the Ministry of Environment and Climate Change (MOE), the Department of Fisheries and Oceans (DFO), and local stakeholders to promote the re-establishment of anadromous Alouette Sockeye and investigate the feasibility of fish passage at the Reservoir. The project has multiple steps and follows the Framework established by the FWCP and has been established as an 1.1 year plan, scheduled for completion by 2027. The ARSRP is approximately at Steps 3 & 4, which are Environmental Feasibility Studies and Preliminary Technical Feasibility, respectively.

A 2014 study prepared by LGL Limited, environmental research associates, for FWCP identified a staged approach for the re-establishment of a self-sustaining Sockeye run to the Reservoir that proposed as an interim stage the continuation of the trap and truck operation to transport returning adults to the Reservoir, with the volume of outgoing smolts augmented through hatchery intervention. Should the interim strategy prove successful and increase the escapement numbers to a minimum of 500-1,000 fish then it is expected that the trap and truck operations would be overwhelmed and the construction of a fishway, again with hatchery enhancement would be viable. The LGL study does note that their focus was only on the Sockeye species.

Sockeye Returns 2007-2017

In the years from 2007 to 2017, a total number of 331 adult Sockeye salmon returned to the Alouette Watershed, ranging from a high of one hundred and fifteen in 2010 to a low of zero in 2014. In 2017, three returned, one of which was released alive into the Reservoir.

Alouette River Ecosystem Partnership (AREP)

Following notification that Hydro would be applying to the BC Comptroller of Water Rights for the renewal of a water licence at the Reservoir the City, along with the Katzie and Kwantlen First Nations and ARMS, formed the Alouette River Ecosystem Partnership (AREP) and all parties signed a Memorandum of Understanding (MOU) in September 2018 to with the goal to create a strong and aligned response to Hydro's licence renewal application.

The stated purpose of the MOU is to:

- Collaborate to prepare an aligned and strong shared position to the Comptroller of Water Rights, the provincial and federal governments and BC Hydro through the water licence renewal process
- Develop a set of recommendations to create a functioning watershed ecosystem in the Alouette Watershed, including a scientifically sound fish passage for all species of salmon and freshwater species, protecting and enhancing the current freshwater species, enhancing wildlife resources and collaboratively developing recreational and functional opportunities with BC Parks and others
- Secure direction from the Comptroller of Water Rights to include a requirement for the construction of permanent fish passage as a water licence condition
- Secure an agreement with BC Hydro and the Province of BC regarding the Alouette River Ecosystem.

Aside from a meeting in January 2019 there has been very little progress on the AREP as it has not been possible to have all parties meet together despite repeated efforts and the partnership would seem to be largely moribund.

Next Steps

Hydro has undertaken stakeholder engagement including at Council Workshop, presenting information on a range of topics including a review of their systems and operations, dam safety, fish passage, water licence renewal and the Water Use Plan Order Review, and their staff have indicated a willingness to return to Workshop for further dialogue although at the moment, as a result of the COVID-19 Pandemic, Hydro has suspended engagement activities on the Water Use Plan Order Review. Hydro staff have stated that while they will engage the City as a stakeholder, they do not require City endorsement or approval for their application processes, that they look to the Comptroller of Water Rights for approval.

Regarding next steps, Council may elect to:

1. Retain a suitably qualified consultant to review the existing analytical reports and data generated through the various processes to present a summation to Council as the basis for the development of a position to the Comptroller of Water Rights
2. Have the City formally participate in the ARSRP with Katzie, Hydro, MOE, DFO and ARMS on the feasibility of fish passage through the Framework
3. Continue dialogue with Hydro and develop an independent position on the water licences and fish passage and respond directly to the Comptroller of Water Rights on the applications
4. Work with other community stakeholders to prepare a response to the Comptroller of Water Rights.

b) Desired Outcome:

In 2018, the Council of the day indicated the intent to communicate a position to the Comptroller of Water Rights regarding the Hydro applications in progress, seeking to secure an agreement with Hydro and the Province of BC on the Alouette Watershed and the desire for the restoration of lost fish passage incurred as a result of the construction of the Reservoir, but Council has not expressed a position to date.

c) Strategic Alignment:

The goals of the AREP align with the Natural Environment section of the Council Strategic Plan.

d) Citizen/Customer Implications:

The Alouette watershed is a highly prized waterway, valued by all residents in the City of Maple Ridge and the community at large has a vested interest in protecting the Alouette River ecosystem.

e) Business Plan/Financial Implications:

For the AREP, the City funded up to \$15,000 for a project facilitator and legal counsel if deemed necessary and it is expected these funds could be re-purposed. Additional funds would be identified if deemed necessary to retain the independent consultant if deemed necessary.

CONCLUSION:

The Alouette River ecosystem is a valuable resource to not only City residents but to people all across the Metro Vancouver Region and the City has a vested interest in its preservation and protection and ultimately the improvement in the overall health of the watershed system.



Prepared by: David Pollock, PEng.
General Manager Engineering Services



Concurrence: Al Horsman
Chief Administrative Officer

Memorandum



| | | | |
|---------------------|---|---------------|--|
| Prepared for: | City of Maple Ridge c/o David Pollock P.Eng General Manager, Engineering Services 11995 Haney Place, Maple Ridge, BC, V2X 6A9 | Date: | 1 October 2020 |
| Prepared by: | Elmar Plate, PhD, Senior Fisheries Biologist, LGL Limited Robert Bocking, MRM, Senior Fisheries Biologist, LGL Limited Morgan Hocking, PhD, Senior Environmental Scientist, Ecofish Research | | |
| Memorandum Subject: | Summary MEMO for the Alouette Reservoir Salmon Restoration PowerPoint Presentation | Project Name: | Alouette Reservoir Salmon Restoration Summary for City of Maple Ridge |

EXECUTIVE SUMMARY

The Alouette River Salmon Restoration Project (ARSRP) is a collaboration between the Alouette River Management Society (ARMS), BC Hydro, Katzie First Nation, Leq'a:mel First Nation, Fisheries and Oceans Canada and the BC Ministry of Environment and Climate Change Strategy with the goal to meet First Nation and local community interests to restore and enhance salmonid species historically native to the Alouette Watershed, especially upstream of the Alouette Reservoir Dam.

Based on the Katzie First Nation oral history and written records, the Alouette Reservoir had strong runs of Sockeye, Coho, Chum and Pink Salmon and Steelhead Trout that were regularly harvested before the Alouette Lake was cut off by a dam from the South Alouette River in 1926. Following many years of very low fish flows, sufficient flows were recommended in 1971 and increased through the Water Use Planning (WUP) process in 1997. The WUP process in general is concerned with water allocation, flow rates and flood mitigation and does not make decisions on fish passage structure funding, construction, or maintenance.

Starting in 2002, salmon re-introduction feasibility above the dam has been investigated, and as part of Step 3 and 4 of the BC Hydro Fish Passage Decision Framework environmental feasibility studies with regard to smolt spillway passage survival (96%), smolt outmigration (maximum 63,000) and adult return abundance (maximum 115 Sockeye) were carried out to address WUP Orders.

In a non-WUP ordered study investigating Kokanee spawning habitat availability, characteristics and usage above the dam it was found that Kokanee in the reservoir spawn deep between 20-60 m and on gravel-cobble substrate with sand patches. This suggests that Kokanee and future Sockeye spawning habitat is not affected by reservoir elevation fluctuations. Genetic studies showed that the current reservoir Kokanee population is a direct descendant of the original migratory Sockeye population. All of those studies between 2004-2020 were guided by the ARSRP Committee.

Additional studies such as salmon enumeration, river temperature, river substrate and habitat restoration were carried out in the South Alouette River below the dam to satisfy additional WUP Orders. Three key uncertainties, namely fish entrainment through the Stave Tunnel, heritability of the Sockeye anadromy trait and ocean survival remain with regard to the establishment of a sustainable Sockeye population above Alouette Dam.

To establish the Sockeye population and to allow other salmon species to pass the dam, the ARSRP and BC Hydro have been discussing the construction of a fishway on the existing spillway in combination with a hatchery enhancement program. The fishway would replace the current and interim fish passage solutions. An existing but outdated hatchery on Corrections BC land was renovated and is being considered for Sockeye supplementation.

The possibility of restoring other salmonid species in addition to sockeye above the dam is also currently being evaluated by the ARSRP. Key data gaps for all species of salmon and steelhead are being identified and a workplan to resolve those data gaps is under development.

In response to the establishment of self-sustaining Alouette Reservoir salmon populations BC Hydro would not need to change its current operational discharge patterns since no additional flows are needed for fishway operations. Nevertheless, reservoir elevation would need to be kept above a certain level to allow flow into the fishway entrance which should not be a problem in most years based on the range of historic reservoir levels. It is not anticipated that dam integrity would be changed through a fishway since it is proposed to be built using mainly existing structures with small modifications and BC Hydro Engineering would heavily scrutinize all aspects of dam integrity and construction activity.

Changes to current fisheries management to accommodate especially a re-established Alouette Sockeye run are also not anticipated.

In our opinion the participation in the ARSRP process and direct lobbying with BC Hydro are efficient ways for the City of Maple Ridge to further the fishway cause.

ARSRP OBJECTIVES

The ARSRP's objectives are to:

- Maintain a joint initiative among the committee members in the environment of consensus decision making
- Determine targets for restoration
- Determine technical and biological feasibility of meeting targets
- Develop restoration plan that will meet the targets
- Seek endorsement of restoration plan by FWCP Board (Step 5 of Fish Passage Decision Framework); and
- Support transition from BC Hydro Capital Project initiation to implementation (Step 6 and 7 of Fish Passage Decision Framework).

LOCATION

The Alouette River watershed is located in the Coastal Mountains of Golden Ears Provincial Park 50 km northeast of Vancouver with a 202 km² drainage and elevations ranging from 120 to 1800m. The Alouette Reservoir (1,656 ha, 17 km long x max 1.4 km wide, max depth 152m, 2 basins, originally 2 separate lakes) is located in east Maple Ridge and from the dam (SW corner), the South Alouette River flows for 21 km before entering Pitt River which joins the Fraser River within a few kilometers.

The Alouette Reservoir also drains out of its northeast corner of the northern and smaller of the two basins through a tunnel into Stave Lake.

The Alouette Reservoir is classified as a coastal reservoir given seasonal storms and spring snowmelt are the major source of the reservoir's inflow.

THE HISTORY OF THE ALOUETTE WATERSHED AND ITS SALMON

Based on oral and written accounts, the Katzie First Nation's spiritual and physical well-being was and still is intimately tied to Sockeye Salmon that were traditionally harvested in the Fraser, the Pitt and the Alouette Rivers. In addition, Katzie people fished for Coho, Chum and Pink salmon and Steelhead Trout in the South and North Alouette rivers.

In the late 1800s logging was the first type of industrial development in the Alouette Watershed before the earthen dam and the Stave Tunnel were constructed in 1926, creating one reservoir out of two lakes and cutting off access for all salmon into the reservoir. Sockeye, Chinook, Coho and Chum were blocked from spawning in North Alouette River and Gold Creek, and Sockeye, Chinook and Pink Salmon were extirpated from the whole watershed.

Following dam construction fish flows into the South Alouette River were minimal before official minimum flows of 5% of annual average flow were implemented in 1971, followed by the implementation of higher minimum flows of 20% of annual average through a WUP in 1997.

In 2002 and 2004, a fish access framework and a feasibility study (LGL Limited) concluded that despite remaining uncertainties no serious impediments exist to the reintroduction of Sockeye Salmon, Coho and Steelhead into the Alouette Reservoir. Studies were suggested to address those uncertainties.

BC HYDRO FACILITIES & OPERATIONS

The Alouette Reservoir Dam, the Alouette Stave Tunnel and the Stave Falls and Ruskin hydroelectric power development include 4 dams, a diversion tunnel and three powerhouses which comprise approximately 2% of BC Hydro's total hydroelectric generation.

The Alouette dam was constructed in mid-1920s, followed by a rebuild of the earth fill dam in 1983. Normal maximum elevation of Alouette Reservoir is 125.51 m (licensed limits: 112.6 - 125.51 m) at 198.65 Million m³.

The reservoir has three outlets, namely:

1. The Low-Level Outlet is located inside the dam (SW end of reservoir) and can be regulated to provide base fish flows to Alouette River to enhance downstream fisheries habitat with a maximum discharge of 2.97 m³.
2. The Spillway is located at the west end of the dam (SW end of reservoir) crest and can be regulated and used for flood control at maximum reservoir elevations and for salmon smolt release flows.
3. The Stave Tunnel is located at the north end of the reservoir, is 1 km in length and moves water from the Alouette reservoir to the Alouette powerhouse (currently out of service) that is located on the Stave Reservoir. Approximately 94% of the Alouette Reservoir annual inflow is diverted to the Stave generating station and power from Alouette discharge is currently generated in the Stave Reservoir power generation stations.

THE WATER USE PLANNING (WUP) PROCESS FOR THE ALOUETTE WATERSHED

A WUP defines operating parameters intended to clarify how rights to provincial water resources should be exercised, and to take account of the multiple uses for those resources. The Comptroller of Water Rights (the "Comptroller") required a WUP as a condition of the water licence for the Alouette Reservoir in 2009.

Based on a WUP an Order is issued under the BC Water Act. For the Alouette the Order set out provisions for:

- Fish flow releases
- Water storage and recreation
- Flood mitigation
- Ramp rates
- Priorities (of water usage); and
- Monitoring

Annual reports are required to confirm that all WUP conditions are fulfilled. An Alouette WUP review is currently under way but has been stalled due to COVID, providing opportunistic timing for the City of Maple Ridge to provide feedback.

Consultation on the WUP is required based on the following principles¹:

The proponent (BC Hydro) must engage with those who may have a direct interest in the licence including First Nations, regulators, and those who may be directly affected by the licence renewals as identified in the Water Sustainability Act (i.e., authorization and change approval holders and applicants, riparian or land owners whose land is likely to be physically affected if the renewal is granted). More specifically, each of BC Hydro and the Province have a legal duty to consult with and, if required, accommodate potentially impacted First Nations.

SALMON SPECIES OF INTEREST FOR RE-INTRODUCTION, SOCKEYE OUT- AND UPSTREAM MIGRATION

While all salmon species are important for re-introduction into the Alouette Watershed, Sockeye and Coho Salmon as well as Steelhead Trout were initially identified for possible re-introduction above the dam. Sockeye/Kokanee (landlocked Sockeye) require a lake for juvenile rearing and were the initial focus of re-introduction efforts given they remained in a land-locked form in the reservoir and unexpectedly left the reservoir volitionally as part of a spillway release in 2005 to examine fish passage by Coho Salmon. Before the dam, adult Alouette Sockeye used to migrate from April – July whereas they now migrate from July-August and spawn in October and November.

Following the volitional and annual migration of Sockeye smolts over the spillway, ranging from very few fish to more than 62,000 smolts (Table 1), annual adult returns have ranged from 0-115 (Table 2) between 2007-2020. The monitoring of Sockeye smolts and adults is required based on WUP Order Conditions 16.b and 16.d, respectively.

Sockeye Salmon are also of high importance for Katzie First Nation, have the highest biomass production potential, and the re-establishment of a self-sustaining population is considered a corrective action for the Alouette Dam.

Spawning habitat upstream of the dam in Gold Creek and the Upper Alouette River is estimated to support approximately 400 Coho Salmon and 50 Steelhead Trout (Gaboury and Bocking 2004). In addition, Coho and Steelhead runs into the South Alouette River below the dam have been actively enhanced through a hatchery program, off channel habitat creation, and other habitat restoration measures.

¹<https://www.bchydro.com/content/dam/BCHydro/customer-portal/documents/corporate/environment-sustainability/water-licence-renewal/Water-Licence-Application-Process-in-BC-QA.pdf>

Table 1

Annual abundance of emigrating Alouette Sockeye smolts captured in a Rotary Screw Trap in the South Alouette River 1.5 km below the dam. Smolts leave the reservoir over the spillway (3 m³/s discharge) in April-May mostly following a 2-year residency and are proven to reach the ocean successfully.

| Year | Total Catch | Abundance Estimate (N) | Lower 95% CL | Upper 95% CL | Trap Efficiency (%) |
|------|-------------|------------------------|--------------|--------------|---------------------|
| 2005 | 3,310 | 7,900 | - | - | 42.0 |
| 2006 | 1,757 | 5,064 | - | - | 35.0 |
| 2007 | 7,787 | 62,423 | 47,936 | 76,910 | 12.2 |
| 2008 | 3,224 | 7,957 | - | - | 40.3 |
| 2009 | 1,247 | 3,704 | 3,250 | 4,157 | 33.4 |
| 2010 | 4,600 | 12,363 | - | - | 37.2 |
| 2011 | 8,525 | 30,729 | 29,221 | 32,238 | 27.7 |
| 2012 | 83 | 648 | 268 | 1,028 | 11.3 |
| 2013 | 1,032 | 5,385 | 4,556 | 6,214 | 18.8 |
| 2014 | 2,787 | 11,523 | 10,531 | 12,514 | 24.1 |
| 2015 | 94 | 583 | 300 | 865 | 14.9 |
| 2016 | - | - | - | - | - |
| 2017 | 3,100 | 17,394 | 15,247 | 19,541 | 17.8 |
| 2018 | 7,071 | 31,643 | 29,537 | 33,750 | 22.3 |
| 2019 | 1 | 0 | - | - | - |
| 2020 | 181 | 1,473 | 876 | 2,070 | 12.0 |

*Note *O. nerka* enumeration did not occur in 2016.

Table 2

Annual abundance of upstream migrating Alouette adult Sockeye captured in the South Alouette River fish trap at ALCO Hatchery 6.3km from the dam. The majority of the adult Sockeye are returning as 4-year old fish, having spent 2 years in the reservoir and 2 years in the ocean. After capture most fish were transported to and released into Alouette Reservoir (ARMS 2007-2020).

| Year | Number of Adults Captured | Number of Adults Released into Reservoir |
|--------|---------------------------|--|
| 2007 | 38 | 5 |
| 2008 | 54 | 53 |
| 2009 | 45 | 43 |
| 2010 | 115 | 103 |
| 2011 | 11 | 8 |
| 2012 | 45 | 43 |
| 2013 | 10 | 7 |
| 2014 | 0 | 0 |
| 2015* | 4 | 0 |
| 2016 | 6 | 6 |
| 2017 | 3 | 1 |
| 2018 | 15 | 15 |
| 2019 | 15 | 14 |
| 2020 | 85 | 83 |
| Totals | 446 | 381 |

*Fish were transported to Alouette Sockeye Research Facility instead

STUDIES AND PROJECTS SUPPORTING THE SALMON RE-INTRODUCTION PLAN

Adult Sockeye Tracking

To determine behaviour and spawning locations for adult Sockeye, acoustic transmitters were implanted upon capture at the ALCO counting fence before release into the south end of Alouette Reservoir between 2009 and 2012. The transmitter locations were then tracked in roving surveys from a boat and showed that Sockeye spawned at the northeast end of the south basin in sand-gravel-cobble substrate and in depths from 20-60 m, together with Kokanee Salmon in late October and early November.

Kokanee Deep Spawning

Hebert (2018-2019) used ROV camera and gillnetting in Alouette Reservoir to determine Kokanee/Sockeye spawning habitat quantity, quality, capacity and thus constraints on the population. The research aimed to define suitable spawning habitat, determine spawning ground interactions between resident and anadromous fish, determine spawning timing, locations and behaviour and develop a model that can be applied to other systems. Spawning in depths of 20-60 m was confirmed.

Genetic Studies

Genetic studies conducted in 2009 clearly showed that Alouette Kokanee are the offspring of Sockeye that were land-locked by the dam, and that Alouette Sockeye returning to the reservoir were the mature form of the Alouette Kokanee that left as smolts. It was also determined that the few Sockeye which returned annually to the reservoir likely do not spawn with each other (Godbout et al. 2011).

Kokanee Population Age Structure (required as WUP Order Condition 16.f)

From 2010-2013 it was determined that that reservoir operations and reservoir water level fluctuations had limited impact on Kokanee spawning. This was later supported by the discovery of deep spawning (20-60m) for Kokanee and Sockeye.

Stave Tunnel Entrainment and Nutrient Loss

Based on a 2009 modelling exercise it was concluded that losses of Kokanee Salmon and lake nutrients through the tunnel into the Stave Reservoir are likely low and should not have a significant impact on Kokanee numbers or nutrient availability. However, this remains an uncertainty in the minds of some ARSRP Committee members and further investigations are being considered.

Lower South Alouette River (14 km from dam) Salmonid Enumeration (required as WUP Order Condition 16.a)

From 2001-2012, outmigration of all salmonids out of the Lower South Alouette River were monitored to assess survival to smolt in all species, migration timing, environmental conditions, and biological condition of smolts. Estimates for Sockeye were generally lower than at the RST site 1.5 km below the dam but fluctuated parallel to those numbers.

Alouette River Temperature (required as WUP Order Condition 16.c) and Substrate Monitoring (required as WUP Order Condition 16.e)

From 2008-2015, the results from these studies lead to the conclusion that river temperatures were not lethal to salmonids (<25°C) at their peak in late August, while river substrate did not accumulate fines and gravel substrate placements led to more spawning gravel remaining in place. Certain river sections were suggested to benefit from flushing flows.

Alouette Reservoir Nutrient Restoration Project

This project was intended by the BC Ministry of Environment and Climate Change Strategy to boost Kokanee numbers, growth, and sportfishing opportunities. The fertilization of Alouette Reservoir started in 1999 and is still ongoing. Phosphorus is added as a fertilizer to compensate for lost oceanic salmon nutrients. The fertilization has increased bottom-up productivity, zooplankton numbers, and led to an initial density dependent increase in Kokanee size.

Alouette River Habitat Restoration Projects

In the 1990s and 2000s, the completion of many restoration measures listed below led to an overall increase in juvenile rearing habitat and adult spawning habitat making the South Alouette River more productive for salmon spawning and rearing.

- Large Woody Debris structure installation;
- Riparian planting;
- Side channel access improvement and barrier removal; and
- Spawning habitat creation.

SALMON FISH PASSAGE OPTIONS FOR EMIGRATING SMOLTS AND UPSTREAM MIGRATING ADULTS

As an interim solution for downstream fish passage of emigrating smolts, the existing spillway has been operated at flows of 3.5 – 4.5 m³/s from April to June of each year (assuming adequate reservoir levels allowing access to the spillway), providing successful passage with low mortality rates. A fishway built primarily to support adult fish passage could also remedy the logistical problem of requiring a necessary reservoir elevation to release sufficient flows as well as possibly lower mortality.

As an interim, the current solution for upstream passage of adult Sockeye Salmon is to trap fish at the ALCO Hatchery fence and transport these fish in a tank by truck to be released into the south end of the reservoir. This trap and truck effort is led by BC Corrections and ARMS.

As a permanent and future solution fish passage can be accommodated through the construction of a vertical-slot fishway with 18 chambers, using the existing spillway as its foundation to overcome a total elevation change of 9.5 m over a length 170 m and width of 3m and with a flow of 1-1.5 m³/s through a controlled sluice gate. The cost of such a fishway was estimated as \$3 Million in 2010 by Ward and Associates.

Within this design the upper section would need to be outfitted with flexible baffle placement to accommodate reservoir elevation changes while the lower section could be built with permanent baffles. As part of the construction, automatic fish counting equipment could be installed.

OPERATIONAL IMPLICATIONS OF THE FISHWAY FOR BC HYDRO

No changes are anticipated for BC Hydro power generation since flow through the fishway would be diverted from current minimum flows through the Low-Level Outlets, and no additional flows are needed.

Reservoir elevation management would need to be able to accommodate a minimum level of 120.5 m from March-December to accommodate passage of juvenile and adult stages of all salmon species and Steelhead. This should be possible within the normal and average operating levels for the reservoir.

FISHWAY BASED DAM SAFETY, POST-CONSTRUCTION MAINTENANCE AND BIOLOGICAL ASSESSMENTS

Safety Concerns

No direct dam safety concerns are anticipated but an in-depth safety assessment would be required by the BC Hydro Engineering Department before any modifications to the current Alouette dam could be carried out. An in-depth safety review is currently being undertaken for the Stave Dam spillway.

Maintenance

Low effort and costs are anticipated for cleaning and baffle adjustment in the upper section of a fishway to accommodate different water levels.

Post-Construction Biological Assessments

Post fishway construction the following assessments are likely required:

- The continued monitoring of smolt out migration through Rotary Screw Trap deployment and adult return numbers at the ALCO fish fence to compare to fishway numbers to assess survival and passage success
- Biological sampling of returning adults to genetically determine Alouette origin and monitor ocean survival
- Continued reservoir productivity assessment (and fertilization) potentially modified based on added oceanic nutrients from returning salmon
- Monitor for possible density dependent competition with fish resident in the reservoir through hydroacoustic studies
- Monitor spawning success for adult Sockeye through ROV camera and genetic investigations

- Assess the potential Stave Tunnel entrainment through hydroacoustic assessments; and
- Monitor for possible fish disease in the migratory and resident fish in the reservoir.

FISHERIES MANAGEMENT CONSIDERATIONS BASED ON ALOUETTE SOCKEYE RE-INTRODUCTION

Food, Social and Ceremonial Fisheries

Traditionally and before dam construction, Katzie First Nation fished for all salmon species and Steelhead in the South Alouette with weirs and traps. The current Katzie Food, Social and Ceremonial fishery is carried out in the Fraser and Pitt Rivers.

Commercial and Recreational Salmon Fisheries

Current Fraser River and ocean commercial fisheries, as well as the recreational sectors, can intercept Alouette Sockeye as part of the Fraser early summer runs.

Alouette Reservoir Recreational Fishery

The current Alouette Reservoir and the Lower Alouette River recreational Fisheries harvest likely small but unknown catches of Kokanee and stocked Rainbow Trout in the reservoir and salmon in the South Alouette River.

Exploitation rates and Ocean Survival of the Early Summer Fraser River Sockeye Populations

There are very high exploitation rates on this run timing group with an average of 77% from 1960-1989, which then dropped to an average of 13.7% in the 2000s.

These lower exploitation rates can potentially be assumed for Alouette Sockeye to estimate total escapement. Over the last five years exploitation rates have been even lower and should not affect the success of the ARSRP. However low ocean survival has led to very low survival from smolt to adult (average 0.5%)

Changes to Fraser River fisheries management are not needed or anticipated for the establishment of a self-sustaining Alouette Reservoir Sockeye population.

HATCHERY FEASIBILITY ASSESSMENT

Background

The ARSRP has been progressing through the FWCP Fish Passage Decision Framework process and required assessment of several outstanding uncertainties to determine the feasibility of restoring Sockeye upstream of the Alouette Dam. Key uncertainties included the rate of ocean migration, heritability of anadromy and smolt-to-adult survival (i.e., marine survival). It was concluded that the project likely requires hatchery supplementation to increase numbers of out-migrating Sockeye smolts and subsequent adult returns.

Ecofish conducted a review and feasibility assessment of hatchery supplementation of the Alouette (and Coquitlam) sockeye populations (Girard et al. 2019). The review included biological considerations such as the production targets for Sockeye fry and smolts, and physical considerations such as water supply and infrastructure.

Hatchery Production Targets

Typically, juvenile salmon are released from a hatchery to freshwater as either unfed fry (spring), fed fry (fall), or 1+ aged smolts at a similar size to wild smolts. To address outstanding uncertainties, the ARSRP suggested production targets for Alouette Sockeye of 10,000 fry and 10,000 smolts. Ecofish conducted a review of these production targets and concluded that that release of fall fry in the reservoir would increase survival compared to spring fry, and that overall production targets should be increased, particularly for release of spring smolts into the river (e.g., 25,000 smolts or more). This increase in production was recommended to address a key limiting factor for the project – low marine survival.

With current estimated marine survival of ~0.5%, 25,000 smolts are expected to produce an adult return of ~170 adult fish per year (Figure 1). Greater adult returns will increase the ability of the project to provide anadromous broodstock for the hatchery and estimate key parameters such as marine survival and the heritability of anadromy of the population.

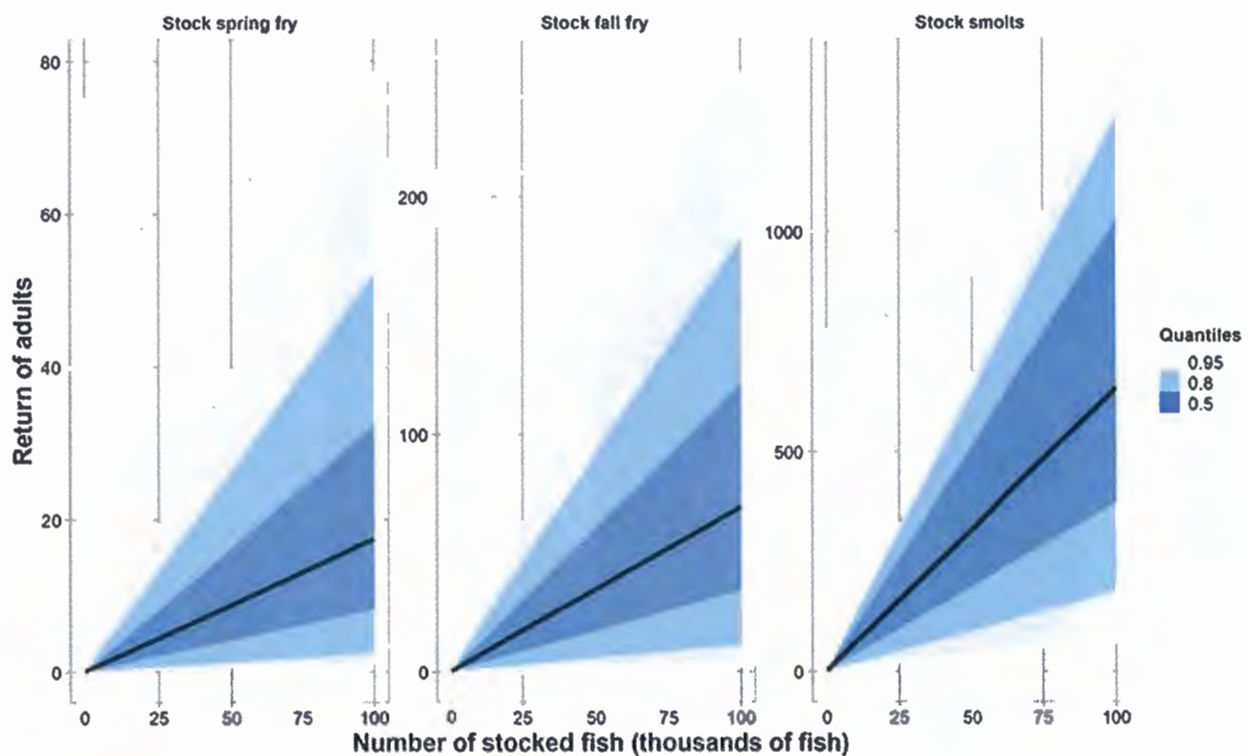


Figure 1. Predicted returns of Sockeye adults to the Alouette watershed based on three life stage release strategies and stocking up to 100,000 juveniles using a smolt-to-adult marine survival of 0.44%.

Physical Considerations and Water Supply

The Sockeye Research Facility (Allco Satellite Hatchery) was constructed in the mid 1990s and currently has the infrastructure required for production of 10,000 fry and 10,000 smolts. It is

located close to the currently operational Allco Fish Hatchery that rears Chum, Coho, Pink, Chinook, and Steelhead.

A crucial consideration for the feasibility of the Sockeye Research Facility is the availability of water to support hatchery production for anticipated production targets. The primary water source to the Sockeye Research Facility is ground water from Allco Springs, which is collected and distributed through an underground system. There is currently no consistent back-up water supply for this facility as the other three water supplies are used by the Allco Hatchery. DFO would likely approve production of the Alouette population without a back up water supply during the short term because the Allco Springs water supply is at low risk of failure if the current infrastructure is fixed (Ducharme, pers. comm 2019). Over the longer term, new wells are likely to be required as a back up water supply (2 new wells for rearing Alouette population and 3 new wells if both Alouette and Coquitlam). This additional water supply will require a water license and therefore permitting should be pursued as soon as possible given permit approval wait times can be significant.

Summary

The most significant limitation for the Alouette Reservoir Sockeye re-introduction is likely low marine survival (current mean is ~0.5%), which limits the adult returns to the base of the dam.

This means that the program likely requires hatchery supplementation to increase Sockeye production and address outstanding uncertainties such as the heritability of anadromy. As the number of anadromous Alouette sockeye increases over time, the marine survival of the population, the numbers of outmigrating smolts and the productive capacity of the reservoir may increase. This will be particularly true if anadromy is heritable and there is a survival advantage of smolts produced from Sockeye versus resident Nerkid parents.

The Sockeye Research Facility located beside the Allco Fish Hatchery in Maple Ridge could be used to supplement the Alouette (and Coquitlam) Sockeye populations. However, water supply issues need to be resolved and a water license sought as soon as possible.

CURRENT FOCUS OF ARSRP AND STATUS OF PROJECTS AND FUNDING

While currently under review, the following table maintained by the ARSRP Committee shows the recent status of current and future projects needed to support the establishment of a self-sustaining Alouette Reservoir Sockeye population.

| Issue | Starts | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 |
|---|------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| Program Objectives | | | | | | | | | | | | | | | | | | | | | |
| Management Objectives Related to Kokanee/Sockeye Production | I | ✓ | - | - | - | - | - | - | - | - | - | - | - | • | - | - | - | - | - | - | - |
| In Migration | | | | | | | | | | | | | | | | | | | | | |
| Periodicity of spawner returns | C/O | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | • | • | • | • | • | • | • |
| Trap and Truck | C/O ¹ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | • | • | • | • | • | • | • |
| Stock Identity through Genetic Analysis | C/O | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | • | • | • | • | • | • | • |
| Smolt to Spawner (Ocean) Survival | O | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | • | • | • | • | • | • | • |
| Physical Barriers to In-migration | n/a ² | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Escapement level Allowing for Limited Fishery | n/a ³ | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Spawning | | | | | | | | | | | | | | | | | | | | | |
| Spawning Periodicity | C | - | - | - | - | - | - | - | - | - | ✓ | ✓ | - | - | - | - | - | - | - | - | - |
| Spawning Habitat complete | C | - | - | - | - | - | - | - | - | - | ✓ | ✓ | - | - | - | - | - | - | - | - | - |
| Operational Impacts on Spawning | I | - | - | - | - | - | - | - | - | - | ✓ | ✓ | - | - | - | - | - | - | - | - | - |
| Egg to Fry Survival | I | - | - | - | - | - | - | - | - | - | ✓ | ✓ | - | - | • | • | • | • | • | • | • |
| Hybridization of Forms | I ⁴ | - | - | - | - | - | - | - | - | - | - | - | - | - | • | • | • | • | • | • | • |
| Long Term Viability of Populations | I ⁵ | - | - | - | - | - | - | - | - | - | ✓ | ✓ | ✓ | - | • | • | • | • | • | • | • |
| Rearing | | | | | | | | | | | | | | | | | | | | | |
| Productive Capacity of Alouette Lake Reservoir | C/O ⁶ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | • | • | • | • | • | • | • |
| Powerhouse and Adit gate Eutainment | I ⁷ | - | - | - | - | - | - | - | - | - | - | - | - | - | ? | ? | ? | ? | ? | ? | ? |
| Propensity for Anadromy | C/O ⁸ | - | - | - | - | - | - | - | - | - | - | - | - | - | • | • | • | • | • | • | • |
| Viable Kokanee Fishery | C/O ⁶ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | • | • | • | • | • | • | • |
| Out Migration | | | | | | | | | | | | | | | | | | | | | |
| Success of Spring Surface Release | C/O ⁹ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | • | • | • | • | • | • | • |
| Resiliency of Non-Anadromous Population | C/O ⁶ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | • | • | • | • | • | • | • |
| Should there be a Target Smolt Release? | I | - | - | - | - | - | - | - | - | - | - | - | - | - | • | • | • | • | • | • | • |
| Smolt Survival During Seaward Migration | I ¹⁰ | - | - | - | - | - | - | - | - | - | - | - | - | - | ? | ? | ? | ? | ? | ? | ? |

C - Complete; I - Incomplete; O - Ongoing

✓ - Complete; • - Scheduled

¹ Need to determine program threshold (150-200/day?) and consider future plan when number of returns increase

² No formal assessment; no physical barriers assumed based on success of other species (chum). May be formally assessed at a later date

³ Limited fishery not currently an objective. May be assessed if included as an objective

⁴ Clarify issue/objective and include in 11-year Phn

⁵ Nerkid model currently under review

⁶ Completed through Nutrient Program

⁷ Eutainment study to be determined

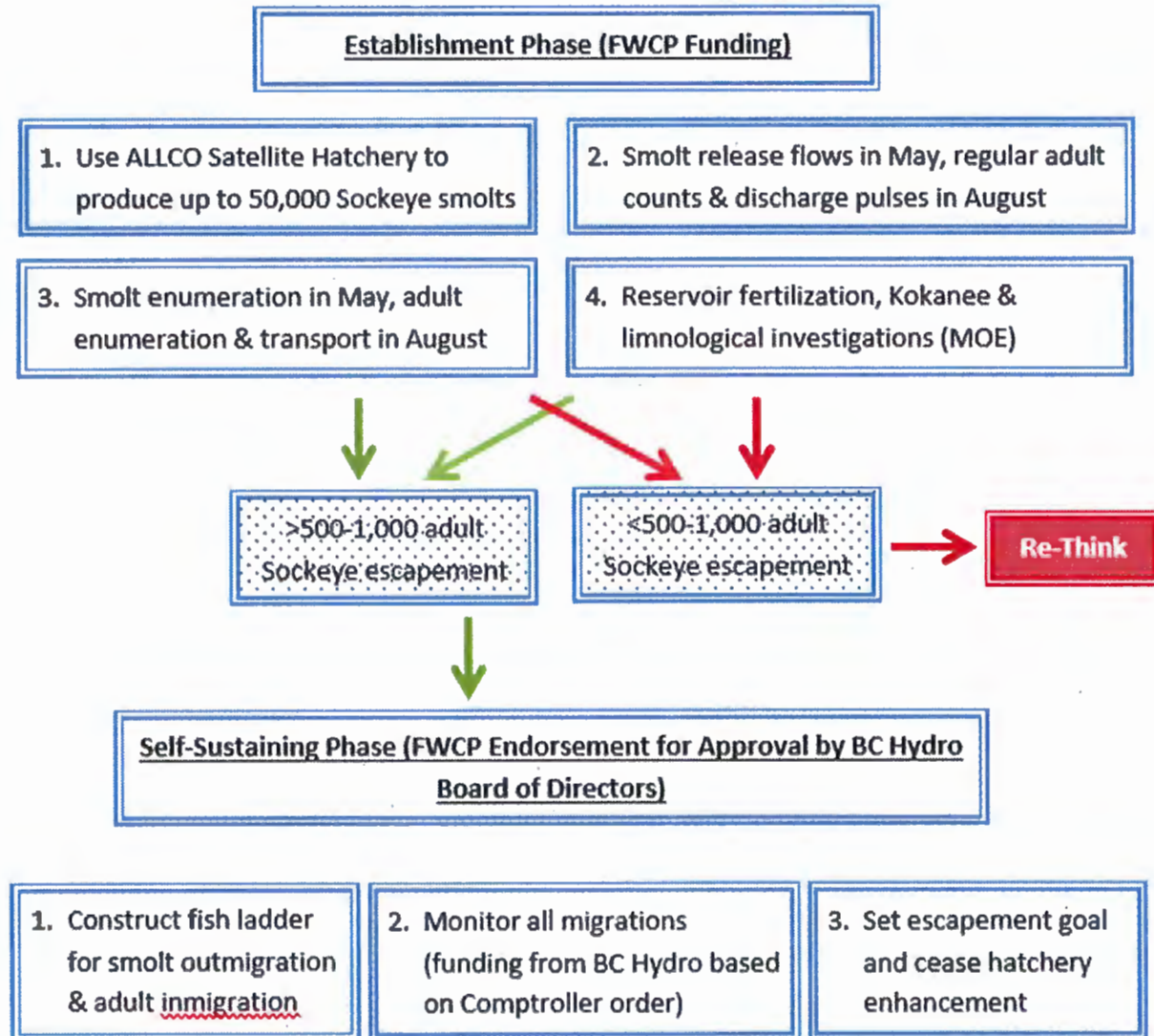
⁸ Success of re-anadromy assessed in 11-Year Phn

⁹ May assess success of pulse or increased flows

¹⁰ Tracking study required for assessment

NEXT STEPS, DECISION POINTS, COSTS AND UNCERTAINTIES

The schematic shows the decision points for the Alouette Sockeye establishment phase of the ARSRP. Hatchery enhancement is an essential component of the increase in escapement numbers to >500 adults to trigger the construction of a fishway that is hoped to eventually lead to the termination of hatchery enhancement. It is important to note that the >500 fish decision point has not been officially accepted by the ARSRP or BC Hydro.



TO: His Worship Mayor Michael Morden
and Members of Council

MEETING DATE: October 13, 2020

FROM: Chief Administrative Officer

MEETING: Workshop

SUBJECT: Process for Early Termination of Land Use Contracts

EXECUTIVE SUMMARY:

In 1971, the Provincial Government adopted changes to the *Municipal Act* (now called the *Local Government Act*) that allowed local governments to enter into Land Use Contracts with land owners and/or developers. A Land Use Contract is a contract between a property owner and a municipality that outlines the use and development permitted on a property. The regulations in a Land Use Contract are similar to those found within a zoning bylaw, except that the Land Use Contract is registered to title and may contain other items typically not found within a zoning bylaw, such as engineering servicing standards and development design guidelines. The legislation authorizing Land Use Contracts was repealed in 1978; however, Land Use Contracts approved prior to this date remain in force. Within the City of Maple Ridge, there are 29 Land Use Contracts still in effect.

In May 2014, the Province enacted Bill 17, which made changes to the *Local Government Act* that stipulates that all Land Use Contracts in British Columbia will be automatically terminated on June 30, 2024. Municipalities are required to enact zoning regulations for all properties affected by Land Use Contracts prior to June 30, 2022. The *Local Government Act* also allows municipalities to terminate contracts prior to 2024 provided zoning is enacted for the affected lands (Appendix A).

The purpose of this report is to: 1) outline a general process for terminating Land Use Contracts and zoning properties that would be left without any mechanism to regulate land use, and 2) present a strategy to meet provincial deadlines, that includes holding information sessions for property owners.

As each Land Use Contract will require its own, separate, Termination Bylaw, the intended approach is to terminate the Land Use Contract registered on the 29 property titles and zone each property at the same time. Occasionally, a Land Use Contract may apply to a single parcel but more commonly, it applies to one development project (subdivision or strata) and includes multiple land owners (see Appendix B for all Land Use Contract properties). Staff are planning to bring a number of reports to Committee of the Whole (CoW) over the course of 2021 and each report will terminate a number of Land Use Contracts and zone the associated properties.

RECOMMENDATIONS:

For information only.

1.0 BACKGROUND:

a) History

Between 1971 and 1978, the *Municipal Act* (now called the *Local Government Act*) allowed local governments to enter into Land Use Contracts with land owners and/or developers. Although Land Use Contracts are an agreement between the City and land owners/and developers, all Land Use Contracts were both adopted by bylaw and registered on title. The legislation authorizing Land Use Contracts was repealed in 1978; however, Land Use Contracts approved prior to this date remain in force.

In May 2014, when the Province made changes to the *Local Government Act* requiring municipalities to enact zoning regulations for all properties affected by Land Use Contracts prior to June 30, 2022, Maple Ridge was in a better position than other municipalities. For example, the City of Richmond had thousands of Land Use Contracts when the *Local Government Act* was changed. Comparatively, the City of Maple Ridge had a nominal number of Land Use Contracts still in effect and a number of properties regulated by Land Use Contracts had inquiries regarding development.

Since 2014, staff have taken the approach of encouraging the discharge of a Land Use Contract and the rezoning of a property instead of amending the Land Use Contract when an inquiry was received. This approach has been successful as only 29 Land Use Contracts are still in effect and two properties with Land Use Contracts are currently going through the rezoning process.

b) What is a Land Use Contract?

A Land Use Contract is an agreement between a property owner and a municipality to address the use and development permitted on the property. The regulations in a Land Use Contract are similar to those found within a zoning bylaw, except that the Land Use Contract may contain other items typically not found within a zoning bylaw, such as engineering servicing standards and development design guidelines. The intent of Land Use Contracts was to be a tool that allows local governments to arrive at agreements with specific developers to grant development permits over and above what was allowed under current zoning.

In summary, areas located within a Land Use Contract became the governing regulations related to a property rather than the Zoning Bylaw.

c) Why does the City have to eliminate Land Use Contracts?

The properties with a Land Use Contract are currently regulated by the Land Use Contract as it has the power to supersede any subsequent bylaw dealing with land use and development including: Zoning Bylaws, Subdivision Bylaws, and Development Permits.

In May 2014, Bill 17, which amended the *Local Government Act* and *Community Charter*, was passed by the Province of British Columbia. This Bill requires that all Land Use Contracts be terminated by June 30, 2024 and all municipalities that have Land Use Contracts within their jurisdiction have a zoning designation in place for each property regulated by a Land Use Contract by June 30, 2022. This Bill also:

- authorizes municipalities to pursue early termination of Land Use Contracts;
- requires local governments to give written notice of Land Use Contract termination to the property owner, when Land Use Contracts are terminated early or in advance of the sunset date of June 30, 2024; and
- extends the no compensation payable provision to land use decisions related to properties subject to a Land Use Contract.

Early terminations require a one-year waiting period as outlined by the *Local Government Act*. Further, the municipality must send additional letters after the one-year waiting period is complete informing the property owners of which zoning and other land use regulations apply to their properties.

d) What is the Early Termination Process for Land Use Contracts?

Each Land Use Contract will require its own separate Termination Bylaw. Bylaws to introduce zoning and to terminate a Land Use Contract registered on a property can be brought together at the same time for Council's consideration. Staff are reviewing each Land Use Contract and will propose a zone

designation that is closest to the Land Use Contract's permitted uses. However, the land uses permitted in the proposed zone must be consistent with the policies in the Official Community Plan as well as the zones and regulations of City of Maple Ridge's soon-to-be new Zoning Bylaw No. 7600-2019.

The *Local Government Act* requires that a Public Hearing be held for every Land Use Contract termination and that a Public Hearing Notice be delivered to all residents and tenants of properties within the Land Use Contract. Notice of the Public Hearing must also be delivered to adjoining property owners and tenants in accordance with the City's Procedure Bylaw with respect to Public Hearing notification. In accordance with Maple Ridge's regulations, all owners and tenants of property within 50 metres of the boundaries of the Land Use Contract being terminated must be notified. Under the *Local Government Act*, Public Hearing notices for Land Use Contract termination by-laws must contain a map of the Land Use Contract being discharged, as well as the names of roads adjacent to the Land Use Contract. The Public Hearing notice will also be published in two consecutive issues of the local newspaper in accordance with the *Local Government Act*.

Once new the zoning bylaw amendment is adopted by Council, the Land Use Contract is still in effect for one year, also referred to as a "waiting period". This means that zoning takes effect one year from the date the Land Use Contract is terminated.

e) Board of Variance (BoV)

In the event that a property owner considers that the timing of the termination causes a hardship, the *Local Government Act* allows for an application to be made to the Board of Variance (BoV) within 6 months after the adoption of the bylaw terminating the Land Use Contract. The BoV may extend the in-effect date of the new zoning up to June 30, 2024; however, the BoV does not have the authority to over-turn Council's decision to terminate the Land Use Contract or rezone the property.

2.0 DISCUSSION:

2.1 Land Use Contracts in Maple Ridge

In the City of Maple Ridge there are currently 29 Land Use Contracts that affect 128 (85 are Strata) properties. Occasionally, a Land Use Contract may apply to a single parcel, but more commonly, a Land Use Contract applies to a development that occurred as a single project (such as a housing subdivision) and includes multiple landowners. Table 1 (below) provides a quick snapshot of the various zoning bylaw amendments that may come before Council.

Table 1: Official Community Plan (OCP) Land Use Designation for effected properties

| OCP Land Use Designation | Total Number of Land Use Contracts | Total Number of Properties with a Land Use Contract |
|--------------------------|------------------------------------|---|
| Residential | 15 | 114 (85 Strata) |
| Agricultural | 4 | 4 |
| Commercial | 8 | 8 |
| Institutional | 1 | 1 |
| Park | 1 | 1 |
| TOTALS | 29 | 128 (85 Strata) |

2.2 Strategy for Terminating Land Use Contracts

Overall, the strategy is to terminate as many Land Use Contracts as possible by bringing forward multiple Land Use Contract Termination Bylaws to Council over the course of 2021. This strategy will ensure that the *Local Government Act* requirement is met before June 30, 2022. The Act requires that all municipalities have zoning in place for all Land Use Contract properties.

Whether a property has an “underlying zone” effects the approach staff will take when terminating a Land Use Contract. The term “underlying zone” refers to the zone assigned to a property that is regulated by a Land Use Contract. Although properties may have an underlying zone, the zoning has absolutely no effect on the land uses, density or building siting as the property is regulated by the Land Use Contract. However, there are properties in Maple Ridge that have a Land Use Contract and do not have underlying zoning.

2.2.1 Terminating Land Use Contracts with No Underlying Zoning

For properties that have a Land Use Contract and have no underlying zoning, the strategy is to bring a bundle of Land Use Contracts to Council for termination and present the bylaws to rezone the property at the same time. As a result, staff will be bringing a number of reports to Committee of the Whole (CoW) over the course of 2021. The intent of only bringing a couple Land Use Contracts for termination at a time, is to help reduce any potential confusion and to not overwhelm the Public Hearing process.

When considering possible underlying zoning, staff will review the uses permitted in the Land Use Contract and attempt to align the uses with a current zone. However, the proposed zone must be consistent with the Official Community Plan and City of Maple Ridge’s soon-to-be new Zoning Bylaw No. 7600-2019. In cases where the property aligns with a zoning designation and the Official Community Plan, but does not meet the zoning setbacks, a Development Variance Permit may be requested at the same time to avoid non-conforming issues arising. Overall, the process for terminating Land Use Contracts and rezoning affected properties closely follows the City’s usual rezoning process.

The Land Use Contract early termination and rezoning process is as follows:



The main difference between the City’s usual rezoning process and the Land Use Contract early termination process for implementing underlying zoning is that there is a one year waiting period after the zone amending bylaw is adopted. This means that with the Land Use Contract early termination process, zoning takes effect one year from the date the Land Use Contract is terminated. To clearly communicate the process and implications to effected property owners, staff are planning information sessions prior to first reading of the termination and zone amending bylaws.

2.2.2 Terminating Land Use Contracts with Underlying Zoning

There are some properties in Maple Ridge that have a Land Use Contract and have underlying zoning. Some of these properties have just gone through a rezoning process and the Land Use Contract will be removed from title shortly, and others were zoned either when the 1985 Zoning Bylaw was adopted or during an Area Planning process. Staff are reviewing the Land Use Contracts that were zoned after the Land Use Contract was in place to ensure that the underlying zoning is consistent with the policies in the Official Community Plan and the zones and regulations of City of Maple Ridge’s soon-to-be new Zoning Bylaw No. 7600-2019.

If the underlying zoning is consistent with the Official Community Plan and the City of Maple Ridge's soon-to-be new Zoning Bylaw No. 7600-2019, then the Land Use Contract will be automatically terminated on June 30, 2024. Meaning, no further work will be required.

If the underlying zoning is not consistent with the Official Community Plan or the City of Maple Ridge's soon-to-be new Zoning Bylaw No. 7600-2019, then these Land Use Contracts may be rezoned and follow the same process outlined in section 2.2.1 or the Official Community Plan amended.

2.3 Communication with Property Owners

Staff will be mailing information packages to properties owners that have a Land Use Contract registered to their property. Each information package will include general information on Land Use Contract's, a copy of Land Use Contract registered on title, information on proposed zoning, and all steps to be undertaken in terminating the Land Use Contract and zoning the property. The information packages for property owners who are already going through a zoning application process will vary slightly as they are already in contact with staff. The notification will also let the property owners know of two information sessions that will likely be in November.

One information session will be planned to be an in-person event, in a centralized location (in alignment with the City's Safety Plan and BC Restart Plan) and the second is proposed to be virtual. For each information session, property owners would have to register online for the event to assist with organizing the virtual session and to ensure all COVID health protocols, such as social distancing, are to be followed during the in-person information session. Orders from Provincial Health Officer will ultimately dictate the form of the proposed in-person information session.

The City's website will also include general information on Land Use Contracts as well as:

- Why the City is zoning properties with a Land Use Contract;
- List of properties with a Land Use Contract still in effect;
- Frequently asked questions (FAQs);
- Copy of the October 20, 2017 staff report; and
- Staff contact information.

Although early engagement and communication with property owners that have a property with an active Land Use Contract is not a legislative requirement in the *Local Government Act* or *Community Charter*, it is necessary in order to clearly communicate the process, the implications, and to effected property owners.

3.0 INTERDEPARTMENTAL IMPLICATIONS

Planning staff have been working collaboratively with City Clerks and have consulted the City's solicitor on the strategy for early termination of Land Use Contracts to ensure procedural accuracy.

4.0 INTERGOVERNMENTAL IMPLICATIONS

As the early termination and zoning process will be happening simultaneously, other government agencies, such as the Agricultural Land Commission (ALC) and Ministry of Transportation and Infrastructure, maybe engaged as part of City's usual zoning process.

5.0 FINANCIAL IMPLICATIONS

Cost implications include requests to the Land Title Office, a mail out to property owners for early engagement, and Public Hearing notification costs, such as mail outs, newspaper ads, and signage. In addition, there will be staff resources required to coordinate the initiative. However, most of these

costs are associated to requirements under the *Local Government Act* for the required termination of Land Use Contracts and are necessary to clearly communicate the process and implications to affected property owners.

CONCLUSION:

The purpose of this report is to outline the general process for terminating Land Use Contracts and rezoning properties with active Land Use Contracts. This report also outlines a strategy to meet Provincial legislated deadlines. In May 2014, the Province made changes to the *Local Government Act* that directs that all municipalities are required to enact zoning regulations for all properties affected by Land Use Contracts by June 30, 2022. The *Local Government Act* also states that all Land Use Contracts in British Columbia will be automatically terminated on June 30, 2024.

To meet Provincial legislated deadlines, the strategy is to terminate as many Land Use Contracts as possible by bringing bundles of Land Use Contracts termination bylaws to Council meetings over the course of 2021. The applicable bylaws to rezone the property will be presented to Council at the same time of the Land Use Contract termination bylaw.

To ensure the process and implications are clearly communicated to property owners, staff will be mailing tailored information packages to properties owners, hosting two information session, one virtual and one in-person likely in November (dependant on Provincial Health Orders), and creating a page on the City's website that will include with general information on Land Use Contracts.

"Original signed by Krista Gowan"

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Planner 1**

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GM Planning & Development Services**

"Original signed by Al Horsman"

**Concurrence: Al Horsman
Chief Administrative Officer**

The following appendices are attached hereto:

- Appendix A – Miscellaneous Statutes Amendment Act, 2014 (Bill 17, 2014) Bulletin
- Appendix B – Map of properties with a Land Use Contract



Bulletin

Miscellaneous Statutes Amendment Act, 2014 (Bill 17, 2014)

Amendments to Local Government Act, Community Charter and Vancouver Charter are now in force (as of the date of Royal Assent-May 29, 2014)

Note: Historical bulletins contain valuable information from a point in time and are not kept up to date. For current information, users are advised to check legislation and the local government content on the B.C. government website.

Bill 17, 2014, the ***Miscellaneous Statutes Amendment Act, 2014*** includes amendments to streamline local and provincial government land use planning and development approvals, modernize outdated legislative tools and provide greater certainty and transparency for residents and those who develop and build within communities. Specifically, Bill 17 introduced amendments to the *Local Government Act*, *Community Charter* and *Vancouver Charter* to remove unnecessary ministerial approvals for certain land use planning and development bylaws; allow modern land use policies and practices to replace land use contracts; and, protect developers from increases in development cost charges (DCC) (or development cost levies (DCL) in the City of Vancouver) for 12 months after DCC/DCL rate increases are made, where a rezoning or development permit application is in process.

Amendments:

Amendments to the *Local Government Act*, *Community Charter* and *Vancouver Charter*:

Removing the requirement for Ministerial approval for Regional District (RD) land use bylaws

The following amendments remove the requirement for Ministerial approval of certain RD land use bylaws, streamlining the RD bylaw approval process. They also broaden the authority of the Minister to develop provincial policy guidelines in relation to RD land use bylaws, providing an opportunity to provide clarity regarding provincial interests and support the appropriate notification and referral of regional district bylaws to Provincial ministries and agencies.

- Removes requirement for Ministerial approval of RD OCP, zoning, subdivision servicing and temporary use bylaws (*LGA* s. 882, 913, 921, 930, 938).
- Provides discretionary authority for the Minister to require approval of RD bylaws (*LGA* s. 874.1).
- Broadens the existing authority of the Minister to develop provincial policy guidelines in relation to RD zoning, subdivision servicing and temporary use bylaws (*LGA* s.873.2).
- Removes the requirement for the minister responsible for the *Transportation Act* to approve subdivision servicing bylaws, if a regional district provides the subdivision approving officer services, and provides discretionary regulatory authority for that minister to require approval of such bylaws (*LGA* s. 938(3.1)).

Removing Ministerial approval for soil removal and deposit bylaws that include fees

Ministry of Community,
Sport and Cultural
Development

Intergovernmental Relations and
Planning

PO Box 9841 Stn Prov Govt
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- Removes the requirement for the Minister to approve the application of fees within *municipal* soil removal and deposit bylaws (*CC* s. 195(3)), and for such *regional district* bylaws (*LGA* s. 723(7)).
- Note: The Ministry of Environment maintains its approval role for soil deposit bylaws, and the Ministry of Energy and Mines maintains its approval role for soil removal bylaws.

Terminating Land Use Contracts (LUC)

- Provides for the termination of all land use contracts in affected BC municipalities and regional districts on the “sunset” date of June 30, 2024 and requires all local governments to have zoning in place for lands covered by land use contracts by June 30, 2022 (*LGA* Part 26, Division 7.1, s. 914.1).
- Enables local governments to undertake early termination of land use contracts under certain conditions (*LGA*, Division 7.1, s. 914.2), namely:
 - Early termination bylaw is adopted on or before June 30, 2022;
 - Early termination bylaw comes into force at least one year after it is adopted;
 - A public hearing, which cannot be waived, is held (*LGA* s. 892, 893);
 - Zoning is in place where land use contracts are to be terminated; and
 - Proper land title office is notified of early termination bylaw within 30 days of its adoption.
- Requires local governments to give written notice of land use contract termination, when land use contracts are terminated early or in advance of the sunset date of June 30, 2024 (*LGA* s. 914.3).
- Provides Boards of Variance with new authority to extend the dates set in early termination bylaws for reasons of hardship, up to the sunset date of June 30, 2024 at the latest (*LGA* s.901.1).
- Provides non-conforming use status to land, buildings and structures that are on land subject to a land use contract after land use contracts are terminated (*LGA* s. 911).
- Provides that compensation is not payable with regard to land use decisions for the termination of land use contracts, which extends the current no-compensation provisions currently provided in relation to land use bylaws (*LGA* s. 914).
- Note: this amendment does not impact the City of Vancouver, as there are no lands affected by land use contracts in the City.

Providing in-stream protection from DCC/DCL rate changes

- Provides developers with 12 months protection from increases to development cost charges (DCCs) if a DCC bylaw is adopted after an application for a rezoning or a development permit has been submitted to a local government for approval (in a form acceptable to the local government and fees paid) (*LGA* s.937.001).
 - The same level of protection currently exists for subdivision (*LGA* s. 943) and building permit applications (*LGA* s. 937.001).
- Provides that the same 12-month protection applies to development cost levy (DCL) rate changes in the City of Vancouver for development permit and rezoning applications (in a form acceptable to the City and fees paid) (*VC* s.523D).
 - The City of Vancouver currently has the same level of protection for building permit applications (*VC* s. 523D (8.2)).

Practical Considerations:

- The changes came into force on the date that the *Miscellaneous Statutes Amendment Act, 2014* (Bill 17) receives Royal Assent. Royal Assent was received on May 29, 2014.

Statutes Amended:

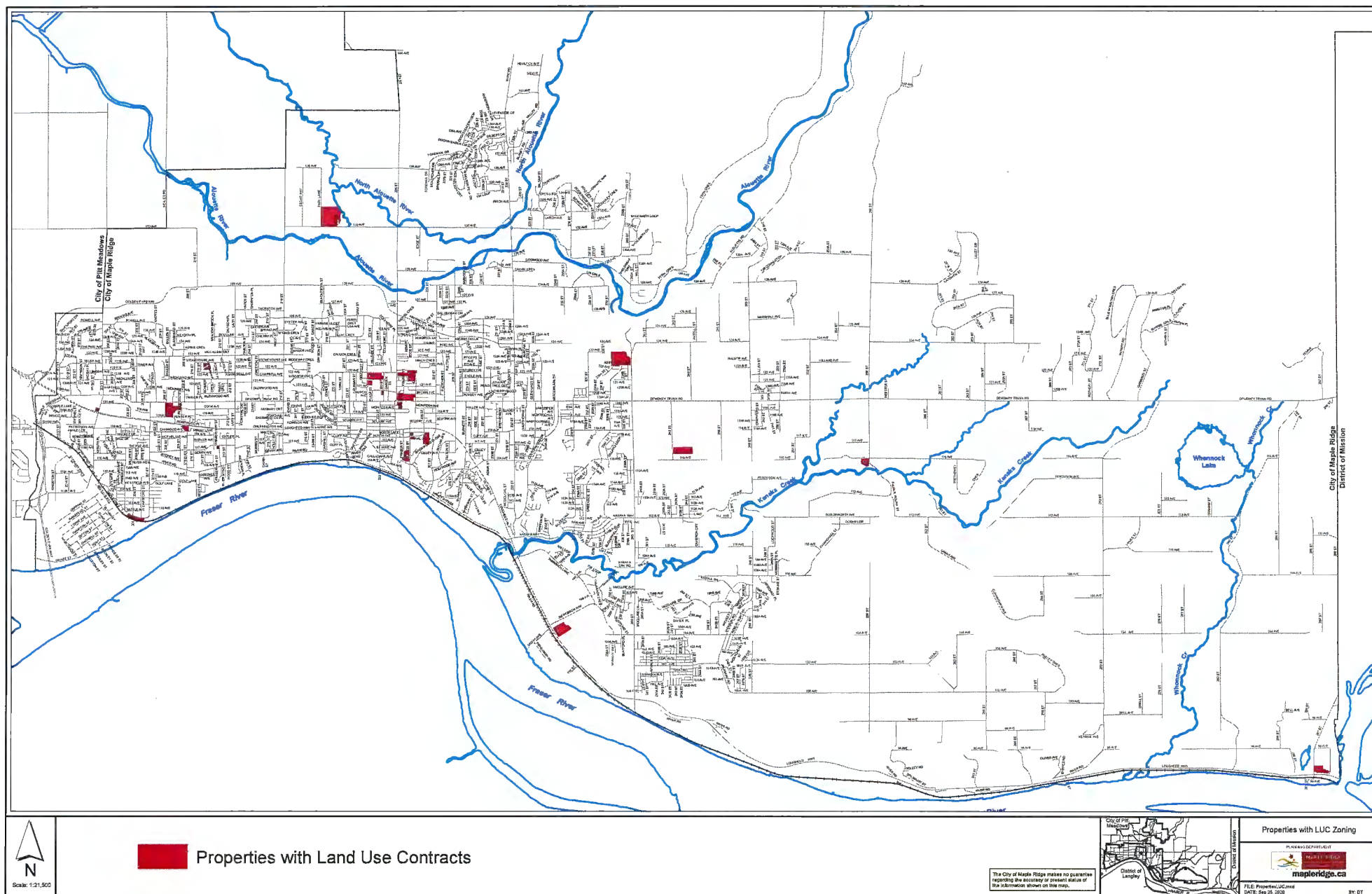
Local Government Act: sections 5, 723, 870, 873.2, 874.1, 876, 882, 890, 892, 893, 900, 901.1, 911, 913, 914, 914.1, 914.2, 914.3, 914.4, 921, 930, 937.001, 938

Community Charter: section 195

Vancouver Charter: sections 2.1, 523D

Link to Bill 17, 2014

http://leg.bc.ca/40th2nd/3rd_read/gov17-3.htm



TO: His Worship Mayor Michael Morden
and Members of Council
FROM: Chief Administrative Officer

MEETING DATE: October 13, 2020
FILE NO: 1-0540-30-04
MEETING: Workshop

SUBJECT: Extension of Expedited Patio and Parklet Process

EXECUTIVE SUMMARY:

On September 18, 2020 the Liquor and Cannabis Regulation Branch (LCRB) extended their approval of **Temporary Expanded Service Areas (TESA)** for patios until October 31, 2021 under policy directive 20-26. This directive allowed restaurants, cafes and craft breweries to operate seasonal outdoor seating areas on patios, sidewalks and parklets using both public and private spaces.

The BC Restaurant and Food Services Association (BCFRA) has requested local governments support the extension of this policy directive by allowing operators to continue using their existing patios, and to develop a simplified process that allows operators to “winterize” their existing patios. This may include allowing businesses to add covers, lighting and space heaters to their patios.

In order to assist these businesses, staff are recommending that the City support the extension of the current expedited permitting process to October 2021, in line with the latest adjustments made by the LCRB, and support the “winterization” of patios where the location permits, and where the proposed construction can meet health and life safety standards established by the province and administered by the City. Additionally, extending the expedited permitting process allows restaurants and craft breweries that did not participate in the initial program enough time to plan and budget for having a patio in the New Year.

RECOMMENDATIONS:

1. That the current expedited permitting process that allows restaurants, cafes and craft breweries to operate outdoor patios be extended until October 31, 2021 in alignment with the Province’s newly announced policy directive Temporary Expanded Service Area Authorization for food primary, liquor primary, and manufacturer licensees.
2. That “winterization” of patios be supported where the location permits, and where the proposed construction can meet health and life safety standards established by the province and administered by the City.

DISCUSSION:

a) **Background Context:**

The COVID-19 pandemic has had a significant impact on restaurants, cafes and craft breweries in Maple Ridge. The current COVID-19 operating guidelines for this sector requiring a two-metre separation between tables limit the number of customers that can be served indoors at any one time. Outdoor patios have allowed restaurants, cafes and craft breweries to offset some of the loss of capacity by providing additional room to safely seat guests.

In order to help the hospitality industry, the LCRB developed the *Temporary Expanded Service Area (TESA)* program that allowed restaurants and craft breweries to expand their service areas until October 31, 2020; the LCRB has now extended this policy directive until October 31, 2021. This policy continues to require applicants obtain all necessary municipal approvals.

At the Council Workshop on June 9, 2020, Council voted to support the recommendations contained in the *Processes for Expedited Patio and Sidewalk Cafes* staff report. Since the adoption of that report, the Economic Development Department has received 11 inquiries from businesses that expressed interest in participating in the initial expedited patio program. Four of these businesses proceeded with their applications, and all were approved. Please note this does not include Chameleon Café's patio as it was approved prior to the establishment of the expedited patio processing program and the LCRB's Temporary Expanded Service Area policy directive.

Please note the following:

1. The approved patios at Maple Meadows Brewing and Home Restaurant are located on private property.
2. The approved patios at Silver Valley Brewing, Taco Fan and Chameleon Café are located in the on-street parking spaces in front of the respective businesses and are regulated through Highway Use Permits.
3. Taco Fan does not currently have a liquor licence so they are not part of the TESA program which extends the alcohol service area.
4. The Home restaurant has an approved patio area, but have not utilized it as of yet.

The remaining seven businesses that made initial inquiries were encouraged to make formal applications but have chosen not to proceed at this time; the City has not rejected any applications that have been made under this program. Extending the expedited patio program allows these and other businesses additional time to plan and budget for building new patios.

Process for approving extensions for existing patios

The LCRB has reached out to local governments to confirm their support for the extension of approved TESA authorizations in their jurisdiction prior to extensions being granted. They will be asking local governments to confirm their support or objection for extension of TESA authorizations in their jurisdiction with the LCRB by October 16, 2020. Staff recommend authorizing the extension of all current TESA approvals in Maple Ridge.

Applications for new outdoor patios

Staff are recommending the extension of the *Processes for Expedited Patio and Sidewalk Cafes* so new applications for an outdoor patio in a public space will follow the same expedited process as was implemented for the summer season:

1. Applicants submit a request to the Engineering Department with a simplified drawing showing the location, dimensions of the proposed patio area, and clearances for pedestrian traffic.
2. Upon receipt of the request, Engineering staff review the site on behalf of the applicant to identify cafe boundaries that would satisfy the above public access and safety criteria.
3. The applicant provides proof of \$5 million liability insurance and add the City as a named insured to their insurance policy.
4. The use of the public space for an outdoor patio will be regulated through the issuance of a Highway Use Permit. The City will waive any and all applicable Highway Use Permits fees for the applicant until October 31, 2021.
5. Building permits and inspections will be required if structural elements such as floors, roofs or walls are being added, and to install electrical, plumbing or natural gas appliances or fixtures.

Businesses who have not yet submitted a TESA authorization application can still do so by visiting the online licensing application portal up to October 31, 2021.

Winterization of patios

In general, staff support allowing patio operators to “winterize” their patios. This would include allowing operators to enclose the patio and/or add space heaters where the location permits, and where the proposed construction and operation can meet all health and life safety standards established by the province and administered by the City. To ensure this, the City will require the appropriate Temporary building permits and inspections to “winterize” an outdoor patio.

At a minimum, the City will require the following:

1. A Registered Professional (engineer) will be required to sign off on any proposed structures to ensure its anchorage, and its ability to resist to wind forces (wind uplift) and to support snow loads.
2. If patio heaters are included, the following will be required:
 - a. sufficient clearances between the structure and any patio heater,
 - b. an approved system that safely vents combustion gases from the enclosure,
 - c. installation of Carbon Monoxide detectors.
3. The design and construction of the structure must allow visual access into the space for monitoring purposes as well as to limit potential vehicle sight line obstruction.
4. The Building Department will waive any and all applicable Building, Electrical and Gas Permits fees and associated securities for the applicant until October 31, 2021.

To date, none of the restaurants or craft breweries currently operating a seasonal patio have applied to “winterize” their patios. However, extending the timeframe these patios are allowed to operate may encourage businesses to re-consider how they can extend the use of their existing patios.

b) Desired Outcome:

Restaurants, cafes and craft breweries are significant contributors to the local economy and play a crucial role in creating a dynamic, vibrant social environment for residents and visitors alike in Maple Ridge. Expediting the permitting process for outdoor patio spaces and allowing them to be “winterized” will help these business offset some of the seating capacity they have lost to comply with COVID-19 operating restrictions. Hopefully, the proposed changes will not only allow these business to meet the operating challenges they face, but they may also provide new dining and entertainment options for residents and visitors to Maple Ridge.

c) Strategic Alignment

Creating a vibrant, animated Town Centre is one of the key economic development priorities of the City of Maple Ridge. Restaurants, cafes and craft breweries have all be identified as key elements in creating an attractive, socially active downtown destination for residents and visitors.

d) Citizen/Customer Implications

The creation of additional outdoor seating allows restaurants, cafes and craft breweries to operate at a higher capacity while maintaining physical distancing requirements to ensure public safety. This in turn allows these establishments to hire more staff, provide more local dining and social opportunities for residents, and provides additional activity and animation in the community.

e) Interdepartmental and Policy Implications

The City has well-established policies and regulations that govern the location and operation of sidewalk cafes. The Economic Development Department will work with the Engineering, Building, Bylaw & Licences, and Planning departments to implement the expedited processes proposed in this report which would temporarily supersede the current regulations for sidewalk cafes.

f) Business Plan/Financial Implications

The Economic Development Department is recommending the City waive any Highway Use Permit fees for Sidewalk Cafes for the period of time until October 31, 2021.

g) Alternatives

Council could choose to continue with the current practices, regulations and timelines that govern outdoor patios.

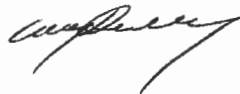
CONCLUSION:

Restaurants, cafes and craft breweries are important parts of the economic and social fabric of Maple Ridge. They are significant employers, support other local business through their supply chains, and provide a valued opportunity for socializing with friends and families.

While these businesses are now able to re-open, the current COVID-19 physical distancing requirements mean that many will only be able to operate at 50 per cent or less of their pre-COVID-19 capacity. Patios provide crucial additional seating that helps offset some of the loss of revenue these businesses have been experiencing. Extending the existing patio program allows additional time for more businesses to plan and budget for new patios. The extended operating time also provides an additional level of certainty for businesses who may be considering "winterizing" their existing patios, allowing them a longer time-frame to recoup their costs, and also allowing businesses that chose not "winterize" their patios, the ability to quickly re-open in the spring, weather permitting.



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Reviewed by: **Wendy Dupley, Ec.D**
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