

POLICY DIRECTIVE NO. G-15

SUBJECT: HERITAGE DESIGNATION

APPROVAL DATE: June, 1997 LAST REVIEW DATE: May, 2013

REFERENCE: Local Government Act / Part 27 - Heritage Conservation

A. POLICY:

1. Council recognizes the value and importance of heritage conservation and the property rights of individuals and therefore enacts a policy of “voluntary designation.”
2. Therefore Council encourages all owners of heritage buildings and sites to volunteer their properties for Municipal Site Designation pursuant to the *Local Government Act*, Section 967 and 968 and the following procedures:
 - a) The interested property owner meets with the Department of Planning and Strategic Initiatives (the Department) on the municipal heritage designation process and the general effects of a Heritage Designation bylaw. The bylaw will regulate any changes to the exterior of the building, but does not apply to interior features.
 - b) The applicant completes the City’s Request for Heritage Designation and Waiver of Compensation Form, obtains the signatures of all owners of the property, and submits it to the Department.
 - c) The Department reviews the Heritage Designation Application and initiates the Policy procedure if the subject property or site is on the City’s Heritage Inventory List and is in a condition amenable to conservation.
 - d) The Department will conduct a preliminary assessment to determine if the application has merits to proceed for designation, or that it should be refused.
 - e) Having agreed to initiate the designation process, the Department proceeds to have a Statement of Significance (SOS) prepared in accordance with the provincial and federal guidelines (such as *Canadian Register of Historic Places, Writing Statements of Significance* by Parks Canada) and by qualified Heritage Professionals (registered with BC Association of Heritage Professionals and/or Canadian Association of Heritage Professionals).
 - f) Upon completing the SOS, the Department submits a staff report and a draft Municipal Heritage Designation Bylaw to Council for introduction and 1st reading.
 - g) Council instructs staff to schedule a Public Hearing.
 - h) After the public hearing and if the bylaw is amenable to adoption, Council gives 2nd and 3rd readings to the Heritage Designation Bylaw.

- i) Staff advises the applicant/property owner(s) regarding the adoption of the Heritage Designation Bylaw, the 30-day quashing period and a notice to be placed on the subject property's title.
 - j) Once the designation bylaw is adopted, staff forwards the designation and related documents to the BC Heritage Branch for provincial Heritage Designation registration, and puts a Municipal Heritage Designation notice on the title of the property concerned.
 - k) The City orders the manufacturing of a Municipal Heritage Site plaque and presents it to the property owner during the annual BC Heritage Week or at a time determined by the City.
3. If the ownership of the subject property changes before the adoption process is completed, the City will defer the adoption until the new owner has executed a waiver of compensation. If the new owner refuses to sign a new Request/Waiver Form, the designation process will be cancelled.
 4. In the event that the owner(s) would like to remove the heritage designation, the owner(s) would have to submit an application with associated fee, and provide a written substantiation for their request. Part 27 of the *Local Government Act* (Heritage Conservation) shall be used as reference to the substantiation and additional information supporting the request may be submitted for review. The *Local Government Act* outlines the heritage designation procedure, where the same procedure with a minor legal adjustment (a repeal bylaw) is carried out to remove the heritage designation from the subject property. A Public Hearing would be required before the heritage designation repeal bylaw could be adopted. Should the repeal be adopted, the Land Titles Office and the BC Heritage Branch must be notified.

Heritage Alteration Permit (HAP)

5. When a Heritage Designation Bylaw is in effect, the concerned property owner will, in planning a demolition or an alteration that involves the structure or exterior of the designated property or otherwise affects the heritage values as defined in the SOS, submit a Heritage Alteration Permit Application to the Department. The Department will process the application and present it, in conjunction with a staff report, to the delegated authority of Council for a decision. All approved alterations shall comply with Sections 972 and 973 (Requirements and Conditions in Heritage Alteration Permits) of the *Local Government Act*. At the discretion of Council, a Public Information Meeting may be held with regard to alteration permit applications.

6. The Department will inform the applicant of Council’s decision and, where applicable, the need for a building permit application. The British Columbia Building Code (BCBC) recognizes the need for a sensitive approach to be taken towards heritage building upgrades and provides alternate Building Code compliance methods for heritage buildings that have been formally identified by provincial or local governments. For heritage buildings, these alternate compliance methods in the BCBC are one of several choices available to owners in achieving building code compliance. In addition, a Fire Protection Engineer can create an ‘alternative solution’ as defined under the BCBC and present this as another means of achieving the necessary level of health and safety as defined by the BCBC.
7. The City will levy a fee for processing Heritage Designation Applications and Heritage Alteration Permits and may revise such a fee schedule from time to time.
8. The Department may order, at the cost of the applicant, a heritage inspection under Section 956 of the *Local Government Act* or require an impact assessment under Section 958 of the *Local Government Act* in the course of processing a Heritage Alteration Permit. At the discretion of the City, this cost may be part of, or in addition to, the regular application fee – depending on the scope of investigation or assessment.

Chief Administrative Officer



Application No.: _____

Request for Heritage Designation and Waiver of Compensation

The undersigned does/do hereby, as registered owner/owners of the property located at:

(Street Address)

in the City of Chilliwack and legally described as:

(Legal Description)

1. **REQUEST** that the City of Chilliwack designate the property as a Municipal Heritage Site under Section 967 of the *Local Government Act*;
2. **AUTHORIZE** the City of Chilliwack to prepare, at the City's cost, a statement of heritage significance for the property, and authorize the City or its consultants to enter on the property during normal business hours for the purpose of preparing the statement of heritage significance;
3. **AUTHORIZE** the City of Chilliwack to prepare, at the City's cost, a heritage plaque for installation on the property if a heritage designation bylaw is adopted;
4. **AGREE TO INSTALL** the heritage plaque at a prominent location on the property to be specified by the City if a heritage designation bylaw is adopted;
5. **WAIVE** any entitlement to compensation that may arise under Section 969 of the *Local Government Act*, in relation to any reduction in the market value of the property that may result from the heritage designation if a heritage designation bylaw is adopted; and
6. **ACKNOWLEDGE** that the City of Chilliwack has recommended that I/we obtain independent legal advice with respect to the contents of this document.

Signature of Registered Owner/Owners:

Date: _____