

November 5, 2018

> The Honourable Mayor McEwen and Council Members

> Village of Anmore
2697 Sunnyside Road
Anmore, BC, V3H 5G9

Dear Honourable Mayor and Council Members,

Re: Anmore Greens Estates Presentation to Mayor and Council on October 16, 2018
and Response to Village of Anmore Letter to Ministry of Environment and Climate
Change Strategy Dated October 19, 2018

The purpose of this letter is to reiterate and formalize Anmore Green Estate's (AGE) message delivered to Mayor and Council at the October 16th meeting and to respond to the Village of Anmore's (the Village) October 19, 2018, letter to the Ministry of Environment and Climate Change Strategy (attached). We have written this letter as a means of resolving misunderstandings, sharing information, and ultimately finding resolution.

As presented to the current Mayor and Council, the community of AGE has two key messages we feel is imperative for Council to understand. These include the health risk to the community and the financial risk AGE homeowners are facing. We also presented why AGE community is in support of the septic field development and why legal action against the Village was the only option left.

Health Risk

On November 23, 2017, the Province concluded that:

"E. coli and fecal coliforms levels [are] dangerously high in the media of the exposed slope on School District 43 property" and that "the impacted media poses a risk to human health as it is accessible to the public including children attending school on the property."¹

Since this conclusion, it has been well understood that a serious health hazard to children exists due to our septic leachate polluting the school grounds. While we understand there are differences in opinion as to that level of risk, we don't understand how any level of risk is acceptable. The single question that keeps coming to mind is what if a child gets sick? This is a risk and liability our community, as homeowners and parents, cannot tolerate.

¹ Ministry of Environment, Inspection Details: Report Number: 071030, file: 4606. 2017.

Although we respect the Village's need for due process, the length of the process for finding a resolution has been much more than we consider reasonable. Resolving the existing health risk should undoubtedly come before political positions, reputations or objectives.

We all strongly feel this issue needs to be expedited and we will continue to do whatever we can to get to sewer connection.

Financial Risk

Our second message is about the subdivision application and our individual financial risk as AGE home owners.

AGE has, for over a year, offered to pay for the physical construction of the connection, which was estimated to be \$200,000. However, costs to address all the scientific, engineering, and political hoops to date has been nearly double that and we still do not yet have permission to connect. AGE community members cannot afford this.

Our community developer has offered to help pay costs if our previously zoned septic field land, our privately owned common property, can proceed as planned. However, in 2017 the Village initiated a change to the bylaw specific to our septic field lands to "remove additional development capacity envisioned for the community sewage disposal field should it no longer be required."²

To us, the AGE community, that is terrifying. Without funding for the connection coming from our septic land; our community doesn't know how we'll pay for the costs to connect and because of this the sewer connection, once finally approved, may be further delayed due to financing.

You must understand that the financial risk to AGE homeowners goes much further than the cost of a physical connection. Financing of our homes has been dramatically affected as banks won't allow us to borrow against our homes until the septic issue is resolved. Taking away the opportunity for development means taking away our ability to fund a solution and puts each of AGE homeowner's individual financial security at risk. We have 51 homes in our community; that is 51 families seriously at financial risk in Anmore. Please keep in mind that the homeowners in AGE do not live in mansions worth millions with land to spare. We are working families. We are young families. We have kids in college. We are retirees on fixed incomes.

Septic Land Development

The bylaws applicable to our privately owned common property have always stated additional homes can be built on the septic field once the land is no longer required for sewage disposal purposes. It was on this understanding when we informed the Village that AGE was renewing our efforts to connect to the nearby sewer line to resolve issues with our leachate. As the Village is aware, our notification predated the following key steps and recent decisions regarding the planned septic land development application:

² Village of Anmore (Anmore), Minutes of the Public Hearing held on October 2017. 2017.

- In fall 2016, the Village was made aware of the potential for the development of our septic field lands to fund the sewer connection and associated process.
- In spring 2017, the Village initiated changes in the bylaws to prevent the subdivision of the septic field lands.
- On September 18, 2017, AGE submitted a subdivision application that matched the planned field development.
- On October 17, 2017, the Village passed the bylaw to “remove additional development capacity envisioned for the community sewage disposal field should it no longer be required.” Under provincial law, the AGE application had a one-year grace period before this change came into effect.
- On October 17, 2018, the grace period expired.

As noted above, AGE had a one-year grace period before the bylaw change would affect the existing application. Since the start of that one-year period, Village staff have refused to meet with AGE on all issues related to the subdivision or sewer connection. In addition to this, they have never publicly supported our community’s connection, even though it will resolve the pollution of the neighbouring school grounds. It seems to us that the clock has been purposely run out for the 12-month bylaw grace period for processing our application and that contamination has been allowed to continue in order to meet the current council’s objectives, which were not supported by their own bylaws. The act of prioritizing political positioning over the safety of children is deplorable.

We understand from council members’ public statements that their preference is for a park or for the school to have use of our lands. Our subdivision application is not set in stone. If the Village has plans or ideas of what these lands could look like; then we encourage the Village to have a dialogue with us. There remains opportunity for discussion as to what those lands would look like following sewer connection. But we cannot design a plan that works for everyone if the Village will not speak with us.

Law suit

On September 17, 2018, Mayor McEwen released a public statement regarding AGE septic issues. In that letter he stated that the Village was open to working with AGE. AGE followed this with an offer to meet with Village staff that was sent on September 26, 2018.

We were encouraged by the Mayor’s public statement and the accepted offer to meet, as it was the first indication that the Village of Anmore was willing to work with us; however, the meeting, which occurred on September 27, 2018, lasted less than ten minutes and consisted of Village staff saying they had nothing to discuss with AGE, and that “there was no roll for AGE in the resolution as this was between the Village and MOE [referring to Ministry of Environment and Climate Change Strategy; ENV]”³. This response from Village staff meant that AGE had no choice but to take legal action to protect our community members from significant financial risk.

A legal petition was served to the Village on October 12, 2018, 15 days after the Village and AGE meeting. The intent of the petition was to extend the provincially mandated 1-year processing time for active subdivision applications. It went to court on October 15, 2018, and on October 19, the judge decided that the Village’s planned downzoning of the septic

³ Personal communication from Jason Smith (Village of Anmore) in meeting with AGE representatives



field lands will remain in place until the legal petition to overturn the downzoning goes to a full hearing. A court date has not yet been set.

As expressed to Mayor and Council, we recognize that the existence of an active court case complicates any communication the Village may be willing to have with us, but we felt we had no choice, as this is the only way we can fund the resolution to the septic pollution. We are still open to have dialogue and discussion regarding this issue and possible resolutions. Our preference is to find an amicable solution so that it doesn't have to continue in the courts.

From the attached Village letter to the Ministry of Environment and Climate Change Strategy, we understand that the Mayor and Council have recently passed a resolution to consider connection of only the existing 51 homes to the municipal sewer and charge all costs to AGE. The resolution passed is as follows:

"That, subject to the Ministry of Environment and Climate Change rescinding the Ministerial Order, Council agrees in principle that connecting the 51 units currently serviced by an on-site septic system at Anmore Green Estates to the regional sewerage system appears to be the only practical solution, in the continued absence of further information in response to repeated requests of the Ministry of Environment, to resolve the septic system issues faced by the Anmore Green Estates Strata;

And That as the remainder of the Village residents do not require connection to the regional sewerage system and such connection is of a particular benefit to the Strata and the existing 51 units, Council deems it appropriate for the Anmore Green Estates Strata to be responsible for all costs associated with the initial connection and ongoing costs associated with connection to a regional sewerage system;

And That Council directs staff to undertake further investigation and discussions with relevant stakeholders and to report back on the required Green Estates Strata to connect the existing 51 units to a regional sewerage system on the terms described in this motion."

We implore you to please understand that preventing the planned development of our field is now just as limiting to us as denying the connection. Please engage our community and help us find resolution that will end the pollution of the school grounds in a way that will not financially damage 51 families in AGE.

If this is something you are simply not willing or cannot do, please reconsider the November 3, 2017, offer from City of Port Moody to adjust the jurisdictional boundary to make AGE part of the City (attached). This in many ways simplifies the issue at hand. The Village would no longer need to amend the Official Community Plan, nor join MetroVan. It would also remove our condensed living neighborhood from your semi-rural community. Most importantly, it would expedite the connection to the Port Moody sewer line and therefore end the health and financial risks that exist. Port Moody has offered, and we, as AGE homeowners, are in support of it. If the Village would agree, it could be done within the already existing regulatory framework. If you cannot support us, let us go.



Sincerely yours,

On Behalf of the Owners, Strata Property LMS 3080 – Anmore Green Estates:

A handwritten signature in black ink, appearing to be 'Brandie Roberts', with a stylized, flowing script.

Brandie Roberts
Vice-President, Anmore Green Estates Strata Council
broberts@greenwoodenvironmental.ca

cc'd:
Dan Bings, Ministry of Environment and Climate Change Strategy





October 19, 2018

Dan Bings
Operations Manager, Compliance Section
Ministry of Environment and Climate Change Strategy
Ste 400 – 640 Borland Street
Williams Lake, BC
V2G 4T1

VIA EMAIL: dan.bings@gov.bc.ca

Re: Village of Anmore Resolution – Anmore Green Estates Sewer Connection

Dear Mr. Bings:

The Village of Anmore Council at its final scheduled meeting of this term passed the following resolution in an effort to try and resolve the ongoing sewerage issues at Anmore Green Estates.

"That, subject to the Ministry of Environment and Climate Change rescinding the Ministerial Order, Council agrees in principle that connecting the 51 units currently serviced by an on-site septic system at Anmore Green Estates to the regional sewerage system appears to be the only practical solution, in the continued absence of further information in response to repeated requests of the Ministry of Environment, to resolve the septic system issues faced by the Anmore Green Estates Strata;

And That as the remainder of the Village residents do not require connection to the regional sewerage system and such connection is of a particular benefit to the Strata and the existing 51 units, Council deems it appropriate for the Anmore Green Estates Strata to be responsible for all costs associated with the initial connection and ongoing costs associated with connection to a regional sewerage system;

And That Council directs staff to undertake further investigation and discussions with relevant stakeholders and to report back on the required steps and associated costs for the Village of Anmore to allow for Anmore



Green Estates Strata to connect the existing 51 units to a regional sewerage system on the terms described in this motion."

We trust that this is a clear signal to the Ministry of Environment and Climate Change Strategy that the Village will undertake the work to move towards a connection for the 51 units at Anmore Green Estates to a regional sewerage system.

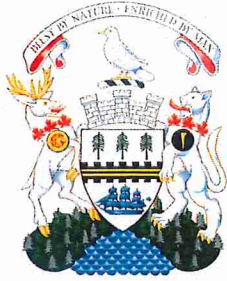
As you can appreciate, there are various agreements and processes that must be undertaken in order to achieve the physical connection, including approvals from other local government jurisdictions. Village staff will work diligently to ensure that the new Anmore Council (to be sworn in November 6, 2018) will have all necessary information to consider a formal decision to connect, however this will not be possible prior to the Ministerial Order deadline of November 30, 2018. As such, we are requesting that the Ministerial Order issued on August 16, 2018 to the Village of Anmore be rescinded.

Further, it would assist the Village's efforts if the Ministry provides us with the information it has been requesting since July 2018. Please do so at your earliest convenience.

We look forward to your assistance as we move towards resolving this long standing issue. If you have any questions or concerns, please do not hesitate to contact me.

Yours sincerely,

Juli Halliwell
Chief Administrative Officer
T 604 469 9877
juli.halliwell@anmore.com



CITY OF PORT MOODY

OFFICE OF THE MAYOR

November 3, 2017

Mayor and Council
Village of Anmore
2697 Sunnyside Road
Anmore, BC, V3H 5G9

To Mayor and Council,

RE: Anmore Green Estates Request for Sewage Services

On September 20, 2017 Port Moody City Council received a letter from the owners and developer of Anmore Green Estates seeking to secure a private sewerage connection the GVS&DD System through the City of Port Moody. This letter was discussed in a closed Council meeting on October 24, 2017 where the City of Port Moody Council passed the following resolutions:

Moved, seconded, and CARRIED

THAT the City of Port Moody restate its standing position of allowing Anmore Green Estates to connect to the Port Moody Sewer System at Anmore Green Estates' own cost.

Moved, seconded, and CARRIED

THAT the Village of Anmore be requested to indicate their interest in having Anmore Green Estates become part of the City of Port Moody through a municipal boundary change.

As you are aware, Anmore Green Estates, or at least one of the owners, has been making many comments about the functionality of the existing septic field and allegations that it is unsafe. As far as we are aware, all of our inspections and reports from other agencies does not substantiate the claims that are being made and there is no existing safety issue.

We do, as we have said in the past, think that the best solution for the future of Anmore Green would be to have them connected to the municipal sewer system, which we are willing to facilitate as long as it is not at the expense of Port Moody taxpayers. While we believe the existing system on Heritage Mountain is under capacity and this connection could be made, we would require confirmation of the engineering, detailed design and engineering reports on the cost and requirements to complete the connection.

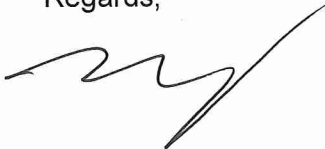
We are under the impression that this cannot happen without the Village joining the GVS&DD and the sewerage area boundary being extended to include Anmore Green Estates. It would appear as if GVS&DD is willing to support the extension with conditions, but we understand Anmore is unwilling to move to join the GVS&DD.

The alternative, as we are led to believe, would be to redraw the municipal boundaries to move Anmore Green Estates into the City of Port Moody. We have not given any consideration of the costs or implications of such a change, but our Council has asked that we reach out to see if the Village has any interest in such. We don't want to confuse this with any request from Port Moody to initiate such a process but to support Anmore should you be interested.

Of course we have no interest in inserting ourselves into local land use policy decisions of the Village of Anmore, but do offer any assistance that may help with your decision making process. We hope that you accept both of the motions above as expressions of support for Anmore, and we are not in any way pursuing any actions other than initiating this discussion with you. We are concerned at any inference to unsafe conditions and want to ensure, with you, that neither the City nor the Village are exposed to any liability, or risk.

Please advise me at your earliest opportunity if you are interested in pursuing this matter further through either having Anmore join the GVS&DD or through an amendment to the municipal boundary. I can be reached by phone at 604 469-4515 or by email mclay@portmoody.ca.

Regards,

A handwritten signature in black ink, appearing to be 'Mike Clay', with a stylized flourish extending upwards and to the right.

Mike Clay
Mayor

Summary of Zoning Changes

The Village of Anmore downgraded the development capability of the AGE septic field to stop the “previously envisioned” development of AGE’s septic field. This occurred after AGE notified the Village of the pollution, the request to connect, and that the development could be used to fund the connection if costs escalated. The difference between the two zoning bylaws is the change of the maximum number of dwelling from “more than 39” to “cannot exceed 39”.

VILLAGE’S 2005 ZONING BYLAW: THE ZONING THAT THAT EXISTED ON THE SEPTIC FIELD UNTIL OCTOBER 17, 2018:

- (PDF pg 31) 3050B.2 Buildings and Structures

(A) “The maximum number of the One Family Residential dwelling units may exceed 39 provided that:
a) The community sewage disposal field is not required for sewage disposal purposes; and not less than 1335 square meters (0.33acres) of land is allocated as the common open space for use of the residents....”

Village of Anmore (Anmore), Zoning Bylaw 374, 2004 (Consolidated), in A Bylaw to Regulate The Zoning and Development of Real Property Within the Municipality. 2005. p. 28.

Village’s September 2017 Public Hearing presentation: The presentation the Village of Anmore gave to justify the change, and to say what the rationale for the change is:

- (PDF Pg 16) “RCH-2 ZONE (ANMORE GREEN ESTATES) Removed additional development capacity envisioned for the community sewage disposal field should it no longer be required.”
- (PDF Pg 18) Describes the implications of the change as “Subdivision applications in process will have 12 months to complete subdivision under current zoning (2005) bylaw requirements. All new building permit or subdivision applications received after the adoption of the new zoning bylaw will need to comply with the new requirements.”

Village of Anmore (Anmore), Minutes of the Public Hearing held on Monday, September 18, 2017. 2017.

Village’s 2018 zoning bylaw: The zoning that was voted in on October 17, 2017 and came into affect October 17, 2018

- (PDF pg44) 9.3 COMPACT HOUSING 2 (ANMORE GREEN) – RCH-2 9.3.3 Maximum building Size and Height “(a) The maximum number of one-family dwelling units shall not exceed 39.”

Village of Anmore (Anmore), Anmore Zoning Bylaw (Consolidated), in A Bylaw to Regulate The Zoning and Development of Real Property Within the Municipality. 2005. p. 43.