



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF LIONS BAY HELD ON TUESDAY, APRIL 4, 2017 at 7:00 PM COUNCIL CHAMBERS, 400 CENTRE ROAD, LIONS BAY

AGENDA

1. **Call to Order**
2. **Approval of Agenda**
3. **Public Participation (2 minutes per person totalling 10 minutes maximum)**
 - A. Opportunity for persons who consider they are affected by Road Closure Bylaw No. 517, 2017, to make representations to Council. (Bylaw No. 517 attached) (Page 5)
4. **Public Delegation Requests Accepted by Agenda Deadline (10 minutes maximum)**
 - A. Delegation Request – Mark Ignos (Page 9)
5. **Review & Approval of Minutes of Prior Meetings**
 - A. Regular Council Meeting – March 21, 2017 (Page 11)

THAT the Regular Council Meeting minutes of March 21, 2017 be approved as circulated.
6. **Business Arising from the Minutes**
7. **Unfinished Business**
 - A. Follow-Up Action Items from Previous Meetings

#	Meeting Date	Description of Action Item	Person Responsible
1	January 10, 2017	A list outlining what Council would like to see on the Howe Sound Community Forum agenda	Karl
2	January 10, 2017	2017 Parking Plan Initiatives	Karl & Staff
3	February 7, 2017	Councillor McLaughlin to be kept up to date as the organizing contact person for the Pulling Together Canoe Journey	Ron
4	February 7, 2017	CAO to follow up with the Fire Chief on some of the items listed under incidents in the Village	Peter
5	February 21, 2017	Canada Day Celebration – begin organization	Ron
6	February 21, 2017	Volunteer Week (April 23-29) – begin organization (April 26th 4:30-6:30 in the Hall)	Staff
7	March 21, 2017	CAO to ensure Metro Feasibility Study was added to the IRR list	Peter
8	March 21, 2017	Organize Public Information Meeting for Zoning	Peter

		Bylaw in Broughton Hall on April 6 th at 7:00pm	
9	March 21, 2017	Correspondence G1: Invasive Species – PW Manager to respond	Nai
10	March 21, 2017	Correspondence G4: MLA Pimm’s First Nations Stakeholder Advisory Committee Report – staff to identify the Notice of Interest’s (NOI) in Lions Bay, if any, and report to Council in due course	Peter
11	March 21, 2017	Correspondence R1: Filming on the North Shore – Councillor McLaughlin to respond with thanks for the email	Ron

B. Reconsideration of Tree Application #75 – 445 Timbertop (Page 19)

- (1) THAT Council reverse its decision of March 7, 2017 and invite the applicants to re-submit an application to top the previously topped trees on the top of the bank, adjacent to the driveway at 445 Timbertop, along with the balance of recommendations reflected in the arborist report. This should also include an ongoing maintenance requirement and deposit to cover future reductions and trimming.
- (2) THAT the issue of topping, and future maintenance requirements and deposits therefore, be sent back to staff for potential amendments to Trees, Views and Landscapes Bylaw No. 393, as amended, after consultation with the Tree Committee.
- (3) THAT, in the interim, Council implement a policy that no topping will be permitted, unless the trees in question have already been previously topped - even where previously topped, strong consideration should be given for complete removal.

8. Reports

9. Resolutions

- A. THAT Council approve the Memorandum of Understanding (MOU) between the Village of Lions Bay and the University of British Columbia (UBC) pertaining to long-term study of the hydrology of Lions Bay's water catchments, substantively in the form attached;

AND FURTHER, THAT Council authorise the Mayor and the CAO/Corporate Office to execute the MOU when it is returned for signature by UBC;

AND FURTHER THAT Council direct staff to forward the MOU to FCM's Green Municipal Fund to explore potential grant opportunities.

10. Bylaws

- A. Trees, Views and Landscapes Bylaw No. 393, 2007, Amendment Bylaw No. 518, 2017 – Adoption (Page 55)
 - THAT Trees, Views and Landscapes Bylaw No. 393, 2007, Amendment Bylaw No. 518, 2017 be adopted.

- B. Board of Variance Bylaw No. 502, 2016, Amendment Bylaw No. 519, 2017 – Adoption (Page 83)
 - THAT Board of Variance Bylaw No. 502, 2016, Amendment Bylaw No. 519, 2017 be adopted.

- C. Driveway Crossings Bylaw No. 521, 2017 – 3rd Reading to be Rescinded and Re-read (Page 87)
 - THAT the 3rd reading of Driveway Crossings Bylaw No. 521, 2017 be rescinded;

 - THAT Driveway Crossings Bylaw No. 521, 2017 be amended in accordance with the tracked changes version attached to this report; and

 - THAT Driveway Crossings Bylaw No. 521, 2017 be re-read a 3rd time.

- 11. Correspondence**
 - A. List of Correspondence to March 30, 2017 (Page 99)
 - THAT the following actions be taken with respect to the correspondence:

- 12. New Business**

- 13. Public Questions & Comments (2 minutes on any topic discussed in this meeting)**

- 14. Closed Council Meeting**
 - THAT the meeting be closed to the public on the basis of matters to be considered under the following sections of the *Community Charter*:
 - 90** (1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:
 - c) labour relations or other employee relations

- 15. Reporting Out From Closed Portion of Meeting**

- 16. Adjournment**

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THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY



Road Closure Bylaw No. 517, 2017

Adopted: XXX, 2017

PO Box 141, 400 Centre Road, Lions Bay, BC V0N 2E0

Phone: 604-921-9333 Fax: 604-921-6643

Email: office@lionsbay.ca Web: www.lionsbay.ca

Road Closure Bylaw No. 517, 2017

A Bylaw to Close and Remove the Dedication as Highway of a Portion of Chrystal Falls Road

WHEREAS, pursuant to Section 40 of the *Community Charter*, Council may, by bylaw, close a portion of a highway to traffic and remove the dedication of the highway, if prior to adopting the bylaw, Council gives notice of its intention in accordance with section 94 of the *Community Charter* and provides an opportunity for persons who consider they are affected by the bylaw to make representations to Council.

AND WHEREAS Council deems it to be in the best interests of the Village of Lions Bay to close to traffic and remove the dedication of highway of a portion of Chrystal Falls Road, also known as Crystal Falls Road;

AND WHEREAS the Council does not consider that the road closure will affect the transmission or distribution facilities or works of utility operators;

AND WHEREAS, pursuant to section 41 (3) of the *Community Charter*, if the highway or part of a highway to be closed is within 800 meters of an arterial highway, the bylaw may only be adopted if it is approved by the minister responsible for the *Transportation Act*.

NOW THEREFORE the Council of the Village of Lions Bay, in open meeting assembled, enacts as follows:

1. Attached to this bylaw as Schedule "A" and forming part of this bylaw is a reduced copy of the road closure reference plan EPP69335, prepared by Martin R. Jones, BCLS and dated the 17th day of January, 2017 (the "Road Closure Plan").
2. The Village of Lions Bay hereby authorizes the closure to traffic of all kinds and the removal of highway dedication of the 569.3 square meter portion of highway shown in bold and described on the Road Closure Plan as "Parcel A - Road Dedicated by Plan 3149 (Chrystal Falls Road, also known as Crystal Falls Road)" (the "Closed Road").
3. On deposit of the Road Closure Plan and all other documentation for the closure of the Closed Road in the Land Title Office, the Closed Road will cease to be public highway, its dedication as a highway cancelled and it will be owned by the Village of Lions Bay.

4. The Mayor and Municipal Clerk are authorized to execute all plans and other documentation necessary to effect this road closure and cancellation of highway dedication, and registration of the title to the property in the name of the Village of Lions Bay.
5. This bylaw may be cited as "Road Closure Bylaw No. 517, 2017".

READ A FIRST TIME on the 21st day of March, 2017.

READ A SECOND TIME on the 21st day of March, 2017.

READ A THIRD TIME on the 21st day of March, 2017.

NOTICE GIVEN IN ACCORDANCE WITH SECTIONS 40 (3) and 94 OF THE *COMMUNITY CHARTER* on the _____ day of March, 2017, and on the _____ day of March, 2017.

AN OPPORTUNITY WAS PROVIDED FOR PERSONS WHO CONSIDER THEY ARE AFFECTED BY THE BYLAW TO MAKE REPRESENTATIONS TO COUNCIL on the _____ day of April, 2017.

APPROVED BY THE MINISTER RESPONSIBLE FOR THE TRANSPORTATION ACT PURSUANT TO SECTION 41(3) OF THE *COMMUNITY CHARTER* on the _____ day of _____, 2017.

RECONSIDERED, FINALLY PASSED AND ADOPTED on the _____ day of _____, 2017.

Mayor

Corporate Officer

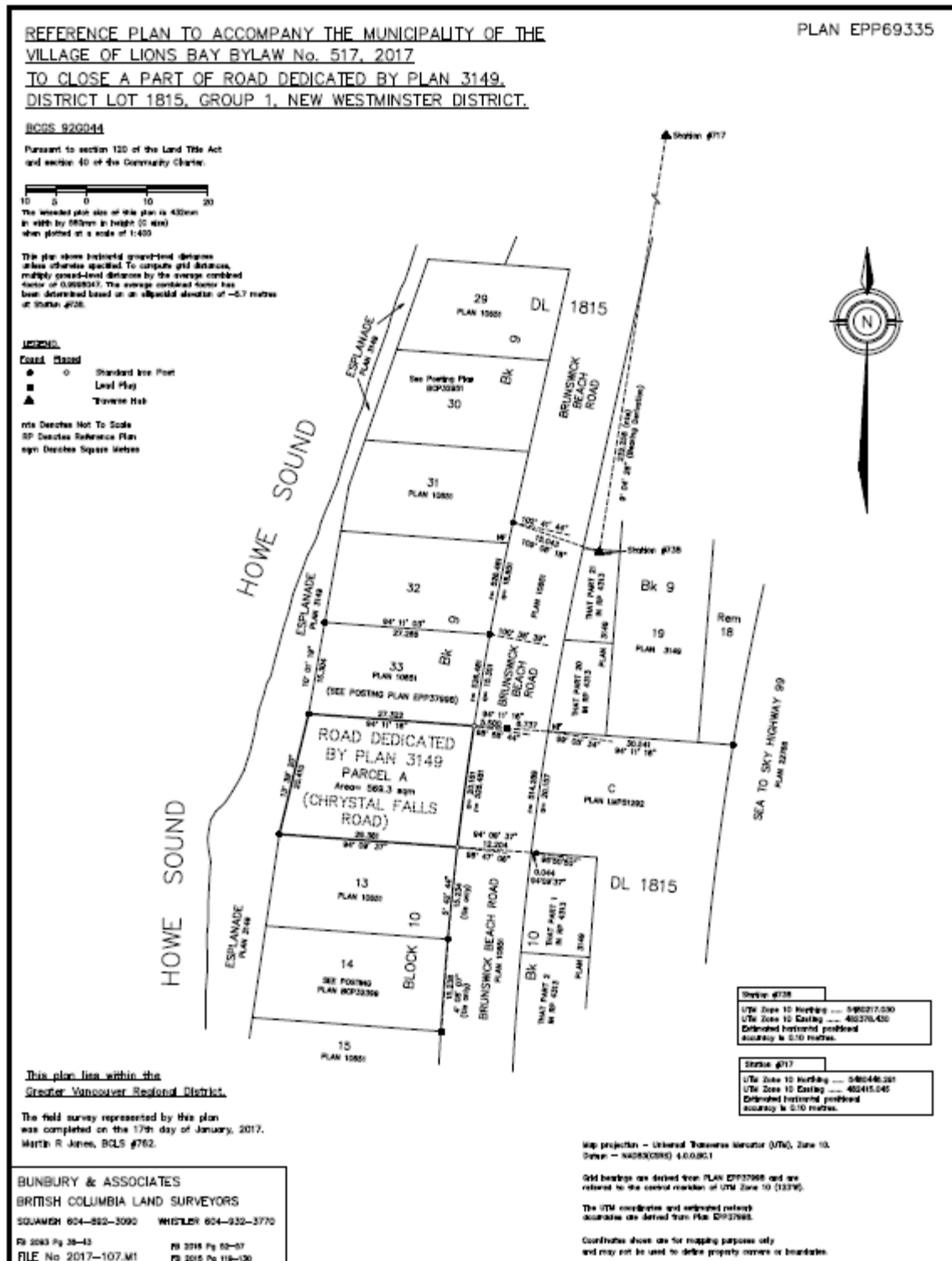
Certified a true copy of Road Closure
Bylaw No. 517, 2017, as at third reading.



Corporate Officer

SCHEDULE "A"

attached to and forming part of Road Closure Bylaw No. 517, 2017





THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

DELEGATION REQUEST FORM

Please forward your Delegation Request Form to the Village Office by 4:00 pm, the Thursday prior to the regular Council meeting. Delegations may speak for a maximum of 10 minutes total.

Today's Date: April 30/17 Council Meeting Date: April 4/17

SUBJECT OF DELEGATION I wish to speak before the Council regarding:

Tree Permit for Timber Top Drive
Tree Application # 75

SUPPORTING MATERIAL I will provide additional information in advance of the Council meeting: (by 12:00 pm the Thursday prior to the Council meeting so that the material can be included in Council package.)

Administrator has all reports including:
Arborist Report from George Amos Tree Care
Report from Tree Committee
Permit Application
Minutes of Tree Committee meeting / Completed
Community Surveys

ACTION. The specific action I would like Council to take is:

Issue permit for stand management
as per recommendations of Tree Committee
to Arborist Report.

NAME AND ADDRESS OF SPEAKER FOR THE DELEGATION:

Name: Mark Ignos

Signature: [Signature]

Organization (if any): _____

Address: 455 Timber Top Drive

Phone: 706003561 Fax: _____

Email: mignos@cicgwp.ca

Note: A telephone number (where a message can be left with a person or voicemail), fax number or email address is required so that we can contact you in a timely manner.

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THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF LIONS BAY HELD ON TUESDAY, MARCH 21, 2017 at 7:00 PM COUNCIL CHAMBERS, 400 CENTRE ROAD, LIONS BAY

MINUTES

In Attendance:

Council: Mayor Karl Buhr
Councillor Fred Bain
Councillor Jim Hughes
Councillor Ron McLaughlin

Staff: Chief Administrative Officer Peter DeJong
Chief Financial Officer Pamela Rooke
Public Works Manager Nai Jaffer
Office Coordinator Shawna Gilroy (Recorder)

Guests: Planning Consultant, Steven Olmstead (via Conference Call)

Delegations: 0

Public: 4

1. Call to Order
Mayor Buhr called the meeting to order at 7:00 p.m.

2. Approval of Agenda
Moved/Seconded

THAT item 8C – Verbal Updates from Councillor McLaughlin be added, and the agenda be approved as amended.

CARRIED

3. Public Participation (2 minutes per person totalling 10 minutes maximum)
None

4. Public Delegation Requests Accepted by Agenda Deadline (10 minutes maximum)
None

5. Review & Approval of Minutes of Prior Meetings
A. Regular Council Meeting – March 7, 2017

Moved/Seconded

THAT the Regular Council Meeting Minutes of March 7, 2017 be approved as circulated.

CARRIED

6. Business Arising from the Minutes

A. Trees, Views & Landscapes Committee: Tree Application #75

As a result of additional information that Council did not have an opportunity to consider, Councillor McLaughlin proposed reconsideration of the previously approved tree application #75 (445 Timbertop) from the March 7, 2017 Regular Council Meeting.

Moved/Seconded

THAT Council reconsider the matter [Item 8Di on the March 7, 2017 agenda] pursuant to section 35 of the Procedure Bylaw, and that staff bring back a report regarding Tree Application #75 to the next Regular Council Meeting.

CARRIED

Audio: 00:13

B. Follow-Up Action Items from Previous Meetings

The following items were amended or removed from the Follow-Up Action List:

- 1: change person responsible to be Karl.
- 6: change person responsible to be Staff – Volunteer Week celebration will take place on April 26th from 4:30-6:30pm.
- 7: strike item
- 8: strike item
- 9: strike item

Audio:

7. Unfinished Business

None

8. Reports

A. Staff

i. Visual presentation of (incomplete) new website as at March 21, 2017

CAO DeJong presented a draft version of the new website.

Moved/Seconded

THAT the visual presentation of the new website be received for information.

CARRIED

Audio: 00:49

B. Mayor

Mayor Buhr discussed the feasibility study letter he received regarding the GVWD water supply system. CAO DeJong to ensure that the feasibility study was added to the IRR list.

C. Council

i. Verbal Updates from Councillor McLaughlin

Councillor McLaughlin provided updates on the following items:

- Seniors Directory
- Pulling Together Canoe Journey
- TransLink
- Howe Sound Clean Air Society

D. Committees

None

E. Emergency Services

i. Lions Bay Fire Rescue Monthly Report

Council reviewed the monthly Fire Rescue report.

Moved/Seconded

THAT the Lions Bay Fire Rescue monthly report be received.

CARRIED

Audio: 00:57

9. Closure of Council Meeting

Moved/Seconded

THAT the meeting be closed to the public on the basis of matters to be considered under the following section of the *Community Charter*:

90 (1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality.

90 (2) A part of a council meeting must be closed to the public if the subject matter being considered relates to one or more of the following:

b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

CARRIED

The meeting was closed to the public at 8:00 p.m.

The meeting was re-opened to the public at 8:24 p.m.

The CAO: Request for Decision re. CWWF Agreement was moved from the closed agenda to the open agenda under item 12A.

Audio: 01:24

10. Bylaws

A. Trees, Views & Landscapes Bylaw No. 393, 2007, Amendment Bylaw No. 518, 2017 – First, Second, Third Reading
Moved/Seconded

THAT Trees, Views and Landscapes Bylaw No. 393, 2007, Amendment Bylaw No. 518, 2017 be introduced and given three readings.

CARRIED

B. Board of Variance Bylaw No. 502, 2016, Amendment Bylaw No. 519, 2017 – First, Second, Third Reading
Moved/Seconded

THAT Board of Variance Bylaw No. 502, 2016, Amendment Bylaw No. 519, 2017 be given first, second and third reading.

CARRIED

C. Road Closure Bylaw No. 517, 2017 – First, Second, Third Reading
Moved/Seconded

THAT Road Closure Bylaw No. 517, 2017 and the Notice of Intention to Close Road, be amended to add the alternative spelling of Chrystal Falls Road (Crystal Falls Road), where applicable;

AND THAT Road Closure Bylaw No. 517, 2017 be introduced and given first, second and third reading.

CARRIED

Moved/Seconded

THAT Notice of Intention to close that portion of Chrystal Falls Road (aka Crystal Falls Road) measuring 569.3 square meters and described as “Parcel A - Road Dedicated by Plan 3149 (Chrystal Falls Road)” on the road closure plan attached as Schedule “A” to Road Closure Bylaw No. 517, 2017 be published pursuant to Section 40(3) of the *Community Charter*.

CARRIED

Moved/Seconded

THAT persons who consider they are affected by the bylaw be provided with an opportunity for to make representations to council at the regular Council meeting on April 4, 2017.

CARRIED

Moved/Seconded

THAT staff send Road Closure Bylaw No. 517, 2017, as at 3rd reading, to the Minister of Transportation and Infrastructure for approval pursuant to section 41(3) of the *Community Charter*.

CARRIED

Audio: 01:34

Planning Consultant, Steven Olmstead, joined the meeting via conference call at 8:34 p.m.

D. Zoning and Development Bylaw No. 520, 2017 – First Reading

Council reviewed the draft Zoning Bylaw with the Planning Consultant, Steven Olmstead, and his Information Report querying several items; many of which were amended prior to first reading.

Moved/Seconded

THAT Council agree to allow audience member Ian Mackie to speak before Council regarding the draft Zoning Bylaw.

CARRIED

Mr. Mackie queried the purpose of the W-1 and W-2 zones, stating his concerns that this zoning would not be effective and would only invite litigation. He suggested that the municipality place its own buoys in key locations to prevent people from anchoring their boats in these locations. He also queried how the municipality would prevent people from obtaining foreshore leases.

CAO DeJong indicated that the municipality has obtained legal advice and spoken with government officials. The W-2 zone can prohibit mooring, other than in emergencies. CAO DeJong noted that the zoning bylaw will not permit docks or wharves along the Lions Bay coastline and that this zoning will prevent people from obtaining a foreshore lease from the Province without municipal approval. The municipality will also apply for Licences of Occupation for the surface of the water in front of its beach parks and that this measure, combined with the zoning provisions, will protect the municipality's interests.

Moved/Seconded

THAT the Information Report, "Revisions to draft Zoning Bylaw and Consideration of First Reading" dated March 15, 2017 be received.

CARRIED

Moved/Seconded

THAT the recommendations in the March 15, 2017 report be endorsed, including deletion of references to community care facilities, confirmation of the wording in section 7.9.1, and that the following amendments be made to the draft bylaw:

1. THAT definitions be added as follows:

emergency mooring means mooring for

- (a) safe harbour from inclement weather or marine conditions;
- (b) repairs to a vessel;
- (c) medical purposes.

houseboat means a special type of vessel that has been designed or modified for recreational residential use.

2. THAT section 12.1.1 (a) be amended to read:

- (a) Public or private *mooring to a mooring system* for vessels 12 metres or less in length;

3. THAT subsection (e) be added to section 12.1.1 as follows:

(e) emergency mooring.

4. THAT section 12.2.1 (a) be amended to read:

- (a) *Subject to a need for emergency mooring*, no person shall anchor, moor, or permit the mooring of a vessel that is more than 12 metres in length, *or a houseboat*, for periods greater than 72 hours every 30 days;

5. THAT subsection (d) be added to section 13.1.1 as follows:

(d) emergency mooring.

6. THAT “within a building” be removed from section 10.1.1.(d)

CARRIED

Moved/Seconded

THAT Zoning and Development Bylaw No. 520, 2017 be read a first time.

CARRIED

Moved/Seconded

THAT a public information meeting regarding Zoning and Development Bylaw No. 520, 2017 as at first reading be held at 7:00 p.m. on April 6, 2017 at Broughton Hall, 400 Centre Road, Lions Bay.

CARRIED

Steven Olmstead left the meeting at 9:31 p.m.

E. Driveway Crossings Bylaw No. 521, 2017 – First, Second, Third Reading
 Moved/Seconded

THAT Driveway Crossings Bylaw No. 521, 2017 be introduced and read a first, second and third time.

CARRIED

Audio: 02:42

11. Correspondence
 Moved/Seconded

THAT the following actions be taken with respect to the correspondence:

- G1: Invasive Species – PW Manager to respond
- G2: VCH Population Health – no response
- G3: Canadian Poverty Reduction Strategy – no response
- G4: MLA Pimm’s First Nations Stakeholder Advisory Committee Report – staff to identify the Notice of Interest’s (NOI) in Lions Bay, if any, and report to Council in due course
- G5: Sea to Sky Highway – Mayor Buhr (and MOTI) has responded
- G6: LMLGA Call for Resolutions and Nominations – no response
- G7: Youth and Child Exploitation – no response
- G8: Boycott of Woodfibre LNG’s Environmental Assessment – no response
- R1: Filming on the North Shore – Councillor McLaughlin to respond with thanks for the email.

CARRIED

Audio: 02:49

12. New Business

A. CAO: Request for Decision re. CWWF Agreement

This item was brought forward from the closed agenda to the open agenda earlier in the meeting.

Moved/Seconded

1. THAT the CAO be authorized to execute and return the Shared Cost Agreement between the Province and the Village of Lions Bay for the Water Storage Facility project; and
2. THAT staff begin preparation of a Request for Proposal for engineering and project management of the CWWF Water Storage Facility project; and

- 3. THAT staff begin to prepare the necessary paperwork to process the first draw on Infrastructure Master Plan Financing Loan Authorization Bylaw No. 508, 2016 for the municipality’s share of the total projected costs of the Water Storage Facility project.

CARRIED

13. Public Questions & Comments (2 minutes on any topic discussed in this meeting)

None

14. Closed Council Meeting

Moved/Seconded

THAT the agenda be amended to remove item 14.

CARRIED

15. Reporting Out From Closed Portion of Meeting

Pursuant to instructions provided to the CAO by Council, the Village has reached an agreement to acquire the parcel of land at 63 Brunswick Beach Road for consideration of \$750,000 with conditions precedent related to the sale of the road end between 51 and 53 Brunswick Beach Road. The reason for this acquisition is because of the extraordinary circumstances of this land becoming available for purchase, land which is seen by Council as central to its long term strategy options for water supply.

16. Adjournment

Moved/Seconded

THAT the meeting be adjourned.

CARRIED

The meeting was adjourned at 9:56 p.m.

Mayor

Corporate Officer

Date Approved by Council:	
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THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Type	Request for Decision		
Title	Tree Application #75 – 445 Timbertop		
Author	Peter DeJong	Reviewed By:	
Date	March 29, 2017	Version	
Issued for	April 4, 2017 Council Meeting		

Recommendation:

- (1) THAT Council reverse its decision of March 7, 2017 and invite the applicants to re-submit an application to top the previously topped trees on the top of the bank, adjacent to the driveway at 445 Timbertop, along with the balance of recommendations reflected in the arborist report. This should also include an ongoing maintenance requirement and deposit to cover future reductions and trimming.
- (2) THAT the issue of topping, and future maintenance requirements and deposits therefore, be sent back to staff for potential amendments to Trees, Views and Landscapes Bylaw No. 393, as amended, after consultation with the Tree Committee.
- (3) THAT, in the interim, Council implement a policy that no topping will be permitted, unless the trees in question have already been previously topped - even where previously topped, strong consideration should be given for complete removal.

Attachments:

- a) Tree Application #75, including draft minutes of the Tree Committee Meeting of February 27, 2017, as presented at the March 7, 2017 Council Meeting;
- b) Arborist Report dated February 20, 2017, from George Amos Tree Care Inc.

Key Information:

The application was for the topping of certain trees on municipal land running up the side of the driveway of a neighbour, Guillermo Schwartz of 435 Timbertop. The application materials included photos and emails from Mr. Schwartz showing the orange marked trees



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to be topped did not appear to have any view impact on the neighbour's view corridors. Those view corridors appeared to be affected by trees on the top of the bank between 435 and 445 Timbertop, or trees further in the distance.

Public Works had attended the site previously and marked several larger trees on the bank with blue and white tape. Their recommendation was to thin out the stand of trees at this location by removing larger trees and clearing out the stumps and underbrush, leaving the smaller trees, including the orange marked ones, to remain, providing slope stability. Topping was not recommended and reasons for this were cited.

- Tree topping is poor tree management
- False leader tops grow which are weak and prone to break off in strong winds
- I suggest that if the tallest trees are removed completely you can create a cycle. As the smaller trees mature they can be removed to keep ones view unhindered.
- This will allow sunlight down to the forest floor to help germination of other plant species.
- This would ensure that a strong healthy root system was maintained to prevent erosion on the steep embankment

The Trees, Views and Landscapes Committee attended the site and held their meeting on February 27, 2017, with public participation by two of the applicants (although there is no record of their submissions). The Tree Committee recommended the trees marked with orange flagging be cut (not topped) and removed.

The application came before Council on March 7, 2017 and Mr. Schwartz attended and spoke at the meeting against cutting and removing and in favour of topping (vs. no action at all). He also pledged to maintain them, like he had been doing for the topped trees on the other side of his driveway for the past several years. Council approved topping of the trees.

Subsequent to the Council meeting, it was determined that the Tree Committee and staff were quite perplexed by the decision and a motion was subsequently brought forward at the March 21, 2017 Council meeting that the decision be reconsidered. Council voted in favour of the reconsideration motion and directed staff to return with a report addressing some of the information that had come to light in the course of this application.



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Firstly, Council did not have the benefit of the report from the Arborist hired by the applicants. This report stated that:

The previously topped trees at the top of the bank, on the driveway of 445 [not the orange flagged trees on the driveway of 435 at the bottom of the bank], should be reduced on an annual or biannual schedule. The dead stumps, lower deadwood, fallen debris is recommended to be removed in order to improve the quality and quantity of understory plants.

The tree stock of single stem species is young, however, can be managed on a rotational cycle. Bank stabilisation is a crucial factor, and in order to maintain this there must be vegetation with significant root networks present on the bank. By selecting the largest single stem trees and removing to ground level, this will allow for increased light to be penetrated to the understory increasing the native flora ground cover. The younger single stem trees will have more room to establish, and will also give room for young saplings to establish.

This recommendation is strikingly similar to the one from Public Works. The arborist also stated:

The practice of 'topping' trees is a poor and an out-dated practice for tree management. It creates future hazards and is detrimental to tree aesthetics and health longevity. As topped trees increase in age and size it is common for multiple branch failures from heavy elongated branches and stems, with poor unions of attachment.

The only exception for topped trees is for the purpose of a hedge. A hedge can be defined as a tree that is pruned into a manageable form, whereby the sides and top are reduced to contain height and spread. Hedge trees are usually shaped when they are young and of a size that can be managed on an annual basis. In a garden scenario a hedge would typically be between 6ft to 20ft.

The photos included in the arborist's report also call into question the purpose of the application to begin with, as the view of the ocean is not impeded by any of the orange flagged trees for which the application was submitted.



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As noted in the report, there is a difference between dealing with previously topped trees and ones which have not ever been topped. Maintaining for hedge purposes on a regular basis may be practical and acceptable from a risk management perspective. Some members of Council also spoke of ongoing maintenance of previously topped trees. However, where such trees are on municipal land, this ongoing maintenance requirement becomes a practical issue as tree cutting applicants currently have no ongoing responsibility. This then becomes an operational and financial issue for the municipality.

Council also heard Mr. Schwartz indicate that he regularly tops or otherwise maintains the trees on the other side of the driveway. He would be doing this on public land without a permit or any of the other liability safeguards which the tree cutting bylaw is intended to address. This may well be going on in other areas of the Village and staff raises this as a liability concern for the consideration of Council.

Options:

- (1) Reverse the Council decision of March 7, 2017 and invite the applicants to re-submit an application to top the previously topped trees on the top of the bank, adjacent to the driveway at 445 Timbertop, along with the balance of recommendations reflected in the arborist report. This should also include an ongoing maintenance requirement and deposit to cover future reductions and trimming.
- (2) Reverse the Council decision of March 7, 2017 and grant permission to cut and remove the orange flagged trees as recommended by the Tree Committee.
- (3) Reaffirm the Council decision of March 7, 2017, to allow topping of the orange flagged trees but impose a maintenance requirement and deposit to cover future reductions and trimming.
- (4) Select one of the first 3 options, in whole or in part, but send the issue of topping, and future maintenance requirements and deposits therefore, back to staff for potential amendments to Trees, Views and Landscapes Bylaw No. 393, as amended, after consultation with the Tree Committee.



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- (5) In the interim, implement a policy that no topping will be permitted, unless the trees in question have already been previously topped. Even where previously topped, strong consideration should be given for complete removal.

Preferred Option: Options 1, 4, and 5.

PDJ

* rec'd Nov 17/16
Photos to follow.



15

THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Tree Cutting Application Form

- JOINT APPLICATION

All fields must be completed

By ALL AFFECTED HOMES

Sandra Ignas

Applicant's Full Name: Kathleen Mitchell + Sheldon Goldberg + ERIC FLESCHE	
Address: 445, 455 + 475 - TIMBERTOP DR.	
Phone: [REDACTED]	Email: [REDACTED]
Contractor Name (if applicable):	
Contractor Phone: N/A Kathleen Mitchell	

Description of Trees:
EVERGREENS + BROAD LEAF MAPLES
- PREVIOUSLY TOPPED

Location of Trees:
STAND OF TREES - DIRECTLY IN FRONT OF THE ABOVE ADDRESSES - BETWEEN MUTUAL DRIVEWAY + TIMBERTOP DR.

*Trees must be clearly marked with marking tape in time for the Tree Committee's site visit. ✓

Reason for Removal:	
<input type="radio"/> Too close to property (foundation, garage, fence, etc.) <input type="radio"/> Dead or dying <input type="radio"/> Unattractive <input checked="" type="radio"/> Blocking sunlight <input type="radio"/> Attracting wildlife Other:	<input type="radio"/> Interfering with infrastructure (roads, sidewalks, etc.) <input type="radio"/> Leaves causing problems <input type="radio"/> Blocking site access <input checked="" type="radio"/> Affecting house value <input type="radio"/> Hazardous <input checked="" type="radio"/> Interfering with view

Description of work to be done (and additional comments which may be helpful):

TREE TOPPING ONLY

NO TREES TO BE REMOVED - WITH EXCEPTION OF SMALL BROAD LEAF MAPLES AT ADDRESSES

PREVIOUS PERMITS HAVE BEEN ISSUED TO TOP THESE TREES



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Replanting Plan, if any (please include anticipated timeframe for completion):

N/A

I have verified the information contained within this application is correct.

I acknowledge that responsibility for bylaw compliance rests with me as the applicant. I will indemnify and save harmless the Village of Lions Bay, its officials, employees and agents against claims, liabilities and expenses of every kind, in respect of anything done or not done pursuant to this application or ensuing permit, if issued, including negligence and/or failure to observe all bylaws, conditions, acts or regulations.

I understand that, should this application be approved, all work performed must comply with the recommendations of the Tree Committee, as endorsed by Council, and that failure to comply with the recommendations may result in fines, penalties and/or legal action.

[Redacted Signature]

Signature of Applicant

Oct 3, 2016

Oct 3/16

Date Signed

Oct 3/16

[Handwritten Signature]

Date Received by Office:

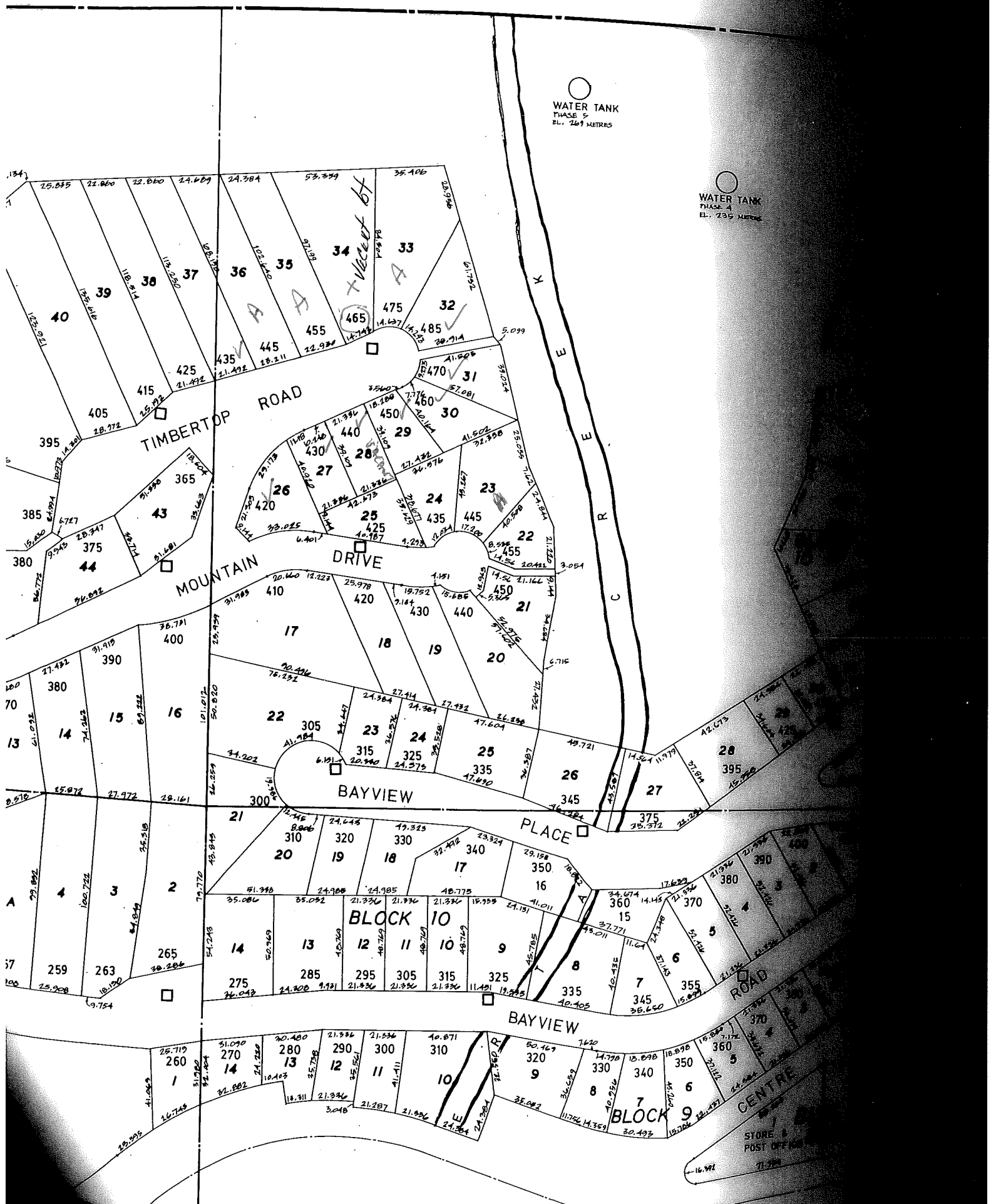
Received by:

RECEIVED
NOV 18 2016

[Handwritten Signature]



Sent from my iPhone



WATER TANK
PHASE 9
EL. 269 METRES

WATER TANK
PHASE 4
EL. 295 METRES

TIMBERTOP ROAD

MOUNTAIN DRIVE

BAYVIEW

PLACE

BLOCK 10

BAYVIEW

BLOCK 9

ROAD

STORE & POST OFFICE

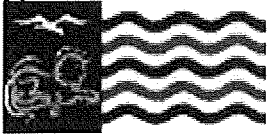
CREEK

VACATED BY

A A A

Lions Bay Reception

From: Peter DeJong
Sent: Tuesday, February 14, 2017 4:49 PM
To: Lions Bay Reception; Shawna Gilroy
Cc: Simon Waterson; Ron McLaughlin; [REDACTED]
Tree App #75



Hi Fran:

Please see the comments below from Public Works re. this application. I note the comments are consistent with those of the Wrays at 460 Timbertop and those of the most directly affected neighbour, Mr. Swartz, at 435 Timbertop.

From: Garth Begley
Sent: Friday, February 10, 2017 3:55 PM
To: Peter DeJong <cao@lionsbay.ca>
Subject: Tree topping

Tree topping is poor tree management.

False leader tops grow which are weak and prone to break off in strong winds.

I suggest that if the tallest trees are removed completely you can create a cycle. As the smaller trees mature they can be removed to keep ones view unhindered.

This will allow sunlight down to the forest floor to help germination of other plant species.

This would ensure that a strong healthy root system was maintained to prevent erosion on the steep embankment.

Thanks, Garth Begley

Please add to the file and notify Tree Committee. If they get back to us on Wednesday, the earliest date for a meeting would be Friday, February 24th. Some effort should be made to ensure that the neighbour most affected (and opposed) has an opportunity to be in attendance and to be heard at the meeting, so perhaps the 25th or 26th would be ideal. Any submissions, comments and discussion at the meeting needs to be carefully minuted for the file. I also note that cutting between March 1-July 31 may be permitted if a certified arborist confirms there are no bird nests in the subject trees. Most of the tree cutting contractors have arborists on staff.

Peter DeJong, BA, LLB, CRM
Chief Administrative Officer

The Municipality of the Village of Lions Bay www.lionsbay.ca

Neighbors
comments
& concerns

Tree App
75.

Lions Bay Reception

From: Lions Bay Reception
Sent: Friday, December 02, 2016 12:29 PM
To: Nai Jaffer
Subject: FW: Trees cut in 435 Timbertop Drive

Just received this from Guillermo Schwartz, 435 Timbertop who was NOT canvassed by his next door neighbor (445) on the affected driveway side of Tree Cutting Permit Application #75. The application is joint between 445, 455 & 475 Timbertop.

This will be included in the file to the Tree Committee and thought it best to advise you as well.

Fran McNichol
Administrative Assistant



The Municipality of the Village of Lions Bay. www.lionsbay.ca
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Tel: (604) 921-9333 ext. 1000 | Fax: (604) 921-6643

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From: Guillermo Schwartz [REDACTED]
Sent: Friday, December 02, 2016 10:52 AM
To: Lions Bay Reception <reception@lionsbay.ca>
Cc: [REDACTED]
Subject: Trees cut in 435 Timbertop Drive

Dear Tree committee,

I am the owner of 435 Timbertop dr. on which driveway the trees are going to be cut. As the family probably most affected by this action I wanted to state that we totally disagree with this measure. The first reason is that as you can see in the photo the trees that are going to be cut are right next to the driveway that goes up to my house and it would leave it full of stumps and the driveway aesthetically disfigured.



Second the only person that as far as I can see those trees could be affecting are my next-door neighbour. As you can see in the photo the trees that have been marked down to be cut down do not affect his view at all.



The only two trees that will be affecting his view (as per photo above) are higher up inside the hill and have not, funnily enough, been marked down to be cut.

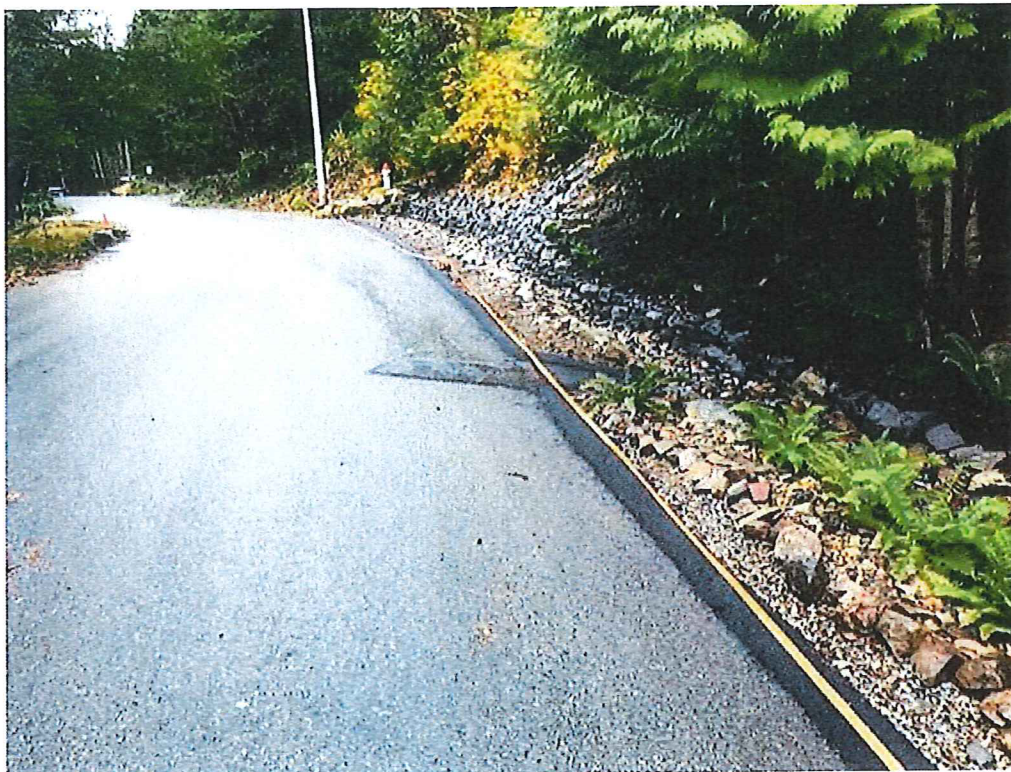


Then there is the hazard risk. First taking down those trees will make that area much more sensitive to rain and much more unstable, affecting the only exit from my house. That hill has had its trees cut down before when the neighbour built his parking counterleaved platform and all those tree trunks were left on the hill instead of being cleaned up. The exposure to rain and the cut itself of the trees could make them unstable. The last thing I would like is to have an accident on the driveway or the driveway destroyed.



We had already this problem with trees on the driveway before. Our neighbour complained about obstruction to his view from the opposite side of the driveway. He wanted to cut all the trees on that side of the hill which again would have been an aesthetical disaster and a hazard. So we took upon ourselves to manage the top of the trees to make sure that his view was not obstructed. As far as I know there have no complaints since.

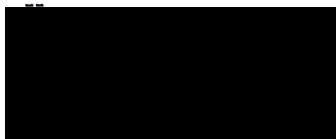
It is not the first time we invest on the public land around our property. We have worked with the public land manager on designing a road curb and river bed to ensure the maintenance of the road and reduce the water flooding on the road.



So as we proposed before we are willing to take upon ourselves the management of the trees situated around that side of the driveway, as we already do with the opposite ones, so that nobody's view is impeded when they continue growing. The ones higher in the hill that might be currently an obstacle to scenery viewing have not been selected to be cut. That might be a good thing considering the current hazardous situation with old trunks in the hill but if they need to be managed maybe instead of cutting them the tree committee should consider just trimming them. I am at your disposal for any clarification or help that you might need.

Thank you

Guillermo.



485 Timber Top #35
420 430 440

Lions Bay Reception

From: Kathy Mitchell [redacted]
Sent: Thursday, December 01, 2016 2:09 PM
To: Lions Bay Reception
Cc: Simon Waterson; Ron McLaughlin
Subject: FW: Tree Topping

I think all that's left is Public Works...
Kathy

From: Dominique Allouche [mailto:[redacted]]
Sent: Thursday, December 1, 2016 2:00 PM
To: Kathy Mitchell
Cc: Allouche, Marie-Christine
Subject: RE: Tree Topping

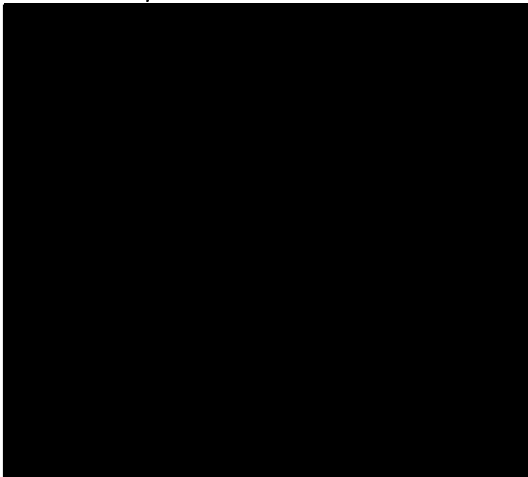
485 Timber Top

Hi Kathy,

Marie and I have no objection in regards to the tree topping you are proposing.
You can certainly proceed with the tree work.
Thank you for the compliment, it has been a long process.....

Regards,

Dominique Allouche



From: Kathy Mitchell [redacted]
Sent: December-01-16 11:59 AM
To: Dominique Allouche
Cc: [redacted]
Subject: Tree Topping

Hi Dominique

We are your neighbours at 445 Timbertop . As you can see by the attached letter we would like to top the trees on the cul de sac in front of our home. We have applied to the village jointly with 455 and 475 Timbertop. The Village will not consider our application until we consult with our neighbours and it seems that the village will not submit to the tree committee until we have your views on the issue. Everyone else in the cul de sac as been consulted and agreed to the idea.

You will see the trees in the cul de sac that are under consideration marked with pink flagging tape.

As a group we will go along with whatever the tree committee wants and hope that you will agree with us improving our view (which is rapidly disappearing)
A quick email response will be sufficient to keep the process moving...

Thanks for your help with this. And by the way we think that your new driveway and view are wonderful. It's nice to see some light at the end of the road when drive up our driveway!

Regards

Kathy Mitchell (white stucco house at the top of the long driveway)
[REDACTED]

420 Timbertop

Lions Bay Reception

From: Kathy Mitchell <[REDACTED]>
Sent: Tuesday, December 06, 2016 5:13 PM
To: Lions Bay Reception
Subject: Fwd: tree topping

Follow Up Flag: Follow up
Flag Status: Flagged

Per your latest request I have canvassed 440 430 and 420....

The response from the residents at 420 are below
The response from Herb Johnson at 430 was sent directly to you
I have discovered that the residents of 440 Paul and Rachel and their sons Luke and Will have moved back to the UK permanently. Currently the house is vacant and there is a for rent sign out front.

I believe everyone has responded and look forward to the application being forwarded to the tree committee.

Regards
Kathy Mitchell
445 Timbertop

Sent from my iPad

Begin forwarded message:

From: John Robb <[REDACTED]>
Date: December 6, 2016 at 4:56:58 PM PST
To: Kathy Mitchell <[REDACTED]>
Subject: Re: tree topping

I am good. The reason I hadn't responded is precisely what you point out - it doesn't impact us.....
John

----- Original Message -----

From: kat cleland <[REDACTED]>
To: Kathy Mitchell <[REDACTED]>
Cc: [REDACTED]
Sent: Tue, 06 Dec 2016 17:54:38 -0700 (MST)
Subject: Re: tree topping

Hi Kathy I am fine with you topping the trees. I have not sure how John feels as we haven't discussed it but if you don't hear from him take it as no problem.

Kat

Sent from my iPhone

On Dec 6, 2016, at 12:25 PM, Kathy Mitchell [REDACTED] wrote:

Hi Kat and John

Regarding the request for comments on the tree topping permit I sent to you. I would appreciate receiving a short response from you at your earliest convenience.

Sorry for the inconvenience... please call me if you wish to discuss anything [REDACTED]

Regards

Kathy Mitchell

<Tree Permit Canvas Letter.pdf>

Handwritten signature

430 Timbertop

Lions Bay Reception

From: Herbert Johnston [REDACTED]
Sent: Sunday, December 04, 2016 4:40 PM
To: [REDACTED] Lions Bay Reception
Subject: Support for tree topping below 445 Timbertop Road, Lions Bay

To whom it may concern:

This is to let the tree committee know that Herb Johnston at 430 Timbertop Road is in support for the proposed tree trim and topping of trees across the street from me as it is appropriate and desirable. Safety and view will be enhanced for others by dealing with these trees. If there are any questions about my support, please feel welcome to contact me at [REDACTED] or by email,

Sincerely,

Herb Johnston, owner and resident at 430 Timbertop Road

470 Timbertop

Lions Bay Reception

From: Simon Waterson [REDACTED]
Sent: Thursday, December 01, 2016 8:18 AM
To: Lions Bay Reception
Cc: Kathy Mitchell; Public Works; Ron McLaughlin
Subject: 470 Timbertop

Follow Up Flag: Follow up
Flag Status: Flagged

Apologies for the delay I have been taking a course and somehow missed/forgot the request.

We will agree to whatever the tree committee decides and therefore will have no objection to their decision.

Regards

Simon

On Nov 30, 2016, at 3:54 PM, Lions Bay Reception <reception@lionsbay.ca> wrote:

Kathy

I am still awaiting a neighbour response from Simon Waterson and the owner of 485 Timbertop, Dominique Allouche.

Kathy, just so you know the process. All the information comes to the office first from the applicant with payment and with all neighbours signed off or responses from them. We check to make sure we have all pertinent information and follow up if we do not. Public Works checks out the location of the trees, which I have asked them to do but have not had a response yet. When we have all this information we then send it to the Tree Committee and they then do there review and meeting. This information then goes before Council for approval. The office then notifies the applicant of Council's decision.

Thank you

Susan Loutet
Administrative Assistant

<image001.jpg>**The Municipality of the Village of Lions Bay.** www.lionsbay.ca
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From: Ron McLaughlin
Sent: Wednesday, November 30, 2016 3:07 PM
To: Kathy Mitchell [REDACTED]

Cc: Helen & Simon Waterson [REDACTED]

Lions Bay Reception [REDACTED]

Subject: Re: 445 Timbertop

Dear Reception: For the file. Trust we are near completing the due diligence and this application is ready to send to the committee so that it can go to Council for the 20th. Best regards.....Ron

From: Kathy Mitchell <[REDACTED]>

Sent: Tuesday, November 29, 2016 12:44 PM

To: Ron McLaughlin

Subject: 445 Timbertop

Hi Ron

I have indicated to Simon that we will do whatever the tree committee thinks is best . We just want to reclaim our view and preserve it. If we have to remove trees we will and replant or whatever....

Kathy

Lions Bay Reception

From: Ron McLaughlin
Sent: Wednesday, November 30, 2016 3:05 PM
To: Lions Bay Reception
Cc: Helen & Simon Waterson; Kathy Mitchell
Subject: Fw: Tree Topping

Timber top
#450
neighbor
response

Dear Reception: For the file.....Ron

From: Kathy Mitchell <[redacted]>
Sent: Tuesday, November 29, 2016 1:22 PM
To: 'Josh Moody'
Cc: Ron McLaughlin; Simon Waterson
Subject: RE: Tree Topping

I agree Josh.... I have copied the tree committee with your concerns. What you are proposing is exactly what we would like to do .

Regards
Kathy

From: Josh Moody [mailto:[redacted]]
Sent: Tuesday, November 29, 2016 12:58 PM
To: Kathy Mitchell; Shannon Nering
Cc: Ingrid Wray
Subject: Re: Tree Topping

Hi Kathy-

Also a late response as agin we were away. We would be fine with topping, but we would prefer that the tree topping was intended to simply keep most of the trees at appropriate length to improve views but not to stump the trees.

In the past many trees were cut back to the stump and we feel that this does not look nearly as good as mature trees that are topped to a specific height and maintained thereafter.

Thank you,

Josh Moody

450 Timber top

On Tue, Nov 29, 2016 at 12:16 PM Shannon Nering <[redacted]> wrote:

Hi Kathy — I'm sure this is probably fine. We were away for Josh's mom's memorial when this came through. Are these the trees above where we park our cars?

[redacted]

[REDACTED]

On Nov 23, 2016, at 1:03 PM, Kathy Mitchell [REDACTED] wrote:

Hello Neighbours

A joint application has been made to the tree committee by the residents of 445,455 and 475 Timbertop. As you will see by the attached letter we would like to top the trees on the North side of the Cul de Sac as they are impeding our view . I would appreciate it if you would take the time to view the letter and respond to me. If you would like further information please drop me an email or call me at [REDACTED]

Thank you for taking the time.

Regards

Kathy Mitchell 445 Timbertop
<Tree Permit Canvas Letter.pdf>

460

Lions Bay Reception

From: Kathy Mitchell <[REDACTED]>
Sent: Thursday, November 24, 2016 8:48 AM
To: Ingrid Wray; Ron McLaughlin; Simon Waterson; Lions Bay Reception
Subject: Fwd: Tree cutting application
Attachments: application to top trees.pdf; ATT00001.htm

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Ingrid

It was nice chatting to you today. I appreciate your interest and quick response to my request. It is difficult to satisfy everyone's needs regarding trees and views and your understanding in this case is welcome. We will be considerate of your concerns when we begin topping and agree that removal of any and all broadleaf maples (weeds!) is necessary and we are happy to do that .

As you can see I am forwarding your response to the appropriate tree committee members.

Thanks again...
Regards
Kathy Mitchell
445 Timbertop

Sent from my iPad

Begin forwarded message:

From: Ingrid Wray <[REDACTED]>
Date: November 23, 2016 at 8:54:57 PM PST
To: Kathy Mitchell <[REDACTED]>
Cc: Shannon Nering <[REDACTED]>
Subject: Tree cutting application

Hi Kathy and Shannon,
Please find attached a letter outlining our conversation today Kathy . I could not see where on the application form I was to comment so am hoping this letter will be sufficient. Please forward this to the relevant person on the Tree Committee.

Regards ,
Ingrid

#460. Timbertop
neighbour
response

November 23/16

Ingrid and Andrew Wray
460 Timbertop Dr,
Lions Bay.



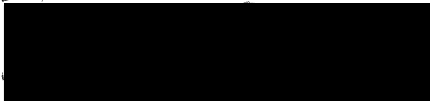
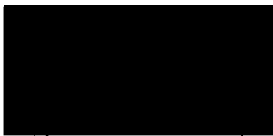
To Kathy Mitchell and the Tree Committee,

Regarding the application for a permit to cut trees by Kathy Mitchell in front of 445, 455, 475 Timbertop Dr

I discussed with Kathy this afternoon this application and made her aware of my concerns regarding the topping of trees both for the health of the tree and the unappealing aesthetics of the resulting process, however I understand that maintaining a view is important to homeowners for many reasons. I also understand that these trees have previously been topped several times.

The applicant assures me that the intention is to top 8 -10 feet off at most (I assume this would take them down to about the previous height at the last topping). I did suggest that selective cutting down of a few trees would be a more agreeable solution to me but understand that option has been discussed before but a consensus could not be reached with other neighbours. I did agree unequivocally that the Broad Leaf Maples should be cut down as far as possible or removed as they grow far to fast and are not suitable to be growing at the edge of the road.

I have discussed this with my husband who is in agreement with me and will sign below



U

Minutes of the Tree Committee meeting

February 27th, 2017

On-site @ 445 Timbertop Drive

1. In attendance; Chair, Simon Waterson, Tony Clayton and Michael Jury.
2. The meeting was called to order at 08:46am.
3. Simon Waterson was appointed Recorder for the meeting.
4. The Agenda was approved unanimously.
5. Public Participation – Ms. K. Mitchell and Mr. Mark Ignas.
6. The previous minutes from the meeting dated 24th January 2017 were approved unanimously.
7. Old Business; None.
8. New Business;
Tree Application #75 – 445 Timbertop Drive - Moved by Tony Clayton; Seconded by Simon Waterson, that all trees that have been marked with orange tape (photos taken) be removed and associated debris be removed. Where possible, existing wood debris be cleared and removed from the site. Recommended that the applicants re-plant low growing native trees on the lower side of the bank. Approved unanimously.
9. Adjournment; - The meeting adjourned at 08:57am.

Simon Waterson

Recorder

GEORGE AMOS TREE CARE



PROFESSIONAL ARBORICULTURE SERVICES

Date: Saturday Monday 20th February, 2017

Site Address: 445 Timbertop Drive, Lions Bay, British Columbia.

Report Commissioned for: Mrs Kathy Mitchell

Site Inspection conducted by: George Amos, I.S.A. Certified Arborist PN 7771-A, TRAQ Certified, BSc Landscape Management.

Site Inspection: Monday 20th February. Weather was overcast.

Level of Tree Assessment:

Using the ISA TRAQ format, the site inspection used in this Arborist report was undertaken as a Level 2: Basic Assessment.

This level of assessment is a visual assessment/inspection from the ground to identify the tree, observations of tree health, general observations from the ground and around the root flare, and visually inspect the main stem, structural branches, the canopy of the tree, and assess any other site factors that may give more information regarding the tree and its health/growth habits. Upon completion of the tree inspection, further hazard assessments and higher levels of inspection may be recommended and outlined in the report.

Purpose of the report:

This report is to identify the designated tree(s) on site and the species, get an understanding of the condition, and make recommendations for removal or retention and how this can be done to minimize disruption to the tree(s). Then outline the tree protection measures in accordance with the municipal bylaw.

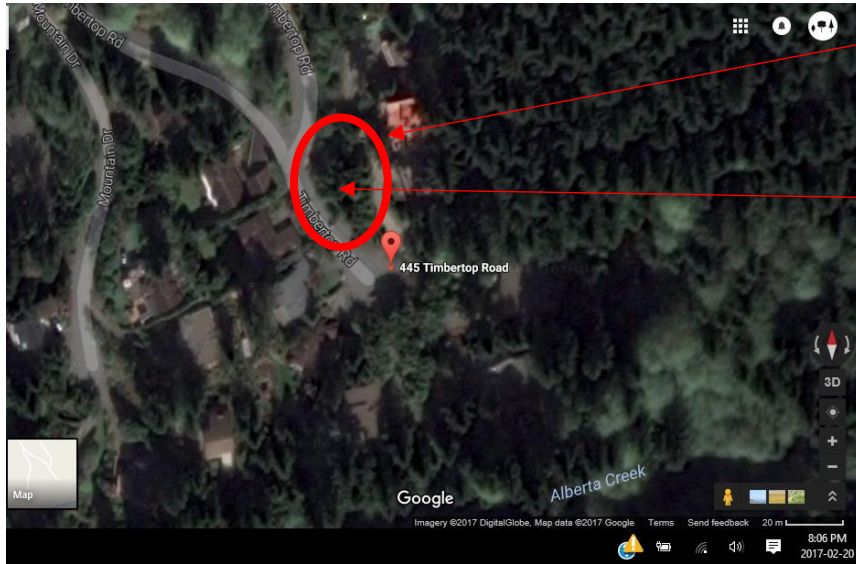
George Amos Tree Care Inc. 1007 Prospect Avenue, North Vancouver, V7R 2M5. (778)836-7960

george@georgeamostreecare.com

www.georgeamostreecare.com

Site Map:

Figure 1: <https://www.google.ca/maps/place/445+Timbertop+Rd,+Lions+Bay,+BC+V0N/@49.4617838,-123.2314649,209m/data=!3m1!1e3!4m5!3m4!1s0x54866810d4449dfd:0xaf9e53b40b0ef9e7!8m2!3d49.4616695!4d-123.2307496>



445 Timbertop Drive, Lions Bay

Area of concern on Municipal property with mix of young trees, previously topped trees, coppice, slope and ground debris.

Figure 2:



Aerial photo:

Mix of single stem Douglas Fir (*Pseudotsuga menziesii*) and Western Red Cedar (*Thuja plicata*), not previously topped.

Mix of Douglas Fir and Western Red Cedar located at the top of the bank previously topped.

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george@georgeamostreecare.com

www.georgeamostreecare.com

Site History:

Figure 3:



Previous topping cuts can be seen from the ground.

- Dense foliage, poor light penetration for native understory vegetation.
- Large lateral branches become new stems.
- Re-growth can be seen at the original topping cut.

The practice of 'topping' trees is a poor and an out-dated practice for tree management. It creates future hazards and is detrimental to tree aesthetics and health longevity.

As topped trees increase in age and size it is common for multiple branch failures from heavy elongated branches and stems, with poor unions of attachment.

The only exception for topped trees is for the purpose of a hedge. A hedge can be defined as a tree that is pruned into a manageable form, whereby the sides and top are reduced to contain height and spread. Hedge trees are usually shaped when they are young and of a size that can be managed on an annual basis. In a garden scenario a hedge would typically be between 6ft to 20ft.

The topped trees as located at 445 Timbertop Drive were topped for view. With annual maintenance they can be maintained as a large hedge.

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george@georgeamostreecare.com

www.georgeamostreecare.com

Figure 4:



Coppiced trees:

- Big Lead Maple (*Acer macrophyllum*)
- Cherry (*Prunus Spp*)

The Maple and Cherry trees are in a coppice cycle, where the trees have been frequently cut back to the stump to re-generate. This can be seen by the large quantity of stems, and the density of old stumps.

As a coppice cycle it is a beneficial method of managing trees to maintain the species and contain size. Coppicing ensures the root stock is intact which is beneficial to soil stabilisation.

Coppicing is only advantageous to certain species such as Maple, Cherry, Willow, Alder etc which have 'adventitious' or 'dormant' buds which are buds that provide a mechanism for a tree to respond to a disturbance such as cutting back. Douglas Fir, and Western Red Cedar trees do not have 'adventitious' buds and so if cut back to a stump will not re-generate from dormant buds.

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george@georgeamostreecare.com

www.georgeamostreecare.com

Figure 5:



- Old dead and pollarded stems
- Dead branches.
- Fern ground cover and scattered fallen debris.

Figure 6:



- Mixed age of single stem Douglas Firs and Western Red Cedars. Stem dbh (diameter at breast height) measurements vary between at the largest of 35cm to the majority of around 10-20cm.

These single stems trees are located on the lower section of the bank.

The largest Western Red Cedar located closest to the road showed a fair root flare due the angle of the bank.

Conclusion:

In order to maintain the wooded area a management plan is recommended to be implemented:

The previously topped trees at the top of the bank by the driveway are recommended to be reduced on an annual or bi-annual schedule to contain the height. The lateral branches are recommended to be reduced at the same time in order to establish hedge characteristics that will allow for on-going management. During maintenance works, all debris is to be removed from site and not left on the bank.

The dead stumps, lower deadwood, fallen debris is recommended to be removed in order to improve the quality and quantity of understory plants.

The tree stock of single stem species is young, however, can be managed on a rotational cycle. Bank stabilisation is a crucial factor, and in order to maintain this there must be vegetation with significant root networks present on the bank. By selecting the largest single stem trees and removing to ground level, this will allow for increased light to be penetrated to the understory increasing the native flora ground cover. The younger single stem trees will have more room to establish, and will also give room for young saplings to establish.

The coppiced Maples and Cherry trees are recommended to be cut back to the stump on a 3-5 year cycle.

As a rotational cycle, this management will allow for an on-going process of tree maintenance, bank stabilisation maintenance, reduced fire risk hazard, and an improved ecosystem.

On the annual maintenance of the previously topped trees, it is recommended that the bank be inspected for signs of management adjustments as required.

Whilst on site I met with the Lions Bay Municipality staff. They have highlighted trees to be removed that is of the same management plan as this report.

Assumptions, Limiting Conditions and General Waiver

I confirm that the trees listed on the property identified in this report have been inspected.

I have no current or prospective financial or other interest in the vegetation or the property which is the subject of this report and have no personal interest or bias in favour of or against any of the involved parties or their respective position(s), if any.

The analysis, opinions and conclusions stated herein are the product of my independent professional judgement and based on current scientific procedures and facts, and the foregoing report was prepared according to commercially reasonable and generally accepted arboricultural standards and practices for British Columbia.

The information included in this report covers only those trees that were examined and reflects the condition of the trees as of the time and date of inspection, this report is 'valid' for the day of inspection only, as this is natural entity and weather conditions and site factors can change.

This report and the opinions expressed herein are not intended, nor should they be construed, as any type of warranty or guarantee regarding the condition of the subject trees in the future.

To the best of my knowledge and belief, all statements and information in this report are true and correct and information provided by others is assumed to be true and correct.

I am not an attorney or engineer. This report does not cover these areas of expertise and represents advice only of arboricultural nature. Without limiting the generality of the preceding sentence, it is specifically understood that nothing contained in this report is intended as legal advice, or advice or opinions regarding soil stability or zoning laws, and this report should not be relied upon to take the place of such advice.

George Amos Tree Care Inc. 1007 Prospect Avenue, North Vancouver, V7R 2M5. (778)836-7960

george@georgeamostreecare.com

www.georgeamostreecare.com

Signed,

A handwritten signature in blue ink that reads "G Amos". The signature is written in a cursive, slightly slanted style.

George Amos

ISA certified arborist PN 7771-A

ISA tree risk assessor (TRAQ)

BSc Landscape Management

George Amos Tree Care Inc

George Amos Tree Care Inc. 1007 Prospect Avenue, North Vancouver, V7R 2M5. (778)836-7960

george@georgeamostreecare.com

www.georgeamostreecare.com



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Type	Request for Decision		
Title	Tree Bylaw Amendments		
Author	Peter DeJong	Reviewed By:	
Date	March 30, 2017	Version	1
Issued for	April 4, 2017 Regular Council Meeting		

Recommendation:

THAT Village of Lions Bay Trees, Views and Landscapes Bylaw No. 393, 2007, Amendment Bylaw No. 518, 2017 be adopted.

Attachments:

- (1) Village of Lions Bay Trees, Views and Landscapes Bylaw No. 393, 2007, Amendment Bylaw No. 518, 2017 ("Bylaw No. 518"), including Schedules "A" and "B";
- (2) Draft Consolidation of Bylaw No. 518 amendments into Bylaw No. 393;
- (3) Tree Cutting Permit Application Process and Checklist;
- (4) Form Letter for Canvassing Affected Property Owners;
- (5) Public Works Feedback Form.

Key Information:

Three readings were given at the March 21, 2017 Regular Council Meeting. As a reminder, frontline staff had pointed out a number of technical issues with respect to the forms and processes around the Tree Cutting Applications. The amendments are intended to correct a few of these deficiencies and amend the forms so that residents understand more clearly the process and what is expected of them.

There are still some issues with respect to guiding policies for staff, the Trees, Views and Landscapes Committee, and Council. Staff will be working on a draft policy regarding topping of trees and associated issues and will bring that to Council soon as a separate matter.



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Options:

(1) Adopt Bylaw No. 518;

(2) Refer Bylaw No. 518 back to staff for further work under alternative directions from Council.

Preferred Option: Option 1, adopt Bylaw No. 518. The changes are technical, operational and/or process oriented and required in order to provide clarity and direction to staff and the public. Any other changes which may be desired can be addressed later and will most likely be addressed through policy.

Legal Considerations: The changes will validate the use of an amended application form.

Follow-Up Action: None

Communication Plan: Upload the consolidated bylaw to the website.



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY



Village of Lions Bay Trees, Views and Landscapes Bylaw No. 393, 2007, Amendment Bylaw No. 518, 2017

Adopted:

PO Box 141, 400 Centre Road, Lions Bay, BC V0N 2E0
Phone: 604-921-9333 Fax: 604-921-6643
Email: office@lionsbay.ca Web: www.lionsbay.ca

Village of Lions Bay Trees, Views and Landscapes Bylaw No. 393, 2007, Amendment Bylaw No. 518, 2017

The Council of the Village of Lions Bay, in open meeting assembled, enacts as follows:

1. This Bylaw may be cited for all purposes as "Village of Lions Bay Trees, Views and Landscapes Bylaw No. 393, 2007, Amendment Bylaw No. 518, 2017".

2. Village of Lions Bay Trees, Views and Landscapes Bylaw No. 393, 2007 is hereby amended as follows:

(a) The definitions listed in section 2 are hereby ordered alphabetically.

(b) The following definition is added after the definition of Administrator:

“Affected Property Owner” means any adjacent property owner and any property owner whose line of sight or proximate enjoyment, including but not limited to shade and aesthetics, may be affected if an application is approved.

(c) The definition of “Owner” is hereby deleted and replaced with the following:

“Owner” has the same meaning as in the Community Charter.

(d) Section 3.4.1.7 is amended by striking the words “adjacent property owners” and substituting “Affected Property Owners”.

(e) Section 3.4.2.2 is amended by adding an “s” to the word “Tree” in the first line and by adding the word “clear” between the number “8” and the word “days”.

(f) Section 3.9.1.1(b) is deleted and replaced with the following:

“(b) \$3,000 for each subsequent tree cut without a permit.”

(g) Section 3.9.1.2(b) is deleted and replaced with the following:

“(b) \$6,000 for each subsequent tree cut without a permit.”

(h) Schedules A and B are hereby deleted and replaced with Schedules A and B attached to this bylaw.

READ A FIRST TIME	this	21st	day of	March, 2017
READ A SECOND TIME	this	21st	day of	March, 2017
READ A THIRD TIME	this	21st	day of	March, 2017
ADOPTED	this	___	day of	_____, 2017

Mayor

Corporate Officer

**Certified a true copy of
Bylaw No. 518, 2017 as adopted.**

Corporate Officer



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Schedule "A"

Tree Cutting Application Form

All fields must be completed

Applicant's Full Name:	
Address:	
Phone:	Email:
Arborist/Contractor Name:	
Phone:	Email:

Office Use Only	Tree Application Number:
Received by:	Date:
Amount Paid:	Cash or Cheque:
Application Complete? (Y/N)	If no, reason:
Date referred to Public Works:	Date returned by Public Works: (See attached comments)
Date Application to Tree Ctte:	Meeting Date:
Agenda forwarded to Tree Ctte:	Minutes received from Tree Ctte:
Council Agenda Date:	Council Decision:
Parties Notified:	
Date of Letter Notifying Applicant of Decision: (March 1-July 31: Arborist Certification Required)	Received Damage Deposit: Name of Arborist/Contractor: Proof of WorkSafe Certificate: Proof of Insurance (\$5 mil/VoLB Add'l Insured):
Permit Issued:	Post-work check by Public Works:
Damage Deposit Returned:	If not, reason:



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Species/Description of Tree(s):

Location of Tree(s):

**Trees must be clearly marked with marking tape in time for the Trees, Views and Landscapes Committee's site visit.*

<p>Reason for Removal:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Too close to property (foundation, garage, fence, etc.) <input type="checkbox"/> Dead, dying or diseased <input type="checkbox"/> Unattractive <input type="checkbox"/> Blocking sunlight <input type="checkbox"/> Attracting wildlife 	<ul style="list-style-type: none"> <input type="checkbox"/> Interfering with infrastructure (roads, sidewalks, etc.) <input type="checkbox"/> Leaves causing problems <input type="checkbox"/> Blocking site access <input type="checkbox"/> Affecting house value <input type="checkbox"/> Hazardous <input type="checkbox"/> Interfering with view
--	--

Please provide additional comments which may be useful:

Replanting Plan, if any (please include anticipated timeframe for completion):

SCHEDULE "B"

Permit for Tree Cutting

TREE CUTTING PERMIT NO. _____

This Permit is hereby issued to:

(name of applicant - the Permittee)

for tree cutting on municipal property near:

(insert legal description)

(insert municipal address)

in accordance with the resolution passed by Council on _____

under Agenda Item Number _____.

All work must be undertaken strictly in accordance with Village of Lions Bay Trees, Views and Landscapes Bylaw No. 393, 2007, as amended and all plans and specifications attached hereto as part of this Permit and as approved by Council.

Prior to the issuance of a tree cutting permit, an applicant shall provide a damage deposit of \$500 and the applicant, or his/her designated arborist or contractor, is required to be in good standing with WorkSafe BC and obtain and maintain at all times during the validity of the tree cutting permit, public liability insurance in the amount of \$5,000,000 in connection with the obligations under this bylaw, which insurance policies shall include deductibles and terms satisfactory to the Village, shall name the Village as an "Additional Named Insured", and shall provide that the insurer shall notify the Village in writing at least 30 days prior to cancellation of the policy. The applicant shall deliver a certified copy of the policy to the Village upon demand and evidence of coverage shall be provided in the form of an insurance certificate prior to the commencement of any work.

Where tree cutting work will result in vehicles or machinery blocking a roadway, in whole or in part, or may result in any portion of the tree falling on the roadway, the company or persons performing the work must provide cautionary roadway signage on both sides of the location and a minimum of one flag person to control traffic, and must contact the Village Office prior to undertaking the work.

INDEMNIFICATION

Without limiting any other obligation of the Permittee under this Permit or otherwise, the Permittee hereby agrees to Indemnify and Save Harmless the Village of Lions Bay (the "Village"), its elected officials, officers, employees, servants, agents and others for whom the Village is in law responsible,

from and against any liability, loss, claims, demands, damages, fines and penalties, costs and expenses (including consulting fees), investigatory and legal expenses, and any other actions or causes of actions, suits, caused by or attributed to any willful or negligent act, omission, delay, or allegations thereof on the part of the Permittee, its officers, employees, subcontractors, agents, licensees, assignees, invitees or other persons engaged in the performance, non-performance or attempted performance of the work pursuant to this Permit or anyone else for whom the Contractor is in law responsible.

THIS PERMIT EXPIRES ON:

(Date)

CAO/Village Manager

Dated this _____ day of _____, 20__.



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY



Village of Lions Bay Trees, Views and Landscapes Bylaw No. 393, 2007

Office Consolidation: July 19, 2016

This document is an office consolidation of Village of Lions Bay Trees, Views and Landscapes Bylaw No. 393, 2007 (formerly Village of Lions Bay Tree Bylaw No. 393, 2007) with subsequent amendments adopted by the Village of Lions Bay.

All persons making use of this consolidation are reminded that it has no Council sanction, that amendments have been incorporated only for convenience of reference, and that for all purposes of interpretation and application, the original bylaws should be consulted. The Village of Lions Bay will, in no event, be liable or responsible for damages of any kind arising out of the use of this consolidation.

This is not the official version of Village of Lions Bay Trees, Views and Landscapes Bylaw No. 393, 2007, as amended, nor is it admissible in a court of law. For such purposes, official certified copies of the original bylaws can be obtained from the Village Office or by contacting us at: admin@lionsbay.ca

List of Amending Bylaws

Bylaw No.	Section	Description	Adopted
465	3.1(9)	Amends s.3.4.1.4	September 2, 2014
491	All	Various amendments to text and schedules	July 19, 2016
497	3.4.1.4	Amend references to previous bylaw number	January 1, 2017
518	All	Various amendments to text and schedules	

**VILLAGE OF LIONS BAY
BYLAW No. 393, 2007**

TREES, VIEWS AND LANDSCAPES BYLAW

**A Bylaw to manage the preservation and replacement of,
and to regulate the pruning and removal of, trees on municipally owned lands,
for the safety and enjoyment of the residents of the Village of Lions Bay.**

WHEREAS the Council wishes to manage trees on municipal lands in order to protect the natural environment of Lions Bay for the future of the Village, while at the same time taking into account the need to protect public safety, as well as wherever feasible the preservation of scenic views and landscapes;

AND WHEREAS, given the conflict that may at times arise between individual interest and the public good on issues concerning the management of trees on municipal lands, it is desirable that a consistent approach be articulated;

AND WHEREAS the Community Charter gives Council the authority, by Bylaw, to preserve trees, regulate the pruning and removal of trees, charge a fee for a permit to allow the cutting and removal of trees and require the replacement of trees cut down;

NOW THEREFORE the Council of the Village of Lions Bay, in open meeting assembled, enacts as follows:

CITATION

1. This Bylaw may be cited for all purposes as "Village of Lions Bay Trees, Views and Landscapes Bylaw No. 393, 2007".

**PART I
DEFINITIONS**

2. In this Bylaw:

"Administrator" means the person appointed by Council as the Administrator for the Village.

“Affected Property Owner” means any adjacent property owner and any property owner whose line of sight or proximate enjoyment, including but not limited to shade and aesthetics, may be affected if an application is approved.

[Amended by Bylaw No. 518]

“Bylaw Enforcement Officer” means an individual appointed from time to time by Council to enforce Village Bylaws.

“Certified Arborist” means a person certified by the International Society of Arboriculture or the National Arborist Association as an arborist.

“Council” means the elected Council of the Village.

“Cut” means to cut down or remove a tree by any means and includes the cutting of a tree trunk, the topping of a tree, or the removal of a tree branch where the branch has a diameter of 7 centimetres or greater.

“Drip Line” means the outermost perimeter of the canopy of a tree, seen as a line on the ground around the trunk of a tree directly beneath the ends of the outermost twigs and branches.

“Hazardous Tree” means any tree which, due to its location, condition or any other circumstance, has been determined, by a Certified Arborist or the Administrator on advice from the Works Manager and/or the Tree Committee, to present a hazard to the safety of persons, private property or any other tree(s).

“Lot” is defined as a parcel of land registered in the Land Title Office.

“Municipal Lands” means all lands within the boundaries of the Village of Lions Bay that are owned by the Village, including all Village parks.

“Owner” has the same meaning as in the Community Charter.

[Amended by Bylaw No. 518]

“Pruning” means the trimming of living or dead parts from a tree in order to reduce size or to maintain the shape and health of the tree.

“Replacement Tree” means any tree, regardless of size, that is shown on a Tree Cutting and Replacement Plan as a replacement for a tree which has been cut down.

“Significant Tree” means any tree that is of particular significance to the Village, due to size, age, landmark value, cultural, ecological or social import, trees planted by the Village on boulevards, and any tree that is protected as wildlife habitat for an egg or a nest under Section 34 of the Wildlife Act. (See *Schedule C.*)

“Tree” means any woody plant of any species where the diameter of the trunk when measured 1.4 metres above natural grade is greater than 20 centimetres, or in the case of *Arbutus (Arbutus menziesii)*, Pacific Dogwood (*Cornus nuttallii*), and Western Yew (*Taxus brevifolia*) trees, where the diameter of the trunk when measured 1.4 metres above level grade is greater than 10 centimetres. The diameter of a tree shall be determined by dividing the circumference of the trunk measured 1.4 metres above the ground by 3.142. The diameter of a tree having multiple trunks 1.4 metres above the ground shall be the sum of 100 per cent of the diameter of the largest trunk and 60 per cent of the diameters of each additional trunk.

“Tree Cutting Permit” means a permit issued by the Administrator in accordance with this Bylaw, which will allow cutting of trees under conditions stipulated in the Bylaw. An example of the permit is contained in Schedule B. A permit is only a permission pursuant to this Bylaw, and does not relieve the permit holder from complying with all other laws, regulations and requirements of any public authority having jurisdiction, nor relieve the holder from complying with civil, common law or contractual obligations.

“Tree Cutting and Replacement Plan” means a plan which shows the trees proposed to be cut and the location, size (height and diameter) and species of replacement trees to be planted upon a subject site.

“Tree removal” means the cutting down of the entire tree.

“Tree Survey” means a plan of a subject site showing the location, species and trunk diameter of all existing trees as defined by this Bylaw.

“Tree Topping” means the removal of the top of a tree to leave the trunk level with lateral branches.

“Trees, Views and Landscapes Committee” means an advisory Committee appointed from time to time by the Council to provide advice on the application of this Bylaw and to make recommendations to Council on applications that are made for permission to

cut or prune trees. The Terms of Reference and General Guidelines for this Committee are contained in Schedule D.

“Village” means the Municipality of the Village of Lions Bay.

“Works Manager” means the Manager of Public Works and Services for the Village.

PART II

APPLICATION OF BYLAW

- 3.1. This Bylaw applies to all municipal lands within the Village.
- 3.2. No person shall obstruct or attempt to obstruct any Bylaw Enforcement Officer, official, employee or agent of the Village in the exercise of any of that person’s duties under this Bylaw.

TREE CUTTING PERMIT

- 3.3. No person may cut, prune or remove a tree on municipal land without first having applied for and having obtained a Tree Cutting Permit, an example of which is appended as Schedule B.
- 3.4. An application in writing for a Tree Cutting Permit, appended as Schedule A, shall be made to the Village Office.
 - 3.4.1 The application will include the following:
 - 3.4.1.1 A detailed description of the proposed work including a statement of purpose and rationale.
 - 3.4.1.2 A description of the species of tree to be cut, including location and height of tree, and amount to be cut. A clearly labelled photograph must be provided, and if pruning is required, a line must be drawn on the photograph indicating the extent of the proposed pruning; the subject tree must also bear a ribbon marker.

3.4.1.3 If relevant, a proposed replanting plan indicating: location, species and size of tree, bush and shrub that is to be planted to replace the removed tree. The tree, bush or shrub may be planted in the same location or in another area agreed upon by the Village on the advice of the Tree Committee.

3.4.1.4 A non-refundable permit application fee in accordance with Schedule 2 of Fees and Charges Bylaw No. 497, 2016, as amended, paid prior to the issuance of a permit.

[Amended by Bylaw 465]

[Amended by Fees Bylaw No. 497, 2016]

3.4.1.5. The name of the tree cutting contractor, if applicable, together with the date and time of the planned work.

3.4.1.6. A plan for tree planting if applicable. The Village will not allow to be planted on municipal land trees that will grow to a height that could impede utilities and signage visibility, safety and the enjoyment of views, or interfere with any municipal infrastructure in the ground.

3.4.1.7 Confirmation that Affected Property Owners ~~adjacent property owners~~ in the area of the proposed tree pruning or cutting have been specifically consulted and any opinions expressed, verbally or in writing, are included with or attached to the application.

[Amended by Bylaw 518]

3.4.2. Each application will be forwarded by the Village Office to the Public Works Department and then to the Trees, Views and Landscapes Committee with any comments from Public Works.

3.4.2.1 The Trees, Views and Landscapes Committee, acting in accordance with the Terms of Reference appended as Schedule D and forming a part of this bylaw, will determine a date and time for a Committee meeting to consider the application, which shall be held at or near the site of the proposed permit location.

3.4.2.2 The Trees, Views and Landscapes Committee Chair will notify the Village Office at least 8 clear days in advance of the Committee meeting date and the Village will publish Notice of the Trees, Views and Landscapes Committee Meeting to the Public Notice Posting Places as defined in Council Procedures Bylaw No. 476, 2015, and in the Village Update newsletter.

[Amended by Bylaw 518]

3.4.2.3 Members of the public may attend the onsite Committee meeting or submit comments via the Village Office.

3.4.3. The Trees, Views and Landscapes Committee will,

3.4.3.1 acting in accordance with its Terms of Reference in Schedule D, convene its open meeting at the appointed place, date and time and, after hearing from the applicant, if in attendance, will provide any member of the public who is present an opportunity to be heard verbally or in writing; and

3.4.3.2 duly take minutes of the meeting and will provide those draft minutes and its recommendation to the Village Office for inclusion on the Agenda of the next available Council meeting.

3.4.4. As a general practice requests by residents for the removal or cutting of any Significant Tree shall only be allowed by special exemption, and when no other compromise can be found. The Council will review each request on its merits. Exceptions can also be made in cases where such cutting or pruning is unavoidably required for reasons of safety or through exceptional circumstances such as the installation of roads or services. However, all trees on municipal property, including Significant Trees listed in Schedule C, shall be included in the Village's routine of tree maintenance.

3.4.5. All Tree Cutting Permits are valid only for a period of one (1) year from the date the Permit is approved by Council, subject to such longer period as may be determined by Council.

3.4.6. The Tree Cutting Permit applicant must hire a certified arborist or professional tree cutting contractor and will be responsible for all costs associated with

cutting and clean up of the tree for which the Permit was taken out. Clean up will be done to the satisfaction of the Village before the damage deposit required in section 3.4.9 will be returned to the applicant.

- 3.4.7. Any expense of an inspection by a Certified Arborist for tree evaluation will be borne by the Tree Cutting Permit applicant.
- 3.4.8 In order to protect nesting birds, no tree cutting may be carried out between March 1st and July 31st in any given year, unless an arborist certifies that there are no bird nests in the subject tree or trees.
- 3.4.9 Prior to the issuance of a tree cutting permit, an applicant shall provide a damage deposit of \$500 and the applicant, or his/her designated arborist or contractor, is required to be in good standing with WorkSafe BC and obtain and maintain at all times during the validity of the tree cutting permit, public liability insurance in the amount of \$5,000,000 in connection with the obligations under this bylaw, which insurance policies shall include deductibles and terms satisfactory to the Village, shall name the Village as an “Additional Named Insured”, and shall provide that the insurer shall notify the Village in writing at least 30 days prior to cancellation of the policy. The applicant shall deliver a certified copy of the policy to the Village upon demand and evidence of coverage shall be provided in the form of an insurance certificate prior to the commencement of any work.

TREE DAMAGING ACTIVITIES

- 3.5. No person shall carry out any of the following tree damaging activities in respect to any tree to which this Bylaw applies unless a permit is first obtained and the activity is carried out strictly in accordance with the permit:
 - 3.5.1 Cutting, damaging or undermining the roots growing inside the drip line of a tree;
 - 3.5.2. Placing fill, building materials or structure upon land inside the drip line of a tree;
 - 3.5.3. Operating trucks, backhoes, excavators or other heavy equipment over the roots of a tree inside the drip line;

- 3.5.4. Denting, gouging or damaging the trunk of a tree;
- 3.5.5. Removing bark from a tree;
- 3.5.6. Sabotaging a tree with intent to kill it, including but not limited to using chemical or mechanical means.

EXEMPTIONS

- 3.6. The following are general exemptions from this Bylaw:
 - 3.6.1. Removal or pruning by acceptable arboriculture practices of dead, diseased or damaged trees as identified by a Certified Arborist or the Works Manager in consultation with the Tree Committee;
 - 3.6.2. Emergency removal by acceptable arboriculture practices of hazardous trees and branches, as identified by a Certified Arborist or the Works Manager in consultation with the Tree Committee;
 - 3.6.3. Cutting or pruning of brush and trees under 20 centimetres in diameter (excepting the species mentioned under the definition "Tree") on Village property by owners between their residential property line and the road. Removal of cuttings and clean up is the responsibility of the individual or individuals who undertake(s) the work;
 - 3.6.4. Cutting of trees by the Village, through its employees, agents or contractors for safety or any other reasons, including but not limited to visibility of hydrants and signs, traffic sight lines, accessibility for emergency vehicles and to facilitate parking;
 - 3.6.5. Regular maintenance to manage tree growth on a schedule created and executed by the Works Manager in consultation with the Tree Committee and other expert advice as from time to time deemed advisable and approved by Council.
- 3.7. Pruning for utility wire clearance is the responsibility of the utility company concerned, in concert with a representative of the Tree Committee, utilizing standard arboriculture practices.

CONTRAVENTION OF BYLAW

3.8. Where a tree is cut in contravention of this Bylaw or conditions of a permit are breached:

3.8.1. An offence or bylaw contravention is committed under this Bylaw, and

3.8.2. The cutting of each tree shall constitute a separate offence or bylaw contravention.

3.9. Any person who contravenes any provision of this Bylaw, or who wilfully damages or cuts a tree on municipal property, contrary to or without a Tree Cutting Permit,

3.9.1 Is guilty of an offence or bylaw contravention and is liable to the penalties imposed under Bylaw Notice Enforcement Bylaw No. 385, 2006, as amended, or, at the election of the Village, the penalties imposed by this Bylaw as follows:

3.9.1.1 The minimum penalty for each tree which is not a Significant Tree as defined in Schedule C is a fine of

(a) \$1,000 for the first tree cut without a permit, and

(b) ~~\$3,000 for each subsequent tree cut without a permit up to a maximum of \$10,000.~~

[Amended by Bylaw 518]

3.9.1.2 The minimum penalty for each tree which is a Significant Tree as defined in Schedule C is a fine of not less than

(a) \$4,000 for the first tree cut without a permit, and

(b) ~~\$6,000 for each subsequent tree cut without a permit.~~

[Amended by Bylaw 518]

3.9.2 And will be required to undertake the following remedial measures:

- 3.9.2.1 Present a replacement plan for any trees that were cut in contravention of this bylaw;
- 3.9.2.2 Replace trees that were cut with replacement trees in accordance with good arboriculture practice as determined by a qualified person approved by Council;
- 3.9.2.3 Ensure that replacement trees are of a minimum size approved by Council.

REGULATIONS AND ENFORCEMENT

3.10. Any law enforcement officer, Bylaw Enforcement Officer, or authorized agent appointed by the Village, may enforce this bylaw by way of:

- 3.10.1 summary prosecution under the Offence Act;
- 3.10.2 if applicable, issuance of a municipal ticket under a valid municipal ticket information bylaw;
- 3.10.3 Bylaw Notice Enforcement Bylaw No. 385, 2006, as amended.

3.11. In the event the Village elects enforcement under the Bylaw Notice Enforcement Bylaw No. 385, 2006, as amended, the bylaw contraventions listed in sections 3.8 and 3.9 of Village of Lions Bay Tree Bylaw No. 393, 2007, as amended, shall not constitute the creation of an offence or offences, notwithstanding the wording to the contrary within sections 3.8 and 3.9 and the issuance of a bylaw notice shall not constitute the charging of a person with the commission of an offence.

READ A FIRST TIME this 17th day of September, 2007

READ A SECOND TIME this 17th day of September, 2007.

READ A THIRD TIME this 17th day of September, 2007.

ADOPTED this 20th day of September, 2007.

Mayor

Administrator

**Certified a true copy of
Bylaw No. 393 as adopted.**

Administrator

TREE CUTTING PERMIT APPLICATION & CHECKLIST

Within this package, you will find the tools you will need in order to complete your Tree Cutting Permit Application. The following contents are included:

- Application form
- Form letters for canvassing *Affected Property Owners**
- Tree Cutting Permit (must be signed by CAO or designate before any cutting is allowed)
- Tree Management on Private Land Policy
- Village of Lions Bay Trees, Views and Landscapes Bylaw No. 393, 2007, as amended

* *An Affected Property Owner is any adjacent owner and any property owner whose line of sight or proximate enjoyment (eg: shade, aesthetics) may be affected if this application is approved.*

Application checklist:

- Completed Application Form
- Colour Photographs / Photocopies of Trees Proposed to be Cut
- Comments from Affected Property Owners (must include their contact information for verification purposes)
- Replanting Plan details and proposed timeframe, if applicable
- \$75 Application Fee (cash/cheque payable to Village of Lions Bay, due upon package submission)

About the process:

Upon receipt of your completed application package, Staff will confirm all required information is included before referring the file to Public Works and then to the Trees, Views and Landscapes Committee.

Supplementary documents may be required in support of this application. Should land surveys or arborist reports be required, you will be notified accordingly. The applicant is expected to bear all associated costs.

The Trees, Views and Landscapes Committee will set a date and time to meet at the location of the proposed cutting and this meeting will be advertised and open to you and to the public. You or any member of the public may speak at this Committee meeting.

Recommendations and public comments, verbal and written, will be presented for Council consideration as soon as may be possible. Staff will send an email to you and any opponents to advise of the Council meeting date when the recommendations made by the Trees, Views and Landscapes Committee will be presented along with your application.

Follow up will be performed to ensure the Replanting Plan has been achieved, if applicable.

* Note: If your application is approved by Council, you will need to provide the following:

- \$500 Damage Deposit
- Name of Arborist or Contractor
- Proof of WorkSafe BC Certification
- Proof of Insurance (\$5 million liability with Village of Lions Bay named as additional insured)



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Form letter for canvassing Affected Property Owners (print as many copies as may be necessary)

Date: _____

Affected Property Owner's Name: _____

Address: _____

Email Address: _____

Phone Number(s): _____

Dear _____:

Re: Tree Cutting Application

I intend to make an application for a permit to remove trees on municipal property and, as part of the application process, I am required to notify Affected Property Owners. The specifics of the application are as follows:

Location:	
Type(s) of Tree(s):	
Description of Work:	
Replanting Plan:	



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Rationale for Application:	
----------------------------	--

As you may be an Affected Property Owner, please accept this letter as notification of my application. I would appreciate if you would provide me with your written response as soon as possible, noting your support or any concerns regarding this work, so that I may forward your comments with my application package.

I have attached a colour photograph or colour photocopy of the subject tree(s) with descriptive notes or markings if applicable.

Thank you,

Applicant Name

Email

Phone

Office use only:	
<input type="checkbox"/>	Confirm Affected Property Owner received notice of application
<input type="checkbox"/>	Confirm Affected Property Owner's position on application details
	Supportive <input type="checkbox"/> Opposed <input type="checkbox"/> Other <input type="checkbox"/>
<input type="checkbox"/>	Name of Affected Property Owner spoken to by staff: _____
<input type="checkbox"/>	Date verified by office staff: _____
<input type="checkbox"/>	Staff member name: _____

Public Works Tree Cutting Referral Comments

Tree Cutting Application Number:
Name of Applicant:
Address of Applicant:
Location of Tree(s):
Clearly on Municipal Land: (Y/N) (If no, survey required at applicant's cost)
Location in Relation to Municipal Infrastructure (Present & Future):
Location in Relation to Others' Infrastructure (Telus / Hydro Lines, etc.):
Slope Stability Considerations:
Replanting Required (Y/N and recommendations, if any):
Other Considerations / Comments:
Attachments (Y/N and Description):

Generally...

- Tree topping is never a justifiable pruning practice; it increases tree health problems and is aesthetically unappealing
- A topped tree will require constant maintenance and has an increased potential to become hazardous
- Hazardous trees are a liability and ultimately the property owner (ie: the municipality) may be liable for any damage that hazard trees cause
- Certified arborists and other legitimate landscape professionals do not practice tree topping
- If problems caused by a tree cannot be solved through acceptable management practices, the tree should be removed and replaced with plant material more appropriate for the site

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THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Type	Request for Decision		
Title	Board of Variance Bylaw No. 502, 2016 Amendment Bylaw No. 519, 2017		
Author	P. DeJong	Reviewed By:	
Date	March 30, 2017	Version	
Issued for	April 4, 2017 Regular Council Meeting		

Recommendation:

THAT Board of Variance Bylaw No. 502, 2016, Amendment Bylaw No. 519, 2017 be adopted.

Attachments:

(1) Draft Board of Variance Bylaw No. 502, 2016, Amendment Bylaw No. 519, 2017

Key Information:

Fees Bylaw No. 497, 2016 was adopted on December 20, 2016, and it was noted afterwards that the wrong section was referenced under section 5.1.13 for Board of Variance Bylaw No. 502, 2016. The reference to section 8.4 should have read 8.3 (c).

The amending bylaw attached to this report was given three readings at the March 21, 2017 Regular Council Meeting and had updated Board of Variance Bylaw No. 502, 2016 with respect to the new Fees Bylaw No. 497 and also deleted the incorrect Board of Variance section reference in Bylaw 497.

Options:

(1) Adopt Board of Variance Bylaw No. 502, 2016, Amendment Bylaw No. 519, 2017;

(2) Refer Board of Variance Bylaw No. 502, 2016, Amendment Bylaw No. 519, 2017 back to staff with further directions.

Preferred Option: Option 1, to adopt bylaw.



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Legal Considerations: This amending bylaw will correct the appropriate reference to the new Fees Bylaw No. 497, 2016.

Follow Up Action: None

Communication Plan: Board of Variance Bylaw No. 502, 2016 and Fees Bylaw No. 497, 2016 will be further consolidated on the municipal website.



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY



Board of Variance Bylaw No. 502, 2016, Amendment Bylaw No. 519, 2017

Adopted:

PO Box 141, 400 Centre Road, Lions Bay, BC V0N 2E0
Phone: 604-921-9333 Fax: 604-921-6643
Email: office@lionsbay.ca Web: www.lionsbay.ca

Bylaw No. 502, 2016, Amendment Bylaw No. 519, 2017

Board of Variance

A bylaw to amend the Fee Bylaw reference for the Board of Variance.

The Council of the Village of Lions Bay, in open meeting assembled, enacts as follows:

1. This bylaw may be cited for all purposes as “Board of Variance Bylaw No. 502, 2016, Amendment Bylaw No. 519, 2017”.
2. Section 8.3 (c) of Board of Variance Bylaw No. 502, 2016 is hereby amended by striking “Fees and Charges Bylaw No. 462, 2014” and substituting “Fees Bylaw No. 497, 2016, as amended”.
3. For clarity, Fees Bylaw No. 497, 2016, as amended, is hereby further amended by deleting section 5.1.13.

READ A FIRST TIME
READ A SECOND TIME
READ A THIRD TIME
ADOPTED

March 21, 2017
March 21, 2017
March 21, 2017
April __, 2017

Mayor

Corporate Officer

**Certified a true copy of Board of Variance
 Bylaw No. 502, 2016, Amendment Bylaw
 No. 519, 2017 as adopted.**

Corporate Officer



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Type	Request for Decision		
Title	Driveway Crossings Bylaw		
Author	Peter DeJong	Reviewed By:	
Date	March 28, 2017	Version	
Issued for	April 4, 2017 Council Meeting		

Recommendation:

1. THAT the 3rd reading of Driveway Crossings Bylaw No. 521, 2017 be rescinded;
2. THAT Driveway Crossings Bylaw No. 521, 2017 be amended in accordance with the tracked changes version attached to this report; and
3. THAT Driveway Crossings Bylaw No. 521, 2017 be re-read a 3rd time.

Attachments:

Driveway Crossings Bylaw No. 521, 2017, as amended.

Key Information:

Staff was not satisfied that the wording of the bylaw was sufficiently capturing the full meaning and intent of some of the provisions in the original draft – hence the amendments to provide clarity.

Options:

- (1) Pass the resolutions recommended above.
- (2) Amend the bylaw further and then give it 3rd reading again.
- (3) Refer the bylaw back to staff with alternative instructions.

Preferred Option: (1) Pass the resolutions recommended above.



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY



Driveway Crossings Bylaw

Bylaw No. 521, 2017

Adopted: April XXX, 2017

PO Box 141, 400 Centre Road, Lions Bay, BC V0N 2E0

Phone: 604-921-9333 Fax: 604-921-6643

Email: office@lionsbay.ca Web: www.lionsbay.ca

Bylaw No. 521, 2017

Driveway Crossings Bylaw

WHEREAS The *Community Charter* provides for the regulation, construction, and maintenance of Highways;

AND WHEREAS the *Community Charter* provides for the recovery of expenses incurred by the Municipality in the same manner as Municipal taxes;

NOW THEREFORE the Council of the Village of Lions Bay, in open meeting assembled enacts as follows:

1. CITATION

- 1.1. This bylaw may be cited for all purposes as “Driveway Crossings Bylaw No. 521, 2017.”

2. DEFINITIONS

2.1. In this Bylaw:

- 2.1.1. “Boulevard” means that portion of a Highway lying between the constructed roadway and the adjacent property line;
- 2.1.2. "Public Works Manager" means the Municipality’s Public Works Manager or a person designated by Council to act in the place of the Public Works Manager;
- 2.1.3. “CFO” means the Municipality’s Chief Financial Officer or their designate;
- 2.1.4. “Corner Parcel” means any Parcel which abuts at least two Highways that intersect each other;
- 2.1.5. "Council" means the Council of the Village of Lions Bay;
- 2.1.6. “Driveway Crossing” means part of a Boulevard which is improved to afford vehicular access from the constructed roadway to a Parcel adjacent to the Highway;

- 2.1.7. "Driveway Crossing Permit" means a permit issued under this bylaw to allow for a Driveway Crossing;
- 2.1.8. "Highway" means a highway as defined in the *Community Charter*;
- 2.1.9. "Municipality" means The Village of Lions Bay.
- 2.1.10. "Owner" means an owner as defined in the *Community Charter*; without limiting the foregoing, for the purposes of this bylaw an Owner is the owner of a Parcel benefiting from a Driveway Crossing.
- 2.1.11. "Parcel" means a parcel as defined in the *Community Charter*;
- 2.1.12. "Urgent Repair" means repair of a condition requiring immediate remedial action in order to avoid a substantive risk of harm to persons, property or infrastructure.

3. PERMITTED INSTALLATIONS

- 3.1. An Owner of a Parcel has a right of access to that Parcel from a municipal Highway provided that such access:
 - 3.1.1. shall be maintained by the Owner and
 - 3.1.2. may be altered or revoked by the Municipalityin accordance with this bylaw.
- 3.2. Subject to a higher standard imposed by another bylaw or by an encroachment agreement with the Municipality, an Owner shall maintain their existing or new Driveway Crossing in accordance with this bylaw.
- 3.3. An Owner may, on the Boulevard immediately adjacent to their Parcel, repair and replace an existing Driveway Crossing provided that:
 - 3.3.1. the Driveway Crossing is the subject of a previous permit or other valid and subsisting approval issued by the Municipality;
 - 3.3.2. the repair or replacement does not increase the width or height of the Driveway Crossing;

- 3.3.3. the repair or replacement of that Driveway Crossing complies with all requirements for a Driveway Crossing set out in this bylaw;
 - 3.3.4. the Owner applies for and receives a Driveway Crossing Permit in accordance with this bylaw;
 - 3.3.5. despite section 3.3.4, a Driveway Crossing Permit is not required in the event that an Urgent Repair is required and the Public Works Manager has been notified.
 - 3.4. No person shall excavate, construct, reconstruct, replace, or improve any Driveway Crossing until such person has received a Driveway Crossing Permit from the Municipality under this bylaw, which Driveway Crossing Permit may be revoked in accordance with this bylaw.
 - 3.5. Any person wanting to excavate, construct, reconstruct, repair, replace, or improve a Driveway Crossing shall apply in writing to the Public Works Manager for a Driveway Crossing Permit. The application shall include:
 - 3.5.1. a description of the nature, extent and purpose of the excavation, construction, reconstruction, repair, replacement or improvement, as the case may be;
 - 3.5.2. a plan satisfactory to the Public Works Manager showing the details of the proposed excavation, construction, reconstruction, repair, replacement or improvement;
 - 3.5.3. details respecting the manner in which the proposed excavation, construction, reconstruction, repair, replacement or improvement will be undertaken, including any ongoing maintenance required to ensure the preservation and safe use of the Highway;
 - 3.5.4. the applicable permit fee of \$100.00;
 - 3.5.5. such further information and material as may be required by the Public Works Manager to ensure compliance with the terms and conditions of this bylaw including, but not limited to, engineered plans and letters of assurance from a registered professional.
 - 3.6. The Public Works Manager is authorized to issue, amend and revoke Driveway Crossing Permits in accordance with this bylaw.

- 3.7. The Public Works Manager shall consider all applications for Driveway Crossings and, subject to compliance with the terms and conditions of this bylaw, may:
 - 3.7.1. issue a Driveway Crossing Permit,
 - 3.7.2. impose conditions and restrictions on the issuance of a Driveway Crossing Permit, and
 - 3.7.3. make orders respecting the application for and issuance of Driveway Crossing Permits, including the form of application, the form of permits and the terms and conditions of such permits, all in accordance with this bylaw.
- 3.8. The issuance of a Driveway Crossing Permit, in addition to any terms and conditions imposed by the Public Works Manager, will be subject to the standards set out in section 4 of this bylaw.

4. STANDARDS

- 4.1. The following standards shall apply to all Driveway Crossings:
 - 4.1.1. No more than one Driveway Crossing shall be provided to each residential Parcel.
 - 4.1.2. Driveway Crossings shall have a maximum gradient of 2% within 2 metres of curb or edge of pavement.
 - 4.1.3. Driveway Crossings constructed of materials other than asphalt, gravel or crushed stone shall have construction joints at the property line and 2 metres behind the curb or edge of pavement. If reinforcing steel is used it shall not be continuous through the construction joint.
 - 4.1.4. Surface drainage shall be controlled and directed into an approved drainage system and shall not be permitted to flow onto the road pavement.
 - 4.1.5. Where a Driveway Crossing bisects an open or enclosed drainage channel or ditch a culvert is required. Culverts shall be no less than 300 mm in diameter and be composed of reinforced concrete, polyvinyl chloride, or high-density polyethylene pipe. The inlet and outlet of a culvert must have a structural headwall. Culverts shall be maintained, and repaired or replaced as necessary, by and at the expense of the Owner.

- 4.1.6. Where retaining walls or other supporting structures over 1.2 metres in height are required to retain land or provide stability to existing or altered slopes, or to control potential erosion, engineered plans and letters of assurance from a registered professional shall be required. All retaining walls or other supporting structures shall be maintained, and repaired or replaced as necessary, by and at the expense of the Owner.
- 4.1.7. No raised curbing or retaining walls shall be constructed within 2 metres of the curb or edge of pavement.
- 4.1.8. No Driveway Crossing heating coils shall be constructed within 2 metres of the curb or edge of pavement.
- 4.1.9. The Driveway Crossing for every Corner Parcel at a Highway intersection shall be located at least 8.0 metres from the nearest point of intersection of those Highways.
- 4.1.10. All Driveway Crossings shall be maintained, and repaired or replaced as necessary, by and at the expense of the Owner in accordance with this bylaw and protected from geohazards, ~~and~~ slope erosion, or slope instability, and settlement or deterioration of supporting structures or materials, as may be required by the topography of the applicable portion of Boulevard.
- 4.1.11. For the purposes of ~~section 4 of~~ this bylaw, considerations that the Public Works Manager may take into account in determining the safety, suitability or practicality of any particular Driveway Crossing or its continued use and compliance with this bylaw, may include ~~safety, feasibility~~ stability of a slope or supporting structures, ~~and~~ protection of trees and other natural features, protection of persons, real property and chattels, and impacts on municipal and other infrastructure. The Public Works Manager may, in his or her discretion, obtain and rely upon the advice of appropriate professionals in making such determinations.
- 4.1.12. Despite the requirements in section 4 of this bylaw, the Public Works Manager may allow for a variation of these standards due to the topography of a Parcel or its adjoining portion of Boulevard.

5. DRIVEWAY CROSSING AGREEMENTS

- 5.1. Notwithstanding the provisions and standards set out in this bylaw, the Public Works Manager may require a Driveway Crossing to be the subject of an encroachment agreement between the Owner of a Parcel and the Municipality where compliance with the requirements of this bylaw would:
 - 5.1.1. be impractical due to the Parcel configuration or other existing condition or hardship precluding compliance with this bylaw;
 - 5.1.2. result in an unsafe Driveway Crossing or unsafe traffic pattern on the adjacent constructed roadway;
 - 5.1.3. interfere with, hinder or block the installation or functioning of existing or future municipal works.
 - 5.1.4. interfere with, hinder or block the flow of roadside drainage.

6. INSPECTION

- 6.1. In accordance with the Community Charter and this bylaw, the Municipality may enter upon and inspect a Driveway Crossing to ensure it is in compliance with this bylaw.
- 6.2 For the purposes of this bylaw, considerations that the Public Works Manager may take into account in determining the safety, suitability or practicality of any particular Driveway Crossing, compliance with this bylaw, or its continued use, may include stability of a slope or supporting structures, protection of trees and other natural features, protection of persons, real property and chattels, and impacts on municipal and other infrastructure. The Public Works Manager may, in his or her discretion, obtain and rely upon the advice of appropriate professionals in making such determinations.
- ~~6.2-~~ Upon a finding that a Driveway Crossing is not compliant with this bylaw, the Public Works Manager shall issue a demand letter to the Owner of the benefitting Parcel for immediate compliance with this bylaw.

7. REVOCATION, REMEDIAL WORKS AND COSTS

- 7.1. Upon a finding that a Driveway Crossing is not compliant with this bylaw or otherwise not safe for its intended use, the Public Works Manager shall issue a demand letter to the Owner of the benefitting Parcel for immediate compliance with this bylaw.

~~7.1.7.2.~~ A Driveway Crossing Permit which has not been complied with may be suspended or revoked by the Public Works Manager, subject to a right of appeal to Council.

~~7.2.7.3.~~ Prior to revoking a Driveway Crossing Permit or the right to use a Driveway Crossing, the Public Works Manager shall issue a demand letter to the Owner of the benefitting Parcel for immediate compliance with this bylaw.

~~7.3.7.4.~~ The right to a Driveway Crossing may be revoked by Council upon being satisfied that:

~~7.3.1.7.4.1.~~ the Driveway Crossing does not comply with this bylaw; and

~~7.3.2.7.4.2.~~ the Council considers that real property may be injuriously affected by the continued exercise of the right to use the Driveway Crossing;

and the municipality may enter onto the Driveway Crossing and undertake works of construction, maintenance or repair in mitigation of injury done or anticipated, or in reduction of compensation.

~~7.4.7.5.~~ If an Owner fails to comply with a demand from the Public Works Manager or, if applicable the Council, within 30 days of the order, the Municipality may proceed to carry out any remedial work required at the Owner's expense.

~~7.5.7.6.~~ The Municipality may, at any time, enter onto a Driveway Crossing and undertake works of excavation, construction, repair, or replacement at the Owner's expense if the Municipality determines that an Urgent Repair is required.

~~7.6.7.7.~~ The right of any person to construct, maintain or use any crossing shall be subject at all times to the right of the Municipality to construct, maintain, repair or remove any public works or utilities that have been or may be installed above or below the Driveway Crossing.

~~7.7.7.8.~~ In the exercise of its rights, the Municipality shall only replace or repair a disturbed Driveway Crossing with gravel, crushed stone or asphalt. Replacement of brick pavers, concrete, heat coils, light fixtures, gates, posts, landscaping, or other improvements shall be the responsibility of the benefitting property Owner.

~~7.8.7.9.~~ The Owner of real property for which authorization for a Driveway Crossing is granted shall be liable for all costs of surveying, construction, maintenance, repair and ultimate removal of the Driveway Crossing and all costs incurred by the Municipality resulting from failure of the Owner to carry out work ordered by the Municipality.

~~7.9-7.10.~~ 7.10-7.11. Costs of construction, maintenance, repair or removal of a crossing payable by the Owner under the provisions of this bylaw shall be collected in the same manner and with like remedies as ordinary taxes on land and improvements in accordance with the Community Charter. Such costs, if not paid by the 31st day of December in the year for which such costs were imposed, shall be deemed to be taxes in arrears and be so entered on the tax roll by the CFO.

~~7.10-7.11.~~ Authorization for a Driveway Crossing may be revoked upon 3 months' notice if the Municipality needs the Driveway Crossing, or a portion thereof, for its own purposes. This notice may be shortened by the Municipality where Council considers it necessary.

8. OFFENCE AND PENALTY

- 8.1. Every person who violates a provision of this bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this bylaw, or who neglects or refrains from doing anything required by a provision of this bylaw, is guilty of an offence and is liable, upon summary conviction, to a fine not exceeding \$10,000 and not less than \$2,500, and is guilty of a separate offence each day that a violation continues or exists.
- 8.2. In addition to the foregoing, the Municipality may elect enforcement under Bylaw Notice Enforcement Bylaw No. 385, 2006, as amended and in that event, any bylaw contraventions under this bylaw shall not constitute the creation of an offence.
- 8.3. This bylaw shall not be applicable to any encroachment that is specifically regulated by an agreement or another bylaw of the Municipality.

9. SEVERABILITY

- 9.1. If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this Bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

READ A FIRST TIME THIS 21ST DAY OF MARCH, 2017

READ A SECOND TIME THIS 21ST DAY OF MARCH, 2017

READ A THIRD TIME THIS 21ST DAY OF MARCH, 2017

**THIRD READING RESCINDED THIS 4TH DAY OF APRIL, 2017
AMENDED AND RE-READ A 3RD TIME THIS 4TH DAY OF APRIL, 2017**

ADOPTED THIS ___ DAY OF APRIL, 2017

Mayor

Corporate Officer

Certified a true copy of Driveway
Crossings Bylaw No. 521, 2017 as
adopted.

Corporate Officer

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VILLAGE OF LIONS BAY

Incoming Correspondence - April 4, 2017

General Correspondence:

- G-1: Update from MLA Jordan Sturdy (Page 1)
- G-2: West Vancouver Affordability Efforts (Page 19)
- G-3: Vex IQ Challenge (Page 21)
- G-4: Response from Minster re Provincial Private Moorage Program (Page 22)
- G-5: E-Comm 911 Board of Directors Designate 2017-18 Term (Page 25)

Resident Correspondence:

- R-1: Leslie Nolin - Secondary Suite Fees (Page 30)
- R-2: Marek Sredzki - Lions Bay Issues (Page 31)

March Newsletter

West Vancouver - Sea to Sky

[View this email in your browser](#)



A Message from Jordan

It's been a very productive start to 2017. Highlights include meetings with Chambers of Commerce and industry associations as well as stakeholders from across West Vancouver – Sea to Sky to discuss issues from job creation to land use to Government's fifth consecutive balanced budget.

The Sixth Session of the Fortieth Parliament opened on February 14th with the Speech from the Throne delivered by the Lieutenant Governor Judith Guichon and was followed a week later by the Minister of Finance, Mike de Jong presenting Budget 2017 which shares the dividends of a strong and diversified economy and prudent fiscal management with all British Columbians. Government's focus is on cutting costs for middle-class B.C. families, investing in priority programs and services, and promoting a competitive, job-creating economy including funding for new investments for classrooms, mental health services, and other supports for families, children, and those most in need. Investing a record \$13.7 billion over three years in new and upgraded provincial taxpayer-supported infrastructure to support services and jobs. Beginning Jan. 1, 2018, MSP premiums will be reduced by 50% for households with an annual net income of up to \$120,000. Budget 2017 highlights that benefit West Vancouver- Sea to Sky include:

- \$1.1 billion in transportation infrastructure including \$198 million to be spent on improvement to the Lower Lynn Corridor, to be completed by 2021.
- \$2.7 billion for health sector capital spending that will include the Lions Gate hospital redevelopment.
- \$159 million to maintain assistance levels for low-income families and seniors, to help make rent more affordable in private market rental units.
- \$100 million more for mental health and substance use treatment, focusing on youth.
- The Firefighters and Search and Rescue volunteers tax credit, a \$3,000 non-refundable tax credit providing a benefit up to \$151.80 each year.
- \$10 million for invasive plant management.
- \$6 million over three years to support the Buy Local program and the growth of local demand for B.C. agrifoods.

Our balanced budget is the keystone of our economic plan, providing new investments in programs and services while ensuring taxpayers get to keep more of their hard-earned money. Budget 2017 demonstrates our commitment to living within our means and to securing an affordable future for generations to come in British Columbia.

See my recent statements in the Legislature here...





ACROSS WEST VANCOUVER - SEA TO SKY



In response to the need for increased safety measures along the Lions Bay section of the Sea to Sky Highway the Ministry of Transportation and Infrastructure will be removing the vegetative median and installing a concrete barrier between the north and southbound lanes. Combined with the speed reader board and curve warning sign already in use, which illuminates once a vehicle exceeds the 60 km posted limit, the measures will make for a much safer section of the highway. Mayor Karl Buhr and councillors and staff from Lions Bay were on hand along with MLA Ralph Sultan for the announcement. The ministry is investing \$800,000 in the project, which will start in April and be complete in the fall.



MLA Ralph Sultan and I joined members of the West Vancouver Chamber of Commerce to discuss Budget 2017. Key Highlights for the North Shore include: \$1.1 billion in transportation infrastructure including \$198 million to be spent on improvement to the Lower Lynn Corridor, to be completed by 2021. \$2.7 billion for health sector capital spending that will include the Lions Gate hospital redevelopment.

Cove Commons on Bowen Island is a collaboration between the Island's Arts Council and the Public Library. When complete the 2,800 square ft. building and outdoor plaza will provide programming space for island organizations. I joined student reporters from Bowen Island Community School at the ground breaking ceremony. During an interview for their school newsletter we discussed the



importance of contributing to your community. Cove Commons is the result of the collaborative effort from many across Bowen Island.



The Squamish Off-Road Cycling Association (SORCA) held their annual Strategic Planning Meeting and Social at the Sea to Sky Gondola. SORCA is a membership organization that advocates for sustainable trail development in Squamish. The association hosts over 20 races, 15 social rides, and five major cycling events per year and is fueled by a passionate group of volunteers.



Vancouver Coastal Health (VCH) has opened a second operating room at Squamish General Hospital in order to reduce surgical wait times. The additional OR will be staffed five days per week with surgeons from Squamish and Lions Gate Hospital. Six additional nursing positions will be added to assist with the additional surgeries. With the expanded OR capacity, residents of the Sea to Sky Corridor and North Shore won't have to wait as long for several types of surgery. VCH anticipates an additional 576 surgeries will be performed annually at Squamish General Hospital.



With Minister Mary Polak and my colleague, MLA Jane Thornthwaite, for the announcement of \$35 million over the next 3 years to increase and strengthen conservation in our world-renowned parks. The funding will mean 25 more full-time park rangers, new programs to promote and protect the natural environment as well as an initial endowment for a new BC Parks Foundation.



The Squamish Hospice Society and volunteers at Hilltop House gathered along with representatives from the BC Centre for Palliative Care and Vancouver Coastal Health for the announcement of funding of \$400,000 for four beds, the first ever hospice beds in the Sea to Sky. The Province has also committed to the ongoing operation funding of the beds which will exceed half a million dollars per year.



The capacity of our landscape with the growing influences from both recreation and the resource industry is an issue I am very focused on and one that occupies much of the correspondence and enquiries through my office. I hosted meetings in Pemberton and in Squamish to discuss stakeholder concerns regarding access, capacity, wildlife, recreation, safety, quality of experience and overall human impacts on the landscape throughout the Sea to Sky. Working with the Ministry of Forests, Lands and Natural Resource Operations and BC Parks my role is to inform planning for the growth in demand in our region.



The Callaghan Valley Cross Country Club (CVXC) was awarded \$5,000 to host the Haywood NorAm Western Canadian Championships where over 400 youths from the western provinces competed. Through a dedicated group of volunteers CVXC ensures that the Nordic Venue, Whistler Olympic Park, continues to be used for its original intent - ski competitions.



Madame Speaker, The Honourable Linda Reid, and I spent a day visiting schools in the Sea to Sky including Signal Hill Elementary, Myrtle Philip Elementary and Garibaldi Highlands Elementary. The staff and students were great hosts and Parliamentarians as we conducted School Parliaments with students volunteering in the roles of Speaker of the Legislative Assembly, Clerk, and Sargent at Arms. Topics debated included clean water, transportation and agriculture. I also look forward to touring school groups at the Legislature during organized visits. Please let my office know when you plan to come to Victoria.



Rotarians make a big difference in communities across West Vancouver – Sea to Sky and the Province. It was great to join the Rotary Club of West Vancouver Sunrise for an engaging early morning discussion about issues important to constituents from transportation and housing to health care and education.



I met with the Board of Directors of the Squamish Chamber of Commerce to share the five year update on the BC Jobs Plan and to understand which sectors are the most important for Squamish which is expected to grow significantly in the coming years. Key areas of conversation focused on education and training for entrepreneurs.



Through the Civil Forfeiture Office, the West Vancouver Police Department secured a forfeited Ford 4x4 pickup. The vehicle will be used to haul a 29-foot canoe which is part of the youth engagement program between West Van officers and First Nations youth. They will paddle the canoe on a Pulling Together journey from Sechelt to Stanley Park later this spring. Thanks to the Lions Club for the vehicle graphics wrap. A ceremony took place with Squamish Nation to cleanse the vehicle (given its past).



I joined Minister Naomi Yamamoto, my MLA colleagues Ralph Sultan and Jane Thornthwaite, and first responder volunteers for the announcement of a \$3,000 non-refundable tax credit to individuals who volunteered 200 hours or more to Search and Rescue or Volunteer Fire Fighting. This is great news for the volunteer men and women from Search and Rescue and firefighting teams across West Vancouver - Sea to Sky who offer their time and expertise in the community.



A Memorandum of Understanding between the Province, Whistler Blackcomb, Squamish Nation and Lil'wat Nation, on whose traditional territories Whistler Blackcomb operates, was signed recently that sees the two First Nations share in revenues as well as training and employment programs. The new 60-year agreements and master plans provide certainty for the Province and Whistler Blackcomb by allowing the mountain resort operator to make the future capital investments required to maintain its position as a world-class resort destination.

 [Jordan Sturdy MLA](#)

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THE CORPORATION OF THE
DISTRICT OF WEST VANCOUVER
OFFICE OF THE MAYOR

March 24, 2017

File: 0005-01

The Right Honourable Justin Trudeau, P.C., M.P.
Prime Minister of Canada
Office of the Prime Minister
80 Wellington Street
Ottawa ON K1A 0A2

Dear Prime Minister:

RE: District of West Vancouver Housing Affordability Efforts

I write to provide your government with information on the District of West Vancouver's efforts to address the pressing issues of housing affordability in our community in advance of the release of the Government of Canada's National Housing Strategy later this year.

Housing affordability and housing diversity are top priorities for District of West Vancouver Council, and a top issue of concern for residents of West Vancouver. In the absence of adequate senior government support, the District of West Vancouver has made a significant effort to use the resources at our disposal to address local housing needs. The following list highlights some of our most recent interventions:

- In January 2017, the District established an Affordable Housing Reserve Fund to support the provision of affordable housing within the District of West Vancouver.
- In November 2016, the District approved a rezoning to allow for a new purpose-built rental infill building on an existing rental building site. A Housing Agreement was used to ensure that all the rental units on the site remain rental for the life of the buildings and a voluntary Community Amenity Contribution of \$700,000 was offered to be allocated to the District's Affordable Housing Reserve Fund.
- In October 2016, the District approved a rezoning for a mixed residential and commercial project. This project included a voluntary Community Amenity Contribution of \$4,000,000 to be allocated to the District's Affordable Housing Reserve Fund.
- In July 2016, District Council directed that a series of "housing strategies" that address housing affordability and diversity be used to inform housing policy and the consideration of development applications. The strategies focus on tools available to municipalities to address this issue (e.g. zoning strategies).

1231935v2

The Right Honourable Justin Trudeau, P.C., M.P.

March 24, 2017

Page: 2

While taking measures available to us as a Local Government, the District of West Vancouver looks forward to increased support from the Federal Government in addressing the housing needs of Canadians across the housing continuum. We respectfully urge your government to continue to include all stakeholders, including local governments, in the drafting and reviewing of the National Housing Strategy.

Thank you for your consideration, and we look forward to the release of the National Housing Strategy.

Sincerely,



Michael Smith
Mayor

copy: Honourable Jean-Yves Duclos, Minister of Families, Children and Social Development
Terry Beech, MP, Burnaby North - Seymour
Pamela Goldsmith-Jones, MP, West Vancouver - Sea to Sky
Jonathan Wilkinson, MP, North Vancouver
Honourable Christy Clark, Premier of BC
Honourable Rich Coleman, Minister Responsible for Housing
Honourable Naomi Yamamoto, MLA for North Vancouver - Lonsdale
Jordan Sturdy, MLA for West Vancouver - Sea to Sky
Ralph Sultan, MLA for West Vancouver - Capilano
Jane Thornthwaite, MLA for North Vancouver - Seymour
Mayor Karl Buhr and Council, Village of Lions Bay
Mayor Murray Skeels and Council, Municipality of Bowen Island
Mayor Darrell Mussatto and Council, City of North Vancouver
Mayor Richard Walton and Council, District of North Vancouver
District of West Vancouver Council

Event: 2017 VEX Worlds - VEX IQ Challenge Middle School Division

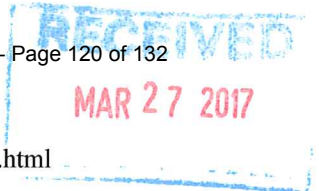
VOLB Regular Council Meeting - April 4, 2017 - Page 120 of 132

Time: 04/23/2017- 04/25/ 2017

Where: Kentucky Exposition Center, Louisville, Kentucky 40209

What we are representing: CANADA

Link: <https://www.robotevents.com/robot-competitions/vex-iq-challenge/RE-VIQC-17-4884.html>



Karen Shao & Edward Shao
PO Box 521
Lions Bay, BC V0N 2E0
Canada

VILLAGE OF LIONS BAY
FILE TO I/C
FILE TO PROPERTY FILE
OTHER

Dear Lions Bay Council,

We are a VEX IQ team going on behalf of Canada to the world VEX IQ Challenge in Louisville, Kentucky, the US. This is the largest educational robotics competition in the world. Our team consists of 5 students from grade 6 to grade 9. We have been working hard for almost a year on designing robots to play an engineering challenge presented in the form of a game. With our hard work, we won the Excellence Award, Design Award and Teamwork Award in the BC provincial championship.

We won the only 2 'tickets' in the west side of Canada to the world championship in Louisville, Kentucky.

Our goal is to get top 10 in the world championship.

Our budget isn't enough for us to get into the world championship and we would be very pleased if you would send us a donation to help us pay for our trip.

Please contact Heidi Xun Li @ 7788689055 or e-mail her at lihsun@hotmail.com at your earliest convenience with your ideas or donations.

Thank you for your consideration

Sincerely,

Karen Shao
Edward Shao
Team Phantasm,
West Vancouver, BC
Canada

Karen

Edward



From: [Peter DeJong](#)
To: [Shawna Gilroy](#)
Subject: FW: Response from Minister re: Provincial Private Moorage Program
Date: Wednesday, March 29, 2017 3:34:05 PM
Attachments: [Response re Private Moorage.pdf](#)

Correspondence please.

Peter DeJong, BA, LLB, CRM
Chief Administrative Officer

The Municipality of the Village of Lions Bay www.lionsbay.ca
PO Box 141, 400 Centre Road, Lions Bay, BC V0N 2E0, Canada
Village Office (604) 921-9333 | Fax (604) 921-6643

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From: Keri-Ann Austin [mailto:kaustin@coldstream.ca]
Sent: Wednesday, March 29, 2017 3:17 PM
Subject: Response from Minister re: Provincial Private Moorage Program

Good afternoon,

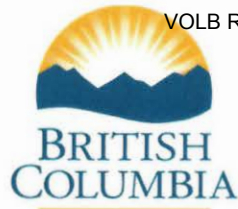
I write to provide a brief follow up to my previous email regarding the changes announced for the Provincial Private Moorage Program. On behalf of the District of Coldstream Council, I offer thanks to our fellow member municipalities for their support of the District of Coldstream's resolution being forwarded to SILGA and UBCM.

The District has received a response from the Ministry responsible and I have attached it for your information.

Have a good day,

Keri-Ann Austin, MMC | Director of Corporate Administration
9901 Kalamalka Road | Coldstream BC V1B 1L6
P. 250.545.5304 | F. 250.545.4733
www.coldstream.ca

 please consider the environment before printing this e-mail



Reference: 227773

MAR 23 2017

Via Email: kaustin@coldstream.ca

His Worship Mayor Jim Garlick
District of Coldstream
9901 Kalamalka Road
Coldstream, British Columbia
V1B 1L6

Dear Mayor Garlick:

Thank you for your letter of February 22, 2017, to Honourable Christy Clark, Premier of British Columbia, regarding the District of Coldstream Council's resolution on the Provincial Private Moorage Program. As this issue falls under the purview of the Ministry of Forests, Lands and Natural Resource Operations, I have been asked to respond.

I understand that you are concerned that dock owners might not be following local government requirements for those docks authorized under a General Permission for the reason that applications will not be required, and therefore, will not be referred to local government for input. Below are a number of current requirements and processes in place to address these issues, along with some of the proposed changes, prompted by your letter, which we hope will further mitigate your concerns:

- The General Permission includes a requirement that dock owners must comply with all laws applicable to the installation and use of a dock. Although this is a broad statement, I want to assure you that this does cover local government bylaws and zoning (as well as, all other relevant provincial and federal legislation).
- The Ministry of Forests, Lands, and Natural Resource Operations' Private Moorage webpage (see: <http://www2.gov.bc.ca/gov/content/industry/natural-resource-use/land-use/crown-land/crown-land-uses/residential-uses/private-moorage>) and the General Permission checklist will both be updated to specifically advise prospective dock owners to contact local governments to find out if there are any additional legal requirements that must be met before proceeding with the construction of their dock. It will also be made clear that if they do not comply with local government bylaws and zoning, then they will not be eligible to be authorized under the General Permission. At this time, there is only a general reference on the webpage that "other legal requirements (i.e. provincial, federal and local government) may also be applicable."

Page 1 of 2

- Once the above changes are made to the webpage, prospective dock owners who contact FrontCounter BC (the ministry's first point of contact regarding applications and use of Crown land), will also be given the same information directly by staff.
- Currently, before any new dock is constructed or any existing dock is significantly modified in freshwater, the proponent must apply to the ministry (through FrontCounter BC), for an authorization under the *Water Sustainability Act* (WSA), section 11: "Changes in and about a stream" (fresh waterbody). In the Okanagan Region, when an application for a section 11 WSA authorization is submitted, the Natural Resource District advises clients that they must comply with local government bylaws, and then will inform local government of those WSA applications for docks that will be subject to a General Permission. (This process is being considered for other interior locations, but is for now being focussed on the Okanagan Region.)
- The ministry understands that property owners do not always know or fully understand the provincial government laws that apply to their activities. It is for this reason that most of the dock building companies in the Thompson-Okanagan have been informed directly about the revised Private Moorage Policy and the General Permission requirements. I believe there is opportunity for local governments to follow-up with these companies, as well, in order to ensure that the local government requirements are being adhered to by the dock builders.

I trust that the requirements and information currently in place, as well as the proposed revisions described above, will address your concerns in regards to the policy changes. I encourage local governments to work with Regional Land Authorization staff to identify areas of particular concern with higher risk of impacts that may warrant consideration as "application-only areas."

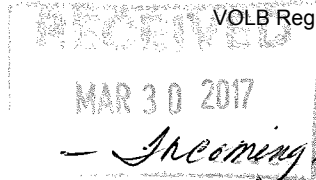
Thank you again for writing.

Sincerely,



Dave Peterson
Assistant Deputy Minister

pc: Honourable Christy Clark, Premier of British Columbia
Honourable Steve Thomson, Minister of Forests, Lands and Natural
Resource Operations
Eric Foster, MLA, Vernon-Monashee
Andy Oetter, Director, Authorizations, Thompson-Okanagan Region
Greg Kockx, Manager, Operational Program, Tenures, Competitiveness
and Innovation Division



March 24, 2017

Mayor Karl Buhr and Council
Village of Lions Bay
P.O. Box 141
400 Centre Road
Lions Bay, BC
V0N 2E0

Dear Mayor Buhr and Council,

RE: E-Comm Board of Directors Designate — 2017-2018 Term

The Annual General Meeting (the "Meeting") of the Shareholders (Members) of E-Comm *Emergency Communications for British Columbia Inc.* ("E-Comm") will be held on Thursday, June 22, 2017 and, at that time, the Board of Directors will be appointed by the shareholders for the 2017-2018 term.

At present, Mayor Richard Walton represents the City of North Vancouver, District of North Vancouver, District of West Vancouver and the Village of Lions Bay on our Board of Directors. Pursuant to Section 4.2.1.5 of the E-Comm Members' Agreement, the above entities are entitled to designate one mutually-agreed upon individual for election to the Board of Directors of E-Comm.

The Board of E-Comm is focused on good governance and we are looking for effective directors for the benefit of all shareholders. An effective director will have competencies in many, or most, of the following areas: Knowledge of E-Comm or the public-safety industry, knowledge of the role of a board, analytical skills including financial acumen, leadership skills, good communication skills, sound judgment, high integrity and the ability to influence others.

The E-Comm Board of Directors meets five times per year and provides oversight of the business and affairs of the company. Two additional sessions are also held annually for strategic planning and board education. There are three standing committees of the board (Audit, Governance and Human Resources and Compensation), each meeting five times per year. Participation on committees is voluntary, but recommended.

Although shareholders are required to elect directors every year at our Annual General Meeting, there is no limit on the number of terms any one director can serve. Indeed, we believe that it is in all shareholders' best interest when a director can serve multiple terms.

Because your municipality/organization is among a designated group of Members, **we respectfully request that you confer with the others members of your grouping to establish a mutually-agreeable nominee prior to informing us of your nominee.** This will help to ensure a smooth nomination process.

We request that you advise the undersigned with written confirmation by May 19, 2017, of the name and contact information of your mutually-agreed upon nominee to the E-Comm Board.

Mayor Karl Buhr and Council
Village of Lions Bay
March 24, 2017

Please note that nominating a director is a separate process from designating a representative to vote your shares at the Annual General Meeting (AGM) in June. As such, I will be contacting the Village of Lions Bay again at the end of May with information on the AGM and requesting that you designate one individual to attend the Annual General Meeting of the Shareholders for the purposes of voting the Village of Lions Bay's share.* Please find attached, a Common Questions and Background document for additional information.

Yours truly,



Jody Robertson
Corporate Secretary

t | 604-215-4956
e | jody.robertson@ecomm911.ca

cc Mayor Richard Walton, District of North Vancouver

*Our records indicate the following shares for police services are held by the group to which you belong:

	Class A	Class B
City of North Vancouver	2	1
District of North Vancouver	1	1
District of West Vancouver	1	1
Village of Lions Bay	1	-

Board of Directors: Common Questions & Background

Q. What is the role of the E-Comm Board of Directors?

A. The E-Comm Board of Directors meets five times per year to provide oversight of the business and affairs of the company. Two additional sessions are also held annually for strategic planning and board education. There are three standing committees of the board (Audit, Governance, and Human Resources and Compensation), each also meeting five times per year. Participation on committees is voluntary, but recommended.

Q. Who appoints the Board of Directors?

A. The shareholders elect the Board of Directors at the Annual General Meeting (AGM) of the Company. Nominating entities advise the E-Comm Corporate Secretary prior to the AGM of the name of their nominee to be put before the shareholders-at-large at the AGM.

Q. Why is the Board of Directors term only one year? Can we nominate someone for more than one term?

A. The E-Comm Corporate Articles specify a term of one year. Nominating Entities may advise the Corporate Secretary in writing if they wish their nominee's name to stand for election for a specific number of terms (e.g. four). However, the Corporate Secretary must confirm in writing each year that the standing nomination remains intact, however there will be no further action for the Nominating Entity unless they wish to make a change from their previous direction.

In the case of Nominating Entities that are part of a grouping, the Corporate Secretary must receive written confirmation from each nominating entity of the standing nomination, including specification of number of terms. The direction must be consistent among all members of the grouping; otherwise all members of the grouping must be contacted each year asking for confirmation of the nomination.

Q. If my organization/municipality is part of a grouping, do we have to agree on the nominee?

A. The E-Comm Members' Agreement specifies that each designated group of members shall agree on their individual nominee. Consultation on a mutually-agreeable nominee should be undertaken prior to advising the E-Comm Corporate Secretary of the name of the nominee.

Q. What is the difference between nominating a board director and sending someone to the AGM?

A. The individual board nominees, once elected at the AGM, will serve on E-Comm's board throughout the coming year, attending various board and committee meetings, and participating in the supervision of the organization's affairs. Your organization's representative at the AGM is simply the person who attends the AGM that day on behalf of your organization, and votes your share on any resolutions or votes which occur at the AGM that day. That person's role and duties cease after the AGM has adjourned.

E-Comm Board of Directors: Common Questions & Background

Q. Why do you contact us in March when the Board is not appointed by Shareholders until June?

A. We provide sufficient notice of the process to allow for conferring with other members of member groupings, council and or other motions that may be required.

Q. What do you recommend the council/board motion read?

A. Exact wording is at the discretion of your organization, however Council/board motions should include the name of the nominee, specification of the E-Comm Board term (e.g. 2017-2018) and reference to election at the Annual General Meeting of E-Comm shareholders. For example "THAT (enter municipality/board/ organization name) nominate (name) to represent municipality/board/organization) on the E-Comm Board of Directors for the 2017-2018 term, such Board to be appointed by E-Comm shareholders at the June 22, 2017 Annual General Meeting."

Q. What do directors receive for remuneration?

A. Meeting rates are \$371 per meeting (for Directors who are not full-time employees of a Member, the Provincial Government or Special User), twice that amount for meetings longer than four hours in duration. Board meetings are generally less than four hours.

Q. Who do I contact with questions?

A. Krystal Boros, Assistant Corporate Secretary, 604-215-6221

About the annual general meeting

Q. What is an AGM?

A. A general meeting of all shareholders of E-Comm is required to occur at least once annually under the Business Corporations Act (BC), which regulates E-Comm's corporate governance.

Q. What happens at an AGM?

A. The compulsory items on the agenda are the election of directors, the appointment (or reappointment) of the auditors, and the presentation of previous year's financial statements. Usually, a number of additional items are also placed on the agenda, such as a general report from the directors, or presentations on new initiatives. Special business items could also be dealt with (such as changing the Corporate Articles), but shareholders would receive notice of any special business with the notice of meeting.

Q. Who should attend AGM?

A. A representative of the shareholder should attend the AGM to vote on the matters listed above including electing the board of directors.

E-Comm Board of Directors: Common Questions & Background

Q. What are shareholders entitled to vote on?

A. Holders of Class A shares have one vote per share on all matters requiring a vote at the AGM, including any items of special business. Class B shares are generally non-voting, except for matters which involve certain fundamental changes – these are listed and specified in the E-Comm Corporate Articles.

Q. What is the voting process at the AGM?

A. Upon the representative of a shareholder arriving at the AGM, they sign in and are provided with a voting card. Votes are conducted by a simple show of hands (voting cards) unless a shareholder demands at the meeting that a formal ballot or “poll” vote occur on a particular resolution.

Q. What if no one can attend, can we proxy our vote?

A. Yes. A shareholder can appoint a proxyholder (in writing) to attend and vote on the shareholder’s behalf at the AGM. The proxyholder need not be a member themselves.

Proxies must be in writing, must specify the name of the shareholder, the identity of the proxyholder, and reference the AGM in question. They must be signed by an authorized signatory of the shareholder. Proxies must be pre-registered with E-Comm at least 2 business days prior to the AGM.

Q. How will my shares be voted if I return a proxy?

A. Proxies usually grant the proxyholder the ability to vote on all matters at the meeting, in their discretion. If a shareholder wishes, it can restrict that discretionary power by stating in the proxy form that its shares must be voted in a certain manner on specified resolutions or votes which it anticipates will be before the meeting. Such language, if included, needs to be clear and unambiguous.

Q. Can a proxy be revoked?

A. Once granted, proxies can also be revoked, but written revocation signed by the shareholder must be given to E-Comm at least one business day prior to the AGM.

Q. Who chairs the AGM?

A. E-Comm’s Corporate Articles specify that the chair of the Board of Directors will also chair the AGM.

Q. How important is it that we send someone?

A. As a shareholder of E-Comm we strongly urge in-person attendance to ensure shares are represented.

Q. What if I have a question about the AGM?

A. Contact Krystal Boros, Assistant Corporate Secretary, at 604-215-6221.

From: [REDACTED]
To: [Council @ Lions Bay; Shawna Gilroy](#)
Subject: "an ounce of prevention is worth a tone of cure"
Date: Wednesday, March 22, 2017 4:23:56 PM

Mayor and Council,

I realize this time of year is one where you receive and abundance of emails complaining about the utility bills and the secondary suite fees - the fees were certainly higher this year than expected.

I live in a large home here in LB and this year and last year were two years known to many as the Empty Nest, yet somehow, the Utility bill and second hand suite fees were twice what we paid in 2007 when the home was full with four kids and a suite with two adults living inside. I realize there is inflation, but really I don't get paid twice the income as in 2007. Which steers me to the point I would like to make and the request that I think needs to be considered.

For the last 8 years I have chosen to rent my suite to men/women who were Lions Bay Firefighters or paramedics.

Eric Foster lived here from 2009-2012, Kellen Welch and Sydney Link 2013-2016 and now Steve Donaghey 2016 - All were men who dedicated time and energy to the emergencies in this village and on our highways. I did it because it was the right thing to do and because our village needs to ensure that we work to keeping rental units available and financially within reach of the people this village is desperate to keep.

There needs to be a mechanism that encourages homeowners to rent their suites to those people who are necessary and essential services in this community. I would like to see the Secondary Suite fee be refunded to people who rent their suites to firefighters or paramedics. The rent must be maintained at less than 1200/month, and all the remaining checks (fire and CO2 monitors, firewalls, separate entrance etc. are abided by) Proof that the person living in the suite are on the FD if that renter moves out./... it needs to be offered to another firefighter or paramedic who is on our LB crew. or the secondary suite fee applies to the months not rented to a member.

This one makes sense.... it costs the village nothing, but ensures there are accommodations for the FF and EMT's to serve this community. Last year one of the homes for our fire fighters was sold and bought and I happened to pour out my heart to the new owner who was considering renovating and selling it. He lives here and was not aware that our fire team is voluntary... without the rental, four men where going to leave the village. He has since updated it, but is keen to keep it as rental for crew members.

Last year, as you know our FD dropped to 12 members. There were weekend MVA's and emergency calls that had no-one attend and a couple that had only two men in the village who could attend. This can't happen. With property values out of control and owners not being full-time residents in the village many are reluctant to rent their suites and the population of available rental space is dropping considerably. Lets not make this it a point to consider after someone loses a life, a home or worse. Lets be proactive about making this something we offer future men and women looking for a place to earn experience as they move towards being Emergency professionals. Summer is around the corner and the sales season is upon us.

I'm an Emergency room nurse by training and a former paramedic...."an ounce of prevention is worth a tone of cure" and this is one of those things that anyone in the village can see as being in the best interest of the WHOLE village and I hope you will consider it.

Thank you for your time.

[Leslie A. Nolin](#)

[REDACTED] [REDACTED] [REDACTED]

From: [Karl Buhr](#)
To: [REDACTED]: [Council @ Lions Bay](#)
Cc: [Peter DeJong](#); [Naizam Jaffer](#); [Agenda](#)
Subject: RE: LB issues
Date: Sunday, March 26, 2017 10:55:15 AM

Hi Marek, and thanks for getting in touch. These are both good questions, the answers to which need to be addressed to the whole Village in this coming Friday's Mayor's Desk. For now, in summary, there are no plans for a desal plant today. Desal is merely one of the three identified strategic options for water if our current surface supply is ever constrained (the other two being a pipeline from the regional district, and deep wells). We are simply reserving the land for a desal plant as a future (30-50 year?) contingency. And I see the new solid waste service needs further explanation, but in the meantime, its cost is \$335 per residential household before prompt payment discount, not "a few thousand \$\$\$." My understanding is that not only will glass now be actually recycled (previously it went to landfill, despite being collected separately), but an in-Village collection location will be set up by the provider for not only plastics, but batteries and bulbs too.

Regards,
Karl

From: Marek Sredzki [REDACTED]
Sent: Friday, March 24, 2017 4:52 PM
To: Karl Buhr; Council @ Lions Bay
Cc: Peter DeJong; Peter DeJong
Subject: LB issues

Dear Karl and Councillors,

I would like to check with you on a couple of issues:

1. LB land sale

0.14 acre municipality-owned parcel between 51 and 53 Brunswick Beach Road eligible for sale. The potential parcel was appraised this month for \$3,350,000

The need for funds now is to purchase the parcel of land at 63 Brunswick Beach Road, a 0.20 acre triangle of land bisected by Magnesia Creek between the CN rail line and the foreshore. - a potential future municipal desalination plant.

Is municipal desalination plant financially realistic? Besides, the water will have very limited mineral values not to mention taste.

I am just starting a construction of mega size desalination plant in Mexico and let me assure you that economically, even in desert environment, the water cost is difficult to accept. Not to mention the cost of power to process and pump water up the mountain plus undesirable waste.

To make it clear, I am not speaking against selling or purchasing the land.

Thanks for taking a second look at this very ambitious desalination concept.

Not all ideas are realistic ; perhaps it would be best to realize this before spending any money.

2. GETTING STARTED WITH WASTE CONTROL SERVICES (WCS)

There are concerns flying over and between residents; here are couple of examples depicting

the issue :

We already drive to recycle batteries and neon bulbs; now plastic bags. I've asked new company and we need individually deliver bags to location by the second narrows bridge. That is environmental madness! No to mention few thousand \$\$\$ each household pays for recycle & garbage service yearly.

.....

I think it's ridiculous! I don't know why they got rid of our garbage guys, I think they are great, always nice and accommodating.

It's just going to result in more bags in the garbage.

It's exhausting!

.....

Is there a better solution coming so we all don't have to drive with plastic bags to end of N. Van weekly or biweekly?

Regards

Marek Sredzki



Intentionally Blank