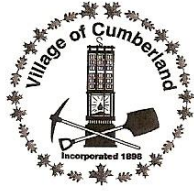


**Monday October 1, 2018 at 5:30pm
Council Chambers**

- 1. Call to Order**
- 2. Approval of Agenda**
- 3. Approval of the Minutes:** September 10, 2018
- 4. Heritage Members:** Resignation of Gillian Brooks
- 5. Referral from Council:** Development Procedures and Fees Bylaw No. 1073, 2018
- 6. Statement of Significance (SOS) Project:**

All the five Statements of Significance, with edits provided by the Commission and staff, are attached for final review.

 - a) Camp Road Neighbourhood
 - b) Chinatown, Coal Creek Historic Park
 - c) Cumberland Cemetery
 - d) Ilo Ilo Theatre
 - e) Saito House
- 7. Next Meeting:** Monday November 5, 2018 5:30 pm.
- 8. Termination**



Corporation of the Village of Cumberland

Heritage Commission Minutes

Minutes of the Heritage Commission held on Monday, September 10, 2018 in Council Chambers at 2675 Dunsmuir Avenue, Cumberland, BC.

PRESENT: Paul Laronde Acting Chair Karen Webber
Gillian Brooks

ABSENT: Meaghan Cursons Councillor Gwyn Sproule
Mike Tymchuk

STAFF Judith Walker, Senior Planner
Ken Rogers, Manager of Development Services

1. Call to Order 5:35 pm.

2. Approval of Agenda

Webber/Brooks: THAT the agenda be approved.

CARRIED

3. Approval of the Minutes

Deferred to October 1, 2018 meeting: requires two members from the August 7, 2018 meeting. Note: Chair decided to proceed with the SOS Project as the applicants for the rezoning were delayed.

4. Statements of Significance (SOS Project): Five final documents from consultants

Webber/Brooks: THAT due to only three members being present, that the final review be deferred to October 1, 2018 meeting.

CARRIED

Staff comment: All members to review the documents for any final edits and bring comments to the meeting.

5. Referrals from Council:

a) 2018-01 RZ (2771 Dunsmuir Avenue) & 2018-02 RZ (2773 Dunsmuir Avenue)

Brooks/Webber: THAT the Heritage Commission recommends to Council that Vacation Rentals be considered as a permitted principal use for the property described as That Part of Lot 11, Block 16, District Lot 21, Nelson District, Plan522-A, Lying to the East of a Straight Boundary Joining the Points of Bisection of the Northerly and Southerly Boundaries of said Lot 11 (2771 Dunsmuir Avenue).

CARRIED

Webber/Brooks: THAT the Heritage Commission recommends to Council that Vacation Rentals be considered as a permitted principal use for the property described as The Easterly ½ of Lot 10, Block 16, Nelson District, Plan 552A (2773 Dunsmuir Avenue).

CARRIED

6. Next Meeting:

Monday October 1, 2018 in Council chambers at 5:30pm.

7. Termination:

Webber: THAT the meeting terminate.

Time: 5:50pm.

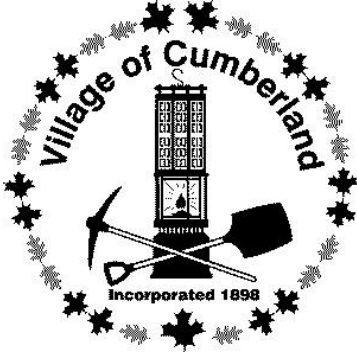
Certified Correct:

Confirmed:

Chair

Deputy Corporate Officer

HERITAGE COMMISSION REPORT



REPORT DATE: September 27, 2018
MEETING DATE: October 1, 2018

TO: Heritage Commission
FROM: Joanne Rees, Planner
SUBJECT: Development Procedures and Fees Bylaw No. 1073, 2018:
Referral Staff Report

RECOMMENDATION

- i) THAT the Heritage Commission receive the Development Procedures and Fees Bylaw No. 1073, 2018, Referral Staff Report;
- ii) THAT the Heritage Commission recommends to Council to approve the Development Procedures and Fees Bylaw No. 1073, 2018.

SUMMARY

Council gave 1st and 2nd reading to Development Procedures and Fees Bylaw No. 1073, 2018 on August 8, 2018. At that meeting, Council approved a communication strategy to inform the public on the proposed new procedures and fees and directed staff to take Bylaw No. 1073 to the Heritage Commission, the Advisory Planning Commission, the Accessibility Select Committee and the Homelessness and Affordable Housing Committee. Comments from the Commissions and Committees will be forwarded to Council at a future meeting.

BACKGROUND

The Development Procedures and Fees Bylaw No. 1073, 2018 proposes to amend the previous bylaw and update the procedures and fees. Staff tracked the actual time to process various applications and, through a well-documented methodology, developed a fee structure in line with other municipalities which does not subsidize development and burden the taxpayer. The *Local Government Act Part 14, Division 2, Section 462*, allows for a fee to be imposed that must not exceed the estimated average costs of processing, inspection, advertising and administration usually related to the type of application or other matter to which the fee relates, however, a fee may recover the costs to process the applications and cover the costs of administering and inspecting works and services.

IAP2 Spectrum of Public Participation

Staff was directed to develop a communication strategy to inform the public, including builders and developers, of the proposed new fees and consult with the Village's Committees and

Commissions. According to IAP2, there is a five level spectrum of public participation, ranging from “Inform” to “empower”. Different types of participation are utilized depending on the desire of Council for empowerment on decision-making.

The “inform” level goal is to provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions. The second level is “consult” which is to obtain public feedback on analysis, alternatives and/or decisions. Both levels recommend use of the Village website as the key mechanism through which to “inform” and include an open house meeting as the primary mechanism to “consult”.

Staff recommend a “Level 2, Consult” for the public communication strategy and a referral to Commissions and Committees, as directed by Council. An open house meeting is proposed to be held to allow the public to engage with Village staff on any of their concerns regarding the new fee structure. The cost to process the various applications has been calculated based on staff time at a defined rate of pay. To proceed at a lower fee for service rate rather than the suggested new fee will indicate that the Village is providing an assist factor or subsidy to the development procedures and fees cost structure through general revenue. The Open House is to listen and allow staff to carry forward any concerns to Council for review and consideration.

Communication Strategy

The following strategy with listed action items and proposed dates is as follows.

STRATEGY	ACTION	PROPOSED DATE
Information for Village website, front counter (posters) and sent to builders and developers (email)	Fact sheets and FAQ’s prepared with a comment sheet	September 28
Heritage Commission	Asked to provide comments on Bylaw	October 1
Advisory Planning Commission	Asked to provide comments on Bylaw	October 2
Accessibility Select Committee	Asked to provide comments on Bylaw	October 15
Inform builders and developers, and public	Invitation to Open House (emails) and on website and posters	October 25
Open House	Wednesday November 14, 4-6pm in Council Chambers	November 14
Homelessness and Affordable Housing Select Committee	Asked to provide comments on Bylaw	November 14
Staff report	Agenda deadline for staff report with results of open house and Commission and Committee referrals	November 20
Council meeting	Council considers 3 rd reading of the bylaw.	November 26
Council meeting	Council considers adoption of the bylaw	December 10

FINANCIAL IMPLICATIONS

Significant financial implications are expected for the status quo. The need to adjust fees to recover cost of processing is documented, tracked, and used as a foundation of the Bylaw Amendment report. If there is no adjustment in fees adopted, this will result in unrecovered costs that are offset through general revenues and thus impact on other areas of operations for the community.

OPERATIONAL IMPLICATIONS

The review of bylaws are part of the services provided by the Planning Department.

STRATEGIC OBJECTIVE

Maintain an ongoing civic engagement process.

ATTACHMENTS

1. Development Procedures and Fees Bylaw No. 1073, 2018
2. IAP2 Spectrum of Public Participation

CONCURRENCE

Ken Rogers, Manager of Development Services

OPTIONS

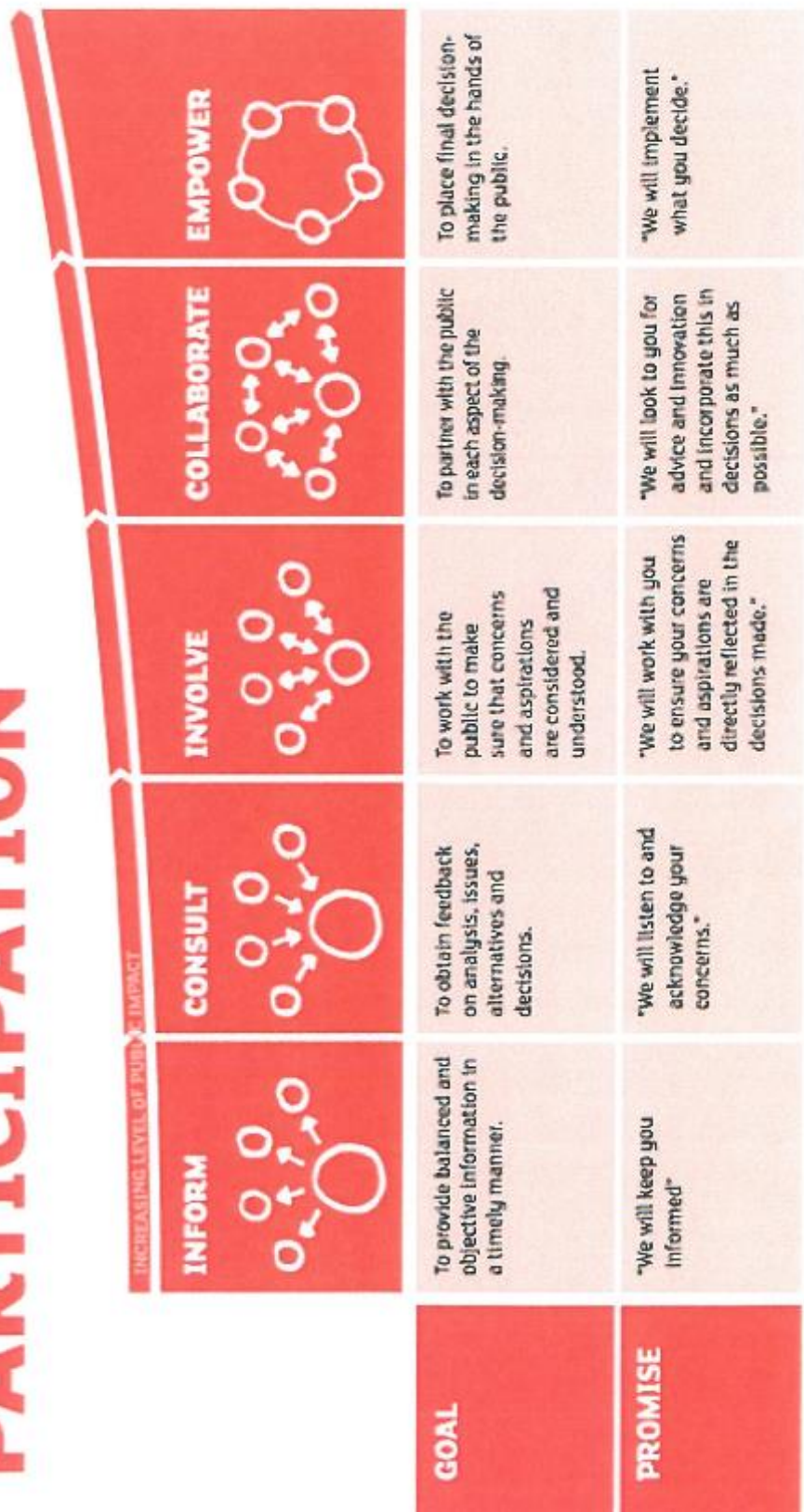
- i) THAT the Heritage Commission recommend that Council approve Development Procedures and Fees Bylaw No. 1073, 2018; or
- ii) Any other action deemed appropriate by the Heritage Commission.

Respectfully submitted,

Joanne Rees
Planner

Sundance Topham
Chief Administrative Officer

IAP2 SPECTRUM OF PUBLIC PARTICIPATION



BYLAW STATUS

TITLE: Development Procedures and Fees Bylaw No. 1073, 2018.

AUTHORITY: Village of Cumberland

PURPOSE: A bylaw to establish procedures and fees for land use development within the Village of Cumberland

DATE: August 13, 2018
COUNCIL DECISION: First and second reading and referral

DATE: October 1, 2018
HERITAGE COMMISSION:

DATE:
ADVISORY PLANNING COMMISSION:

DATE: November 14, 2018
ACCESSIBILITY COMMISSION:

DATE:
COUNCIL DECISION:

CORPORATION OF THE VILLAGE OF CUMBERLAND

BYLAW NO. 1073

**A bylaw to establish procedures and fees for land use development
within the Village of Cumberland**

The Council of the Corporation of the Village of Cumberland in open meeting assembled hereby enacts as follows:

1. TITLE

This bylaw may be cited for all purposes as the 'Development Procedures and Fees Bylaw No. 1073, 2018.'

2. APPLICATION

- a) This Bylaw is applicable to all lands and surface of the water within the Village of Cumberland that are subject to any permit or application procedure as outlined in this Bylaw.
- b) Procedures under which an Applicant of land may apply for an amendment to the Official Community Planning and/or the Zoning Bylaw are set out in Schedule A which is attached and forms part of this Bylaw.
- c) Procedures under which an Applicant of land may apply for a Development Permit are set out in Schedules B and B-1 which are attached and form part of this Bylaw.
- d) Procedures under which an Applicant may apply for a Heritage Alteration Permit are set out in Schedules C and C-1 which are attached and form part of this Bylaw.
- e) Procedures under which an Applicant of land may apply for a Development Variance Permit are set out in Schedules D and D-1 which are attached and form part of this Bylaw.
- f) Procedures under which an Applicant of land may apply for a Temporary Use Permit are set out in Schedules E and E-1 which are attached and form part of this Bylaw.
- g) Procedures under which an Applicant of land may apply for a Manufactured Home Park Permit are set out in Schedules F and F-1 which are attached and form part of this Bylaw.
- h) Procedures under which an Applicant may apply for a Compliance Determination for any property within the Village boundaries are set out in Schedule G which is attached and forms part of this Bylaw.
- i) Procedures under which an Applicant may apply for a Site Specific Exemption to Flood Construction Level and Setbacks for any property within the Village boundaries are set out in Schedule H which is attached and forms part of this Bylaw.

3. **RELATION TO THE LOCAL GOVERNMENT ACT**

This Bylaw is not intended to conflict with any provision of the *Local Government Act* relating to any application or to fetter any statutory authority of the Village.

4. **DEFINITIONS**

For the purpose of this Bylaw, the following definitions apply. The context meaning of terms contained in this Bylaw and not defined herein, are to be determined in accordance with firstly, 'Zoning Bylaw No. 1027, 2016' as amended from time to time, secondly this Bylaw and thirdly in the Canadian Oxford dictionary.

<i>APPLICANT</i>	means a person registered in the land registry records as Applicant of land or of a charge on land, whether entitled to it in his/her own right or in a representative capacity or otherwise.
<i>CHIEF ADMINISTRATIVE OFFICER (CAO)</i>	means the person appointed by Council pursuant to s.147 of the <i>Community Charter</i> to carry out the duties of this position.
<i>COUNCIL</i>	means the Council of the Corporation of the Village of Cumberland.
<i>INACTIVE</i>	means any application that remains incomplete, or during processing, becomes dormant due to an Applicant's deficiency in fulfilling the requests/requirements of staff or Council.
<i>NEIGHBOURHOOD PUBLIC MEETING</i>	means a meeting open to the public, held by the Applicant, to discuss and answer any questions relating to the proposed development or project and provide information to anyone who attends. The intent of this meeting is to collect the comments of the neighbours in a casual comfortable format that is not to be confused with a Public Hearing that may be required as part of this application process.
<i>VILLAGE</i>	means, as the context requires, the Village of Cumberland, or the area within the boundaries of the Village of Cumberland.

5. **SEVERABILITY**

If any part of this bylaw is found to be invalid it may be severed without affecting the validity of the balance of the bylaw.

6. **INTERPRETATION**

Whenever the singular or masculine is used in this Bylaw, the same is deemed to include the plural or feminine or the body politic or corporate as the context requires.

7. REPEAL

The following Bylaw is hereby repealed in its entirety upon adoption of this Bylaw:

- a) 'Village of Cumberland Development Procedure and Fees Bylaw No. 1008, 2014'.

READ A FIRST TIME THIS	13th	DAY OF	August	2018.
READ A SECOND TIME THIS	13th	DAY OF	August	2018.
READ A THIRD TIME THIS		DAY OF		2018.
ADOPTED THIS			DAY OF	2018.

Mayor

Corporate Officer

Application to Amend the Official Community Plan (OCP) and/or the Zoning Bylaw

1. APPLICATION

- a) An application shall be completed upon a form provided by the Village which then shall be delivered to the Village together with such additional plans and particulars as may be required. The application is considered as being accepted when all the required information (including fees) has been received.
- b) Each legal parcel shall be considered as a separate application, unless otherwise determined by the Chief Administrative Officer.

2. RE-APPLICATION

An application that has been refused by Council shall not be reconsidered for a period of 12 months immediately following the date of refusal, except as permitted pursuant to the provisions of the *Local Government Act*. A re-application is considered a new application and additional fees apply, as noted in Section 7 of this schedule.

3. ABANDONED APPLICATIONS

An application which has been inactive for more than six months is deemed to be abandoned and will be closed.

4. NEIGHBOURHOOD PUBLIC MEETING(S)

- a) Applications to amend the OCP and/or Zoning Bylaw require the Applicant to hold a Neighbourhood Public Meeting prior to presentation of the application to Council for first reading. The Neighbourhood Public Meeting shall be held in a venue in the Village of Cumberland. The Applicant is required to prepare a summary of comments and/or concerns from the meeting and submit this summary to the Village in a timely manner so that this information is available for Council.
- b) Council may require additional public consultation, the cost of which will be borne by the Applicant.

5. NOTIFICATION

- a) The Applicant shall ensure that the notice of the Neighbourhood Public Meeting is placed in one edition of a local newspaper and mailed or otherwise delivered to adjacent land owners and occupiers of all properties within a 75.0 metre (246.0 feet) radius of the lot lines of the land involved under application at least 10 days before the Neighbourhood Public Meeting.

Schedule A

- b) Within 10 days of the application being made, the Applicant shall install a Public Notice Sign advising of the application in a location visible from the road on the subject property. If the property has two road frontages, two signs may be required. The sign shall be in the format acceptable to the Village. The sign must remain in place until the last act of Council and shall be removed within 10 days of that date.
- c) The Village shall mail or otherwise deliver a notice of Public Hearing or waiving of Public Hearing to the owners and occupiers of all properties within a 75.0metres (246.0feet) radius of the lot lines of the subject property at least 10 days before the Public Hearing or consideration by Council if the Public Hearing is to be waived as required by the Local Government Act.
- d) The Village shall advertise a Public Hearing or waiving of a Public Hearing as required by the *Local Government Act*.

6. APPLICATION REQUIREMENTS

- a) The completed **application form** including the applicable fees and the authorizing signatures of the Applicant.
- b) A **Surveyors Certificate** prepared by BC Land Surveyor may be required for existing development on the subject property, with dimensions and areas, upon request by the Village.
- c) **Site Plans** which contain the following minimum information about the subject property:
 - i) Location map, including neighbouring land uses;
 - ii) Existing and proposed buildings in relation to legal property boundaries with dimensions and areas;
 - iii) Significant physical features and topographic information, and all existing watercourses and wetlands, and all Sensitive Ecosystem Information;
 - iv) North arrow and drawing scales;
 - v) Dimensions for all elevations and site plans;
 - vi) Geodetic elevation upon request by the Village;
 - vii) Residential unit or building layout and/or comprehensive plan, illustrating unit distribution;
 - viii) Roads, existing and/or proposed; and
 - ix) Open space.
- d) Completed 'Site Profile', as per the *Environmental Management Act*, for the subject property or release from the Ministry to proceed.
- e) Additional information may be required in accordance with the "Corporation of the Village of Cumberland Development Approval Information Bylaw No. 809, 2005" and all amendments thereto.

7. FEES

Amend OCP and/or Zoning Bylaw \$4,100^{1,2}	
+	<p>Plus a fee to reimburse the Village (at cost) for Peer Review of (such as but not limited to) legal, engineering, environmental, architectural plans, studies, and/or documents in the amount of:</p> <ul style="list-style-type: none"> • \$500 per lot of proposed or potential residential development¹; and • \$1 per 1.0metre² of Gross Floor Area of proposed/potential commercial/industrial development¹. <p>This fee is to be paid at time of application and will form the application “account”. Staff will maintain an accounting of charges to the application, which will be provided to the payee semi-annually and upon completion or termination of the project. Funds remaining in the account after completion or termination of the project will be returned to the payee.</p>
+	<p>Plus additional monies will be required if the Peer Review charges exceed the Peer Review fees paid at application. The payee will be advised in writing that this fee is required and it will be equal to the amount paid at application, unless the CAO determines otherwise. The letter will include an accounting to date. Processing of the application will be suspended until this fee is paid.</p>
+	<p>Plus the Applicant shall bear the costs of advertising any Public Hearing/Waiving a Public Hearing which shall be paid before adoption of the amending bylaw(s).</p>
+	<p>Plus the fee of \$950 for each additional Public Hearing which shall be paid before adoption of the amending bylaw(s).</p>
Refund	<ul style="list-style-type: none"> •Less 10% before preliminary review of the application •Less 50% before preparation of first staff report •Less 75% after second reading but before Public Hearing •No refund after Public Hearing.
<p><i>Notes:</i> 1. <i>Application fees shall include Title searches but do not include other documents such as covenants, ROW’s, etc. The cost of retrieving these from LTO shall be borne by the Applicant.</i></p>	
<p> 2. <i>If a concept plan is not available this number will be calculated on the maximum build out allowed in the proposed Zoning amendment.</i></p>	

8. TYPICAL PROCESS

- a) A complete application and fees are received by staff. Processing will not commence until all the application requirements are met.
- b) Staff will provide the design of the required public notice sign to the Applicant, mapping of the area required for notification of the Neighbourhood Public Meeting, and mailing labels if requested.
- c) The Applicant shall:
 - i) install the Public Notice sign within 10 days of having made the application;
 - ii) hold a Neighbourhood Public Meeting in the Village of Cumberland;

Schedule A

- iii) advertise the Neighbourhood Public Meeting in a local paper, the advertisement to appear 10 days prior to the Neighbourhood Public Meeting;
 - iv) after the Neighbourhood Public Meeting, provide proof of advertising, a summary of comments and/or concerns; and any submissions made at the Meeting.
- d) Staff prepares a report for Council outlining the application and presenting the proposed bylaws, requesting referral to the internal Commission or Committee as applicable.
- e) Staff prepares a report for the internal Commission or Committee as applicable. The Applicant is invited to attend any meeting where his application is being considered.
- f) Staff prepares a report for Council which may include:
- i) the results of the Neighbourhood Public Meeting;
 - ii) the recommendation(s) from the internal Commission or Committee as applicable;
 - iii) recommendations regarding first and second readings on the proposed bylaw(s);
 - iv) if the application includes an amendment to the Official Community Plan, the list of government agencies that might be affected by the proposal; and
 - v) scheduling of the public hearing, if required.
- g) Council may, upon considering the application, request additional information, give first and/or second readings to the implementing bylaw, or may refer, table, or deny the application.
- h) Staff schedules the public hearing, ensures that the required notification and advertising is carried out, produces an agenda for the Hearing and distribute to Council, and holds the Public Hearing.
- i) Following the Public Hearing(s) (or waiving of same) Council, without further notice, may give the Bylaw(s) third reading or may refer, table, or deny the application.
- j) As required by the *Transportation Act*, referral of a Zoning or Rezoning within 800metres of Highway 19 being the Inland Island Highway shall be made to the Ministry of Transportation and Infrastructure for their approval.
- k) Staff prepares a report for adoption of the bylaw(s). If all conditions of third reading have been met, the bylaw(s) shall be adopted.
- l) The Applicant is notified within 10 days of Council's decision. Where the amending bylaw(s) have been denied by Council, the letter shall contain the reasons for refusal.

Schedule A

- m) The Applicant shall remove the Public Notice sign within 10 days of the date of Council's final decision.

Application for a Development Permit

1. APPLICATION

- a) An application shall be completed upon a form provided by the Village which then shall be delivered to the Village together with such additional plans and particulars as may be required. The application is considered as being accepted when all the required information (including fees) has been received.
- b) Each legal parcel shall be considered as a separate application, unless otherwise determined by the Chief Administrative Officer.

2. EXEMPTIONS

For applicable exemptions, please see *Village of Cumberland Official Community Plan Bylaw 990, 2016*, Section 10.0 'Development Permit Areas' or amendments thereto.

3. RE-APPLICATION

An application that has been refused by Council shall not be reconsidered for a period of 12 months immediately following the date of refusal, except when permitted pursuant to the provisions of the *Local Government Act*. A re-application is considered a new application and additional fees apply, as noted in the following section 10.

4. ABANDONED APPLICATIONS

An application that has not yet been which has been inactive for more than six months is deemed to be abandoned and will be closed.

5. NEIGHBOURHOOD PUBLIC MEETING

Council may require that the Applicant hold a Neighbourhood Public Meeting, the cost of which will be borne by the Applicant. If a meeting is required, the meeting shall be held in a venue in the Village of Cumberland. The Applicant is required to prepare a summary of comments and/or concerns from the meeting and submit same to the Village in a timely manner in order that this information may be forwarded to Council.

6. NOTIFICATION

- a) If required by Council, the Applicant shall ensure that the notice of a Neighbourhood Public Meeting is placed in one edition of a local newspaper and mailed or otherwise delivered to adjacent owners and occupiers of all properties within a 75.0 metre (246.0 feet) radius of the lot lines of the land involved under application at least 10 days before the Neighbourhood Public Meeting.

Schedule B

- b) Within 10 days of the application being made, the Applicant shall install a public notice sign advising of the application in a location visible from the road on the subject property. If the property has two road frontages, two signs may be required. The sign shall be in the format approved by the Village. The sign must remain in place until the last act of Council and shall be removed within 10 days of that date.
- c) The Village shall mail or otherwise deliver a notice that Council will consider a Development Permit application to the owners of all properties within a 75.0metres (246.0feet) radius of the lot lines of the subject property at least 10 days before the meeting where Council will make a decision on the application.

7. AMENDMENT

After Council has approved a Development Permit for issuance, minor amendments will be accepted provided that the fee as noted in section 10 of this schedule has been paid. Major changes which require significant review by Staff and Council will require a new application and fees.

8. EXTENSION

The Applicant may apply to Council to grant one extension of up to two years. Fees as noted in section 10 of this schedule, apply.

9. APPLICATION REQUIREMENTS

- a) The completed **application form** including the applicable fees and the authorizing signature(s) as required.
- b) A **Surveyors Certificate** prepared by BC Land Surveyor may be required at the request of the Village.
- c) **A Site Plan** which contains the following minimum information about the subject property:
 - i) Location map, including neighbouring land uses;
 - ii) Existing and proposed buildings in relation to legal property boundaries with dimensions and areas;
 - iii) Significant physical features and topographic information, all existing watercourses and wetlands and all Sensitive Ecosystem Information;
 - iv) North arrow and drawing scales;
 - v) Dimensions for all elevations and site plans;
 - vi) Geodetic elevation upon request by the Village;
 - vii) Roads, existing and/or proposed;
 - viii) Residential unit or building layout and/or comprehensive plan, illustrating unit distribution; and
 - ix) Open space.

Schedule B

- d) Where the Development Permit is for form and character, elevation drawings will be required which will be in colour, illustrating the proposed outside of the building and include a list of materials and colours to be used.
- e) Completed 'Site Profile', as per the *Environmental Management Act*, for the subject property or release from the Ministry to proceed.
- f) **Landscape Plans, as required**, must be professionally prepared and conform to the most recent BCSLA\BCLNA Landscape Standard and contain the following minimum information:
 - i) Site organization, including planting beds, and landscape features;
 - ii) All plant material and landscape features at installed sizes, accurate location, and spacing;
 - iii) Plant list using botanical and common names for all recommended plant material and size specification;
 - iv) Location of all utility infrastructure (overhead, underground, light standards, etc.), which may be affected by landscaping.
 - v) A cost estimate of completing any required landscape plan. This estimate shall provide the following detailed (itemized) information:
 - 1) Softscaping such as, but not limited to plants, bed preparation, etc.;
 - 2) Equipment to be installed such as but not limited to irrigation system, playground, etc.,
 - 3) Hardscaping such as but not limited to sidewalks, fencing, etc., and
 - 4) Labour costs required for the total cost of the construction and implementation of the plan.
- g) **Security:** If required, the Applicant shall provide a security by letter of credit or in a form acceptable to the Village for the following purposes:
 - i) Landscaping: If Landscaping is required, this Security is to provide the means by which Council can carry out the landscaping works if the Applicant does not complete the approved Landscape Plan, as follows:
 - 1) The amount shall be 125% of the cost estimate for the approved landscape plan and shall be received before the Permit is issued.
 - 2) An inspection shall be carried out upon completion of the plan and if compliant, a refund of 75% shall be made.
 - 3) The remaining 25% will be held back for one year at which time the Applicant will request an inspection. If the plantings are to the satisfaction of the Village, the holdback will be returned to the person who paid it. If any of the plants have not survived, they shall be replaced by the Applicant per the approved landscape plan, or failing this, the Village may use the holdback to replace the plants.

Schedule B

Any amount of the security not used for the purpose it was intended will be returned to person who paid it.

- ii) Unsafe Condition: Where there is the high probability of an unsafe condition occurring due to a consequence of contravention of a condition in the Development Permit, a Security may be required to provide the means by which Council can rectify said unsafe condition, as follows:
 - 1) The amount shall be 125% of the cost estimate provided by a registered professional and shall be received before the Permit is issued.
 - 2) An inspection shall be carried out upon completion of the plan by a registered professional and if found compliant, a full refund shall be made to the person who paid it.
 - 3) If the professional's inspection reveals an unsafe condition, the Applicant shall rectify the condition, or failing this, the Village may use the security to rectify the condition. Any amount of the security not used for the purpose it was intended will be returned to person who paid it.
- iii) Damage to Natural Environment: Where there is the high probability of damage to the Natural Environment occurring due to a consequence of contravention of a condition in the Development Permit, this Security may be required to provide the means by which Council can rectify said damage, as follows:
 - 1) The amount shall be 125% of the cost estimate provided by a registered professional and shall be received before the Permit is issued.
 - 2) An inspection shall be carried out upon completion of the plan by a registered professional and if found compliant, a full refund shall be made to the person who paid it.
 - 3) If the professional's inspection reveals an unsafe condition, the Applicant shall rectify the condition, or failing this, the Village may use the security to rectify the condition. Any amount of the security not used for the purpose it was intended will be returned to person who paid it.
- h) Additional information may be required in accordance with the "Corporation of the Village of Cumberland Development Approval Information Bylaw No. 809, 2005" and all amendments thereto.

Schedule B

10. FEES

Residential, Single Family: \$1,200^{1,2}		All Other: \$2,100^{1,2}	
<u>Plus</u>	<ul style="list-style-type: none"> • \$1 per 1.0metres² gross floor area of commercial or industrial development¹; or • \$25 each residential lot/unit¹ 	to a maximum of \$4,200	
<p>+Plus reimbursement to the Village (at cost) for Peer Review of (such as but not limited to) legal, engineering, environmental, architectural plans, studies, and/or documents. The Applicant will be advised in writing of the amount outstanding and will be provided with an accounting of the costs incurred. Payment of these fees will be a condition that must be met prior to issuing the Permit.</p>			
Amendment	50% of application fee	Extension	50% of application fee
Refund	<ul style="list-style-type: none"> •Less 10% before preliminary review of the application •Less 75% before preparation of the first staff report •No refund after notification to adjacent neighbours 		
Notes:	<ol style="list-style-type: none"> 1. <i>If a concept plan is not available this number will be calculated on the maximum build out allowed in the applicable Zone.</i> 2. <i>Application fees shall include Title searches but do not include other documents such as covenants, ROW's, etc. The cost of retrieving these from LTO shall be borne by the Applicant.</i> 		

11. TYPICAL PROCESS

- a) A complete application and fees are received by Staff. Processing will not commence until all the application requirements are met.
- b) Staff will provide the design of the required public notice sign to the Applicant, mapping of the area required for notification of the Neighbourhood Public Meeting (if required), and mailing labels if requested.
- c) The Applicant shall install the Public Notice sign within 10 days of having made the application.
- d) Staff prepares a report for Council outlining the application and requesting referral to the internal Commissions or Committees as applicable.
- e) Council upon considering the application may request: additional information, and/or that the Applicant provide a Neighbourhood Public Meeting, they may issue the application, table, or deny the application.
- f) If required, the Applicant shall:
 - i) schedule the Neighbourhood Public Meeting in a Cumberland venue;
 - ii) advertise in a local paper, the advertisement to appear 10 days prior to the Neighbourhood Public Meeting;

Schedule B

- iii) after the Neighbourhood Public Meeting, provide proof of advertising, a summary of comments and/or concerns; and any submissions made at the Meeting.
- g) If referred to an internal Commission or Committee by Council, Staff prepares a report for said Commission or Committee. The Applicant is invited to attend any meeting where their application is being considered.
- h) Staff sends out notification to adjacent neighbours at least 10 days prior to the meeting where Council will be making a decision on the application.
- i) The internal Commissions and/or Committees as referred by Council meet and makes recommendations to Council.
- j) Staff prepares report for Council outlining the application, including comments from the Neighbourhood Public Meeting (if held), recommendations from the internal Commission or Committees, and any public submissions received.
- k) Council, upon considering the application, may request additional information, issue the application, or may refer, table, or deny the application.
- l) The Applicant is advised of the Council's decision within 10 days.
- m) Where Council has issued the Development Permit, it is then prepared in the form of the form of Schedule B-1. When the conditions of the permit have been met the Development Permit is then issued by the Corporate Officer; and *Notice of Development Permit* is sent to Land Title Office for registration on the title of the subject property.
- n) Where an application for a Development Permit has been refused by Council, the Applicant shall be advised of the reasons for refusal.
- o) The Applicant shall remove the Public Notice sign within 10 days of Council making its decision.



Corporation of the
Village of Cumberland

DEVELOPMENT PERMIT

TO: *(insert Applicant name here)* **AGENT:** *(insert agent name here if applicable)*

OF: *(insert address of Applicant here, as it appears on title)*

This Development Permit *(Insert file number here)* is issued subject to compliance with all of the bylaws of the Village of Cumberland applicable thereto, except as supplemented by this Permit for the purposes of *(insert specific purpose of the Development Permit)*.

1. This Development Permit applies to and only to those lands within the Village of Cumberland described below:

Legal Description: *(as it appears on title)*

Folio: 516 _____ **PID:** _____

Civic Address: *(address of property affected)*

2. The land described herein shall be developed strictly in accordance with the following terms and conditions and provisions of this Permit:

(Insert conditions as prescribed by Council, described as what must be provided before issuance (a precondition), and what will be required after development is finished.)

3. **Security**

Insert conditions of security as required

4. **Expiry**

Subject to the terms of the Development Permit, if the Applicant of this Permit does not substantially start any construction with respect to which the Development Permit was issued within 2 years after the date it is issued, the Permit lapses.

5. **Timing and Sequencing of Development**

Insert conditions of timing or sequencing of development as required

6. **List of Reports or Plans attached as Schedules**

Insert Reports or Plans attached as Schedules as required

Schedule B-1

7. Contaminated Sites Regulation

(choose one of the following as applicable)

This Permit is issued pursuant to the requirements of the *Environmental Management Act*, whereby the Applicant has completed a "Site Declaration" for the subject property.

OR

This Permit is issued pursuant to the requirements of the *Environmental Management Act*, whereby the Regional Manager of the applicable Ministry has received a "Site Profile" for the subject property and has issued a clearance to proceed to the Village on *(insert date)*.

8. This Permit is **not** a Building Permit.

Certification for Development Permits where there are pre-conditions:

CERTIFIED as the DEVELOPMENT PERMIT approved for issuance by resolution of the Council of the Corporation of the Village of Cumberland on _____ 20__, subject to conditions noted at paragraphs ___(Security) and ___(_____), and issued on _____, 20__ by senior staff on satisfaction of those conditions.

OR

Certification for Development Permits if there are no pre-conditions:

CERTIFIED as the DEVELOPMENT PERMIT approved and issued by resolution of the Council of the Corporation of the Village of Cumberland on _____, 20__.

Corporate Officer

Application for a Heritage Alteration Permit

1. APPLICATION

- a) An application shall be completed upon a form provided by the Village which then shall be delivered to the Village together with such additional plans and particulars as may be required. The application is considered as being accepted when all the required information (including fees) has been received.
- b) Each legal parcel shall be considered as a separate application, unless otherwise determined by the Chief Administrative Officer.
- c) A Heritage Alteration Permit (HAP) is required pursuant to s.615 and 617 of the *Local Government Act* (LGA), noting current statutory language indicates a person must not do any of the following unless a Heritage alteration permit authorizing the action has been issued:
 - i) Subdivide land within the Historic Village Commercial Core (HVCC) area;
 - ii) Start the construction of a building or structure or an addition to an existing building or structure within the HVCC area;
 - iii) Alter a building or structure or land within the HVCC area;
 - iv) Alter a feature that is protected heritage property; and
 - v) Demolition of a building.
- d) Section 614 of the LGA allow local governments to, for the purposes of heritage conservation, designate Heritage Conservation Areas. For continuity, the Heritage Conservation Area in the Official Community Plan also includes development permit designations under LGA s.488:
 - h) Establishment of objectives to promote energy conservation;
 - i) Establishment of objectives to promote water conservation;
 - j) Establishment of objectives to promote the reduction of greenhouse gas emissions.
- e) Where two or more types of Permit applications (for example: HAP and Development Variance Permit) are being made at the same time and can be processed together, only one fee shall be charged, whichever is the greater.

2. EXEMPTIONS

A Heritage Alteration Permit is not required under any of the following conditions:

- a) Exterior maintenance and repairs of buildings with materials, design and colours that are consistent with these guidelines so long as there are no changes to overall appearance or design, including permitting repainting in historically appropriate colours or routine upkeep. **However**, any alterations to windows, siding or architectural features **will require** a Heritage Alteration Permit.

- b) Alterations or repairs to existing single family residences.
- c) Soft landscaping that does not affect the heritage character of the Historic Village Commercial Core or the heritage value of the property.
- d) Construction and maintenance activities carried out by, or on behalf of, the Village.
- e) Regular and emergency Village maintenance of municipal infrastructure conducted in a manner that is consistent with the objectives of the Heritage Conservation Area designation.
- f) Public art as approved by Council.
- g) Interior renovations.

3. RE-APPLICATION

An application that has been refused by Council shall not be reconsidered for a period of 12 months immediately following the date of refusal, except when permitted pursuant to the provisions of the *Local Government Act*. A re-application is considered a new application and additional fees apply, as noted in the following section 10.

4. ABANDONED APPLICATIONS

An application which has been inactive for more than six months is deemed to be abandoned and will be closed.

5. NEIGHBOURHOOD PUBLIC MEETING

Council may require that the Applicant hold a Neighbourhood Public Meeting, the cost of which will be borne by the Applicant. If a meeting is required, the meeting shall be held in a venue in the Village of Cumberland. The Applicant is required to prepare a summary of comments and/or concerns from the meeting and submit same to the Village in a timely manner in order that this information may be forwarded to Council.

6. NOTIFICATION

- a) If required by Council, the Applicant shall ensure that the notice of a Neighbourhood Public Meeting is placed in one edition of a local newspaper and mailed or otherwise delivered to adjacent owners and occupiers of all properties within a 75.0metre (246.0feet) radius of the lot lines of the land involved under application at least 10 days before the Neighbourhood Public Meeting.
- b) Within 10 days of the application being made, the Applicant shall install a public notice sign advising of the application, in a location visible from the road on the subject property. If the property has two road frontages, two signs may be required. The sign shall be in the format approved by the Village. The sign must remain in place until the last act of Council and shall be removed within 10 days of that date.

- c) The Village shall mail or otherwise deliver a notice that Council will consider a Heritage Alteration Permit to the owners of all properties within a 75.0metre (246.0feet) radius of the lot lines of the subject property at least 10 days before the meeting where Council will make a decision on the application.

7. AMENDMENT

After Council has approved a Heritage Alteration Permit for issue, minor amendments will be accepted provided that the fee as noted in section 10 below has been paid. Major changes which require significant review by Staff and Council will require a new application and fees.

8. EXTENSION

The Applicant may apply to Council to grant one extension of up to two years. Fees as noted in section 10 below, apply.

9. APPLICATION REQUIREMENTS

- a) The completed **application form** including the applicable fees and the authorizing signature(s) as required.
- b) A **Surveyors Certificate** prepared by BC Land Surveyor, may be required at the request of the Village.
- c) A **Site Plan** which contains the following minimum information about the subject property:
 - i) Location map, including neighbouring land uses;
 - ii) Existing and proposed buildings in relation to legal property boundaries with dimensions and areas;
 - iii) Significant physical features and topographic information, all existing watercourses and wetlands and all Sensitive Ecosystem Information;
 - iv) North arrow and drawing scales;
 - v) Dimensions for all elevations and site plans;
 - vi) Geodetic elevation upon request by the Village;
 - vii) Roads, existing and/or proposed;
 - viii) Residential unit or building layout and/or comprehensive plan, illustrating unit distribution; and
 - ix) Open space.
- d) **Elevation drawings** in colour, which illustrate the changes to the outside of the building and includes a list of materials and colours used.

- e) **Landscape Plans, as required**, must be professionally prepared and conform to the most recent BCSLA\BCLNA Landscape Standard and contain the following minimum information:
- i) Site organization, including planting beds, and landscape features.
 - ii) All plant material and landscape features at installed sizes, accurate location, and spacing.
 - iii) Plant list using botanical and common names for all recommended plant material and size specification.
 - iv) Location of all utility infrastructure (overhead, underground, light standards, etc.), which may be affected by landscaping.
 - v) A cost estimate of completing any required landscape plan. This estimate shall provide the following detailed (itemized) information:
 - 1) Softscaping such as, but not limited to plants, bed preparation, etc.;
 - 2) Equipment to be installed such as but not limited to irrigation system, playground, etc.,
 - 3) Hardscaping such as but not limited to sidewalks, fencing, etc., and
 - 4) Labour costs required for the total cost of the construction and implementation of the plan.
- f) **Security:** If required, the Applicant shall provide a security by letter of credit or in a form acceptable to the Village for the following purposes:
- i) **Landscaping:** If Landscaping is required, this security is to provide the means by which Council can carry out the landscaping works if the Applicant does not complete the approved Landscape Plan, as follows:
 - 1) The amount shall be 125% of the cost estimate for the approved landscape plan and shall be received before the Permit is issued.
 - 2) An inspection shall be carried out upon completion of the plan and if compliant, a refund of 75% shall be made.
 - 3) The remaining 25% will be held back for one year at which time the Applicant will request an inspection. If the plantings are to the satisfaction of the Village, the holdback will be returned to the person who paid it. If any of the plants have not survived, they shall be replaced by the Applicant per the approved landscape plan, or failing this, the Village may use the holdback to replace the plants. Any amount of the security not used for the purpose it was intended will be returned to person who paid it.

Schedule C

- ii) **Unsafe Condition:** Where there is the high probability of an unsafe condition occurring due to a consequence of contravention of a condition in a permit, a Security may be required to provide the means by which Council can rectify said unsafe condition, as follows:
 - 1) The amount shall be 125% of the cost estimate provided by a registered professional and shall be received before the Permit is issued.
 - 2) An inspection shall be carried out upon completion of the plan by a registered professional and if found compliant, a full refund shall be made to the person who paid it.
 - 3) If the professional’s inspection reveals an unsafe condition, the Applicant shall rectify the condition, or failing this, the Village may use the security to rectify the condition. Any amount of the security not used for the purpose it was intended will be returned to person who paid it.

- iii) **Damage to Natural Environment:** Where there is the high probability of damage to the Natural Environment occurring due to a consequence of contravention of a condition in a permit, this Security may be required to provide the means by which Council can rectify said damage, as follows:
 - 1) The amount shall be 125% of the cost estimate provided by a registered professional and shall be received before the Permit is issued.
 - 2) An inspection shall be carried out upon completion of the plan by a registered professional and if found compliant, a full refund shall be made to the person who paid it.
 - 3) If the professional’s inspection reveals an unsafe condition, the Applicant shall rectify the condition, or failing this, the Village may use the security to rectify the condition. Any amount of the security not used for the purpose it was intended will be returned to person who paid it.

10. FEES

\$1,600^{1,2,3}		
<u>Plus</u>	<ul style="list-style-type: none"> • \$1 per 1.0metres² gross floor area of commercial or industrial development¹; or • \$25 each residential lot/unit¹ 	to a maximum of \$3,200

+Plus a fee to reimburse the Village (at cost) for Peer Review of (such as but not limited to) legal, engineering, environmental, architectural plans, studies, and/or documents. The Applicant will be advised in writing of the amount outstanding and will be provided with an accounting of the costs incurred. Payment of these fees will be a condition that will be met prior to issuing the Permit.

Amendment	50% of application fee	Extension	50% of application fee
Refund	<ul style="list-style-type: none"> ● Less 10% before preliminary review of the application ● Less 75% before preparation of the first staff report ● No refund after notification to adjacent neighbours 		
Notes:	<p><i>1. If a concept plan is not available this number will be calculated on the maximum build out allowed in the applicable Zone.</i></p> <p><i>2. Where a Heritage Alteration Permit application is combined with a Development Permit or Development Variance Permit, only one fee shall be charged, whichever is the greater.</i></p> <p><i>3. Application fees shall include Title searches but do not include other documents such as covenants, ROW's, etc. The cost of retrieving these from LTO shall be borne by the Applicant.</i></p>		

11. TYPICAL PROCESS

- a) A complete application and fees are received by staff. Processing will not commence until all the application requirements are met.
- b) Staff will provide the design of the required public notice sign to the Applicant, mapping of the area required for notification of the Neighbourhood Public Meeting (if required), and mailing labels if requested.
- c) The Applicant shall install the Public Notice sign within 10 days of having made the application.
- d) Staff prepares a report for Council outlining the application and requesting referral to the internal Commission or Committee as applicable.
- e) Council upon considering the application may request: additional information, and/or that the Applicant provide a Neighbourhood Public Meeting, they may issue the application, table, or deny the application.
- f) If required, the Applicant shall:
 - i) schedule the Neighbourhood Public Meeting in a Cumberland venue;
 - ii) advertise in a local paper, the ad to appear 10 days prior to the Neighbourhood Public Meeting;
 - iii) after the Neighbourhood Public Meeting, provide proof of advertising, a summary of comments and/or concerns; and any submissions made at the Meeting.
- g) If referred to an internal Commission or Committee by Council, Staff prepares a report for said Commission or Committee. The Applicant is invited to attend any meeting where his application is being considered.
- h) Staff sends out notification to adjacent neighbours at least 10 days prior to the meeting where Council will be making a decision on the application.
- i) The internal Commissions and/or Committees as referred by Council meet and makes recommendations to Council.

Schedule C

- j) Staff prepares report for Council outlining the application, including comments from the Neighbourhood Public Meeting (if held), recommendations from the internal Commission or Committees, and any public submissions received.
- k) Council, upon considering the application, may request additional information, issue the application, or may refer, table, or deny the application.
- l) The Applicant is advised of the Council's decision within 10 days.
- m) Where Council has granted the permit, it is then prepared in the form of Schedule C-1. When the conditions of the Permit have been met (i.e., security, plans) it is then issued by the Corporate Officer; and *Notice of Heritage Alteration Permit* is sent to Land Title Office for registration on the title of the subject property.
- n) Where a permit has been refused by Council, the Applicant shall be advised of the reasons for refusal.
- o) The Applicant shall remove the Public Notice sign within 10 days of Council making its decision.



Corporation of the
Village of Cumberland

**Heritage
Alteration Permit**

TO: *(insert Applicant name here)* **AGENT:** *(insert agent name here if applicable)*

OF: *(insert address of Applicant here, as it appears on title)*

This Heritage Alteration Permit *(Insert file number here)* is issued subject to compliance with all of the bylaws of the Village of Cumberland applicable thereto, except as supplemented by this Heritage Alteration Permit for the purposes of *(insert specific purpose of Heritage Alteration Permit)*.

1. This Heritage Alteration Permit applies to and only to those lands within the Village of Cumberland described below, and any and all buildings, structures and other development thereon:

Legal Description: *(as it appears on title)*

Folio: 516 _____ **PID:** _____

Civic Address: *(address of property affected)*

2. The land described herein shall be developed strictly in accordance with the following terms and conditions and provisions of this Permit:

Insert conditions as prescribed by Council, described as what must be provided before issuance, and what will be required after development is finished.

3. **Security**

Insert conditions of security as required

4. **Expiry**

Subject to the terms of the Permit, if the Applicant of this Heritage Alteration Permit does not substantially start any construction with respect to which the Permit was issued within 2 years after the date it is issued, the Heritage Alteration Permit lapses.

5. **Timing and Sequencing of Development**

Insert conditions of timing or sequencing of development as required

6. **List of Reports or Plans attached as Schedules**

Insert Reports or Plans attached as Schedules as required

7. This Permit is **not** a Building Permit.

Certification for Permits where there are pre-conditions:

CERTIFIED as the HERITAGE ALTERATION PERMIT approved for issuance by resolution of the Council of the Corporation of the Village of Cumberland on _____ 20__, subject to conditions noted at paragraphs ____(Security) and ____ (_____) , and issued on _____, 20__ by senior staff on satisfaction of those conditions.

Certification for Permits if there are no pre-conditions:

CERTIFIED as the HERITAGE ALTERATION PERMIT approved and issued by resolution of the Council of the Corporation of the Village of Cumberland on _____, 20__.

Corporate Officer

Application for a Development Variance Permit

1. APPLICATION

- a) An application shall be completed upon a form provided by the Village which then shall be delivered to the Village together with such additional plans and particulars as may be required. The application is considered as being accepted when all the required information (including fees) has been received.
- b) Each legal parcel shall be considered as a separate application, unless otherwise determined by the Chief Administrative Officer.

2. RE-APPLICATION

An application that has been refused by Council shall not be reconsidered for a period of 12 months immediately following the date of refusal, except when permitted pursuant to the provisions of the *Local Government Act*. A re-application is considered a new application and additional fees apply as noted in the following section 8.

3. ABANDONED APPLICATION

An application which has been inactive for more than six months is deemed to be abandoned and will be closed.

4. NOTIFICATION

- a) Within 10 days of the application being made, the Applicant shall install a public notice sign advising of the application in a location visible from the road on the subject property. If the property has two road frontages, two signs may be required. The sign shall be in the format acceptable to the Village. The sign must remain in place until the last act of Council and shall be removed within 10 days of that date.
- b) The Village shall mail or otherwise deliver a notice that Council will consider a Development Variance Permit as required by the *Local Government Act* to the owners and occupiers of all properties within a 75.0 metre (246.0 feet) radius of the lot lines of the subject property at least 10 days before the meeting where Council will make a decision on the application.

5. AMENDMENT TO PERMIT

After Council has approved a DVP for issue, minor amendments will be accepted provided that the fee as noted in section 8 of this schedule has been paid. Major changes which require significant review by Staff and Council will require a new application and fees.

6. EXTENSION

The Applicant may apply to Council to grant one extension of up to two years. Fees as noted in section 8 of this schedule, apply.

7. APPLICATION REQUIREMENTS

- a) The completed **application form** including the applicable fees and the authorizing signature(s) as required.
- b) A **Surveyors Certificate** prepared by BC Land Surveyor will be required where the requested variance is for existing development on the subject property.
- c) A **Site Plan** which contains the following minimum information about the subject property:
 - i) Location map, including neighbouring land uses;
 - ii) Existing and proposed buildings in relation to legal property boundaries with dimensions and areas;
 - iii) Significant physical features and topographic information, all existing watercourses and wetlands and all Sensitive Ecosystem Information;
 - iv) North arrow and drawing scales;
 - v) Dimensions for all elevations and site plans;
 - vi) Geodetic elevation upon request by the Village;
 - vii) Roads, existing and/or proposed;
 - viii) Residential unit or building layout and/or comprehensive plan, illustrating unit distribution; and
 - ix) Open space.
- d) Completed "Site Profile" as per the *Environmental Management Act*, for the subject property or release from the Ministry to proceed.
- e) **Landscape Plans, as required**, must be professionally prepared and conform to the most recent BCSLA\BCLNA Landscape Standard and contain the following minimum information:
 - i) Site organization, including planting beds, and landscape features;
 - ii) All plant material and landscape features at installed sizes, accurate location, and spacing;
 - iii) Plant list using botanical and common names for all recommended plant material and size specification;
 - iv) Location of all utility infrastructure (overhead, underground, light standards, etc.), which may be affected by landscaping.
 - v) A cost estimate of completing any required landscape plan. This estimate shall provide the following detailed (itemized) information:
 - 1) Softscaping such as, but not limited to plants, bed preparation, etc.;
 - 2) Equipment to be installed such as but not limited to irrigation system, playground, etc.,
 - 3) Hardscaping such as but not limited to sidewalks, fencing, etc., and

- 4) Labour costs required for the total cost of the construction and implementation of the plan.
- f) **Security:** If required, the Applicant shall provide a security by letter of credit or in a form acceptable to the Village for the following purposes:
- i) **Landscaping:** If Landscaping is required, this security is to provide the means by which Council can carry out the landscaping works if the Applicant does not complete the approved Landscape Plan, as follows:
 - 1) The amount shall be 125% of the cost estimate for the approved landscape plan and shall be received before the Permit is issued.
 - 2) An inspection shall be carried out upon completion of the plan and if compliant, a refund of 75% shall be made.
 - 3) The remaining 25% will be held back for one year at which time the Applicant will request an inspection. If the plantings are to the satisfaction of the Village, the holdback will be returned to the person who paid it. If any of the plants have not survived, they shall be replaced by the Applicant per the approved landscape plan, or failing this, the Village may use the holdback to replace the plants. Any amount of the security not used for the purpose it was intended will be returned to person who paid it.
 - ii) **Unsafe Condition:** Where there is the high probability of an unsafe condition occurring due to a consequence of contravention of a condition in a Permit, a Security may be required to provide the means by which Council can rectify said unsafe condition, as follows:
 - 1) The amount shall be 125% of the cost estimate provided by a registered professional and shall be received before the Permit is issued.
 - 2) An inspection shall be carried out upon completion of the plan by a registered professional and if found compliant, a full refund shall be made to the person who paid it. .
 - 3) If the professional's inspection reveals an unsafe condition, the Applicant shall rectify the condition, or failing this, the Village may use the security to rectify the condition. Any amount of the security not used for the purpose it was intended will be returned to person who paid it.

Schedule D

- iii) **Damage to Natural Environment:** Where there is the high probability of damage to the Natural Environment occurring due to a consequence of contravention of a condition in a Permit, this Security may be required to provide the means by which Council can rectify said damage, as follows:
 - 1) The amount shall be 125% of the cost estimate provided by a registered professional and shall be received before the Permit is issued.
 - 2) An inspection shall be carried out upon completion of the plan by a registered professional and if found compliant, a full refund shall be made to the person who paid it.
 - 3) If the professional’s inspection reveals an unsafe condition, the Applicant shall rectify the condition, or failing this, the Village may use the security to rectify the condition. Any amount of the security not used for the purpose it was intended will be returned to person who paid it.

8. FEES

Single Family Residential: \$950¹		All other: \$1,200¹	
<p>+ Plus a fee to reimburse the Village (at cost) for Peer Review of (such as but not limited to) legal, engineering, environmental, architectural plans, studies, and/or documents. The Applicant will be advised in writing of the amount outstanding and will be provided with an accounting of the costs incurred. Payment of these fees will be a condition that will be met prior to issuing the Permit.</p>			
Amendment	50% of the application fee	Extension	50% of application fee
Refund	<ul style="list-style-type: none"> ● Less 10% before preliminary review of the application ● Less 75% before preparation of the first staff report ● No refund after notification to adjacent neighbours 		
Notes:	<p>1. <i>Application fees shall include Title searches but do not include other documents such as covenants, ROW's, etc. The cost of retrieving these from LTO shall be borne by the Applicant .</i></p>		

9. TYPICAL PROCESS

- a) A complete application and fees are received by staff. Processing will not commence until all the application requirements are met.
- b) Staff will provide the Applicant with the design of the required public notice sign.
- c) The Applicant shall install the Public Notice sign within 10 days of having made the application.
- d) Staff prepares report for Council outlining the application, requesting referral to the internal Commissions or Committees as applicable.

Schedule D

- e) Council upon considering the application may request: additional information they may issue the application, table, or deny the application.
- f) If referred to an internal Commission or Committee by Council, Staff prepares a report for said Commission or Committee. The Applicant is invited to attend any meeting where his application is being considered.
- g) Staff sends out notification to adjacent neighbours at least 10 days prior to the meeting where Council will be making a decision on the application.
- h) The internal Commissions and/or Committees as referred by Council meet and makes recommendations to Council.
- i) Staff prepares report for Council outlining the application, including recommendations from the internal Commission or Committees, and any public submissions received.
- j) Council upon considering the application may request additional information, may refer, table, or deny the application.
- k) The Applicant is advised of the Council's decision within 10 days.
- l) Where Council has approved a Variance, it is then prepared in the form of Schedule D-1. When the conditions of the Variance have been met (i.e., security, plans) it is then issued by the Corporate Officer; and *Notice of Development Variance Permit* is sent to Land Title Office for registration on the title of the subject property.
- m) Where a Permit has been refused by Council, the Applicant shall be advised of the reasons for refusal.
- n) Within 10 days of the date of Council's decision, the Applicant shall remove the Public Notice sign.



**Corporation of the
Village of Cumberland**

**DEVELOPMENT
VARIANCE PERMIT**

TO: *(insert Applicant name here)* **AGENT:** *(insert agent name here if applicable)*

OF: *(insert address of Applicant here, as it appears on title)*

This Development Variance Permit *(Insert file number here)* is issued subject to compliance with all of the bylaws of the Village of Cumberland applicable thereto, except as specifically varied or supplemented by this Permit for the purposes of *(insert specific purpose of Development Variance Permit)*.

1. This Development Variance Permit applies to and only to those lands within the Village of Cumberland described below, and any and all buildings, structures and other development thereon:

Legal Description: *(as it appears on title)*

Folio: 516 _____ **PID:** _____

Civic Address: *(address of property affected)*

2. The land described herein shall be developed strictly in accordance with the following terms and conditions and provisions of this Permit:

(Insert the Variance as prescribed by Council as well as any conditions described as what must be provided before issuance (a precondition), and what will be required after development is finished.)

3. **Security**

Insert conditions of security as required

4. **Expiry**

Subject to the terms of the Permit, if the Applicant of this Development Variance Permit does not substantially start any construction with respect to which the Permit was issued within 2 years after the date it is issued, the Permit lapses.

5. **Timing and Sequencing of Development**

Insert other conditions of timing or sequencing of development as prescribed by Council

6. **List of Reports or Plans attached as Schedules**

Insert Reports or Plans attached as Schedules as required

Schedule D-1

7. Contaminated Sites Regulation *(choose one of the following as applicable)*

This Permit is issued pursuant to the requirements of the *Environmental Management Act*, whereby the Applicant has completed a "Site Declaration" for the subject property.

OR

This Permit is issued pursuant to the requirements of the *Environmental Management Act*, whereby the Regional Manager of the applicable Ministry has received a "Site Profile" for the subject property and has issued a clearance to proceed to the Village on *(insert date)*.

8. This Permit is not a Building Permit.

Certification for Development Variance Permits where there are *pre-conditions*:

CERTIFIED as the DEVELOPMENT VARIANCE PERMIT approved for issuance by resolution of the Council of the Corporation of the Village of Cumberland on _____ 20__, subject to conditions noted at paragraphs ___(Security) and ___(_____) , and issued on _____, 2018 by senior staff on satisfaction of those conditions.

OR

Certification for Development Variance Permits where there are no *pre-conditions*:

CERTIFIED as the DEVELOPMENT VARIANCE PERMIT approved and issued by resolution of the Council of the Corporation of the Village of Cumberland on _____, 20__.

Corporate Officer

Application for a Temporary Use Permit

1. APPLICABILITY

The issuance of Temporary Use Permits (TUP's) can be considered in all Official Community Plan designations within limits of the Village boundaries. A TUP is a tool to allow a short-term commercial or industrial use that does not comply with the Zoning Bylaw and may be utilized where a condition prevails that warrants such a use for a short period of time, but does not warrant a change of land use designation or zoning of the land.

- a) The objective of TUP's are to:
 - i) Avoid conflicts between different types of uses (i.e., residential, commercial and industrial).
 - ii) Provide for temporary approval of transitional uses, or uses where uncertainty exists.
 - iii) Respecting appropriateness or viability of the use, and where it is premature to decide upon rezoning and long-term land use rights.
 - iv) Not to be considered a substitute for a rezoning application.
- b) In addition to development procedures requirements, TUP's will be considered against the following criteria:
 - i) The use must be clearly temporary or seasonal in nature.
 - ii) Compatibility of the proposal with adjacent uses.
 - iii) Impact of the proposed use on the natural environment, including groundwater, wildlife, and all environmentally sensitive areas, and the proposed remedial measures to mitigate any damage to the natural environment as a result of the temporary use.
 - iv) Intensity of the proposed use.
 - v) Inability to conduct the proposed use on land elsewhere in the community.
 - vi) If within 800metres of Highway 19 the Inland Island Highway, must be reviewed and approved by the Ministry of Transportation and Infrastructure (MOTI) with respect to access to and effect on this controlled access highway.

2. APPLICATION

- a) An application shall be completed upon a form provided by the Village which then shall be delivered to the Village together with such additional plans and particulars as may be required. The application is considered as being accepted when all the required information (including fees) has been received.

- b) Each legal parcel shall be considered as a separate application, unless otherwise determined by the Chief Administrative Officer.

3. RE-APPLICATION

An application that has been refused by Council shall not be reconsidered for a period of 12 months immediately following the date of refusal, except when permitted pursuant to the provisions of the *Local Government Act*. A re-application is considered a new application and additional fees apply, as noted in section 10 of this schedule.

4. ABANDONED APPLICATION

An application which has been inactive for more than six months is deemed to be abandoned and will be closed.

5. NEIGHBOURHOOD PUBLIC MEETING

- a) Applications to consider a Temporary Use Permit will require the Applicant to hold a Neighbourhood Public Meeting prior to presentation of the application to Council for consideration. The Neighbourhood Public Meeting shall be held in a venue in the Village of Cumberland. The Applicant is required to prepare a summary of comments and/or concerns from the Neighbourhood Public Meeting and submit same to the Village in a timely manner in order that this information may be forwarded to Council.
- b) Council may require additional public consultation, the cost of which will be borne by the Applicant.

6. NOTIFICATION

- a) The Applicant shall ensure that the notice of a Neighbourhood Public Meeting is placed in one edition of a local newspaper and mailed or otherwise delivered to adjacent owners and occupiers of all properties within a 75.0 metre (246.0 feet) radius of the lot lines of the land involved under application at least 14 days before the Neighbourhood Public Meeting.
- b) Within 10 days of the application being made, the Applicant shall install the public notice sign advising of the application in a location visible from the road the subject property. If the property has two road frontages, two signs may be required. The sign shall be in the format acceptable to the Village. The sign must remain in place until the last act of Council and shall be removed within 10 days of that date.
- c) The Village shall advertise the notice of consideration of a Temporary Use Permit as required by the *Local Government Act* and shall provide notice to be mailed or otherwise delivered to the owners and occupiers of all properties within a 75.0 metre (246.0 feet) radius of the lot lines of the subject property at least 14 days before the meeting where Council will make a decision on the application.

7. AMENDMENT TO PERMIT

After Council has approved a Temporary Use Permit for issue, minor amendments will be accepted provided that the fee as noted in section 10 of this schedule has been paid. Major changes which require significant review by Staff and Council will require a new application and fees.

8. EXTENSION

The Applicant may apply to Council to grant one extension of up to three years. Fees as noted in section 10 of this schedule, apply.

9. APPLICATION REQUIREMENTS

- a) The completed **application form** including the applicable fees and the authorizing signature(s) as required.
- b) A **Surveyors Certificate** prepared by BC Land Surveyor will be required for existing development on the subject property.
- c) **Site plans** which contain the following minimum information about the subject property:
 - i) Location map, including neighbouring land uses;
 - ii) Existing and proposed buildings in relation to legal property boundaries with dimensions and areas;
 - iii) Significant physical features and topographic information, all existing watercourses and wetlands and all Sensitive Ecosystem Information;
 - iv) North arrow and drawing scales;
 - v) Dimensions for all elevations and site plans;
 - vi) Geodetic elevation upon request by the Village;
 - vii) Roads, existing and/or proposed;
 - viii) Residential unit or building layout and/or comprehensive plan, illustrating unit distribution; and
 - ix) Open space.
- d) **Landscape Plans**, as required, must be professionally prepared and conform to the most recent BCSLA\BCLNA Landscape Standard and contain the following minimum information:
 - i) Site organization, including planting beds, and landscape features.
 - ii) All plant material and landscape features at installed sizes, accurate location, and spacing.
 - iii) Plant list using botanical and common names for all recommended plant material and size specification.
 - iv) Location of all utility infrastructure (overhead, underground, light standards, etc.), which may be affected by landscaping.

Schedule E

- v) A cost estimate of completing any required landscape plan. This estimate shall provide the following detailed (itemized) information:
- 1) Softscaping such as but not limited to plants, bed preparation, etc.;
 - 2) Equipment to be installed such as but not limited to irrigation system, playground, etc.,
 - 3) Hardscaping such as but not limited to sidewalks, fencing, etc.' and
 - 4) Labour costs required for the total cost of the construction and implementation of the plan.
- e) **Security:** If required, the Applicant shall provide a security by letter of credit or in a form acceptable to the Village for the following purposes:
- i) Landscaping: If Landscaping is required, this security is to provide the means by which Council can carry out the landscaping works if the Applicant does not complete the approved Landscape Plan, as follows:
- 1) The amount shall be 125% of the cost estimate for the approved landscape plan and shall be received before the Permit is issued.
 - 2) An inspection shall be carried out upon completion of the plan and if compliant, a refund of 75% shall be made.
 - 3) The remaining 25% will be held back for one year at which time the Applicant will request an inspection. If the plantings are to the satisfaction of the Village, the holdback will be returned to the person who paid it. If any of the plants have not survived, they shall be replaced by the Applicant per the approved landscape plan, or failing this, the Village may use the holdback to replace the plants. Any amount of the security not used for the purpose it was intended will be returned to person who paid it.
- ii) Unsafe Condition: Where there is the high probability of an unsafe condition occurring due to a consequence of contravention of a condition in a Permit, a Security may be required to provide the means by which Council can rectify said unsafe condition, as follows:
- 1) The amount shall be 125% of the cost estimate provided by a registered professional and shall be received before the Permit is issued.
 - 2) An inspection shall be carried out upon completion of the plan by a registered professional and if found compliant, a full refund shall be made to the person who paid it.
 - 3) If the professional's inspection reveals an unsafe condition, the Applicant shall rectify the condition, or failing this, the Village may use the security to rectify the condition. Any amount of the security not used for the purpose it was intended will be returned to person who paid it.

Schedule E

iii) Damage to Natural Environment: Where there is the high probability of damage to the Natural Environment occurring due to a consequence of contravention of a condition in a Permit, this Security may be required to provide the means by which Council can rectify said damage, as follows:

- 1) The amount shall be 125% of the cost estimate provided by a registered professional and shall be received before the Permit is issued.
- 2) An inspection shall be carried out upon completion of the plan by a registered professional and if found compliant, a full refund shall be made to the person who paid it.
- 3) If the professional’s inspection reveals an unsafe condition, the Applicant shall rectify the condition, or failing this, the Village may use the security to rectify the condition. Any amount of the security not used for the purpose it was intended will be returned to person who paid it.

f) Additional information may be required in accordance with the “Corporation of the Village of Cumberland Development Approval Information Bylaw No. 809, 2005” and all amendments thereto.

10. FEES

\$1,850^{1,2}			
<u>Plus</u>	\$1 per 1.0metres ² gross floor area of proposed/potential commercial and/or industrial development	to a maximum of \$3,500	
+ Plus a fee to reimburse the Village (at cost) for Peer Review of (such as but not limited to) legal, engineering, environmental, architectural plans, studies, and/or documents. The Applicant will be advised in writing of the amount outstanding and will be provided with an accounting of the costs incurred. Payment of these fees will be a condition that will be met prior to issuing the Permit.			
+ Plus the Applicant shall bear the costs of statutory advertising. Payment shall be a condition of granting the Permit.			
Amendment	50% of application fee	Extension	50% of application fee
Refund	<ul style="list-style-type: none"> ●Less 10% before preliminary review of the application ●Less 75% before preparation of the first staff report ●No refund after notification to adjacent neighbours 		
Notes:			
1. <i>If a concept plan is not available this number will be calculated on the maximum build out allowed in the applicable Zone.</i>			
2. <i>Application fees shall include Title searches but do not include other documents such as covenants, ROW’s, etc. The cost of retrieving these from LTO shall be borne by the Applicant.</i>			

11. TYPICAL PROCESS

- a) A complete application and fees are received by staff. Processing will not commence until all the application requirements are met.
- b) Staff will provide the design of the required public notice sign to the Applicant, mapping of the area required for notification (if required), and mailing labels if requested.
- c) The Applicant shall:
 - i) install the Public Notice sign within 10 days of having made the application.
 - ii) schedule the Neighbourhood Public Meeting in a Cumberland venue;
 - iii) advertise in a local paper, the advertisement to appear 10 days prior to the Neighbourhood Public Meeting;
 - iv) after the Neighbourhood Public Meeting, provide proof of advertising, a summary of comments and/or concerns; and any submissions made at the Meeting.
- d) Staff prepares a report for Council outlining the application and requesting referral to the internal Commissions or Committees as applicable.
- e) Staff sends out notification to adjacent neighbours at least 14 days prior to the meeting where Council will be making a decision on the application and ensures that statutory advertising is carried out.
- f) The internal Commissions and/or Committees as referred by Council meet and makes recommendations to Council.
- g) Staff prepares report for Council outlining the application, including comments from the Neighbourhood Public Meeting, recommendations from the internal Commission or Committees, and any public submissions received.
- h) Council upon considering the application may request additional information, or they may issue the application, table, or deny the application.
- i) The Applicant is advised of Council's decision within 10 days.
- j) Where Council has issued a Permit it is then prepared in the form of Schedule E-1. When the conditions of the Permit have been met (i.e., security, plans) it is then issued by the Corporate Officer; and *Notice of the Temporary Use Permit* is sent to Land Title Office for registration on the title of the subject property.
- k) Within 10 days of the date of Council's decision, the Applicant shall remove the Public Notice sign.

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6. **List of Reports or Plans attached as Schedules**

Insert Reports or Plans attached as Schedules as required

7. **Contaminated Sites Regulation**

(choose one of the following as applicable)

This Permit is issued pursuant to the requirements of the *Environmental Management Act*, whereby the Applicant has completed a "Site Declaration" for the subject property.

OR

This Permit is issued pursuant to the requirements of the *Environmental Management Act*, whereby the Regional Manager of the applicable Ministry has received a "Site Profile" for the subject property and has issued a clearance to proceed to the Village on *(insert date)*.

8. This Permit is **not** a Building Permit.

Certification for Permits where there are *pre*-conditions:

CERTIFIED as the TEMPORARY USE PERMIT approved for issuance by resolution of the Council of the Corporation of the Village of Cumberland on _____ 20__, subject to conditions noted at paragraphs ___(Security) and ___(_____) , and issued on _____, 2018 by senior staff on satisfaction of those conditions.

OR

Certification for Permits where there are no *pre*-conditions:

CERTIFIED as the TEMPORARY USE PERMIT approved and issued by resolution of the Council of the Corporation of the Village of Cumberland on _____, 20__.

Corporate Officer

Application for a Manufactured Home Park Permit

1. APPLICATION

- a) An application shall be completed upon a form provided by the Village which then shall be delivered to the Village together with such additional plans and particulars as may be required. The application is considered as being accepted when all the required information (including fees) has been received.
- b) Each legal parcel shall be considered as a separate application, unless otherwise determined by the Chief Administrative Officer.

2. Exemptions

In accordance with the Manufactured Home Park Bylaw No. 1036 or amendments thereto, Part A, Section 5:

- a) *The provisions of this Bylaw do not apply to a Manufactured Home Park or any part of a Manufactured Home Park existing prior to coming into force of this Bylaw.*
- b) *Further to 5(a) above:*
 - i) *no person shall be compelled to upgrade existing permitted Manufactured Home Parks to the standards of this Bylaw;*
 - ii) *new development in an existing Manufactured Home Park shall not lessen the compliance with the Bylaw; and*
 - iii) *expansion of an existing Manufactured Home Park shall meet all Bylaw provisions.*

3. RE-APPLICATION

An application that has been refused by Council shall not be reconsidered for a period of 12 months immediately following the date of refusal, except when permitted pursuant to the provisions of the *Local Government Act*. A re-application is considered a new application and additional fees apply, as noted in the following section 10.

4. ABANDONED APPLICATION

An application which has been inactive for more than six months is deemed to be abandoned and will be closed.

5. NEIGHBOURHOOD PUBLIC MEETING

- a) Applications to consider a Manufactured Home Park Permit (MHPP) will require the Applicant to hold a Neighbourhood Public Meeting prior to presentation of the application to Council for first reading. The Neighbourhood Public Meeting shall be held in a venue in the Village of Cumberland. The Applicant is required to prepare a summary of comments and/or concerns from the Neighbourhood Public

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Meeting and submit same to the Village in a timely manner in order that this information may be forwarded to Council.

- b) Council may require additional public consultation, the cost of which will be borne by the Applicant.

6. NOTIFICATION

- a) The Applicant shall ensure that the notice of the Neighbourhood Public Meeting is placed in one edition of a local newspaper and mailed or otherwise delivered to adjacent owners and occupiers of all properties within a 75.0metre (246.0feet) radius of the lot lines of the land involved under application at least 10 days before the Neighbourhood Public Meeting.
- b) Within 10 days of the application being made, the Applicant shall install a public notice sign advising of the application within 10 days of the application being made in a location visible from the road on the subject property. If the property has two road frontages, two signs may be required. The sign shall be in the format acceptable to the Village. The sign must remain in place until the last act of Council and shall be removed within 10 days of that date.
- c) The Village shall mail or otherwise deliver a notice that Council will consider a Manufactured Home Park Permit to the owners of all properties within a 75.0metre (246.0feet) radius of the lot lines of the subject property at least 10 days before the meeting where Council will make a decision on the application.

7. AMENDMENT

After Council has approved a Manufactured Home Park Permit for issue, minor amendments will be accepted provided that the fee as noted in section 10 of this schedule has been paid. Major changes which require significant review by Staff and Council will require a new application and fees.

8. EXTENSION

The Applicant may apply to Council to grant one extension of up to three years. Fees as noted in section 10 of this schedule, apply.

9. APPLICATION REQUIREMENTS

- a) The completed **application form** including the applicable fees and signature of the Applicant.
- b) A **Surveyors Certificate** prepared by BCLS Surveyor may be required at the request of the Village.
- c) Professionally prepared **drawings** which identify:
 - i) Location map, including neighbouring land uses;
 - ii) North arrow and drawing scales;

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- iii) Existing and proposed buildings in relation to legal property boundaries with dimensions and areas as certified by a BCLS surveyor;
 - iv) The location, dimensions, area, and boundaries of each manufactured home space and the number assigned to each space;
 - v) Significant physical features and topographic information shown as 2.0metre intervals, and contours of 1.0metre intervals where grade is greater than 10%;
 - vi) The location and dimensions of existing and proposed roads, public access, walkways, trails, adjacent to the subject property;
 - vii) The location of any hazard areas: steep slopes, unstable soils, high water table areas, areas subject to flooding, etc.;
 - viii) Plan of proposed park, trail and open space (as applicable); or park existing
 - ix) Site works and servicing plan, detailing connections, location, design and sizing of all servicing infrastructure required to adequately service the proposed development.
 - x) The location and dimensions of registered rights-of-ways or easements.
- d) **Landscape Plans, as required**, must be professionally prepared and conform to the most recent BCSLA\BCLNA Landscape Standard and contain the following minimum information:
- i) Site organization, including planting beds, and landscape features.
 - ii) All plant material and landscape features at installed sizes, accurate location, and spacing.
 - iii) Plant list using botanical and common names for all recommended plant material and size specification.
 - iv) Location of all utility infrastructure (overhead, underground, light standards, etc.), which may be affected by landscaping.
 - v) A cost estimate of completing any required landscape plan. This estimate shall provide the following detailed (itemized) information:
 - 1) Softscaping such as, but not limited to plants, bed preparation, etc.;
 - 2) Equipment to be installed such as but not limited to irrigation system, playground, etc.;
 - 3) Hardscaping such as but not limited to sidewalks, fencing, etc.; and
 - 4) Labour costs required for the total cost of the construction and implementation of the plan.
- e) **Security:** If required, the Applicant shall provide a performance security by letter of credit or in a form acceptable to the Village for the following purposes:

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- i) Landscaping: If Landscaping is required, this security is to provide the means by which Council can carry out the landscaping works if the Applicant does not complete the approved Landscape Plan, as follows:
- 1) The amount shall be 125% of the cost estimate for the approved landscape plan and shall be received before the Permit is issued.
 - 2) An inspection shall be carried out upon completion of the plan and if compliant, a refund of 75% shall be made.
 - 3) The remaining 25% will be held back for one year at which time the Applicant will request an inspection. If the plantings are to the satisfaction of the Village, the holdback will be returned to the person who paid it. If any of the plants have not survived, they shall be replaced by the Applicant per the approved landscape plan, or failing this, the Village may use the holdback to replace the plants. Any amount of the security not used for the purpose it was intended will be returned to person who paid it.
- ii) Unsafe Condition: Where there is the high probability of an unsafe condition occurring due to a consequence of contravention of a condition in a permit, a Security may be required to provide the means by which Council can rectify said unsafe condition, as follows:
- 1) The amount shall be 125% of the cost estimate provided by a registered professional and shall be received before the Permit is issued.
 - 2) An inspection shall be carried out upon completion of the plan by a registered professional and if found compliant, a full refund shall be made to the person who paid it.
 - 3) If the professional's inspection reveals an unsafe condition, the Applicant shall rectify the condition, or failing this, the Village may use the security to rectify the condition. Any amount of the security not used for the purpose it was intended will be returned to person who paid it.
- iii) Damage to Natural Environment: Where there is the high probability of damage to the Natural Environment occurring due to a consequence of contravention of a condition in a permit, this Security may be required to provide the means by which Council can rectify said damage, as follows:
- 1) The amount shall be 125% of the cost estimate provided by a registered professional and shall be received before the Permit is issued.
 - 2) An inspection shall be carried out upon completion of the plan by a registered professional and if found compliant, a full refund shall be made to the person who paid it.
 - 3) If the professional's inspection reveals an unsafe condition, the Applicant shall rectify the condition, or failing this, the Village may

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use the security to rectify the condition. Any amount of the security not used for the purpose it was intended will be returned to person who paid it.

10. FEES

<p>All applications: \$2,250^{1,2}</p> <p>Plus \$25 for each space to a maximum of \$4,500</p>			
<p>+ Plus a fee to reimburse the Village (at cost) for Peer Review of (such as but not limited to) legal, engineering, environmental, architectural plans, studies, and/or documents in the amount of \$250 per proposed space/lot of proposed or potential residential development¹. This fee is to be paid at time of application and will form the application “account”. Staff will maintain an accounting of charges to the application, which will be provided to the payee semi-annually and upon completion or termination of the project. Funds remaining in the account after completion or termination of the project will be returned to the payee.</p>			
<p>+ Plus additional monies will be required if the Peer Review charges exceed the Peer Review fees paid at application. The payee will be advised in writing that this fee is required and it will be equal to the amount paid at application, unless the CAO determines otherwise. The letter will include an accounting to date. Processing of the application will be suspended until this fee is paid.</p>			
Amendment	50% of application fee	Extension	50% of application fee
Refund	<ul style="list-style-type: none"> ● Less 10% before preliminary review of the application ● Less 75% before preparation of the first staff report ● No refund after notification to adjacent neighbours 		
Notes:	<p>1. <i>If a concept plan is not available this number will be calculated on the maximum build out allowed in the applicable Zone.</i></p> <p>2. <i>Application fees shall include Title searches but do not include other documents such as covenants, ROW's, etc. The cost of retrieving these from LTO shall be borne by the Applicant.</i></p>		

11. TYPICAL PROCESS

- a) A complete application and fees are received by Staff. Processing will not commence until all the application requirements are met.
- b) Staff will provide the design of the required public notice sign, mapping of the area required for the Neighbourhood Public Meeting notification, and mailing labels if requested.
- c) The Applicant shall:
 - i) install the Public Notice sign within 10 days of having made the application.
 - ii) hold a Neighbourhood Public Meeting in the Village of Cumberland;
 - iii) advertise in a local paper, the advertisement to appear 10 days prior to the Neighbourhood Public Meeting;
 - iv) after the Neighbourhood Public Meeting, provide proof of advertising, a summary of comments and/or concerns; and any submissions made at the Meeting.

Schedule F

- d) Staff prepares a report for Council outlining the application and requesting referral to the internal Commission or Committee as applicable.
- e) Council upon considering the application may request: additional information, or may issue the application, table, or deny the application.
- f) Staff prepares a report for said Commission or Committee. The Applicant is invited to attend any meeting where his application is being considered.
- g) Staff sends out notification to adjacent neighbours at least 10 days prior to the meeting where Council will be making a decision on the application.
- h) The internal Commissions and/or Committees as referred by Council meet and makes recommendations to Council.
- i) Staff prepares report for Council outlining the application, including comments from the Neighbourhood Public Meeting, recommendations from the internal Commission or Committees, and any public submissions received.
- j) Council, upon considering the application, may request additional information, issue the application, or may refer, table, or deny the application.
- k) The Applicant is advised of the Council's decision within 10 days.
- l) Where Council has issued the Permit, it is then prepared in the form of Schedule F 1. When the conditions of the Permit have been met (i.e., security, plans) it is then granted by the Corporate Officer; and *Notice of Manufactured Home Park Permit* is sent to Land Title Office for registration on the title of the subject property.
- m) Where a Permit has been refused by Council, the Applicant shall be advised of the reasons for refusal.
- n) Within 10 days of the date of Council's decision, the Applicant shall remove the Public Notice sign.

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Corporation of the
Village of Cumberland

**MANUFACTURED
HOME PARK PERMIT**

TO: *(insert Applicant name here)* **AGENT:** *(insert agent name here if applicable)*

OF: *(insert address of Applicant here, as it appears on title)*

This Manufactured Home Park Permit *(Insert file number here)* is issued subject to compliance with all of the bylaws of the Village of Cumberland applicable thereto, except as supplemented by this Permit for the purposes of *(insert specific purpose of application)*.

1. This Manufactured Home Park Permit applies to and only to those lands within the Village of Cumberland described below, and any and all buildings, structures and other development thereon:

Legal Description: *(as it appears on title)*

Folio: 516 _____ **PID:** _____

Civic Address: *(address of property affected)*

2. The land described herein shall be developed strictly in accordance with the following terms and conditions and provisions of this Permit:

(Insert conditions as prescribed by Council described as what must be provided before issuance, and what will be required after development is finished.)

3. **Security**

Insert conditions of security as required

4. **Timing and Sequencing of Development**

Subject to the terms of the Permit, if the Applicant of this Permit does not substantially start any construction with respect to which the Permit was issued within 2 years after the date it is issued, the Permit lapses.

Insert conditions of timing or sequencing of development as required

5. **List of Reports or Plans attached as Schedules**

Insert Reports or Plans attached as Schedules as required

Certification for Manufactured Home Park Permits where there are pre-conditions:

CERTIFIED as the MANUFACTURED HOME PARK PERMIT approved for issuance by resolution of the Council of the Corporation of the Village of Cumberland on _____ 20__, subject to conditions noted at paragraphs ___(Security) and ___(_____) , and issued on _____, 20__ by senior staff on satisfaction of those conditions.

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OR

Certification for Manufactured Home Park Permits where there are no pre-conditions:

CERTIFIED as the MANUFACTURED HOME PARK PERMIT approved for issuance by resolution of the Council of the Corporation of the Village of Cumberland on _____ 20__.

Corporate Officer

Application for a Compliance Determination (a “Comfort Letter”)

1. APPLICATION

- a) Where a request for information is made which requires a determination of compliance with regards to Village bylaws, an application for a “Comfort Letter” must be made.
- b) An application shall be completed upon a form provided by the Village which then shall be delivered to the Village together with such additional plans and particulars as may be required. The application is considered as being accepted when all the required information (including fees) has been received.
- c) Each legal parcel shall be considered as a separate application, unless otherwise determined by the Chief Administrative Officer.

2. ABANDONED APPLICATION

An application which has been inactive for more than six months is deemed to be abandoned and will be closed.

3. FEES

Requests by Owners for a Single Family Dwelling \$250	All Others: \$500
Refund	None
<i>Notes: Application fees shall include Title searches but do not include other documents such as covenants, ROW’s, etc. The cost of retrieving these from LTO shall be borne by the Applicant.</i>	

4. APPLICATION REQUIREMENTS

- a) The completed **application form** including the applicable fees and the authorizing signatures of the Applicant.
- b) Where the request is for confirmation of siting and/or height a **Survey Certificate** prepared by BCLS Surveyor is required.
- c) Where the application is for determination of status of siting and/or use, incontrovertible proof of existence is required. Acceptable evidence may be, but not limited to, Building Permit or BC Assessment information.

5. PROCESS

- a) A complete **application** and fees are received by staff.
- b) Research is carried out by staff, who prepares a written letter which is circulated to internal departments (as required) for comment.
- c) The information may be provided to the Applicant verbally, however it shall be also made in writing, and the copy filed accordingly.

Application for Site Specific Exemption to Flood Construction Level and Setbacks

1. APPLICATION

- a) An application shall be completed upon a form provided by the Village which then shall be delivered to the Village together with such additional plans and particulars as may be required. The application is considered as being accepted when all the required information (including fees) has been received. This provision is not a substitute for any requirements under Section 56 of the *Community Charter*.
- b) Each legal parcel shall be considered as a separate application, unless otherwise determined by the Chief Administrative Officer.

2. RE-APPLICATION

An application that has been refused by Council shall not be reconsidered for a period of 12 months immediately following the date of refusal, except when permitted pursuant to the provisions of the *Local Government Act*. A re-application is considered a new application and additional fees apply, as noted in the following section 5.

3. ABANDONED APPLICATION

An application which has been inactive for more than six months is deemed to be abandoned and will be closed.

4. APPLICATION REQUIREMENTS

- a) The completed **application form** including the applicable fees and the authorizing signatures of the Applicant.
- b) As a condition of a Site Specific Exemption, the Applicant will be required at his own expense to commission a Professional Engineer's Report that addresses exemption precedents in the surrounding area and provides a report containing a description of the proposed development, and recommendations for conditions addressing flood proofing, as applicable.
- c) A Surveyors Certificate prepared by BC Land Surveyor showing the following:
 - i) Location map, including neighbouring land uses;
 - ii) existing and proposed structures and distances to property lines;
 - iii) existing and proposed building elevation levels in geodetic datum;
 - iv) existing and proposed flood construction setbacks;
 - v) North arrow and drawing scale; and
 - vi) Roads and access.

5. FEES

All Applications: \$1,200^{1,2}			
+ Plus a fee to reimburse the Village (at cost) for Peer Review of (such as but not limited to) legal, engineering, environmental, architectural plans, studies, and/or documents. The Applicant will be advised in writing of the amount outstanding and will be provided with an accounting of the costs incurred. Payment of these fees will be a condition that will be met prior to issuing the permit.			
Amendment	50% of application fee	Extension	50% of application fee
Refund	<ul style="list-style-type: none"> ● Less 10% before preliminary review of the application ● Less 75% before preparation of the first staff report ● No refund after preparation of the first staff report 		
Notes:	<ol style="list-style-type: none"> 1. <i>Where an exemption to flood construction level and setbacks application is combined with a Development Permit,, only one fee shall be charged, whichever is the greater.</i> 2. <i>Application fees shall include Title searches but do not include other documents such as covenants, ROW's, etc. The cost of retrieving these from LTO shall be borne by the Applicant.</i> 		

6. TYPICAL PROCESS

- a) A complete application and fees are received by staff. Processing will not commence until all the application requirements are met.
- b) The application will be referred to internal departments for comment, the Village Engineer, and peer review as required.
- c) Staff prepares a report for Council which will include the professional engineer’s report, staff comments, and peer review, as applicable
- d) Council upon considering the application may request additional information, issue the application, or may refer, table, or deny the application.
- e) Where a site specific exemption has been granted, the Applicant will be invited (at their expense) to prepare and register a covenant under Section 219 of the *Land Title Act* in favour of the Village:
 - i) specifying conditions that would enable the land to be safely used for the use intended according to the terms of the Profession Engineer’s report which will form part of the restrictive covenant;
 - ii) acknowledging that no Disaster Financial Assistance Funding is available for the building or its contents;
 - iii) releasing and indemnifying the Village from liability in the event any damage is caused by flooding or erosion; and
 - iv) attaching the Engineer’s report to the covenant.

- f) The Applicant is advised of the Council's decision within 10 days.
- g) Where site specific exemption has been denied by Council, the Applicant shall be advised of the reasons for refusal.

END OF DOCUMENT

Village of Cumberland Statement of Significance

Camp Road

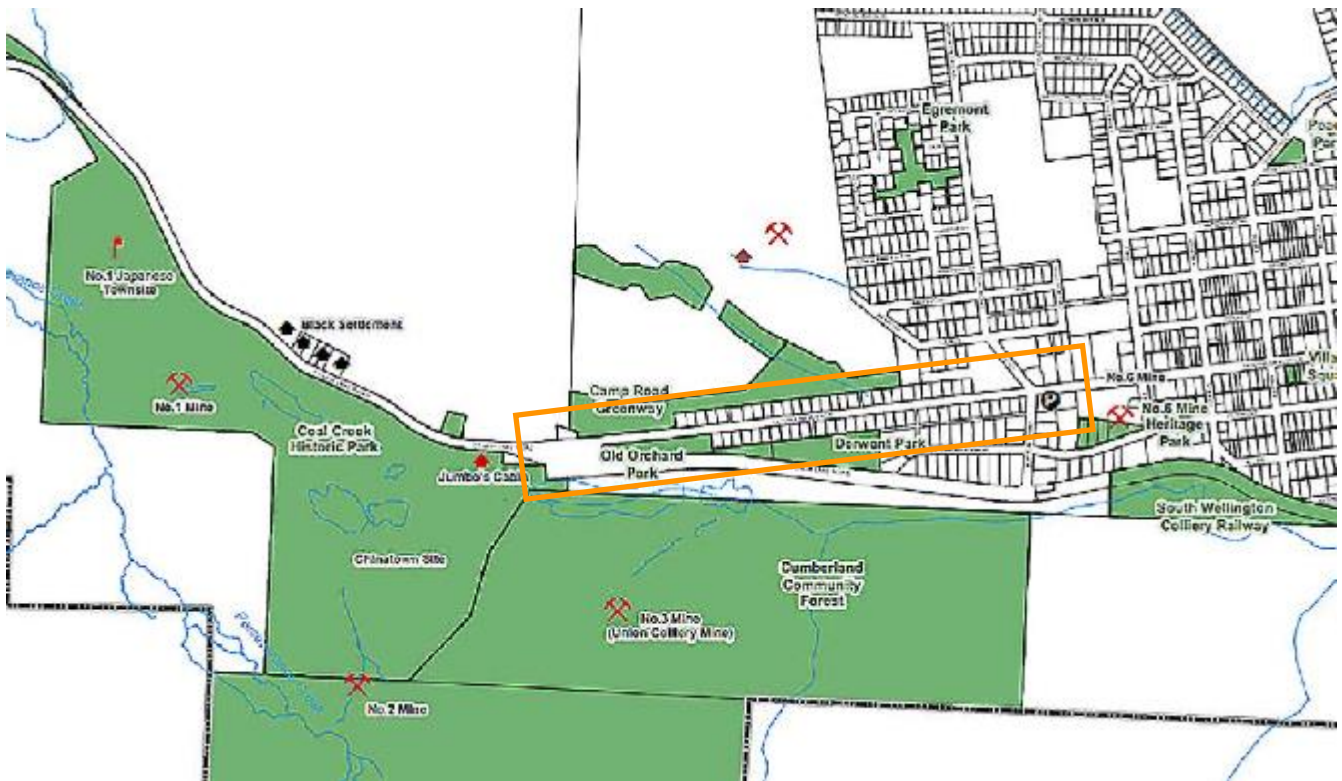
Dunsmuir Road West, Cumberland B.C.

Established c.1888



Prepared by Denise Cook Design + Elana Zysblat, Ance Building Services 01 September 2018

Camp Road - Dunsmuir Road West, Cumberland B.C.



Description of Historic Place

The area known as Camp Road is a portion of Dunsmuir Avenue and its adjacent mining related houses and associated structures. Camp Road extends approximately from the intersection of Dunsmuir Road and Sutton Road at its west end, sloping east to just past the intersection of Dunsmuir Road and Comox Lake Road. Paved for most of its length, the road turns to gravel near Old Orchard Park.

Heritage Values

An essential feature associated with the building of the mining industry and community in Cumberland, Camp Road, or Dunsmuir Road West, has historical, cultural, social, economic and aesthetic value, particularly as a rare record of a late 19th-century Vancouver Island coal mining town and for its past use as an area accommodation and business for Cumberland's diverse mining community.

Established in 1888 when the first mines opened, the original Town of Union is historically important for being constructed specifically for workers in the Union Colliery. The construction of the place is associated with Vancouver Island's so-called 'coal baron,' Robert Dunsmuir, owner of the Canadian Collieries Dunsmuir Ltd. or CCDL, who had found earlier success in the Nanaimo coal basin. After purchasing the Union Coal Mining Company, which performed the initial underground exploration in 1874, Dunsmuir greatly expanded the existing settlement of Union to accommodate his plans for mine expansion; under his direction, eight different mines would be created in the Cumberland area.

Originally known as Union Camp or Union Settlement, Camp Road is significant for the inclusion of a variety of buildings, such as the three rows of housing for miners in the form of log cabins, whitewashed 'white cabins' and the later 'red cabins,' mine managers' houses, boarding houses, hotels and commercial enterprises related to the colliery business. Many of the remaining miners' houses are significant for their consistent building form, a small gable or shed-roof cabin with front porch. Also significant is their original location along the Wellington Colliery Railway, which ran adjacent to and below the miners' housing,

Camp Road is significant as the still-existing collection of mine-related residential and related structures, part of the up to 100 buildings that comprised the original settlement of Union. Particularly important are the physical and functional connections between its elements, including the houses and structures, the roadway without sidewalks, the location of the former Wellington Colliery Railway, and the sloped grade of the landscape. Together, these features illustrate the original pattern of development, the tight spacing of the structures, the minimal setback of the houses relative to the roadway and building adaptation to the sloping grade, all of which are the result of the need to house the work force for the No. 4 Mine.

It is significant that these houses are still standing after two major physical events. They survived the 1947 earthquake, although many lost their foundations, while a fire in the mid 1950's burned many of the houses, with charred attic timbers still carrying the evidence.

Houses on the north, or uphill side have terraced backyards with raised front porches and features such as stairs, sloped banks or retaining walls, an adaptation to the grade. Houses on the south, or downhill side, have front porches directly adjacent to the street and sloping backyards that collect the sunlight. Today, modifications and additions to the original houses are important as another layer of adaptation for contemporary use. Significant ornamental and natural vegetation is part of this landscape.

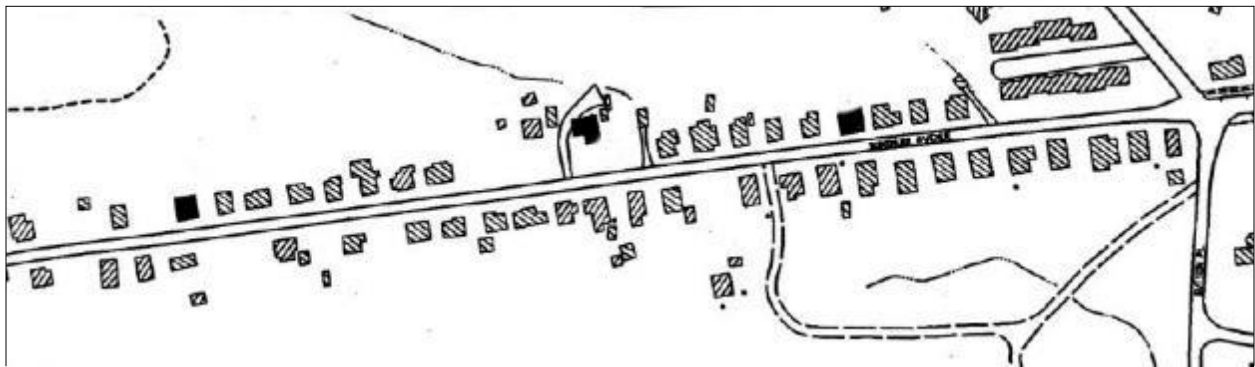
Camp Road is important for illustrating the ethnic diversity, roles and jobs that were part of the coal mining culture in Cumberland at that time. Workers and families from Britain, Scotland, Italy, Eastern Europe, Sweden, Ireland, Belgium, Norway, Australia, Chile, the United States and others created a hierarchy of workers and pockets of cultural diversity within the Camp Road settlement. As well as miners, employees living in the area worked at a diverse range of jobs, such as foremen, carpenters, managers, butcher and other grocery retailers, administrative positions for the CCDL, boarding house owners and workers at the company store. The still existing community of Union was incorporated into the Village of Cumberland in 1966.

Particularly notable is the original apple orchard at the west end of Camp Road, now Rotary Orchard Park, an area known as 'Little Italy' and one of the earliest parts of Union to be developed, that was home to Cumberland's Italian community between 1889 and 1910.

Today, Camp Road is valued for its ongoing use and utility as part of the Cumberland community. Accommodating families and their everyday activities, the area is known for have a bohemian character, a child-friendly and stroll-friendly neighbourhood. Porky's Path is now the remnant of the railway bed that parallels the lower row of houses

Character-defining Elements

- Location of the area at the end of Dunsmuir Avenue near the original Wellington Colliery Railroad
- The intersection of Dunsmuir Road and Comox Lake Road at Rotary Orchard Park, considered the west entrance to Cumberland, and where the train stopped to take workers to the Union mine
- Pattern of housing in two rows along Dunsmuir Avenue
- Adaptation of housing and landscape to existing grades
- Surviving wide road width with no sidewalks
- Surviving individual houses such as the butcher's house
- Groupings of specific houses such as the collection of 'red houses' on the southwest side of Dunsmuir Avenue
- Generally consistent building form, a small gable or shed-roof cabin with front porch
- Rotary Orchard Park
- Ornamental and natural vegetation



Map showing the pattern of houses along Camp Road. (Cumberland Museum & Archives)

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Original butcher's house and shop with one of the Canadian Collieries Dunsmuir Ltd. 'red houses.'



Looking west down Camp Road after 1910. The butcher's house and collection of 'red houses' are on the left, the Union Hotel on the right.



Retaining wall supporting the sloped grade on the north side of Dunsmuir Avenue



West end of Dunsmuir Avenue looking towards Old Orchard Park.

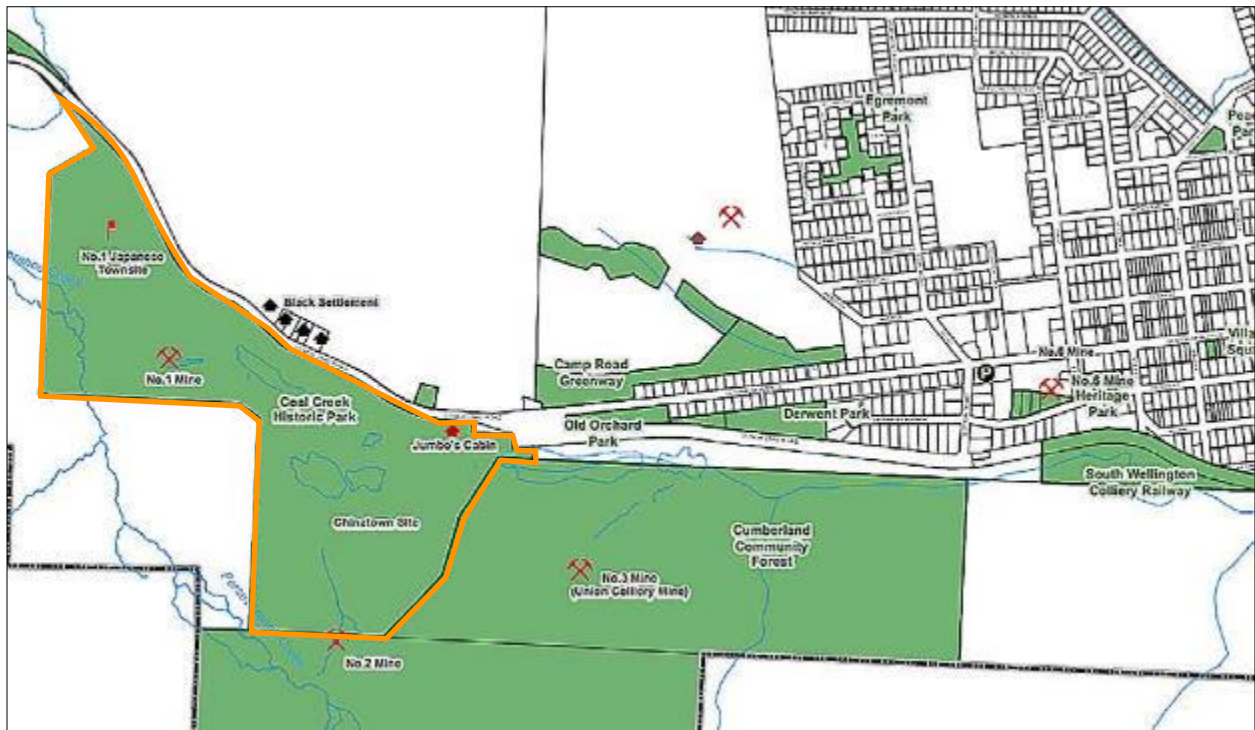
Statement of Significance

Coal Creek Historic Park - 2002

Comox Lake Road, Cumberland BC



Prepared by Denise Cook Design + Elana Zysblat, Ance Building Services 01 September 2018
Coal Creek Historic Park - south of Comox Lake Road, west of Cumberland



Description of Historic Place

Coal Creek Historic Park is a 40 hectare park and cultural landscape recognized as a provincial heritage site under section 18 of the BC Heritage Conservation Act. The park, located west of the Village of Cumberland just south of Comox Lake Road, contains the sites of Cumberland’s former Chinatown, former No. 1 Japanese Town, portions of the historic Wellington Colliery Railway trail, the former No. 1 Mine site and the No. 2 Mine portal site.

Heritage Values of the Historic Place

Coal Creek Historic Park has historical, cultural, social and aesthetic value for encompassing some of Cumberland’s most important historic sites. It is an enduring record of the Chinese Canadian and Japanese Canadian communities of Cumberland and their strong ties Coal Creek to the industrial development of Vancouver Island, most notably Historic Park coal mining and railway building.

Coal Creek Historic Park has deep roots as the nucleus of Chinese and Japanese Canadians working in the coal mines on central Vancouver Island starting in the late 1880s. Once very extensive communities, with Cumberland’s Chinatown the largest in Canada towards the end of World War I, and its Japanese community the largest on Vancouver Island until internment in 1942, the place is historically significant for representing the contribution of both of these communities to the coal mining economy in the Cumberland region and to the economic and cultural development of the province.

The Park’s natural wetland environment attests to the industry of these ethnic minorities who had to build their towns and gardens in this less-desirable marshy terrain, in some places needing to drain the marshes. The geographical separation of these groups (including a Black community who had a small settlement nearby) from the European-centric village of Cumberland (formerly Union Camp), illustrates the racial segregation of living and working life in B.C.’s early industries and communities, a legacy of federal

legislation such as the *Chinese Immigration Act* of 1885 which established the head tax, and the 1908 *Hayashi-Lemieux Agreement* and 1923 *Chinese Immigration Act* which restricted Japanese and Chinese immigration respectively. At the same time, the Park illustrates the internal racial differences of Japanese and Chinese workers at the time, seen in the creation of two ethnically separate communities.

With its primarily male occupants, the site is important for linking the Chinese and Japanese Canadian labour forces to coal mining and mine owner Robert Dunsmuir, who, while a pioneer industrialist, was known for lack of safety procedures in his mines and non-union labour practices that featured the prevalent and often exploitative use of Chinese and Japanese Canadian miners and railway construction workers. The proximity of these community's settlements to former No. 1 and 2 mine sites and the former Wellington Colliery railroad, today a trail connecting the former Chinatown and No. 1 Japanese Town Site, provides evidence of the industries which created these communities.

Coal Creek Historic Park is valued for its cultural and social legacy as home to former vibrant, self-sufficient settlements. While built initially as mining camps, Chinatown and No. 1 Japanese Town Site were villages with cultural activities, schools and services. At its height, Chinatown had grocery and hardware stores, restaurants, apothecaries, bakeries, two theatres, a temple and gambling houses, while No. 1 Japanese Town Site had two general stores, a town hall, a bath house, a language school, a baseball diamond and community vegetable gardens. The Coal Creek communities maintained an economic relationship with the Village, with many of their residents connected to the larger community, primarily through the existence of a merchant class, the provision of foodstuffs and work as domestic servants or other service occupations.

Coal Creek Historic Park is valued as evidence of two a pioneer townsites, seen in the Saito House in the No. 1 Japanese Town Site, building remains delineating historic Hai Gai and Shan Gai streets in Chinatown, and remnant gardens and trees left from Chinese and Japanese Canadian food cultivation. An enduring legacy is the Cumberland reunion picnic which takes place each year, with its 40th anniversary in 2015.

While the area declined and was the target of vandalism in the 1960s, the site became a Village amenity in 2002. Cumberland residents value the Park both as a significant heritage site and as a nature reserve of regional ecological significance. With the help of the Cumberland Chinatown-No. 1 Japanese Ad Hoc Group (2006-2007) and Coal Creek Historic Park Advisory Committee (2008-ongoing), Cumberland's Japanese and Chinese Canadian communities are being commemorated and honoured for their lasting importance as part of the identify of Cumberland through the designation of this significant cultural landscape.

Character Defining Elements

- Natural environment of freshwater marshes, forests and creeks
- Location of the former No. 1 Japanese Town Site, Chinatown, No. 1 and 2 mines, and Wellington Colliery Railroad
- Surviving roads of Chinatown (Hai Gai and Shan Gai) with interpretive signage marking prominent locations and buildings
- Gnarled old fruit trees
- Surviving roads of No. 1 Japanese Town Site and Mine access roads
- Wellington Colliery Railroad former rail grade used as recreational trail, linking Chinatown with No. 1 Japanese Town and beyond

- Coal hills adjacent to No. 1 Japanese Town
- No. 1 mine slope
- No. 2 mine shaft
- Asian-style bridge installed in 2013 on the Wellington Colliery Railroad trail over a tributary of Perseverance Creek
- Saito House - only surviving house of no 1. Japanese Town Site
- Jumbo's Cabin - only house surviving of Chinatown
- Interpretive and park information signage at Jumbo's Cabin
- Chinatown entrance sign and plaque
- No. 1 Japanese Town Site plaque
- 31 flowering cherry trees planted in the former No. 1 Japanese Town Site in 2009
- A large gravel clearing located on and to the south of the former site of Chinatown used as a community gathering area for special events and other recreation activities
- picnic pavilion with engraved benches and plaque- built in 2011 by the Coal Creek Advisory Committee and members of original resident families

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Entrance to Coal Creek Historic Park with Jumbo's Cabin and a self-guided interpretive map.



Self-guided interpretive map to Coal Creek Historic Park.



Entrance to former Chinatown site



Chinatown site and picnic pavilion



Wetlands and creeks in Coal Creek Historic Park



way finding and interpretive signage in Chinatown





No. 1 Japanese Town Site plaque



Bridge installed in 2013 on the Wellington Colliery Railroad trail over Perseverance Creek

Village of Cumberland Statement of Significance

Cumberland Municipal Cemetery

4441 Memorial Way, Cumberland BC

Established 1895



Prepared by Denise Cook Design + Elana Zysblat, Ance Building Services September 2018

Cumberland Cemetery - 4441 Memorial Way, Cumberland B.C.



Description of Historic Place

The Cumberland Municipal Cemetery is a 4-hectare cemetery and public open space located at 4441 Memorial Way, approximately 2.5 kilometres east of the Village of Cumberland and just east of the Inland Island Highway. The cemetery, divided into two main sections, contains elements such as graves and grave markers, entry gates and a carved log sign. The Cemetery has heritage designation through bylaw by the Village of Cumberland.

The cemetery was located on the original Cumberland Road between Courtenay and Cumberland - everyone using the road would pass the cemetery - until 1997 and the construction of the Inland Island Highway.

Heritage Values

The Cumberland Cemetery has historical, cultural, social, spiritual and aesthetic value, particularly for its past use as a pioneer cemetery and its ongoing use today. The cemetery is valued as an enduring record of the people of Cumberland and the surrounding region, their contribution to the growth and character of the community and their role in the industrial development of Cumberland.

Established in 1895, the Cumberland Cemetery is considered to be an essential and unique feature of Cumberland, valued as the resting place of generations of Cumberland's citizens. It represents a tangible link between those living and those buried, and to the community's past through its natural landscape features, physical layout, and built elements such as grave markers and monuments. Today it retains its connection to early families that still remain in Cumberland and the surrounding area.

Constructed on a portion of the Esquimalt and Nanaimo Railway land grant owned by Robert Dunsmuir's Canadian Collieries Dunsmuir Ltd., the cemetery is important for being representative of the role that the coal mining company played in the area. Its connection and importance to the mining community is found in its original design and layout of family burial grounds and grave sites by Union colliery surveyor Frank Smith. In addition to citizens of Cumberland, the cemetery became the final resting place for many Union Bay, Bevan and Number Eight Mine townsite residents, communities established by, and associated with, the colliery.

Located within a forest setting of Douglas-Fir and Western Hemlock, the physical landscape of the cemetery represents the larger landscape of the region, with gently sloping topography and natural vegetation cover of moss and kinnikinnick overlaying glacial till. New planting includes Robinia pseudoacacia in rows along the roadway.

The original layout of the cemetery reflects the spiritual, social and political norms of the time, as well as the diversity of Cumberland's population. Historically two separate cemeteries, with different entrances for Catholics and Protestants, the two were combined in 1983 with a common entranceway. Japanese Canadians and Chinese Canadians had separate cemeteries altogether.

The development of the cemetery over 120 years reflects the economic, cultural and spiritual changes in Cumberland's history, seen in new cemetery regulations, headstone marker styles that include formal upright obelisks, ground level plaques and Canadian War Grave markers, and materials that range from wood, to polished granite, to concrete. The more recent rustic, hand-carved identity sign gives the cemetery a distinct sense of place. The transfer of ownership of the cemetery from the Colliery Employees Medical Fund to the Village of Cumberland in 1954 reflects economic change in the community as coal mining diminished, as well as the change in the roles of public and private institutions in the mid-20th century.

The Cumberland Cemetery is significant for its connection to many well-known citizens of, and events related to, Cumberland. To name several, it is the site of local labour leader Ginger Goodwin's grave, whose shooting in 1918 led to strikes and riots across the country. It has an association with Thomas Banks, Cumberland's undertaker, and his important role in compiling a list of those buried in the cemetery and the cause of their deaths from 1908 until 1955. The cemetery is also associated with the Spanish Civil War, with volunteer soldiers buried here, and Miners' Row recalling workers in the early industrial history of the area.

The cemetery is a reminder of the victims of mine disasters such as the significant explosions in 1901 and 1922, with burials undertaken by different fraternal organizations and societies associated with the

mineworkers. Unmarked graves may be those of miners who lost their lives in the mines and in other places.

The cemetery is valued for its ongoing use and utility as an active community cemetery, offering full burials, cremation lots and niches in a columbaria wall, with new and innovative approaches such as the inclusion of green burials. It is considered a spiritual and sacred place, with a sense of connectivity and belonging, a permanent feature in Cumberland's landscape that conveys respect toward the dead.

A popular pilgrimage destination, the cemetery has social value through the commemoration and honouring of Cumberland's mining families through its formal heritage designation. New entry gates installed in 1983 were in honour of pioneers James and Janet Whyte and their descendants, many of whom were buried in the cemetery.

Character-defining Elements

- Location of the cemetery on the original Cumberland Road within a forested setting
- Cemetery layout
- New entrance established in 1983 representing the amalgamation of the two separate parts of the cemetery
- Wooden entry sign
- Two sections with separate entrances for Catholics and Protestants still understandable and legible on the site
- Grave sites of well-known Cumberland residents, such as Ginger Goodwin
- Location of community celebrations
- Provincial stop of interest plaque commemorating Ginger Goodwin
- New tree planting and other current and future improvements

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Preferred option for improvements to the Cumberland Municipal Cemetery reflecting the original form and layout of the cemetery. (Lees + Associates 2014)





Carved wood sign, new entry road and landscaping.

Statement of Significance

Ilo Ilo Theatre - 1932

2691 Dunsmuir Avenue, Cumberland BC

Prepared by Denise Cook Design + Elana Zysblat, Ance Building Services September 2018





Ilo Ilo Theatre - 2691 Dunsmuir Avenue, Cumberland BC

Description of Historic Place

The Ilo Ilo Theatre at 2691 Dunsmuir Avenue is a two-storey, flat-roofed commercial building with a central recessed entry. It is situated in the historic downtown on the south side of Dunsmuir Avenue near the corner of 1st Street in Cumberland BC.

Heritage Values of the Historic Place

The Ilo Ilo Theatre has cultural, historical, aesthetic and social value as an enduring record of the cultural life in Cumberland.

This 1932 theatre building is valued as the second iteration of the Cumberland Ilo Ilo Theatre, built after the first theatre building, constructed in 1914, was destroyed by fire in 1923. The two consecutive theatre buildings, both located on the same lot and sharing the same name and function, represent a legacy of more than a century of theatre performances, opera, symphony orchestra, dances, silent and talking films, community events and gatherings at this location in downtown Cumberland.

The Ilo Ilo's enduring reputation as one of the best equipped multi-purpose and multi-media theatres on Vancouver Island since its inception in 1914, with its large capacity seating, a dance hall and a constantly rotating program of films, concerts, performances, events and weekly dances was key in helping to position Cumberland as a cultural centre and destination in the Comox Valley and Vancouver Island well into the late 1950s.

Built in 1932, during a difficult era in Cumberland impacted by the Great Depression and several local mine disasters, closures and fires, the Ilo Ilo Theatre illustrates the hope, optimism and perseverance of its then owner, E. W. Bickle, and his faith in the future of Cumberland, a sentiment shared by many others in the

community as by the second half of the 1930s, Cumberland was experiencing its largest building wave since the 1890s.

The Ilo Ilo is valued for its association with Cumberland resident Edward William Bickle, who owned the theatre from 1924 until his death in 1961 and was responsible for its construction. Apart from the Ilo Ilo, Bickle established theatres also in Courtenay and Campbell River. Bickle was one of the most prosperous businessmen in Cumberland's history and is especially remembered for the establishment and running of several local newspapers in the Comox Valley including the Cumberland Enterprise, the Courtenay Free Press and the Comox District Free Press. His son and grandson continued his legacy for many more decades in managing theatres and newspaper publishing all over Vancouver Island.

True to architectural trends of its era, the 1932 theatre building is in Art Deco style with its sleek, linear appearance, and curved entrance embellished with decorative tile work, the only building of this style in Cumberland. The smooth stucco surface is an additional Art Deco feature but also an effort to introduce a fire retardant coating. Both the original and reconstructed buildings were products of their time, seen in the 1914 building's dance floor, and in the 1932 building's sloped theatre floor.

From 1969 until 2007, the Ilo Ilo Theatre functioned as an auction house under the ownership and management of local residents Dave and Kathy Stevens, with a well-attended and fondly remembered public auction every Friday night for close to 40 years. Although the interior was greatly altered for this new use, the exterior of the building was restored to its original during this time.

The Ilo Ilo is cherished for its unique name which means 'variety' in Japanese and is pronounced eero-eero by native Japanese speakers. It is locally recounted that a local Japanese Canadian tradesman, who worked on the building, may have suggested the name for the theatre.

The Ilo Ilo Theatre's continued importance to the community was expressed in recent years as the building stood vacant and appeared at risk of demolition. Now in the process of rehabilitation as a performance space and community venue, local theatre, art and history groups have come to support fundraising, planning and rehabilitation efforts, an indication of the high level of community interest in the building as a performance space and community venue.

Character Defining Elements

Exterior:

- Original location on Dunsmuir Avenue on the same lot as the 1914 Ilo Ilo Theatre Building before it
- Commercial form, massing and siting as expressed by two-storey height, flat roof, large public entrance at street level and siting right at the property line
- The mosaic tile name sign "Ilo-Ilo" embedded in the stucco above the entrance and in the tiled entrance paving
- Wood-frame construction with smooth stucco cladding and tile work details
- Art Deco symmetrical facade design with arched recessed entrance
- Symmetrical fenestration pattern
- Divided light wood sash windows on both levels
- Roofline coping and projecting lower cornice supported by stepped brackets framing the upper-level windows

- Original canted box office kiosk flanked by a set of double partially glazed, wood doors on either side

Interior:

- Sloped open theatre auditorium space with high, coved ceiling
- Box set wood stage with curved apron
- Arched proscenium opening, matching the building's Art Deco recessed entrance on the facade
- Mezzanine with projection porthole
- Art Deco stylized paintings in original brown/taupe colours, applied on plywood and embedded on all four interior theatre walls
- Three curved iron ceiling chandliers
- Stained-glass exit signs
- Individual surviving artefacts such as the odd theatre chair, projection and other mechanical equipment

Current Photographs

View of facade lower cornice, window brackets
mosaic name sign

and



View of front entrance box office kiosk, double entrance/exit doors and pavement name sign Entrance tile work with mosaic details



Street-level window



Facade detail



Facade detail

streetviews with neighbouring Masonic Temple of the same era



Current interior photographs



Theatre auditorium
looking towards
entrance



Theatre auditorium
looking towards stage

Interior features (left top) view of auditorium from mezzanine projection porthole, (left bottom) auditorium, (right top) entrance doors from the inside, (right middle) one of three iron chandeliers, (right middle) curved stage, (right bottom) original stained-glass exit sign.



Archival Photographs



The 1914 wood clad Ilo-Ilo Theatre with arched entrance - which was destroyed by fire in 1932, is the



Statement of Significance :: Ilo Ilo Theatre - 2691 Dunsmuir Avenue, Cumberland BC :: 01 September 2018

!11The current Ilo Ilo Theatre building under construction. Cumberland Museum & Archives C030-128. 1932



Cumberland Museum & Archives C030-150. 1932



Cumberland Museum & Archives C030-147. 1930s



Cumberland Museum & Archives C190-001. E.W. Bickle in front of the E.W. Theatre in Courtney. 1940s.



John Harvey Photo. The Ilo Ilo after 40-years as an auction house. 2008

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Statement of Significance

Saito House - 1925

2203 Comox Lake Road, Cumberland BC

Prepared by Denise Cook Design + Elana Zysblat, Ance Building Services September 2018





Saito House - 2203 Comox Lake Road, Cumberland BC

Description of Historic Place

The building at 2203 Comox Lake Road is a side-gabled, single-storey wood-frame house with a projecting entry at its northwest corner. It is situated in Coal Creek Historic Park in a forest clearing about 1 km west of the intersection of Dunsmuir Avenue and Comox Lake Road in Cumberland BC.

Heritage Values of the Historic Place

The Saito House has historical, cultural, social and aesthetic value as an enduring record of the Japanese Canadian community of Cumberland.

Built in 1925, the Saito House is important as the last standing building of the former No. 1 Japanese Town Site, one of two lost historic Japanese neighbourhoods in Cumberland which had the largest Japanese Canadian community on Vancouver Island prior to their forced removal in 1942. The No. 1 Town Site comprised at its peak of three dozen single-family houses, two general stores, a town hall, a bath house, a language school, a baseball diamond and community vegetable gardens. Once the Japanese community was removed, it was taken over by mining companies who initially rented out the vacated Japanese houses to miners, but allowed other non-miner families to settle here as well. Once the last local mines

closed in the 1950s and 1960s, all the Town Site buildings, with the exception of the Saito House, were demolished, dismantled or relocated .¹

The building's location is valued for representing the siting and context for the No. 1 Japanese Town Site near the former site of Mine No.1. Built on sloped terrain riddled with creeks, the site is a testament to the industry of Japanese Canadians who alongside the Chinese Canadian and Black Canadian communities, built their towns and gardens on less than desirable terrain conditions for settlement. The foundation structure of the Saito House, comprised of old growth wood pilings perched on a creek bed, accommodates the cyclical movement of water below the building, an indication of the unique topography and landscape on which Cumberland's surrounding townsites were built.

The Saito House marks the geographical separation of these ethnic minority group town sites from the dominantly European village of Cumberland (formerly Union Camp), illustrates the racial segregation of living and working life in early BC's industries and communities, an indicator of the multi-cultural and often racist history of the community, province and country.

The building and property are further valued for their association with the Saito family, Japanese immigrants Masakichi and Chise, and their eight children, all born in Cumberland, whose social, cultural and economic story represents those of many Japanese Canadian families in the Comox Valley from the turn of the 20th century up until their removal during World War II.

Japanese immigrants first came to the Comox Valley in the early 1890s to work in the local coal mines, where they were paid half of the wages of Caucasian workers. In the early 1920s, new provincial legislation prohibited Asian people from working underground and most Japanese men moved into the logging industry while others started their own businesses running grocery, hardware and tailor shops. Masakichi and Chise Saito came to Cumberland in 1914 and encouraged Masakichi's brother, Yusuke Saito and family to settle there as well. Both Saito brothers worked in the local coal mines and initially settled in rudimentary mine company houses in No. 1 Town Site. Masakichi Saito later worked for Japanese Canadian lumber companies, including the Royston Sawmill Co. and Kagetsu Yama Logging Co. He died in a logging accident in 1936.

The Saito families were active in local community groups and events and their children were regularly listed in the honour roles at school. Along with the entire Cumberland Japanese community, they were forcefully removed from the BC Coast as part of the 1942 War Measures Act. No Cumberland Japanese families ever returned to live in the community.

The Saito House is important as a rare surviving representative of the dozens of vernacular, rural miner cottages which once filled Cumberland's Japanese, Chinese and Black town sites from the 1890s to the 1960s. An employee of the Japanese Canadian Royston Sawmill Co., Masakichi Saito built the subject house with lumber he obtained at work, resulting in a building of informal quality with sometimes inconsistent finishes and treatments.

¹ In 1954 there were 14 left buildings standing in No. 1 Town Site , 2 of which were vacant and 2 boarded up.

Source: April 20, 1954 Property Assessments. Cumberland Museum & Archives 986.96.2

The Saito house is valued as a continuous single-family home to only three families since 1925. The Saito family lived here until 1942, after which it was home to coal miner George Kelly's family, and since 1983 it has been home to Jan Hellerud and David Kydd. In 2002, the property was transferred from the forestry company Weldwood of Canada Inc. to the Village of Cumberland for use as an interpretive historic park.

The building and property have been associated since 2002 with the Village of Cumberland, the Cumberland Chinatown-No. 1 Japanese Ad Hoc Group, the Cumberland Museum & Archives and Coal Creek Historic Park Advisory Committee all of whom are involved in plans and efforts to commemorate Cumberland's Japanese and Chinese Canadian communities through the designation of these former townsites as park land of significant cultural value.

The Saito House within Coal Creek Historic Park has lasting importance as part of the identify of Cumberland, which today honours the Japanese community that once flourished here and that continues to be an integral part in Cumberland's continuing story.

Character Defining Elements

- Original location in the former No. 1 Japanese Town Site, now Coal Creek Historic Park
- Siting on a creek bed in a forest clearing, surrounded by natural forest on three sides and fruit trees along the south edge of the clearing.
- Residential form, scale and massing as expressed by its one storey plus crawlspace height and rectangular plan with projecting side entry (likely an enclosed front porch)
- Side-gabled roof with projecting eaves
- Wood-frame construction with wood drop siding, wood window trim and cornerboards
- asymmetrical, inconsistent fenestration, including double-hung, divided-light casement and fixed wood windows from various decades, some with projecting sills
- Wood piling foundation (now reinforced in places with concrete pads) built into the sloped terrain and accommodating creek water movement in and out of the west portion of the unfinished, open crawlspace.
- Internal brick chimney

Current Photographs



Front view from northeast corner



Rear view from southeast corner



Rear view from southwest corner



Side view - west
Creek bed



Fruit trees and green house along southern edge of property clearing

Saito House



Flowering Cherry trees

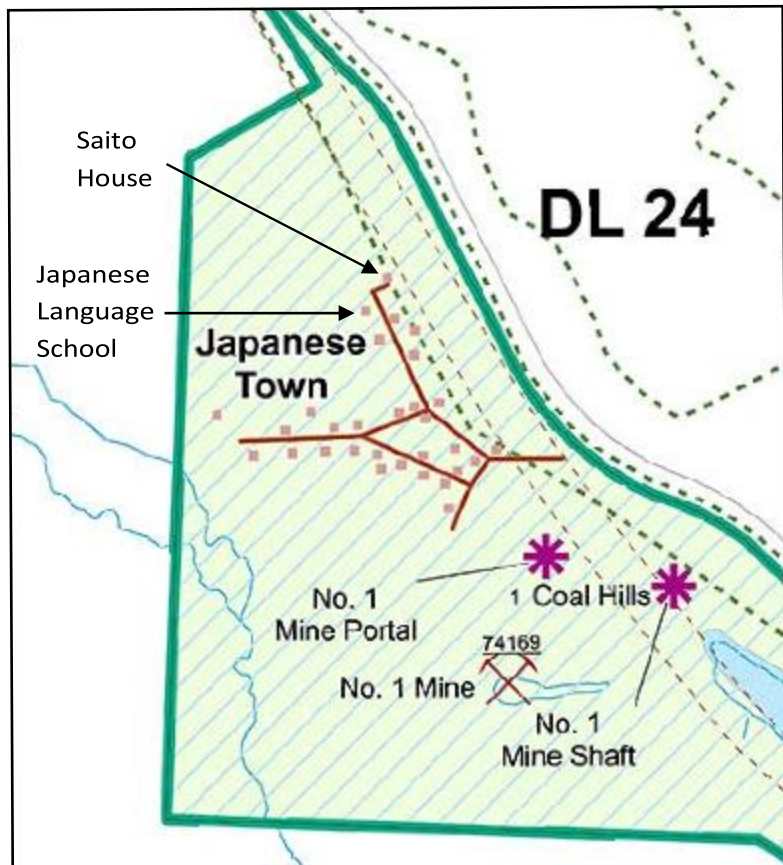
No. 1 Japanese Town plaque

Context



(top) Aerial view (2012)
of Saito House
with Comox Lake Road visible

(right) map of former location of
streets, houses, and mines in No.
1 Japanese Town Site area.



Archival Photographs



The southern elevation of the Saito House during the Kelly family residency 1946-1983.
source: George and Hazel Kelly private collection



The eastern elevation of the Saito House during the Kelly family residency 1946-1983.
source: George and Hazel Kelly private collection



Four views of the Saito House in the snow, during the Kelly family residency 1946-1983. source: George and Hazel Kelly private collection





C140-510 - No. 1 Fujinkai (Women's Association). Cumberland Museum & Archives. Mrs. Saito was part of this association and is noted as being in this photo.



2017.046.002- Beauty Queens of No.1 Townsite Japanese Town. c. 1940.
Cumberland Museum & Archives. Fujie Saito, the family's daughter is on the far right.

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Summary of interview with Ray Iwaasa - February 21, 2018

tel: 1-877-556-2326 # 108 Qualicum Beach

Brother of Hanae Iwaasa-Dobbs who wrote the presentation *The Revised Masakichi-Chise Saito House Presentation* for the Ad Hoc Group. March 1, 2006. Relative of the Iwaasa family who lived in No. 1 Town Site. Former Chair of the Ad Hoc Group in the early 2000s.

It was Yuri, daughter of Masakichi and Chise Saito, who gave very precise oral history about the house and determined the construction date of 1925 and that the lumber came from Royston Sawmill. Iwaasa and other members of the Ad Hoc group met her several times at the Saito House before she passed. Some of the Saito grandchildren are still in touch and live in the Lethbridge area. After the Japanese community was removed many of the houses were looted, people came and took what they wanted. Also there were artillery practices in the town site and in the houses that caused some damage. Jan and Dave, the current owners, have been amazing hosts and historians of the house. They have kept a log of all the visits from former Japanese residents and have always accommodated them. It is thanks to them that the house has been preserved so well. They conducted lots of work and upgrades.

Summary of interview with George Kelly (Jr.) - February 21, 2018

George & Hazel Kelly - 4109 Fraser Rd. Royston, BC tel: (250) 334-3453

Son of George and Elizabeth May (nee Carrol) Kelly, the second family to live in the Saito House starting circa 1946-7 until 1983.

George Kelly Sr. was a coal miner all his life. He worked in mines no. 5, 8 and Tsable River. They first lived in the Nanaimo area, then moved near the lake in the Cumberland area, then moved into Cumberland's Chinatown in 1942 and finally settled in the Saito House when George Jr. was about 8 or 9 years old. He lived there until he got married. The coal mine took over all the 'shacks' in Japtown and miners could put their name down to request housing from them. After a while they let anyone rent the houses, even nonmining families. George Kelly opted to live here so that his children would be closer to the school in Cumberland. When the mines closed, the houses came up for sale and the Kelly family bought the Saito House (with the aid of George Sr.'s brother who 'had money') likely in the late 1960s (Tsable River closed in 1966). The Kelly's were very poor. All the surviving houses in Japtown had outhouses, there were no indoor toilets, including the Saito House. But being built by Masakichi Saito and not a mine-provided shack, it was better built and had milled wood floors rather than crude lumber floors like the other houses. There were no stores in Japtown while the Kellys lived there. George Jr. went into the logging industry and worked at logging camps all over the Comox Valley for 47 years until he retired 20 years ago. George Kelly remembers as a young boy watching soldiers (from Vanier Camp) go into the vacant houses in Japtown and shoot rubber blanks for practice. Once soldier was even accidentally shot in the leg. Also he remembers that a grocery store in Cumberland, Matt Brown's, 'took stuff' from the vacant Japanese houses and sold it in the store. Several houses were moved out of the town site and relocated elsewhere, there is one he knows of in Cumberland (painted yellow, not far from the firehall). The same thing happened in Bevan. After George Sr. died (1981) his mother sold the house.