



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF LIONS BAY HELD ON TUESDAY, JUNE 20, 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)**
4. **Public Delegation Requests Accepted by Agenda Deadline (10 minutes maximum)**
5. **Review & Approval of Minutes of Prior Meetings**
 - A. Regular Council Meeting – June 6, 2017 (Page 5)
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
2	January 10, 2017	2017 Parking Plan Initiatives	Karl & Staff
3	February 7, 2017	Pulling Together Canoe Journey – staff to confer with organizer and create a check list	Shawna
5	February 21, 2017	Canada Day Celebration	Ron
10	March 21, 2017	Correspondence G4: MLA Pimm's First Nations Stakeholder Advisory Committee Report – staff to identify the Notice of Interest (NOI) in Lions Bay, if any, and report to Council in due course	Peter
16	April 18, 2017	G6: Request to Support the Salish Sea UNESCO World Heritage Site Application – Mayor Buhr to contact Salish Sea Trust for a stock letter to sign and support the initiative.	Karl

- B. Information and Resource Requests (IRRs) (Page 17)

THAT the IRRs be updated in accordance with the following:

C. Temporary Use Permits Policy No. 1702 – On Table

D. Request to Revisit Tree Application #64 (385 Oceanview Road) (Page 23)

THAT Council decide whether:

(a) to grant the applicant’s request for Trees 1 and 2 to be topped further to the lowest hydro line, along with their request to cut and remove Trees 3 and 4;

(b) to order all 4 trees to be cut and removed per the September 6, 2016 resolution;

(c) to order that none of the subject trees be cut any further or at all.

8. Reports

A. Staff

i. Notice of Interest in Lions Bay Report (Page 65)

THAT the information report “Notice of Interest (NOI) in Lions Bay” be received.

B. Mayor - None

C. Council - None

D. Committees

i. Trees, Views & Landscapes Committee: Tree Application #79 – 305 Oceanview Road (Page 67)

E. Emergency Services - None

9. Resolutions

10. Bylaws

A. Lions Bay Parks Regulation Amendment Bylaw No. 448, 2012, Amendment Bylaw No. 527, 2017 – Rescind Third Reading and Re-Read a Third Time (Page 79)

THAT third reading of Lions Bay Parks Regulation Amendment Bylaw No. 448, 2012, Amendment Bylaw No. 527, 2017 be rescinded; and

THAT Lions Bay Parks Regulation Amendment Bylaw No. 448, 2012, Amendment Bylaw No. 527, 2017 be re-read a third time, as amended.

B. Traffic and Parking Bylaw No. 413, 2009, Amendment Bylaw No. 528, 2017 – First, Second, Third Reading (Page 93)

THAT Traffic and Parking Bylaw No. 413, 2009, Amendment Bylaw No. 528, 2017 be given three readings.

- C. Council Procedures Bylaw No. 426, 2015, Amendment Bylaw No. 529, 2017 – First, Second Third Reading (Page 111)

THAT Council Procedures Bylaw No. 476, 2015, Amendment Bylaw No. 529, 2017 be given three readings.

- D. Development Applications Procedures Bylaw No. 431, 2011, Amendment Bylaw No. 531, 2017 – First Second, Third Reading (Page 151)

THAT Development Application Procedures Bylaw No. 431, 2011, Amendment Bylaw No. 531, 2017 be given three readings.

11. Correspondence

- A. List of Correspondence to June 15, 2017 (Page 167)

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

12. New Business

- A. RFD – Metered Parking (On Table)

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:

- a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- c) labour relations or other employee relations;
- f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
- g) litigation or potential litigation affecting the municipality;
- i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public

15. Reporting Out From Closed Portion of Meeting

16. Adjournment

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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, JUNE 6, 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)

Delegations: 0

Public: 2

1. Call to Order

Mayor Buhr called the meeting to order at 7:06 p.m.

2. Approval of Agenda

Moved/Seconded

THAT item 9A – Canada Day Celebration Resolution be added; and

THAT item 9B – Annual Report Resolution be added; and

THAT item 10C – Lions Bay Parks Regulation Amendment Bylaw No. 448, 2012, Amendment Bylaw No. 527, 2017 – First, Second, Third Reading; and

THAT item 8A (ii) – Encroachment Application: 520 Upper Bayview Road be removed from the agenda; and

THAT item 7B – Information and Resource Requests be removed from the agenda; and

THAT 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 – May 16, 2017

Moved/Seconded

THAT the Regular Council Meeting Minutes of May 16, 2017 be approved as circulated.

CARRIED

6. Business Arising from the Minutes

A. Item 12B

Mayor Buhr queried whether the Clean Water Wastewater Fund contract had been executed yet.

Audio: 00:08

7. Unfinished Business

A. Follow-Up Action Items from Previous Meetings

#	Description of Action Item	Action
2	2017 Parking Plan Initiatives	In progress
3	Councillor McLaughlin to be kept up to date as the organizing contact person for the Pulling Together Canoe Journey	In progress, staff to confer with PTCJ and create a check list
5	Canada Day Celebration	In progress
10	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	In progress
16	G6: Request to Support the Salish Sea UNESCO World Heritage Site Application – Mayor Buhr to contact Salish Sea Trust for a stock letter to sign and support the initiative.	In progress

17	R3: Louis Peterson – Request for Use of Old Library Space – staff respond to Mr. Peterson advising of process	Completed
18	R2: Greg Weary – Howe Sound Community Forum – PWM to respond	Completed
19	R3: Ingrid Wray – Citizen of the Year Awards – Councillor Hughes to respond – applicant will be considered with all others	Completed

B. Information and Resource Requests (IRRs)

This item was removed from the agenda.

Audio: 00:14

C. Request to Revisit Tree Cutting Application #64 (385 Oceanview Road)

CAO DeJong reviewed the previously approved (September 2016) Tree Application #64 for 385 Oceanview Road which had been brought back to Council at the request of the original applicant due to a miscommunication with Councillor McLaughlin regarding the topping requested vs. topping by BC Hydro vs. cut and remove. A re-application would be required as Council may only reconsider a decision at the next meeting, but given the likelihood that Public Works, the Tree Committee, and the neighbour will not likely vary from their original positions, an expedited process may be the most appropriate. Options were provided in the attached report for Council's consideration.

Moved/Seconded

THAT staff be instructed to process a re-application by Charley Bradbury of 385 Oceanview Road on an expedited administrative basis, upon emailed confirmation from Public Works and the Tree Committee Chair that they see no reason to change their recommendations, given the attached materials and this report; and

THAT staff set the matter down for the June 20th Council meeting with notice to the affected neighbour that the matter will be considered further at that time and if she has any objections to make them known before then or appear in person as a delegation at the meeting.

CARRIED

Audio: 00:21

8. Reports

A. Staff

i. CFO: TransLink TRRIP Application for Stairs at Lions Bay Avenue

CFO Rooke explained that the TransLink TRRIP grant application was approved in order to replace the stairs on Lions Bay Avenue down to the underpass and bus stop, but only under the 50% funding contribution level of \$12,500 meaning Council will need to approve an additional capital expenditure for the other 50%. It was recommended to add a contingency of \$1500 for a total of \$14,000 to be funded by the Municipality.

Moved/Seconded

THAT Council approve additional capital expenditures to replace the stairs at Lions Bay Avenue up to a total of \$14,000 and that the required funding be withdrawn from capital reserves.

CARRIED

ii. PWM: Encroachment Application – 520 Upper Bayview Road

This item was removed from the agenda.

iii. PWM: Wireless Access Point for Broughton Hall

Public Works Manager Jaffer explained that due to load bearing walls, a new access point needs to be installed in Broughton Hall to allow for a stronger WiFi signal to the Hall. The estimated costs of \$2,000 can be absorbed in the current operational budget with minor savings in other areas.

Moved/Seconded

THAT Council direct staff to proceed with the installation of a Wireless Access Point for Broughton Hall.

CARRIED

Audio: 00:31

iv. CAO: Request for Decision re. Method of Sale of Road End Adjacent to 51 Brunswick Beach Road

CAO DeJong provided 4 different options for the sale of the road end adjacent to 51 Brunswick Beach Road.

Moved/Seconded

THAT staff proceed with a Request for Proposal / Request for Quotation from qualified real estate agents for the sale of the parcel created through Road Closure Bylaw No. 517, 2017 and return to Council with a recommendation for appointment of a realtor at the earliest opportunity to sell the parcel either through an auction process or standard listing agreement.

CARRIED

Audio: 00:38

B. Mayor

i. Mayor's Report re. 2017 Parking Plan Budget

Moved/Seconded

THAT Council direct the Administration to obtain Council approval for any and all parking related spending until it approves a plan for parking measures in Lions Bay.

CARRIED

ii. Verbal Report re. SUMM Meeting

Mayor Buhr reported on the most recent SUMM (Small Underfunded Metro Municipalities) meeting he attended including Bowen, Anmore, Belcarra and Lions Bay Mayor's and CAO's. They compared notes on the following subjects: Zoning Bylaws, including Community Amenity Contributions, lobbying the Provincial Government for clearance to apply for grants under the Rural Dividend Fund allowing residents the additional \$200 rural uplift on the homeowner grant, and providing for carbon tax rebates, crown grants, and dispensations re. hydro lands.

Audio: 00:48

C. Council

i. Councillor McLaughlin

a. Planning Session for 2017

Councillor McLaughlin suggested another facilitated strategic planning session after the new Councillor is elected October 21st. Council agreed on mid-late November and the CAO will look into dates with the facilitator.

Moved/Seconded

THAT staff facilitate a post mid-November Strategic Planning Session and to come forward with dates.

CARRIED

b. Events Committee Request for Food Trucks

The Events Committee queried having Food Trucks in the Village and have selected three days this summer when they would like to host an event in coordination with the Food Trucks. CAO DeJong noted that the Parks Bylaw does not allow for commercial activity or vehicles on the beach and that the bylaw would need to be amended in order to allow Food Trucks in the Village, and that there is a number of complicated processes handling Food Trucks such as inspections, vendor competition, permits etc. and seeing

how Council funds and provides insurance for the Events Committee, a process must be implemented first.

Moved/Seconded

THAT staff work with the Events Committee to try and facilitate three days of food truck/food vendor special events at Lions Bay Beach Park.

CARRIED

c. Beach Park Renovations – Call for Volunteers

Council discussed striking a Select Committee to come up with a strategic plan for Lions Bay Beaches. Council agreed that the Mayor as an ex-officio, the Public Works Manager and three or four members of the community should be appointed.

Moved/Seconded

THAT Council direct staff to create a Terms of Reference for the Beach Park Renovations Select Committee, an application template to call for volunteers, and recommendation for the next meeting noting a date for public release and a closing date for applications.

CARRIED

Audio: 01:12

d. Capital Projects/Expenditures (see IRRs re. stair projects)

Councillor McLaughlin queried more information on capital projects or larger operational items.

Moved/Seconded

THAT staff provide a Capital Projects/Expenditures report by the first meeting in July.

CARRIED

e. Canada Day Parking, Agenda/Activities

Councillor McLaughlin requested that Council suspend parking regulations on Canada Day, excluding parking where it would be unsafe for emergency vehicles to operate, such as in front of fire hydrants, at the fire hall or in cul-de-sacs.

Moved/Seconded

THAT Lions Bay parking regulations be suspended near the vicinity of the venues on Canada Day, subject to safety considerations for emergency vehicles to operate, such as in front of fire hydrants, at the fire hall or in cul-de-sacs.

CARRIED

D. Committees

i. Board of Variance Meeting – March 27, 2017

Council discussed the minutes of the decision made by the Board of Variance at their March 27, 2017 meeting.

Moved/Seconded

THAT the Board of Variance Meeting minutes of March 27, 2017 be received for information.

CARRIED

E. Emergency Services

None

9. Resolutions

A. Canada Day Celebration Resolution

Due to the fireworks at 10:00 pm at Lions Bay Beach, it was requested that the Noise Bylaw be exempt from its provisions until 12:00 midnight. Councillor McLaughlin to contact the Chair of the Events Committee to ensure neighbours of the private property where some of the evening events are proposed to take place (Store and Café) have been notified of the noise.

Moved/Seconded

THAT the Canada Day Event and its associated activities be exempted from the provisions of Noise Bylaw No. 283, 1998, as amended, pursuant to section 6 (m) thereof, up to 12 midnight; and

THAT the Lions Bay Beach Park remain open until 12 midnight.

CARRIED

Audio: 01:39

B. Annual Report Resolution

Moved/Seconded

THAT the Annual Report required under section 97 of the Community Charter be available for public inspection at the Village Office and via the Village website on or before June 29, 2017; and

THAT the Annual Meeting required under section 99 of the Community Charter be held in conjunction with the regular Council meeting on July 25, 2017; and

THAT the notice of the Annual Meeting under section 94 of the Community Charter be by way of:

- (a) Posting in the public notice posting places; and
- (b) Publication on the Village website and in the Village Update (Village Update distribution) on June 30, July 7, and July 14, 2017, as being reasonably equivalent to notice that would be provided by newspaper publication if it were practicable.

CARRIED

10. Bylaws

A. Building Bylaw No. 234, 1994, Amendment Bylaw No. 524, 2017 - Adoption
 Moved/Seconded

THAT Building Bylaw No. 234, 1994, Amendment Bylaw No. 524, 2017 be adopted.

CARRIED

Audio: 01:45

Moved/Seconded

THAT the meeting be closed to the public on the basis of matters to be considered under the sections of the Community Charter [90 (1) (f), (g) and (i)] as listed at the end of the minutes under item 14.

CARRIED

The meeting was closed to the public at 8:51 p.m.

The meeting was re-opened to the public at 9:08 p.m.

B. Zoning and Development Bylaw No. 520, 2017 – Adoption

Mayor Buhr read aloud the following statement in summary of Council’s deliberations to this point:

“The proposed bylaw provides Lions Bay with a much-needed updated zoning framework and toolkit. It empowers actions already called for in our Official Community Plan and it addresses issues such as an aging population wanting to stay in Lions Bay but needing to downsize, the need for rental accommodation, and the advent of commercial marijuana dispensaries. Changes contemplated by the bylaw are on an incremental, site-specific basis, and where appropriate the bylaw stipulates how proponents will be expected to provide community amenities to balance and compensate for such changes.

We heard extensively from the community on this bylaw. Through early drafts, multiple Council Strategy Committee meetings, two public information sessions, a public hearing and three readings, Council and staff reviewed and accommodated public input which ranged from enthusiasm, to acceptance, to opposition on a very few elements. What

has resulted is quite different to the first iteration, and staff have done excellent technical work to get us here. I am confident that the bylaw is ready for implementation.

The purpose of zoning of course is to segregate uses to prevent them from interfering with one another. Ultimately zoning is the local legislation that establishes the character of a community. I'll mention here for the record the so-called houseboat issue, to the limited extent it weighs on the proposed bylaw overall. The proposed W-2 Marine Community Recreation zone seeks to secure the use of the ocean immediately adjacent to our beach parks for the enjoyment of all. I am confident that the Municipality can accommodate conflicting interests regarding mooring of a private vessel in the proposed W-2 zone, through a compromise with measurable conditions and a fixed date to transition to the new zoning.

Another particular issue addressed through the bylaw is explicit prohibition of large commercial and industrial machinery and the stockpiling of construction materials in residential zones. Does the bylaw discriminate against uses incompatible with a given zone? Yes, it does: that is what zoning is, and I believe this bylaw serves the community's needs here, and in general."

Moved/Seconded

THAT Zoning and Development Bylaw No. 520, 2017 be adopted.

CARRIED

Audio: 01:45

C. Lions Bay Parks Regulation Amendment Bylaw No. 448, 2012, Amendment Bylaw No. 527, 2017 – First, Second, Third Reading

This item was brought forward on-table to ensure that if food truck discussions advance, they will be permitted under Bylaw 448, as amended; CAO DeJong explained the amendments to the bylaw as follows:

s.7.1 - Providing for Council ability to authorize commercial undertakings in the parks on specific dates and times;

s.9.2 – Similar authorization for motor vehicles in a park;

s.10.1 – Authorization to extend park hours for special events;

12.4 – Provision of storage facilities within a park, including seizure and sale of goods to enforce fees required; and

Miscellaneous housekeeping amendments

Moved/Seconded

THAT Lions Bay Parks Regulation Amendment Bylaw No. 448, 2012, Amendment Bylaw No. 527, 2017 be read a first, second and third time.

CARRIED

Audio: 01:58

11. Correspondence
 Moved/Seconded

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

- G1: Terry Fox Run (September 17, 2017) – no response
- G2: E-Comm 911 –Mayor to attend E-Comm Board Meeting – staff to advise E-Comm
- G3: TransLink Summer Service Changes – no response
- G4: Village of Lions Bay Annual Drinking Water Quality Report – no response
- G5: Call for Nominations – WoodWorks Community Recognition Award – no response
- R1: Ben and Ingrid Gauer – Mayor has responded

CARRIED

Audio: 02:00

12. New Business

A. Temporary Use Permits and Community Amenity Contributions Policies – Direction to staff for June 20th Council Meeting (On Table)

CAO DeJong discussed the background of the two policies attached and Council reviewed and queried several items. Council is to provide comments to the CAO by next week with a report back to Council for the June 20th Council meeting.

Moved/Seconded

THAT the Temporary Use Permits and Community Amenity Contributions Policies be received for information.

CARRIED

13. Public Questions & Comments (2 minutes on any topic discussed in this meeting)
 None

14. Closed Council Meeting
 Moved/Seconded

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:

- b) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- (c) labour relations or other employee relations;
- (d) the security of the property of the municipality;
- (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;
- (f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
- (g) litigation or potential litigation affecting the municipality;
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (l) discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [annual municipal report].

CARRIED

The meeting was closed to the public at 9:38 p.m.

The meeting was re-opened to the public at 9:57 p.m.

15. Reporting Out From Closed Portion of Meeting

Council resolved on the nominee for Citizen of the Year and further received brief updates related to the reasons for closing the meeting, full reporting out to come in due course.

16. Adjournment

Moved/Seconded

THAT the meeting be adjourned.

CARRIED

The meeting was adjourned at 9:57 p.m.

Mayor

Corporate Officer

Date Approved by Council:	
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REQUESTS FOR COUNCIL										
Request ID	Date of Request	Requester	Subject	Issue and Information/Resources Requested	Requester's Priority 1 (lo) - 5 (hi)	Rationale	Personnel and/or Financial Resources Est'd by Requester	Admin Owner	Preliminary Administration Response	Committee Recommendation and/or Council Disposition
133	7/May/17	Buhr	Electrical Box at Lions Bay School	Please ask Metro if we can have access to the electrical box they added to the pole at the school for MAMU, to provide additional power for SAR events.				CAO	Staff will contact Metro to ask - may need to also ask school as it's likely their power. <u>Update:</u> School District is fine with use by emergency responders.	
135	7/May/17	Buhr	Wi-Fi in Klatt and Village Hall Buildings	PLEASE can we improve the public Wi-Fi access in the Hall and Klatt Building, both uptime and bandwidth? It does NOT work reliably.				CAO	We will investigate potential solutions and costs. <u>Update:</u> See Agenda report June 6, 2017	
136	7/May/17	Buhr	Onsite Wastewater Facilities	Please report on the existence and impact of alleged provincial guidelines for onsite wastewater facilities ("septic systems"), presented during a recent discussion at Metro on the EA-A OCP.				CAO	Septic Systems are governed by the Sewerage System Regulation under the Public Health Act. We will check if there are any updates we should know about.	
137	7/May/17	Buhr	Water Licenses	Please report and recommend: is it correct that water licenses have a 40-year term?				CAO	If you are asking about the status of our own water licences, I believe they are all current, but will check. <u>Update:</u> All water licences current - no expiry date noted.	
138	1/Jun/17	Buhr	Gardening	Please report on how service levels for public gardening are determined. I note plants being planted and mulch being raked for many hours in a small lovingly tended area close to the Hall, yet weeds growing out of the road elsewhere and brambles rampant. Are we doing what the Village wants, and how do we know?				PWM	These are historically maintained areas that provide the most visual impact as you enter the community and bark mulch is for weed control and frees up staff time for other things. Bark mulch blower was used to 'blow' in the mulch – no wheelbarrows, raking, or any other manual effort involved.	
139	1/Jun/17	Buhr	Communications Policy	Please report on the status of Communications Policy.				CAO	Resolution was for CAO to work on as time permits and to date, time has not permitted.	
140	1/Jun/17	Buhr	Village Update Read Receipts	Please report whether "read" receipts arising from the VU email are a credible measure of engagement (given my belief that appearing in an email client's reading pane, or even just being retrieved from the server by POP3 or IMAP, produces a read receipt at the mailing service. Would "followed links" be a more accurate KPI?				CAO	Embedded into each message sent out by the Constant Contact system is a tiny invisible image. When that image is downloaded in the email client (full screen or preview pane), it counts as an open. If the image is downloaded then it counts as an open. This is email client dependent – MS Outlook does generate an 'open' for this but many internet based email clients (Yahoo Mail, Gmail, HotMail, etc...) do not. Mobile devices do not, you have to click on the message and open it to generate an open.	
141	1/Jun/17	Buhr	Trail Signage	Please produce trail signage proposition for Council to debate. Suggested text: "Trails maintained by volunteers: use at own risk. Be prepared to encounter cougars, bears and coyotes. Dogs to be leashed within ___ meters of trail ends and under control at all times. Remove all waste. Cycles must be walked. Lions Bay Bylaws ___, ___, ___."				CAO	Staff is working on a comprehensive risk management plan for trails and will bring that forward sooner than later.	

RESOLUTIONS										
Request ID	Date of Request	Requester	Subject	Information Provided and/or Requested	Requestor's Priority 1 (lo) - 5 (hi)	Rationale	Personnel and/or Financial Resources Est'd by Requestor	Admin Owner	Preliminary Administration Response	Committee Recommendation and/or Council Disposition
44	25/Jan/16	Buhr	Highway Water Tank	Please develop a plan to run a "Decorate the Tank" competition thru the Arts Council mural?	2	Showing pride in our Village	Staff report	CAO	Staff can prepare a report with options for Council to consider.	THAT staff be directed to prepare report and liaise with Arts Council
60	15/Feb/16	Buhr	Anti-encroachment marketing	Can we undertake an Anti-Encroachment campaign?	2		Staff time	CAO	Let's discuss what this should look like, resources to be devoted to it, timing, communication plan, etc.	THAT "anti-encroachment marketing" be dealt with in the larger context of a comprehensive anti encroachment policy.
63	15/Feb/16	Buhr	2016 water shortage plan	Please provide staff's recommendations for 2016 water contingency plans, and comments on 2015 Water Plan	4	Water supply	Staff time	PWM & CAO	Require confirmation whether this is in reference to an operational water contingency plan, or Village-wide. PWM can work with CAO to ensure that operational plans are referenced within the strategic plan for water contingency and conservation; and that the strategic plan is congruent with EMBC's plans	THAT the "2016 Water Shortage Plan" be referred to the Emergency Plan Steering Committee.
83	15/Feb/16	Buhr	Clean air 1	Learn to Burn campaign	2	Public health		CAO	Metro may have some materials. Once we have data from MAMU, we should discuss appropriate communication plan, resources, etc.	THAT "Clean Air Learn to Burn Campaign" be kept on the IRR sheet but tabled until Fall.
87	16/Feb/16	Buhr	Move Bear Smart sign	Can we move the Bear Smart Community sign to a more highly visible location?	3	Council priority (communication)		CAO	Staff to approach the new store owner to request placement.	THAT staff consult with the Bear Smart Committee regarding the preferred location of the Bear Smart sign.
96	13/Apr/16	Buhr	Procedure Bylaw	Procedure Bylaw should be amended to allow Delegations to present to Council re. matters not on the Agenda.		Governance	Staff time	CAO	Agreed. Will review and bring recommendations in due course, if desired by Council, along with other potential changes to the Procedures Bylaw.	THAT staff amend the Council Procedures Bylaw for delegations, as time permits.

RESOLUTIONS										
Request ID	Date of Request	Requester	Subject	Information Provided and/or Requested	Requestor's Priority 1 (lo) - 5 (hi)	Rationale	Personnel and/or Financial Resources Est'd by Requestor	Admin Owner	Preliminary Administration Response	Committee Recommendation and/or Council Disposition
97	13/Apr/16	Buhr	Procedure Bylaw	Procedure Bylaw should be amended to allow Delegations to present to Council re. matters not on the Agenda; and remove 18(1)(d) so Mayor doesn't have to certify minutes.		Governance	Staff time	CAO	Mayor doesn't certify minutes - only CO does that. Mayor or Councillor presiding signs only after adoption of minutes by Council.	THAT staff amend Procedure Bylaw to allow Delegations to present to Council regarding matters not on the agenda.
102	25/Apr/16	Waterson	Volunteer Recognition	Request that a policy be drafted regarding Volunteer recognition. Willing to do the initial research to see what other municipalities do and consult with Volunteer organizations. Will report back to Council with a first draft for discussion.	?	Council Priority (Volunteers)	Time to check research and tweak/format draft policy. Consider if there should be any budget allocation.	CAO	Normally, staff would take direction from Council and report back with a draft, but I agree that this is important and support Councillor Waterson's proposed methodology, given my workload. If Council approves, please provide her with input at the outset regarding your thoughts so she can incorporate them early in the process.	THAT Councillor Waterson research Volunteer Recognition policies, obtain Council input and create a first draft for discussion.
103	12/May/16	Waterson	Communications Policy/Plan	Request that a policy/plan be drafted regarding communications.		Communications	Staff time required to properly draft a Communications Policy and Plan	CAO	Agreed that one is required, but this will take some time to pull together amidst all the other matters requiring my attention.	THAT the CAO work on a Communication Policy framework as time permits.
109	27/Oct/16	Buhr	Hydrology Grants	Can we seek Metro funding for the Watershed Hydrology Study (WHYS?) under their Climate Change Impacts & Adaption Strategy work? Green Municipal Fund: can it be used for the WHYS			Staff time	PWM		staff to review potential grants from Metro and FCM regarding hydrology study with UBC
117	10/Jan/17	Buhr	Signage	Mayor's request for signage changes around Village per email of Jan./16				PWM	Staff has the email and some of these things have been addressed. They will continue to be addressed slowly as time permits. We are consulting with Metro and other LM munis re. some of their signage standards and wording and will work toward a consistent standard.	CAO to review "use at own risk" signage on Lions Bay hiking trails

RESOLUTIONS										
Request ID	Date of Request	Requester	Subject	Information Provided and/or Requested	Requestor's Priority 1 (lo) - 5 (hi)	Rationale	Personnel and/or Financial Resources Est'd by Requestor	Admin Owner	Preliminary Administration Response	Committee Recommendation and/or Council Disposition
121	10/Jan/17	Buhr	Website	Please report on website progress, including demo				CAO	We are still plugging away on preparing our existing documentation for transfer to the new website (OCRing of documents, content proofing, copywriting, etc.) Will need to get assistance with labour intensive task of uploading and ask that Council approve re-budget of remaining allocation from \$10,000 budget (about \$1600). Once we have content on the site, there will be additional tweaking of formats and functionality by contractor. Not currently ready for any demos.	THAT the unspent remainder of the 2016 \$10,000 new website budget be re-budgeted for 2017 to enable staff to complete the project as soon as possible.
124	24/Jan/17	Buhr	Remembrance Day Quilt	Need a recommendation on where to hang it.				CAO	Perhaps above fireplace in hall? Or somewhere else in hall?	PW to hang quilt on wall above the couch in Hall kitchen, order a plaque, and CFO to add to Council budget
125	24/Jan/17	Buhr	Leaving Metro Boundary	Request Metro to install signage at its northern boundary indicating "Leaving/Entering Metro" etc.		Please provide rationale for Lions Bay.		CAO		CAO to write a letter to Metro requesting that they provide boundary signage for the reasons outlined by Mayor Buhr.
127	7/Mar/17	IC	Feasibility Study	Staff to pursue Metro to gain support for conducting an internal Metro feasibility study into piping drinking water to VOLB			Staff time	PWM		THAT staff pursue Metro staff to gain support for conducting an internal Metro feasibility study into piping drinking water to the Village of Lions Bay.
128	7/Mar/17	IC	Cell Tower	Staff to move forward with an RFP to explore installation of a cell tower on VOLB property			Staff time	PWM		THAT staff move forward with an RFP to explore the installation of a cell tower on Village of Lions Bay property, which would also address municipal needs for the SCADA system.
131	7/May/17	Buhr	Block Parent Signage	Who currently runs the Block Parent function? If no one, please take down the signage. If in use, please clean the signage.		Displaying obsolete signs means people don't believe current signs either.		CAO	Not sure, but preliminary investigation is that it no longer functions so, subject to any additional information, staff will remove any Block Parent signage. Please advise of known locations of signage.	PW to remove signage at LB Ave.
132	7/May/17	Buhr	Property Tax Bills	Can we change "school tax" to "Provincial levy" on the property tax bill? The Mayor of White Rock mentioned that they just have so it's gotta be legal.				CFO	May be able say "Provincial School Levy", instead of "Local School Levy", but we think it must include the word "School". Contacting MAIS to inquire re. change.	CFO to investigate ability of changing "School Tax" to read "Provincial Levy" on Property Tax Notices.

Intentionally Blank



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Type	Request for Decision		
Title	Request to Revisit Tree Cutting Application #64 (385 Oceanview Rd)		
Author	Peter DeJong	Reviewed By:	
Date	June 15, 2017	Version	
Issued for	June 20, 2017 Council Meeting		

Recommendation:

THAT Council decide whether:

- (a) to grant the applicant's request for Trees 1 and 2 to be topped further to the lowest hydro line, along with their request to cut and remove Trees 3 and 4;
- (b) to order all 4 trees to be cut and removed per the September 6, 2016 resolution;
- (c) to order that none of the subject trees be cut any further or at all.

Attachments:

(1) Relevant materials from Tree Application #64, including recent correspondence between the CAO and the neighbour, C. McElvey.

Key Information:

At the September 6, 2016 Council meeting, Council passed a resolution approving cut and remove for all of the 4 trees forming part of the Bradburys' portion of the application, as well as the 5 trees in front of Councillor McLoughlin's property.

With respect to the Bradbury trees, they had requested that 2 of them be cut and removed and that 2 of them be topped. Public Works had requested that they all be cut and removed rather than any topped. The Tree Committee had acceded to the applicant's request for topping of the 2 trees and cut/removal of the other 2 trees.

Staff have since learned very recently (as evidenced by the correspondence) that the neighbour, C. McElvey, upon determining what the proposed cut line was, went out herself and topped 2 or 3 of the trees to that level, without informing the applicant or the municipality. This person is also threatening legal action if any of the subject trees are cut



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

any further and for “harassment” over the process of this application, including the current revisitation.

Options:

- (a) to grant the applicant’s request for Trees 1 and 2 to be topped further to the lowest hydro line, along with their request to cut and remove Trees 3 and 4;
- (b) to order all 4 trees to be cut and removed per the September 6, 2016 resolution;
- (c) to order that none of the subject trees be cut any further or at all;
- (d) any of the options listed above and fining the neighbour for cutting municipal trees without a permit or insurance.

Preferred Option: Cut and remove all 4 trees and require that appropriate “hedge” trees (i.e. bush/trees that will provide a suitable screen and not grow beyond the height of the lowest hydro lines) be planted in place of the trees to be cut and removed. This will alleviate the potential for high risk “leaders” growing up from the topped trees and requiring further applications by one or the other of these neighbours in the near future.

Legal Considerations: Council could consider fining the neighbour, C. McElvey, for cutting trees on municipal property without a permit or insurance under Bylaw Notice Enforcement Bylaw No. 385, as amended. These contraventions carry fines of \$475 each. Staff suggests a terse warning at this time.

Follow Up Action: Per instructions from Council.



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Tree Cutting Application Form

All fields must be completed

need signature

Applicant's Full Name:	Ron McLaughlin & Charles Bradbury	
Address:	375 OCEANVIEW ROAD / 385 OCEANVIEW ROAD	
Phone:	[REDACTED]	Email: [REDACTED]
Contractor Name (if applicable):	Stew's Truss / Silverback	
Contractor Phone:	778-231-5091 / 604 312 7399	

Description of Trees: primarily cedars as well as miscellaneous species.

Location of Trees: Back side respective resident driveway. See detailed colour photographs & background info.

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

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

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

Please refer to detailed colour photographs with commentary.



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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

(Handwritten scribble)

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 area]

Signature of Applicant

Nov 17/15

Date Signed

[Redacted signature area]

Date Received by Office:



Received by:

Shirley...
\$40⁰⁰ cash
rec # 596424.



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

① REFER EMAILS to / from

~~Form letter for affected neighbour canvass (print as many copies as may be necessary)~~

sent electronically to ULB on NOV 16/15

Date: sent / vnc'd NOV 15

Neighbour's Name: 1) John / Rose Dudley

Address: 2) Cheryl Mckelvey

* Phone/Email: 3) Bruce Kennedy / Heather Ferris

4) Iris Kaesler

Dear 5) Lucian & Claudia Dinu:

Re: **Tree Cutting Application**

I intend to make an application for a permit to cut trees on municipal property and, as part of the application process, I am required to notify other property owners whose line of sight may be affected by this work. The specifics of the application are as follows:

Location:	<p>Details in Email + PDF of pictures and backgrounds / request!</p>
Type(s) of Tree(s):	
Description of Work:	
Rationale for Application and Replanting Plan (if applicable):	

* Email ~~includes~~ ADDRESSES included for contact confirmation



#5

#4

#3

#2

#1

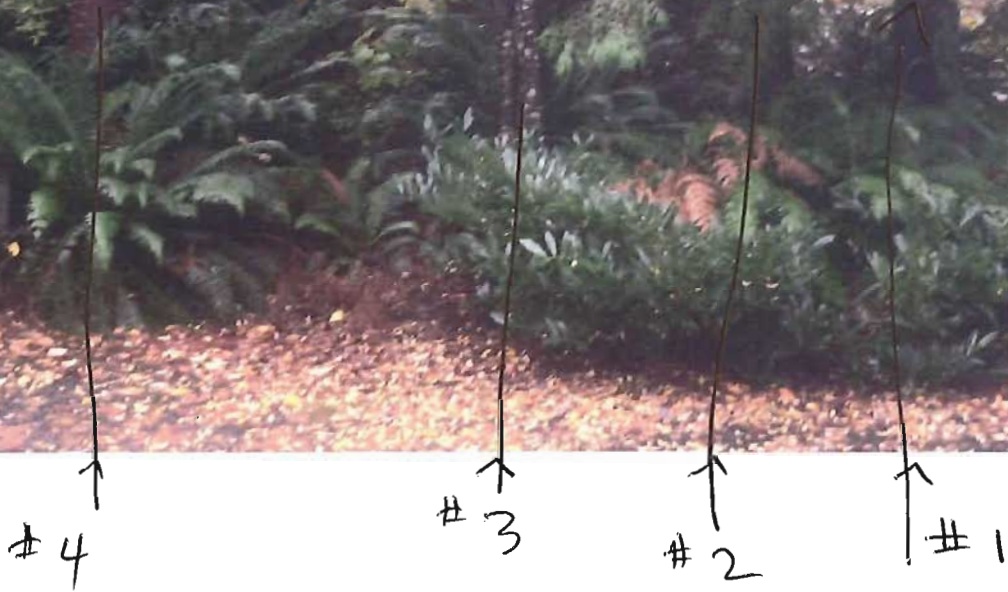
McLaughlin Residence:

Request #1 - #5 inclusive - cut & clean

Purpose - increase sun light to the property

- clean up parking area for
Upper Oceanview Road trail
~~for~~ hikers

- Fir wood



Request: #1's 1 + 2 - * Top to Hydro Line + clean
#1's 3 + 4 - Cut & clean

* maybe cut & clean at the homeowner's discretion.

Bradbury RESIDENCE

- cut to improve view by retaining it.
- Trunk #1 & #2 previously topped
- Trunk #4 is likely on the homeowner's property

~~Please contact~~
~~Chariff when site~~
from - please mark
cut level for
tree - Norbert
from old line.

clarify which
line is to be
used as cut
line



395 Oceanview

Lions Bay Reception

From: Public Works
Sent: Thursday, December 17, 2015 10:17 AM
To: Lions Bay Reception
Subject: tree application No. 64

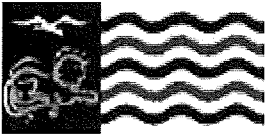
Good morning Susan,

Public Works has reviewed the trees flagged by the proponents of tree application no. 64. Works would prefer that the trees noted be removed entirely, as opposed to topped, if possible.

Cheers, Nikii

Nikii Hoglund

Public Works Manager



The Municipality of the Village of Lions Bay. www.lionsbay.ca
PO Box 141, 400 Centre Road, Lions Bay, BC V0N 2E0 CANADA
Tel: (604) 921-9833 | Fax: (604) 921-6643

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Lions Bay Reception

From: Lions Bay Reception
Sent: Thursday, December 31, 2015 10:56 AM
To: 'Simon Waterson'
Cc: Public Works
Subject: RE: Tree application upper Oceanview

Simon

Just for your information, on December 14 Ron McLaughlin brought the orange tree tagging tape back into the office, advising he had tapped the trees. Don't know who had used survey tape on the trees.

Thank you

Susan Loutet
Administrative Assistant

The Municipality of the Village of Lions Bay. www.lionsbay.ca PO Box 141, 400 Centre Road, Lions Bay, BC V0N 2E0 CANADA

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

From: Simon Waterson [mailto: [REDACTED]]
Sent: Wednesday, December 30, 2015 4:33 PM
To: Cheryl McKelvey [REDACTED]
Cc: Ron McLaughlin [REDACTED] Lions Bay Reception <reception@lionsbay.ca>
Subject: Tree application upper Oceanview

Hi Cheryl

I received the tree application on Dec 17th. End of school term, Christmas, and most importantly, members of the tree committee away on vacation meant that there has been NO tree committee visit carried out. Furthermore, it's my intention to wait for Ron to return from his holidays before we visit the site. I'm not sure who put new tape around the trees, however, I can re-assure you that we will look at the application, as submitted. I will also ensure we identify which power line is to be measured against.

I hope this helps to clarify the status. Happy New Year Cheryl and all copied on the email.

Regards

Simon

> On Dec 30, 2015, at 3:02 PM, Cheryl McKelvey <[REDACTED]> wrote:

>

>

December 30, 2015

>

> Hi Simon (Fran, and Ron)...

>

> I see someone has roped survey tape around the trees in front of my property over the past few days. .

>

> I feel it may perhaps useful at this point to write a letter to your committee. The initial tree work application provided by email to me by one of the applicants, was worded in such vague terms that I asked over a month ago for it to be clarified.. It describes the work to be done as 'trees cut to hydro line' - with no mention of which hydro line. There are FIVE separate hydro lines in front on the trees - all lying at completely different heights to the trees. There is no mention as to which line is to serve as the guide.

>

> I went to some effort to take a color photo of the trees in question, which showed the trees in relation to the five hydro lines. I had it blown up to 8 x 11"- and I dropped it off with Fran on the morning of November 20, as Fran said she was in charge of tree applications. I pointed out the description of the work said 'cut to hydro line' but I explained to Fran that there were actually five hydro lines lying in front of the trees, which are all lying at different heights in relation to the trees, and there was no mention as to which line the trees would be topped to. The description of the work on the application, as it is worded, therefore, means very little. It could be anything - it's impossible to interpret.

>

> All I have asked for, is the applicants to provide some clarification of the work to be done in front of my home, by marking on the photo I left at the hall, the proposed topping line. This should be a relatively easy request. However, it's been over a month, and there has been no response. I thus am still completely unaware of what is going to be done, but by the looks of the survey tape that has been placed over the last couple of days, that, somebody is getting ready for something ?.

>

> As the trees are in front of my property, I think it only courteous that the description of the work that is to be done be understandable to the parties affected prior to undertaking the work, so those affected can understand what is to be done, and can comment. This is really not the case in this situation.

>

> As a long term resident, I really am not happy with this work occurring at all -

>

> Right at the beginning, I was told by a member of the tree committee that likely as not the work would be rubber-stamped, due to various reasons - the height of the trees, the width of the trees, and the fact that one of the trees was topped already. (Not by me, but I have given permission for the neighbours to top one of the trees in the past.) The tree that was topped in the past has clearly no bearing whatsoever on my view. It was topped by my neighbours' tree service company after they moved in. so to improve their view, during the first year they had arrived in their home.

>

> Despite these misgivings about how this process has been undertaken, I do recognize that people do stand to lose a lot in home value, by having trees grow into the view that lie on village land.. I myself (and countless others in the Village and West Vancouver) have had this happen, and may well be wanting to prevail upon the tree committee with similar requests in the future..

>

> I also understand in West Vancouver that trees of any nature (unless saplings) can no longer be cut or removed, unless the tree is diseased or it is deemed a safety risk by BC Hydro and others. Perhaps this is a bit extreme, but it is interesting to ask why West Vancouver arrived at this policy. Perhaps too many people have been left feeling they have little control over what happens in front of their own properties, and there was ill-feeling produced by that, so the Municipality decided a 'no cut' policy would reign supreme. I do think it important for the nature of the work to be

done, to be understood by the parties concerned - as how can one express any feedback when the work is not understandable? There is not really much point in an application with a description of work that does not actually describe what the proposed work involves.

>

> The tree application as it now stands is ambiguous, and thus holds very little meaning - I respectfully ask that the applicants be a little more forthcoming about the work that is to take place, so I feel I can give feedback to your committee, for the work to be done in front of my home.

>

> Thank you Simon, and I hope we can solve this at this level.

>

> Cheryl McKelvey

> 395 Oceanview

Lions Bay Reception

From: Ron McLaughlin [REDACTED]
Sent: Monday, November 16, 2015 3:15 PM
To: Lions Bay Reception
Cc: Ron McLaughlin
Subject: FW: Tree cut neighborhood approval requested - #5

From: Cheryl McKelvey [REDACTED]
Sent: Sunday, November 15, 2015 8:34 PM
To: Ron McLaughlin; Mary McLaughlin
Subject: Re: Tree cut neighborhood approval requested

395 Oceanview Rd.

Thanks Ron, ccing this to Mary as well.

I will be putting in my input on the request, thanks for the head's up.

I have no concerns whatsoever about the trees in or around your own driveway located at 375 Oceanview, to be cut or removed, they are certainly not even in my sightline.

That being said, I will be voicing my complete objection to the tree committee, for **any tree in front of my own property**, 395 Oceanview, to be cut or topped, or removed.

The fence line between 395 Oceanview and 385 Oceanview lies directly on the property line between 395 Oceanview and 385 Oceanview.

If you carry that line out to the street, it's easy to see which trees are in front of my own property, 395 Oceanview, that I will not agree to be cut or topped,

and which trees lie in front of 385 Oceanview, which I have no objection to be cut or topped.

The trees located in front of the 385 Oceanview property are in fact quite a bit taller than the ones that lie in front of my own property, 395 Oceanview. There is a reason for that: the trees in front of my home have **already** been topped at the neighbour's request, by **their** tree company.

To top the trees in front of my own property any further would make them even more out-of-synch in height with the surrounding trees, and thus more unsightly than they already are.

I believe any more cutting of the trees in front of my home, since it will increase the unsightliness of this group of trees, would affect both the ability to sell my home, and also decrease the home value.

I'm sorry the neighbours' view has been affected, but since I have already agreed to their tree company topping the trees in front of my property a few years ago, they are already significantly shorter than they once were, and certainly shorter than the neighbouring trees that lie on their own property.

There are legions of people in the village whose view has been impacted by trees on village land, including myself.

Once this reason becomes a valid reason to cut or top or remove trees in front of a property, on Village land, despite objection from the home owner whose house is located proximal to the trees in question, I will then be citing this same right to having trees that block my **own** view to be topped, that lie in front of other residents' homes, which were either not here when I first moved in or were shorter in height.

My own view has been adversely affected to what it once was, because of trees that were planted on village property that lie in front of other residents' homes.

I believe that I have the right to refuse any cutting of trees on Village land, that lie within my sightline, and will continue to assert this right vigorously, and I will not hesitate to get a lawyer's assistance in this matter in order to prevent any further cutting or topping of trees in front of my home. Enough damage has been done, already.

I certainly hope that you will be able to top the trees in front of your own property, despite my refusal to allow the trees in front of my own property to be cut.

You both have been an absolutely terrific, great neighbors and have without question been adversely affected by tree height that has furthered the threat against your property, life, and limb.

For that reason, I am going to urge the tree committee, by a separate letter that I will cc to you, to allow you to top or remove the trees bordering your own driveway, without having to go through the existing request process, on the basis that your home has **already been completely destroyed** by unmanaged trees. Both your lives were so ill-affected over many years; necessitating you having to move and endure significant expense. The tree committee should, I believe, take this into consideration, and allow your request to stand as valid, without having to gain permission from your neighbours to have any threatening tree topped.

However, I see absolutely no advantage to me, whatsoever, in allowing the trees in front of my own property to be cut. In fact, I see great disadvantage.

These include, but are not limited to: the negative effect on value of my property, a negative affects on noise level, a negative affect on my ability to maintain the temperature of my home in the summer, and a negative affect on my privacy. Plus, any more cutting would be yield an even more unsightly group of trees in front of my home, than the cutting which I previously allowed the neighbours to perform has already produced.

To reiterate:

I have absolutely no objection to the trees in front of 385 Oceanview being cut.
I have absolutely no objection to the trees in front of 375 Oceanview being cut.

However, I do not want the trees in front of my own property of 395 Oceanview to be cut.
I will delineate those trees I do not want topped or removed that are in line with the property line, just so there is no confusion as to what I am agreeing to.

But as the fence line subscribes to the border between 395 Oceanview and 385 Oceanview , this should help keep things clear.

Thanks so much, and good luck.

Cheers
Cheryl

On Sun, Nov 15, 2015 at 2:35 PM, Ron McLaughlin <[REDACTED]> wrote:

Dear Cheryl:

I will be submitting a tree cut application to the Village next week with respect to trees that are near my driveway, and at the bottom of Charlie & Simon's driveway. The trees to be cut near my driveway are more about firewood and cleaning up the area for parking. Charlie's aim is to get back to the view that they had when they bought the house in 2007.

If you have any questions give me a call.

I would appreciate your electronic advice (its part of the application) that you are fine with the proposal or opposed and why.

Thanks and regards.....Ron [REDACTED]

To: Mayor and Council
Cc: Peter DeJong
From: Simon Waterson
Sent: 7th January 2016
Subject: Tree Application # 64

Application Approved – subject to council agreement

The Tree committee comprised of Ron McLaughlin, Mike Jury and Simon Waterson.

The application for 375 Oceanview Road (McLaughlin) was agreed as follows: The cluster of trees as described within the application photo, can be removed completely, and all debris must be removed.

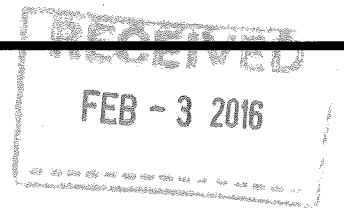
The application for 385 Oceanview Road (Bradbury) was agreed as follows: Trees # 3 & 4 to be cut & cleaned, all debris removed. Trees # 1 & 2 to be Topped with the height being reduced to no lower than the lowest line of the five lines (telephone/power). Work must be carried out by 1st January 2019. For all work carried out, all debris must be removed.

Simon Waterson

Simon Waterson Chair.
Tree Committee

Tree App #67

Lions Bay Reception



From: Simon Waterson <[redacted]>
Sent: Wednesday, February 03, 2016 2:21 PM
To: Lions Bay Reception
Cc: Cheryl McKelvey
Subject: trees / tree committee

Good afternoon Fran/Susan

Please could you put this email in the relevant file. Council has yet to discuss this application.

Kind regards

Simon

Begin forwarded message:

From: Cheryl McKelvey <[redacted]>
Subject: trees / tree committee
Date: February 3, 2016 at 10:08:57 AM PST
To: Simon Waterson <[redacted]> Helen Waterson
<councillor.watson@lionsbay.ca>

Good morning Simon,

I am going to take the survey tape around the trees in front of my house off -

I am angered every time I pass the trees and have to see the circled trees in front of my house, and thus I am just taking the tape off. The tape on the trees in front of other peoples homes I won't touch.

Just a quick update here.

This issue started a few months ago and I am not only frustrated with the actual application, but the manner in which the application has been handled.

No offence meant to the tree committee, all of whom are not involved in this fiasco.

First, I was told by a tree committee member (I was told by the office that first the person was on the tree committee) that I would have no chance of having the work stopped, that the work on the trees in front of my house would be 'rubber stamped'. I was told this by a phone call, after I sent an email asking for clarification.

There is a gain by one party, (wood) who has recently left the tree committee. ?

There is a question of which properties the trees actually lie on. Of the two people who authored the application, one may not even have any of the trees on their property. If not, it makes little reason to have their name on the application.

There is the matter of two neighbours teaming up, against one neighbor that is in opposition to having their own trees topped. I did not object to any of the work that was proposed to the trees in front of their properties, but simply the trees in front of my own. These trees are already shorter than almost all of the surrounding trees.

There is the lack of transparency - the ambiguity in how the application was written ('hydro line') and the difficulty in me obtaining information on what the work actually involved.. It's been months and I still don't know what the extent of the topping was to be. I took photos, marked the hydro lines, left them with Fran at the office. Nothing. No response.

When I first moved here with my family about 40 years ago, my view was far better, and the area was peaceful. Now, my view has eroded to a fraction of what it was. This happens. People pay each other in this neighbourhood to remove trees but I lack the funding to do so. Part of the reason I can't afford to pay off other people to improve my own view, lies with the fact I I paid \$3500 out of pocket to have some trees removed that were leaning downhill towards the neighbour's property that lies on the downside of my own property. I still have the bill for this work (2 years ago) and am happy to produce it, along with a statement from the tree company that the trees were posing no threat whatsoever to my own home. I paid for the safety of others to be maintained, without even being asked. I could ill afford it. I didn't receive an acknowledgement, or a thank you.

Then there is the issue of parking.

The noise from the increased parking in front of my home has taken a good deal of my quality of life away - more so in the summer. I am providing parking in front of my home for anybody who wants to hike up the Oceanview trail, the traffic of which has exploded due to the creation of another trail. I have the noise of the car doors, the voices at 7 in the morning on weekends, and the garbage and walking sticks left behind. Nobody else is affording this parking, it falls on me.

A 70 foot wild cherry/ poplar on the neighbours property - (the one who cosigned the tree application) fell down on the border fence (the one they didn't pay a dime for, even though they agreed to pay half before it was built). This occurred last summer. It damaged the fence by making it lean, and it hit my roof. The tree stayed in place for 3 days, before it was finally removed by a tree company. Regarding the damage to my own property by the neighbours tree, I consulted Hans Schneider, I consulted Rob Simpson, and I consulted another tradesman about how to fix it. The posts of the fence could either be re-set in concrete, or they would have to be lifted from the above ground fittings in order to repair it.

Long story short - I had to repair this fence myself. I built the fence originally, and Hans told me how to go about building it; he supplied the information for the specs. He came and examined the fence after it was built, as did Rob Simpson. They can testify there was absolutely nothing wrong with the fence. . You can come and have a look yourself. It took months to build, about 7 years ago.

I spent 60 hrs + over the holidays this year, in subzero weather, lifting the posts and altering the fittings. It was a horrible job. That was my Christmas vacation this year.

The registered letter informing the neighbours of the damage that I sent through Vaughn last August, was not even acknowledged. Ron McLaughlin told me I should claim it on my insurance (Ron lives two doors down, it was not his tree). I talked to Caulfeild insurance and Jeanette told me that my home insurance does not cover the damage/ repair to my roof, nor to my fence - and that I would have to sue the neighbours for the damage for

reimbursement. Thus the 60 hrs of work in subzero weather. I just could not bother doing a small claims court action.

I can go on. I spent two years in this community running the Brownies, I actually was the one who brought the Girl Guides to this community. I worked for the school and chaired the LB School Parents Committee with Val Morton - and I organized the Spring Fair that brought over \$5000 in funds one year to the school. I helped the fire dept put through about 8 of the guys through the FR course a few years back. I worked on Park and Rec.

And finally, I spent over an entire year staying at a dingy 12 .x 8 room at the old village hall, , 4 days a week, before the current emergency building was built, as the BC Ambulance funding (50%) portion for the Dale Klatt building was contingent on a daycrew staff for the ambulance - BCAS would NOT provide their portion of funding for the Dale Klatt Emergency Building unless Lions Bay could promise a daycrew, from Monday to Friday.

The pager seldom went off, and I was out of pocket \$50 each day for Pat Grass to look after my toddlers so I could sit in the room at the hall. I either worked with Roger Gruen (also through the village) or Lance Ewing (from Vancouver). **No daycrew = no BCAS funding for the village, it was that simple.** Nobody else from the village was available, nobody said they could do this. So I did this for an entire year.

Beyond the money, I lost the time with my two toddlers, so I could sit and stare at the walls of a dingy, small office and read a book. Pat Smith (on Bayview) was Unit chief at the time and can testify to all of these events. I will never get that time back with my kids, in their toddler years - it's gone forever. The shifts lasted 10 hrs. Believe me, when I look back, I can see it was a mistake to volunteer to do this for the Village.. But the Village needed an Emergency Building. They had the plans, everything was in place. But the funding for the Dale Klatt building was largely due to BC Ambulance. And BCAS would simply not provide their share of the funds unless there was a daycrew, who would stay at the station Monday to Friday. On weekends, there were members of the fire dept who carried the ambulance pagers (Gord Prescott was one of them). The village was stuck for ambulance staff on Mondays to Fridays, not weekends.

But I think by this diatribe, I think I have probably projected some of the frustration that I now feel today - and I am taking the stupid survey tape off the trees in front of my house. I have honestly done enough for the village over the years - I have not exactly sat on my butt like many others in the village have.

I have no way to stop any cutting to the trees in front of my house, as they are on village land, but I will not be sitting quietly thereafter. All of these facts are going to be aired if the trees in front of my house are topped. If Hydro considers the trees in the way of the lines, I am sure they will look after them. There are countless trees affecting hydro lines in the village, to a much greater extent than these 4 trees.

I am a fulltime student, and I also work - and I have really spent enough time and energy on this whole issue. It's gone on too long, it's been murky from the get-go, and there has been very little actual transparency.

I personally don't think the tree committee wants the headache either.

Cheryl

*Passed by Council
Sept 16/17
to M. minutes
approved
Oct 2*

Lions Bay Reception

From: Shawna Gilroy
Sent: Thursday, October 13, 2016 1:39 PM
To: Lions Bay Reception
Subject: Tree App 64, 70

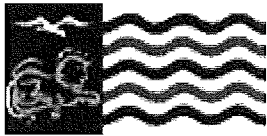
iv. Trees, Views & Landscapes Committee – Application #64
Moved/Seconded

- A. 375 Oceanview Road: THAT the subject trees (#1-5) be removed; no trees are to be topped, and all debris is to be removed.
- B. 385 Oceanview Road: THAT the subject trees (#1-4) be removed; no trees are to be topped, and all debris is to be removed.

v. Trees, Views & Landscapes Committee – Application #70
Moved/Seconded

THAT the subject tree may be spiraled and all debris removed; the subject tree shall not be topped or removed.

Shawna Gilroy
Office Coordinator



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From: [REDACTED]
To: [Peter DeJong](#); [REDACTED]
Subject: Re: Tree Cutting Permit Application
Date: Wednesday, August 03, 2016 12:03:41 PM
Attachments: [image002.jpg](#)

Thanks Peter,

The initial application stated the pruning of tree # 1 (of the 4 in front of my property) was at the discretion of the home owner (meaning me, I think).

I couldn't see this clause on the new application ? Is it there?- If it's there, I apologize - I just couldn't see it.

As far as I can see, other than the four trees in front of my property, all the trees that have been flagged for **removal** are located in front of my neighbour's property (C. & S. Bradbury/Hardy) only, (I'm going by viewing the location of the IPR stake?) Unless there is some error - ??

That being the case, (?) I don't see why there are **two** property owners listed on the application.

I also did not appreciate being phoned at home early in the process and told by one applicant:

" This is going to be rubber stamped, there is nothing you can do to stop it "

This came after being told in person in front of my house, when I said I didn't really want to have the trees topped any further in front of my house, as they were already unsightly from topping:

"Fine, all the neighbourhood will be mad at you when the power goes out."

I don't think this is quite the way you want the tree committee to function?

Who is getting the wood ? Presumably it is the person who is paying for the work?

There is a lot of variables - I think they need to be considered.

Despite making a request as to which line the topping was to be done on the trees in front of my house, it took approximately a year to get the information. (which came last week, confirming it was the top hydro line - and 10 feet to come off the trees.). I dropped off a large photograph (8 x 11) of the trees in question - with the lines delineated) to Fran almost a year ago, emailed requests - why this confirmation took so long is a question.

If the trees are located in front of **both** properties (385 and 375), or even affect the *view* for both -

I can understand the duality of the application -

If the removal/ topping is being paid for by one applicant, then I think it's appropriate that only one applicant be listed. What purpose is served by having more than one applicant?

In any case, all 4 trees in front of my property were topped well below the hydro line a few weeks ago, when Hydro contracted a company to prune the village trees. .

The aggravation is not so much the topping, it's the process that needs some looking at - why was Nikki's opinion sought? Does that happen every time someone objects to tree cutting in front of their property?

Why was her opinion sought, when there are countless other trees in the village closer to the roadway than these four?

Is this the price for objecting to being phoned at home, and told there is no point in objecting?

I think it's time for an ethics committee in this village. Really, I do.

I also think that it is a thankless job serving on committees and councils, but I've sure done my share of volunteer work in the village in the past, to the extent I have put in hundreds of hours of unpaid work - and I was sincerely disappointed at the way this whole application was handled.

Sincerely
Cheryl McKelvey

On Tue, Aug 2, 2016 at 3:40 PM, Peter DeJong <cao@lionsbay.ca> wrote:

Hello Cheryl:

It's the same application as before. We simply re-scanned it. If Hydro has done some work in the interim, the Tree Committee will take that into account when they meet on site to review. They will also consider your comments previously submitted and part of the application package, as well as your comments below. Sorry you cannot be there in person.

Submission of the joint application was apparently done in the interests of efficiency, but has worked against the applicants as, under the old Tree Bylaw, Councillor McLoughlin was required to be part of the decision making process to meet Quorum, but could not be as he would be in a conflict of interest. Under the new bylaw, he does not need to be present at the meeting for the Committee to meet Quorum. The applicants have had to wait until this amendment was passed as part of the overhaul of the old bylaw.

I hope the foregoing is helpful. Thanks.

From: Cheryl McKelvey [REDACTED]
Sent: Saturday, July 30, 2016 12:45 PM
To: Shawna Gilroy; Iris Kaessler
Subject: Re: Tree Cutting Application

Hi Shawna,

Thanks for this -

Wow. I finally have clarification after waiting almost a year for it- sending color photos, and making numerous inquiries.

According to the photo you sent, the TOP hydro line in the photo (marked in red) is the line to which the three trees will be topped.

The three trees in question **already have been topped to this level**, by the tree company that came through doing topping work for hydro a month or so ago.

What is interesting, though - the tree application that I have just been sent is different than the one I received by email a year ago, which specified that tree #1 in front of my property would be topped at the discretion of the home owner. That's funny. The phrase just simply disappeared somewhere between then and now.

However, since the work has been done already,

I will expect no further cutting to be done to the three trees. If there is further cutting of the trees that is planned, that is more substantial to what has already been done. Please advise asap.

I never expressed any objection to the trees in front of other person's property to be topped.

I think it's a great idea, as it will allow room for more parking spots to be graded on the road, instead

of having the cars beside the trees out on the roadway.

But what I did find it odd that there are two people listed on this particular application, and my question

has to be 'why'.

Unfortunately I will not be available for the meeting.

I was sorry to hear that Helen Waterson has stepped down'.

She struck me as a sincere and honest councilor. Another 'why'.

I hope the geese eventually fly home.

Cheryl

Peter DeJong, BA, LLB, CRM

Chief Administrative Officer



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From: [REDACTED]
To: [Peter DeJong](#); [REDACTED]
Subject: Re: Tree App 64 Redux
Date: Saturday, June 10, 2017 4:33:46 PM
Attachments: [image001.jpg](#)

Hello Peter,

I regret that following this final email I am able to neither read nor respond to further emails in regard to this matter.

I am in my 4th year at SFU, and this has not only influenced my life over the last two years, it may well cost me this current semester. We shall see.

I have a certain workload to finish, and dealing with emails, and explanations is hurting my chances of making it through the current semester. If that happens, there will be a lawsuit, as it will in fact cost me more tuition, and 4 months more of my time, and delay my degree substantially as the courses I require are not offered every single semester.

I therefore suggest that instead of adopting a threatening tone, it would be prudent instead to check the photo, the 8 x 10 photo of the trees that I supplied to the village office, which was put into the file. Fran should remember phoning me and me also coming down to view the proposed 'cutline'. But it took a year of my concerted effort, to even determine the proposed 'cutline' that the applicants had requested in regard to my trees, before Fran called me and told me the information had been supplied.

Yet I had been expected to respond and approve a completely vague application. I was also told by one of the applicants by phone, a council member - that there was no point in even making an objection to the application, as I would lose anyway in the first week of being delivered this application. If this had happened to you, would that bother you? It bothered me, but the story only begins.

Regarding the cutting of the trees:

The proposed tree cut level was marked on the photo. I pruned back 3 of the 4 trees, as the last tree was too tall and in front of the neighbours' property, not mine. There was approximately 8 ft taken off. I didn't care about the removal of tree 4, as I have said, I did not touch the tree. I only pruned back tree 3 to make the neighbours happy - i didn't really care if it was removed. I was, and am, most concerned with tree 1 and 2.

I pruned tree 1, 2, and 3 to the red line in the photo which should be on file in your office, as Fran only allowed me to view my photo, which was now marked - I was not given my photo back.

If you feel you have to pursue me legally for topping 8 ft off

trees to satisfy a tree application, that no one but myself had difficulty with, then you must do so. I did cut the trees as it was only 8 ft off 3 trees, took 20 minutes, and it enabled an end to the year-long stress caused by the delay of having no information supplied to me, despite my best efforts.

Despite dropping off the photo, I waited an entire year for this simple step of some degree of clarification of the application.

In the interim, for over a year I was left hanging with the threat of having my trees cut, but no idea of how much. Do you really expect that is not going to have an effect on a resident?

Following the topping of the trees, until 2 days ago, I heard nothing more of the matter. I assumed the matter of my trees dropped and everyone was happy. I heard nothing. Nothing was sent to me. Nobody sent any emails to me. I had no reason to suspect that it was still an ongoing matter.

I feel there is little to be gained at this point by exchanging emails. I now leave it to the village to decide how they want to proceed, and I will act on the basis upon what transpires.

I have fully laid out the particulars this morning of what happened, and I've done this so many times now it has become completely repetitive. I've said the same things again and again - that I

was pressured to consent to an application both in person in the summer of 2015, and by phone in November 2015. That I attempted many times over a one-year period following the date I received the application to extract even the simplest details of the proposed work, but was completely ignored. The application was written in an extremely vague manner, yet I was expected to consent or comment on an application on that basis.

Following a year involving fruitless attempts of trying to find out what was planned, I was finally supplied that information. I acted upon that information to limit any further stress, and to satisfy the applicants.

The village must now act on what they feel is best, and I will, in turn, act in accordance with that. I am not wanting to sue, as I have been here for 43 years and obviously have connections to the village.

But I have had enough of feeling like I am being harassed. Two years of this is more than enough, especially in view of the amount of time and effort that I have volunteered to this community in the years I have been here

. What I do feel in order is a huge apology - though it's probably shooting for the moon to even ask for it. The village is not what it once was.

Cheryl McKelvey

On Sat, Jun 10, 2017 at 12:58 PM, Peter DeJong <cao@lionsbay.ca> wrote:

Hello Cheryl:

I have already explained to you why this application was delayed. What you have not told me is why you felt you had a right to cut Village trees which were the subject of someone else's application. They did not apply to you to cut the trees for them. They applied to the Village to cut Village trees and notified you of that application. You made known your opposition and that opposition was in the file for Council to consider, along with the recommendation of the Tree Committee and the input from Public Works. Only the Village can grant permission to cut trees and we have a permitting process for doing so. What you have done is actually a breach of our bylaws and opens you up to potential fines for your actions. I look forward to your succinct response to this point alone.

Peter DeJong, BA, LLB, CRM

Chief Administrative Officer



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From: Cheryl McKelvey [mailto:cheryl.mckelvey@lionsbay.ca]

Sent: Saturday, June 10, 2017 11:02 AM

To: Peter DeJong <cao@lionsbay.ca>; Simon Waterson <simon.watson@lionsbay.ca>

Subject: Re: Tree App 64 Redux

Hello Peter,

I'm afraid the facts that you have been given have been misconstrued.

If you look at the 8 x 11 photo that was marked by (the applicants?) of the trees, you will see that someone drew a red line. delineating where the 3 trees were to be cut.

This photo/ diagram should still be in your possession, I was called (by phone, I believe) to **come down to the office and view it** (by Fran?) almost a year from when I was first emailed the tree application. I emailed my concerns to Simon, about the delay in getting a simple answer to a simple question - how much were the trees going to be cut? I waited a year, and it was stressful to have to wait for this simple information.

So when (Fran) eventually called me - at home - she said the information had been provided (finally), and that I could come down to the village office. I did so, and viewed the photo (delineated with a red line) in your office. I remember the event clearly now, I even the clerk (Fran?) had difficulty in pulling the photo out of an envelope, at the main front counter, as the photo is letter-sized.

As (Fran) can testify to you, I was quite relieved after viewing the photo, and I told her the cut line was acceptable to me. She replaced the photo in the envelope, and I left the office.

The photo, therefore, should still be in your office.

So - as the photo showed, with the desired cut line delineated,
I went ahead within the next weeks and topped the trees in question,
WELL below the red line (it looked to be a red pen) in the photo.

The word 'power line' mentioned had been of immediate concern to me when
I first read the application - to top them to the lower lines would in fact
make the trees appear ridiculous.

Some months later after the trees were topped, the tree contracting
company the village hired to remove foliage away from the power lines removed further
growth,
well away from the lower lines.

So - I think the best thing to do is to consult the photo in the village office,
and look at the red line that was drawn. Then, come and view the trees.
If I've made a mistake, well that's certainly possible - please let me know.

What is going to occur now, is this. I feel I am not in a position to deal with this
further - in fact, I will be giving this to another person more equipped to do so.
After two years of dealing with this issue, I am not prepared to devote more time
and energy to it.

I am stating now that I feel harassed. I have been feeling this way, ever since
I was first approached in the summer by Ron McLaughlin, in the summer of 2015,
when I was out gardening in my yard. He opened the conversation with
'how would you feel about topping your trees.'

I told him I thought that if the lines were an issue, Asplundh would take care of them. He replied to me 'Well, then the whole neighbourhood will blame you when the power goes out.' However, as the emails to Simon (Waterson) can testify, Ron McLaughlin was someone who I considered as a friend, and I did appreciate the fact that he was out of firewood and wanted him to continue to have a steady supply.

However, all this is history. I think it is important to view what is here and now.

There are questions to be answered, that may arise, if I am forced to seek legal assistance to limit what I believe is harassment.

There are, but will no doubt not be limited to:

Is there a conflict of interest present?

What is the value of the total timber of the job?

(\$400 a cord is the market rate for firewood).

Who owns the wood from Village trees?

Who offered to pay for the job?

Why was I phoned at home, by a counsel member, within a week of receiving the email, telling me that there was no point in making any effort to limit the application?

Why did the neighbour next door to me not approach me; the neighbour who wants her view bettered?

Is there some history present that would preempt this, and encourage her to a different means of improving her view?

What advantage could putting in a tandem application be?

What positions does the second applicant hold?

Is the works yard superintendent consulted on every tree application ?

Who's idea was it to consult the works yard superintendent?

Who approached the works yard superintendent?

Why did so much time pass before I was given even basic information - how much was going to be cut off the trees? The time that passed for an answer was almost a year. Surely it doesn't take months to answer a question such as this ?

It takes about 5 seconds to use a ruler and mark a photo.

A very simple question - which line is the hydro line ? - almost a year to get answered.

.

If I have made a mistake with the marked photo - the one that I came down to view - then I apologize.

Please have Simon contact me by email, if I have in fact made an error in the position of the red line that was drawn on the photo I dropped off.

I will come down and view the photo again - (the one I was called down in 2016 by Fran to view).

Thank you -

I'm cc-ing Simon

Cheryl

On Fri, Jun 9, 2017 at 4:26 PM, Peter DeJong <cao@lionsbay.ca> wrote:

Thanks for your response Cheryl. Part of the delay with this application was that when I started at the Village last year, I noted some procedural deficiencies with the matter that actually required a bylaw amendment. That itself required a review with the Tree Committee of the policies and procedures involved and indeed, some of the steps you note below were incorporated into the new consolidated bylaw. All application locations must be inspected by Public Works, which provide their recommendations, as well as the Tree Committee's recommendations. As well, all tree cutting must be done by a registered professional arborist or falling contractor with insurance requirements in line with the Municipality's specifications. Home owners are no longer permitted to cut trees on Municipal property (unless they are licenced arborists or fallers with the appropriate insurance).

My understanding is that your neighbour at 385 had applied to prune Trees #1 and 2 to the lowest hydro line. Trees #3 and 4 were to be cut and removed. Prior to the matter coming to Council in September 2016 (after the delays for the reasons noted above), BC Hydro had

apparently come along and pruned them to the top line, or thereabouts. Councillor McLoughlin did not realize that the *apparent* Hydro work was not in line with the Bradbury's request and therefore thought they were already dealt with so did not really speak to the issue at Council, having recused himself for conflict regarding his own portion of the application.

So at this point now, Bradbury's want Trees #1 and 2 topped to the lowest hydro line. Their application sought the removal entirely of Trees #3 and 4. The Council resolution last September was to cut and remove all 4 trees. Frankly I'm surprised that hasn't already occurred.

The only matter that Council intended to consider on June 20th upcoming is whether the applicant may top Trees #1 and 2 to the lowest hydro line. From your multiple responses, it's clear you will object to that and those objections will be provided to Council. You may also attend the meeting in person as a delegation and speak to the matter at the beginning of the meeting. If you wish to do so, please advise me (and copy agenda@lionsbay.ca) as soon as possible and no later than 12 noon on Thursday.

I would also like to note my grave concern with your statement: **"I immediately pruned the four trees in front of my property that were listed on the application to this line."** I suspect now that it was not BC Hydro at all that had come along and cut the trees, but that it was actually you who had cut them. If true, then I am even more troubled that you would take someone else's application into your own hands without communicating your intent or seeking concurrence or approval, from both the applicant and the Municipality, as they are our trees and Council had not yet made any decision with respect to them. I would like to hear from you in this regard before I comment any further on your claims of harassment.

Peter DeJong, BA, LLB, CRM

Chief Administrative Officer



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From: Cheryl McKelvey [mailto: [REDACTED]]
Sent: Friday, June 9, 2017 12:04 AM
To: Peter DeJong <cao@lionsbay.ca>; blairsmith [REDACTED] Public Works
<works@lionsbay.ca>
Subject: Re: Tree App 64 Redux

Hi Peter

As the trees in front of my property have already been pruned last year to the specifications

requested on the original application - I'm not sure why I am being contacted at this date.

If you refer to the original application, you can confirm that

I had no objection to the other trees that do not lie in front of my house being removed, or pruned.

What was wrong with this tree application is the amount of time I had to wait to find out exactly

to what extent the trees in front of my own property were to be pruned by the applicants.

Upon receiving the application, I brought a 8 x 11 photo to the Village administration office,

and dropped it off with Fran. I explained my request for clarification to Fran.

The initial application had specified the height my trees were to be pruned, however 'pruned to hydro line' - is vague... as there are four different power lines, all at very different heights that cross the four trees in question.

Blair Smith, the Works Superintendant of this village for 27 years, recommended I take the step

of taking a photo of the trees, and having the applicants delineate where they were to be cut.

He was absolutely correct in suggesting I seek clarification in this manner.

One year later from the date of the initial application I received clarification on the amount

the trees in front of my house were to be cut.

This arrived via an email, as an attachment, with a line marked on my photo - which was the 'cut' line.

- this is all I had requested, yet I had to wait a year for it.

I immediately pruned the four trees in front of my property that were listed on the application to this line.

What else went wrong with the application ? I was telephoned at home by a member of the

council / tree committee within days of the application being sent to me.

This person informed me that I had no chance of winning any objection to the application.

This person was also listed as one of the applicants on the tree application.

The year-long delay in receiving clarification on the application so I could find out what exactly

what was planned for the trees in front of my property was unacceptable. As well, I could see no

real reason for two property owners to be listed on the application. I believe it relevant in

applications of this nature (dual applications) to determine ; Who's view would be bettered, whose

view is unaffected. Who is retaining the wood, who is paying for the job.

It's also relevant to determine when it is appropriate to seek consultation with Village

staff, in relation to

obtaining opinion for a tree application. The opinion should not be sought by a tree application applicant, nor should this person hold a position of influence.

I also believe it is important that all tree applications should be handled in

a similar fashion, with *uniform procedures*. If Works Superintendent's opinions are to be sought,

in regards to opinions on tree removals - this step should apply for every application.

Certainly going through this step was more difficult than simply clarifying an application for

an affected resident. All I had requested was how much was going to come off my trees. Not a lot to ask.

Since the four trees listed in the application have already been pruned in accordance with the tree application, and in view of the full particulars surrounding the history of this tree application, I trust you will make every effort to ensure the trees in front of my house remain intact. I will label them so the matter is not misinterpreted.

I do realize that working on committees is a thankless job, I would suggest that future applications

are dealt with greater respect to affected individuals, and pursued in an impartial fashion, and without influence.

.

Cheryl McKelvey

Cheryl McKelvey

On Thu, Jun 8, 2017 at 8:51 PM, Peter DeJong <cao@lionsbay.ca> wrote:

Hello Ms. McKelvey:

Please be advised that Council passed the following resolution at their Council meeting on Tuesday evening:

THAT staff be instructed to process a re-application by Charley Bradbury of 385 Oceanview Road on an expedited administrative basis, upon emailed confirmation from Public Works and the Tree Committee Chair that they see no reason to change their recommendations, given the attached materials and this report; and

THAT staff set the matter down for the June 20th Council meeting with notice to the affected neighbour that the matter will be considered further at that time and if she has any objections to make them known before then or appear in person as a delegation at the meeting.

Please advise if you continue to have objection to the topping of the trees numbered 1 and 2 per the Bradbury application. If so, please provide us with a written letter of objection or kindly advise if you would like to appear as a delegation at the June 20th meeting. Thank you.

Peter DeJong, BA, LLB, CRM

Chief Administrative Officer

From: [REDACTED]
To: [REDACTED]; [Peter DeJong](#)
Date: Saturday, June 10, 2017 12:38:59 PM

Hello Simon -
last email.

Could you perhaps forward my emails I sent you this morning to the office, but probably even more helpful would be to sit down with the office administrator, as I think he is not aware of the events.

There is so much apparently that has happened, apparently, via committees and counsels but none of it I was even aware of.

I was approached by an applicant in person during the 2015 summer.

I was pressured by that same applicant.

I was sent an application. in November 2015.

I was again pressured by that same applicant.

I asked for further information from the tree committee.

I didn't receive information as to the nature of the job for almost a year.

In the meantime I suffered much stress, because I could not even obtain the most basic information as to the nature of the job itself. The application was vague but all attempts that I made to have clarification had been unsuccessful.

I finally received information via the village office - as to the desires of the applicants, almost a year later.

I viewed this information at the village office, and did my best to meet their needs and fulfill the terms of the application without further delay.

I heard nothing further until two days ago - almost 2 years after I was first approached by an applicant and pressured to have the trees topped.

The applicant that pressured me was a member of counsel.

That's all - that's it.

I won't be sending any more emails out - it is not really helping and I think the village should do what they feel they should do, and I will also do the same.

You have been both helpful and polite during the past 2 years in dealing

with this matter, and I would like that noted.

Cheryl

Intentionally Blank



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Type	Information Report		
Title	Notice of Interest (NOI) in Lions Bay		
Author	Shawna Gilroy	Reviewed By:	Peter DeJong
Date	June 12, 2017	Version	1
Issued for	June 20, 2017 Regular Council Meeting		

Recommendation:

THAT the Information Report, "Notice of Interest (NOI) in Lions Bay" be received.

Attachments:

(1) West Vancouver – Sea to Sky map from MLA Pimm’s First Nations Stakeholder Advisory Committee Report

Key Information:

In the correspondence section of the March 21, 2017 Regular Council Meeting was the First Nations Stakeholder Advisory Committee report from MLA Pimm regarding Notice of Interest (NOI) in British Columbia. Nearly 1.5 million acres of land identified by the Ministry of Aboriginal Relations and Reconciliations (MARR) are currently under NOI. Council requested that staff query whether or not any parts of Lions Bay were an NOI. The attached map is from page 71 of MLA Pimm’s report, and shows no NOI in or around Lions Bay.

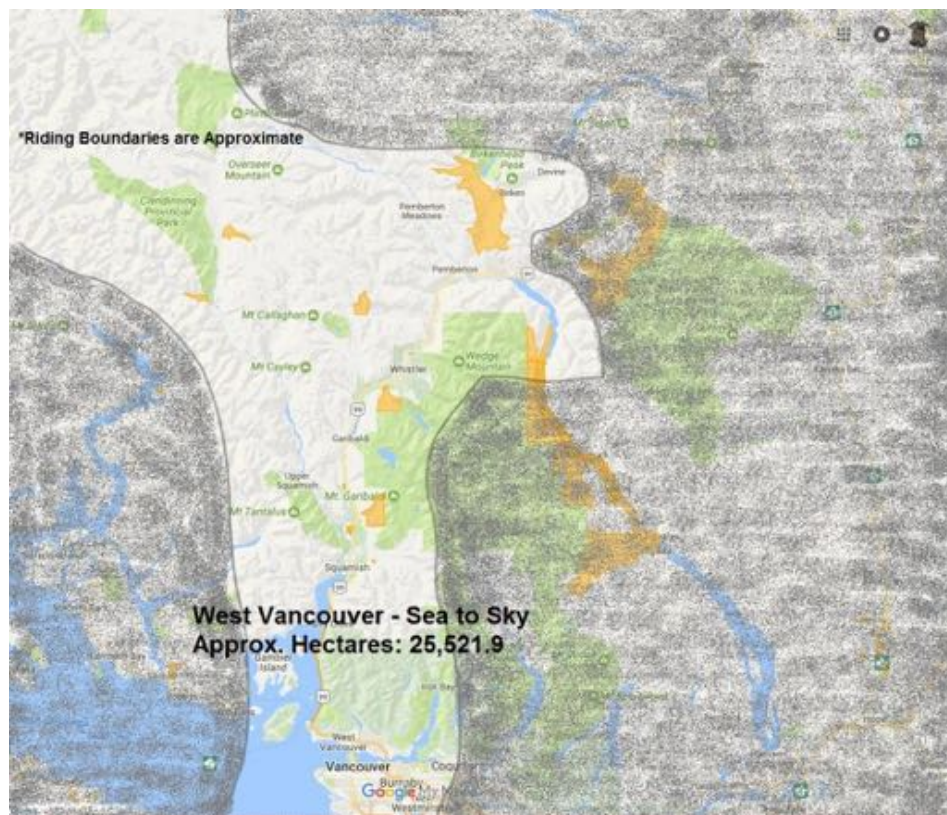
Follow Up Action:

None.

Communication Plan:

None.

Riding		Approx. Total Hectares	No. of KML Files
WSS	West Vancouver - Sea to Sky	25,521.90	21
POR	Powell River – Sunshine Coast	16,954.76	57
APR	Alberni – Pacific Rim	13,714.30	187
CWV	Cowichan Valley	8,862.60	54
NCW	Nanaimo – North Cowichan	6,428.10	21
NOI	North Island	7,321.40	34
JDF	Juan de Fuca	1,944.60	27
CMX	Comox Valley	3,085.10	21
PAQ	Parksville – Qualicum	852.90	20
NAN	Nanaimo	98.80	5
	SUBTOTAL Coastal and Island	84,784.46	



Lands under NOI in the West Vancouver – Sea to Sky Riding make up approximately 4% of the Province’s total.



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

#119
RECEIVED
 FEB 06 2017
 pd \$75^W
 cash
 985368
 mm.

Tree Cutting Application Form

All fields must be completed

Applicant's Full Name: David Kinney (QK Holdings)	
Address: 305 Oceanview Road, Lions Bay, BC V0N 2E0	
Phone: [REDACTED]	Email: [REDACTED]
Contractor Name (if applicable): Steve's Tree's	
Contractor Phone: 778.231.5091	

Description of Trees: One lone Douglas fir tree that i would like to have topped.
Location of Trees: Municipal land West of lot 31 and south of lot 25

**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> <p><input type="checkbox"/> Too close to property (foundation, garage, fence, etc.)</p> <p><input type="checkbox"/> Dead or dying</p> <p><input type="checkbox"/> Unattractive</p> <p><input type="checkbox"/> Blocking sunlight</p> <p><input type="checkbox"/> Attracting wildlife</p>	<p><input type="checkbox"/> Interfering with infrastructure (roads, sidewalks, etc.)</p> <p><input type="checkbox"/> Leaves causing problems</p> <p><input type="checkbox"/> Blocking site access</p> <p><input type="checkbox"/> Affecting house value</p> <p><input type="checkbox"/> Hazardous</p> <p><input checked="" type="checkbox"/> Interfering with view</p>
<p>Please provide additional comments which may be useful: I request to top one Douglas Fir and bring in line with height of surrounding trees.</p>	



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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

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

Feb 5 / 2017

Date Signed

Date Received by Office:

Feb 6, 2017

Received by:

Suzanne Loutch



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

* see below
PW comments after inspection
RECEIVED
FEB 08 2017
Pd \$75w
cash
985368
mm.

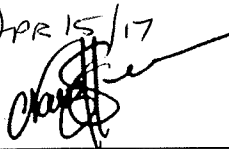
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All fields must be completed

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Phone: [REDACTED]	Email: [REDACTED]
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Please provide additional comments which may be useful: I request to top one Douglas Fir and bring in line with height of surrounding trees. THE PRACTICE OF TOPPING TREES IS A POOR PRACTICE. PLEASE REMOVE THE TREE TO THE GROUND. APR 15/17 	
Public Works requires the tree be removed to the ground and not topped. The rationale for such measures is: Tree topping increases tree health problems The topped tree will require constant maintenance The topped tree has an increased potential to become hazardous and a liability to the Village	

RECEIVED

APR 18 2017





THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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

Feb 6th 2017

Date: _____

Neighbour's Name: _____

Address: 295 Oceanview Road _____

Phone/Email: _____

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:	Municipal land West of lot 31 and south of lot 25
Type(s) of Tree(s):	Douglas fir tree
Description of Work:	Top one tree in centre of view.
Rationale for Application:	Interfering with view

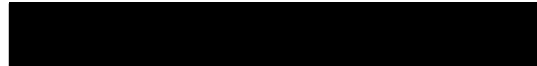


THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

As 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 noting any concerns of this work within thirty (30) days of the date of this letter, so that I may forward your comments with my application package.

I have attached a (sketch / photograph) of the subject tree(s).

Thank you,
Dave Kinney




Applicant Name

Email/Phone


Office use only:

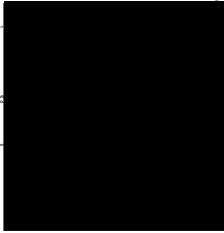
- Confirm Affected Property Owner received notice of application
 - Confirm Affected Property Owner's position on application details
- Supportive Opposed

Name of Affected Property Owner spoken to by staff: 

Date verified by office staff: Feb 6/17

Staff member name: Susan Loutch

I  HOME OWNER OF 295 OCCANVIEW

CONSENT TO THIS REQUEST 

06/02/17



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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

Feb 6th 2017

Date: _____

Neighbour's Name: _____

Address: 315 Oceanview Road _____

Phone/Email: _____

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:	Municipal land West of lot 31 and south of lot 25
Type(s) of Tree(s):	Douglas fir tree
Description of Work:	Top one tree in centre of view.
Rationale for Application:	Interfering with view



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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I have attached a (sketch / photograph) of the subject tree(s).

Thank you,
Dave Kinney




Applicant Name

Email/Phone

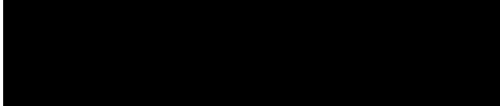
Office use only:

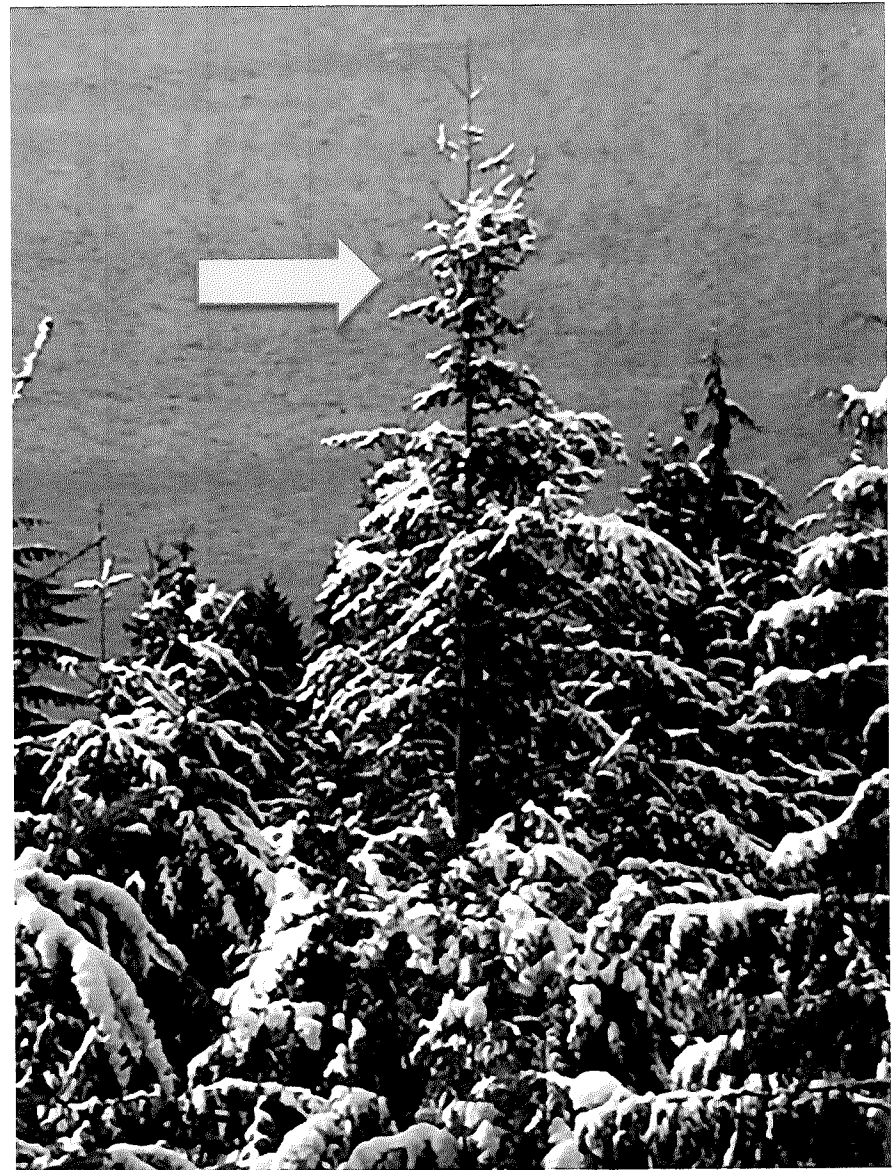
- Confirm Affected Property Owner received notice of application
 - Confirm Affected Property Owner's position on application details
- Supportive Opposed

Name of Affected Property Owner spoken to by staff: _____ 

Date verified by office staff: FEB 8 2017

Staff member name: SUSAN LOUTER.

J  #315 Oceanview Rd consent to this request.



Signed by: [REDACTED]

Date 06/02/2017

[REDACTED]

Date 06/02/2017

DAVE KINNOY.
305 OCEANVIEW ROAD
LIONS BAY, BC.
VON 2E0



195 HIGHVIEW



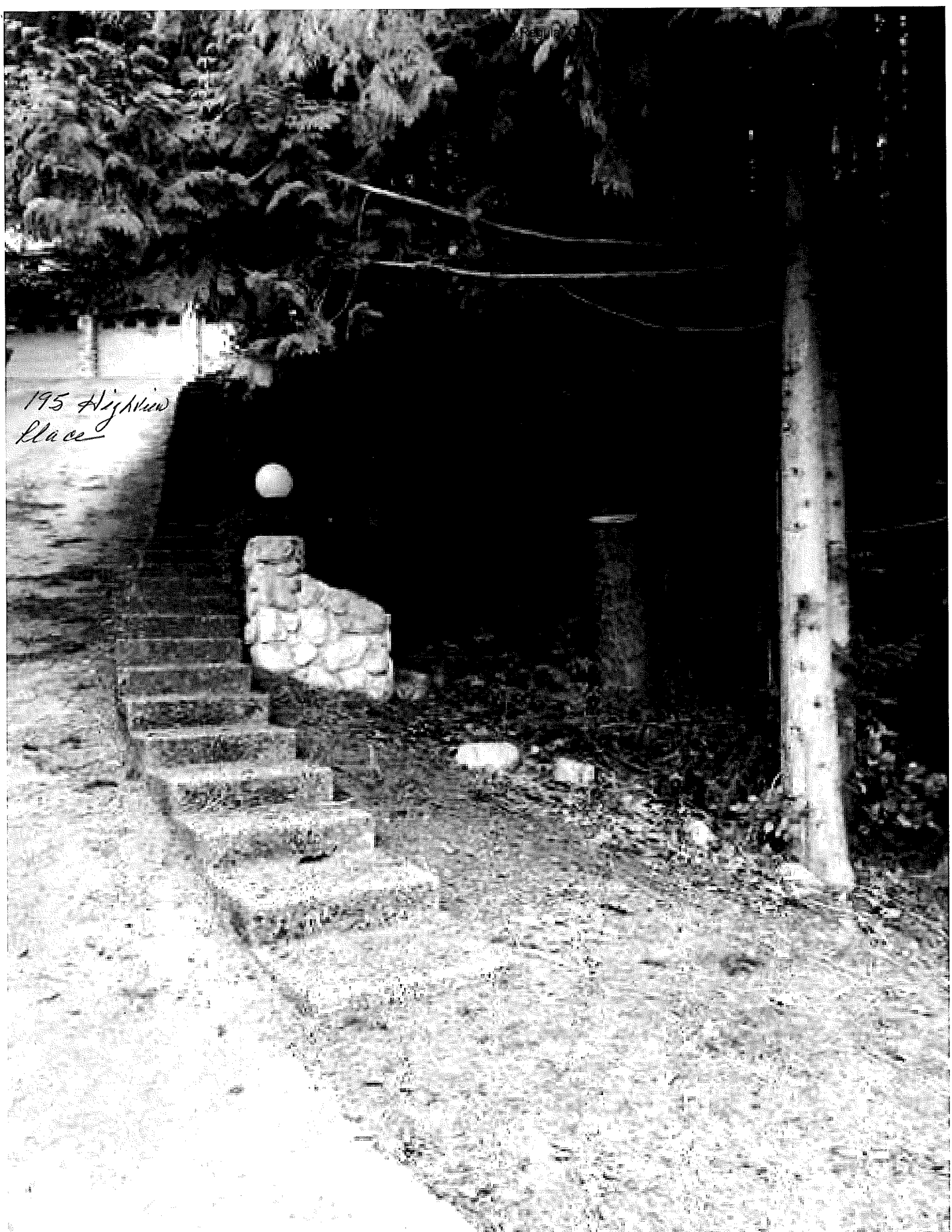
LIONS BAY, BC.
VON 2E0



Property Owner - attempt to reach affected
no response to this
mailing as of April 19

Regula

195 Highway
Place





Minutes of the Tree Committee meeting

June 2nd, 2017

On-site @ 305 Oceanview

1. In attendance; Chair, Simon Waterson, Ron McLaughlin and Michael Jury.
2. The meeting was called to order at 09:35am.
3. Simon Waterson was appointed Recorder for the meeting.
4. The Agenda was approved unanimously.
5. Public Participation – Ms. Anne-Marie Prior
She was enquiring about a situation regarding trees on a neighbour's property.
6. The previous minutes from the meeting dated 27th February 2017 were approved unanimously.
7. Old Business; None.
8. New Business;
Tree Application #79 – 305 Oceanview - moved by Ron McLaughlin; Seconded by Simon Waterson, that the tree be removed and associated debris be removed.
9. Adjournment; - The meeting adjourned at 09:54am.

Simon Waterson

Recorder



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Type	Request for Decision		
Title	Lions Bay Parks Regulation Amendment Bylaw No. 448, 2012, Amendment Bylaw No. 527, 2017		
Author	Shawna Gilroy	Reviewed By:	Peter DeJong
Date	June 14, 2017	Version	1
Issued for	June 20, 2017 Regular Council Meeting		

Recommendation:

- (1) THAT third reading of Lions Bay Parks Regulation Amendment Bylaw No. 448, 2012, Amendment Bylaw No. 527, 2017 be rescinded; and
- (2) THAT Lions Bay Parks Regulation Amendment Bylaw No. 448, 2012, Amendment Bylaw No. 527, 2017 be re-read a third time, as amended.

Attachments:

- (1) Draft Lions Bay Parks Regulation Amendment Bylaw No. 448, 2012, Amendment Bylaw No. 527, 2017
- (2) Draft Consolidation of Lions Bay Parks Regulation Amendment Bylaw No. 448, 2012.

Key Information:

This bylaw amends the definition of Park, by incorporating the W-2 Zone from Zoning and Development Bylaw No. 520, 2017, with respect to the waters adjacent to our beach parks. This clarifies the existing intent of the Parks bylaw to include the adjacent waters. This is an additional change that Council did not see for the first 3 readings at the June 6th meeting and it requires that 3rd reading be rescinded and the bylaw be re-read a 3rd time.

As seen previously, it also adds the ability for Council to authorize commercial activity in a park or community facility, drive or park a motorized vehicle or allow used motorized devices or machinery in a park, and to extend the hours of a park for community events. This will enable Council to approve a food truck program, if one comes forward this year.



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Section 12.4 – Storage Facilities, was also added, which authorizes the Village to establish storage facilities for canoes, kayaks and other non-motorized water craft within a park or community facility, to charge a fee for the service, to create procedures and policies to administer the storage facility and associated fees, and to enable seizure of water crafts or things which are unlawfully occupying the storage facility, and recover fees from the owners of water craft or things, including by sale if the owner refuses to pay or cannot be identified after reasonable efforts. Lastly it allows the Village to use the Bylaw Notice Enforcement Bylaw No. 385, 2006, as amended, in order to fine a person rather than using the fines laid out in this bylaw under section 14.1 for failure to comply with the provisions.

Options:

- (1) Rescind third reading and re-read the bylaw a third time, as amended;
- (2) Rescind third reading, amend the bylaw further (i.e. in addition to the recommended amendments), and then re-read a third time;
- (3) Send the bylaw back to staff with other instructions.

Preferred Option: Option 1 - Rescind third reading and then re-read the bylaw a third time, as amended.

Legal Considerations: None

Follow Up Action: If the bylaw is re-given 3rd reading, as amended, it will come back for consideration of adoption on July 4th.



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY



**Lions Bay Parks Regulation Amendment Bylaw No. 448, 2012,
Amendment Bylaw No. 527, 2017**

Adopted: _____, 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

Lions Bay Parks Regulation Amendment Bylaw No. 448, 2012, Amendment Bylaw No. 527, 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 “Lions Bay Parks Regulation Amendment Bylaw No. 448, 2012, Amendment Bylaw No. 527, 2017”.
2. Lions Bay Parks Regulation Amendment Bylaw No. 448, 2012 (the “Parks Regulation Bylaw”) is hereby amended as follows:

(a) Section 1.1 is amended by striking the number 439 and substituting the number 448.

(b) Section 2, the definition of “Park”, is amended by adding the following after the word “Queen”: “and designated W-2 under Zoning and Development Bylaw No. 520, 2017,”

(b)(c) Section 3.1 is amended by striking “No. 247 and 316” and substituting “Nos. 247, 316, 414 and 439”.

(e)(d) Section 7.1 is amended by adding the following: “, or as specifically authorized by Council for specific locations, dates and times.”

(d)(e) Section 9.2 is amended by adding the following: “, except as specifically authorized by Council for specific locations, dates and times.”

(e)(f) Section 10.1 is amended by adding the following: “, except in the case of a community event or as specifically authorized by Council.”

(f)(g) Section 12 is amended by adding the following:

“12.4 Storage Facilities

12.4.1 The Village is authorized to establish storage facilities for canoes, kayaks and other non-motorized water craft within a **Park** or **Community Facility**.

12.4.2 The Village may charge a fee for this service in accordance with Fees Bylaw No. 497, as amended.

12.4.3 The Village Manager is authorized to create procedures and policies to administer the storage facility and associated fees and may seize any water craft or thing unlawfully occupying the storage facility.

12.4.4 The Village, through the Village Manager, may recover those fees from the owner of the water craft or thing, including by sale of the water craft or thing if the owner refuses to pay or cannot be identified after reasonable efforts and the Village relies on the powers granted under the *Community Charter* and the *Disposal of Property in Police Possession Regulation*."

(g)(h) Section 14.1 is amended by adding the following: “, unless the Village elects to proceed under the Bylaw Notice Enforcement Bylaw No. 385, 2006, as amended, in which case any violation of or failure to act under this bylaw shall constitute a bylaw contravention rather than an offence.”

READ A FIRST TIME **June 6, 2017**

READ A SECOND TIME **June 6, 2017**

READ A THIRD TIME **June 6, 2017**

THIRD READING RESCINDED _____, 2017

RE-READ A THIRD TIME _____, 2017

ADOPTED _____, 2017

Mayor

Corporate Officer

**Certified a true copy of Lions Bay Parks
Regulation Amendment Bylaw No. 448, 2912,
Amendment Bylaw No. 527, 2017 as adopted.**

Corporate Officer



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY



Lions Bay Parks Regulation Amendment Bylaw No. 448, 2012

Office Consolidation

This document is an office consolidation of Lions Bay Parks Regulation Amendment Bylaw No. 448, 2012 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 Lions Bay Parks Regulation Amendment Bylaw No. 448, 2012, 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
9	All	Repeals bylaw	July 6, 1971
247	All	Repeals bylaw	August 14, 1995
316	All	Repeals bylaw	December 4, 2000
414	All	Repeals bylaw	July 21, 2009
439	All	Repeals bylaw	March 5, 2012
527	2(a) 2(b) 2(c) 2(d)	Amends citation name of Bylaw Amends the definition of Park Amends list of repealed bylaws Adds the ability for Council to authorize sale of	

**Village of Lions Bay
Parks Regulations Amendment Bylaw 448, 2012**

	2 (e) 2(f) 2(g) 2(h)	goods in Parks Adds the ability for Council to authorize motor vehicles in Parks Adds the ability for Council to authorize extended hours for Parks Provides for boat storage facility, fees & seizure/sale enforcement Provides for enforcement under Bylaw No. 385	
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Bylaw No. 448, 2012

PARKS REGULATIONS BYLAW AMENDMENT**A bylaw to make rules and regulations governing the management, maintenance, improvement, operation, control and use of parks**

The Council of the **Village of Lions Bay** enacts as follows:

Part 1 Citation

- 1.1 This bylaw may be cited as Lions Bay Parks Regulations Amendment Bylaw No. ~~439~~448.
[\[Amended by Bylaw No. 527\]](#)

Part 2 Severability

- 2.1 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.

Part 3 Previous Bylaw Repeal

- 3.1 **Parks Regulation Bylaw No. 9**, and the amendment bylaws Nos. ~~247, 316, 414 and 439-247 and 316~~ are hereby repealed.

[\[Amended by Bylaw No. 527\]](#)

Part 4 Definitions

In this bylaw:

“Beach” means any area covered and uncovered by the ebb and flow of the tide, and any adjacent area which can reasonably be considered part of the **beach** environment including areas of rock, sand, pebbles, shell, shingle or coastal vegetation.

“Enforcement officer” means:

1. every person designated by Council by name of office or otherwise as an **enforcement officer** for the purposes of administering and enforcing this Bylaw; and
2. a peace officer, including every officer of the Royal Canadian Mounted Police.

“Community facility” means a building, recreation or other municipal facility intended for use by the public, including but not limited to, the Village Hall, tennis courts, play structures, washrooms, picnic shelters and other recreation facilities located in a **Park** or on any other land which the **Village** owns or controls by means of a lease, license or other legal instrument, that is

intended for athletic, social or recreational use by members of the community.

“**Fire Chief**” means the person appointed to such position from time to time or other persons authorized to carry out the duties ascribed to the said **Fire Chief**.

“**Fire season**” means the time of year declared as “fire season” by the Village Manager or designate.

“**Foreshore**” means any area within the Village along the shoreline between the high and low water marks.

“**Lions Bay Fire Rescue**” means the Fire Rescue Department of the Village of Lions Bay.

“**Manager Public Works**” means the person appointed to such position from time to time or other persons authorized by Council to carry out the duties ascribed to the said **Manager Public Works**.

“**Nuisance**” means any activity, conduct or condition occurring in a **park** which substantially and unreasonably interferes with a person’s use and enjoyment of the **park**.

“**Organized activity**” means any activity which is pre-planned, involves a group larger than 20 people and which limits general public access to a portion of the **park** or **community facility**, or any activity that involves instruction or training.

“**Park**” means a **park** or **parkland** or any real property or interest therein within the **Village** held or used for pleasure or recreation uses of the public and includes the land held under any lease, including the **foreshore** and land covered by water granted to the **Village** by her Majesty the Queen and designated W-2 under Zoning and Development Bylaw No. 520, 2017, and including the forest inside the Village boundary. [\[Amended by Bylaw 527\]](#)

“**Vehicles**” means all conveyances for the carriage or transport of persons, passengers, goods or materials propelled by any mechanical device or other modes of power whatsoever and shall include bicycles and tricycles.

“**Village Manager**” means the **Village Manager** or Administrator of the Village of Lions Bay, and also means the person appointed to the **Village Manager** or Administrator position from time to time, or other persons authorized by Council to carry out the duties ascribed to the said **Village Manager** or Administrator.

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

Part 5 Preservation of Features

- 5.1 No person shall cut, break, prune, damage, deface, tamper with, destroy, remove, apply graffiti to or burn anything in any **park** including, without limiting the generality of the foregoing, any building, structure, vegetation, court, fence, swing, notice, seat, bench, ornament, lamp post, turf or thing in or on any **park** or **community facility**.
- 5.2 No person shall molest, disturb, frighten injure, trap, harm, kill or snare any bird or animal in any

park, with the exception that authorized **Village** staff may deal with nuisance animals or birds.

- 5.3 No person shall foul, pollute, or deposit any matter or thing or otherwise introduce any contaminant onto the land or into any stream, reservoir, creek, pond, ditch, pool or water within a **park** or **community facility**.
- 5.4 No person shall tamper with or discharge or cause to be let out, any water from any reservoir, stream, pond, pool or hydrant in or on any **park**.
- 5.5 No person shall climb, walk or sit upon a fence, structure or piece of equipment in any **park** or **community facility**, unless the same is designed and intended for such purpose.
- 5.6 No person shall deposit or dump any garbage, glass, crockery, paper, rubbish, litter, wood, waste or other material whether liquid or solid in or on any **park** or **community facility**, except in receptacles provided there for such purpose and then only if there is space in the receptacle for such deposit.
- 5.7 No person shall dispose of waste generated outside a **park** or **community facility** by depositing the waste in a waste receptacle or anywhere else inside any **park** or **community facility**.

Part 6 Fires and Fireworks

- 6.1 No person except members of **Lions Bay Fire Rescue**, acting upon authorization of the Village for community events, shall discharge any fireworks, combustible or explosive matter in a **Park** or **community facility**.
- 6.2 No person except members of **Lions Bay Fire Rescue**, acting upon authorization of the Village for community events, shall cause, permit or allow a fire to burn in a **park** or **community facility**
- 6.3 No person shall use a charcoal or propane fire barbeque or hibachi in any **Lions Bay park** except in Lions Bay **Beach Park** and Kelvin Grove **Beach Park**.
- 6.4 No person shall dispose of used embers, coals or by-products of privately-owned barbecues on municipal property.
- 6.5 No person shall place or throw any lighted match, cigar, cigarette or any burning substance or thing in or on any **park**. The **Fire Chief** may prohibit smoking in any **park** or **Community facility** at any time by posting a no-smoking order at the entrance to the **park** or **community facility**.
- 6.6 The **Fire Chief** may declare, in writing, any **park** or trail, or part of a **park** or trail to be a fire risk. If the **Fire Chief** makes such a declaration, then no person except Village employees in the performance of their duties shall enter that trail or **park**.

Part 7 Commercial Services and Activities

7.1 No person shall sell, exchange, barter or expose or display for sale any goods, offer any service or carry on any commercial undertaking whatsoever in a **park** or **community facility**, except as part of a community event, or as authorized under the **Village** Filming policy, or as specifically authorized by Council for specific locations, dates and times.

[Amended by Bylaw No. 527]

7.2 No person shall post, paint, or affix any advertisement, bill, poster, handout, picture, matter or thing in or on any **park** or engage in the distribution or delivery of advertising material in any **park** or in any building, structure or thing in any **park**, or operate or station any motor **vehicle** displaying advertising or equipped with a public address system in a **park** or **community facility** for the purpose of advertising, promoting, demonstration or attracting attention. This section shall not apply to persons supporting a community event and to **Village** employees acting in the performance of their duties, or in support of community events.

7.3 No person shall operate or use any amplifying system or loudspeaker in or on any **park**. This section shall not apply to persons supporting a community event and to **Village** employees acting in the performance of their duties, or in support of community events.

Part 8 Community Facilities Rental

8.1 No person or group shall use a **park**, or any portion of a **park**, or a **community facility**, for an organized sport, **organized activity**, special event, ceremony, or ancillary activity unless that person has notified the Village office to ascertain whether a valid **Community Facilities** Rental contract is required, and has obtained such a contract if it is required. Fees, requirements and guidelines used shall be those established in the Recreation Operations Manual approved by **Council**.

Part 9 Motor Vehicles, Devices and Machinery

9.1 No person shall use any motorized boat, water sled, water skis or other water borne contrivance or thing propelled by a motor, for recreational purposes, within two hundred metres (200 m) of any **park** or **beach**. Boats accessing an anchor buoy are exempted from this provision, but must proceed at the boat's dead slow speed.

9.2 With the exception of a **Lions Bay enforcement officer** and other Village staff, no person shall drive or park a motorized **vehicle**, in any **park**, or use any motorized devices or machinery in any **park**, except as specifically authorized by Council for specific locations, dates and times.

[Amended by Bylaw No. 527]

9.3 **The Village Manager** or an **enforcement officer** may remove, or cause to be removed any unauthorized motor **vehicles**, devices or machinery from any **park**.

Part 10 Hours of Public Use of Parks

- 10.1 No person, except authorized **Village** personnel, shall enter or remain within any **park** for any purpose whatsoever during the hours when the **park** is closed as indicated by posted notice, or where no hours are posted, between 10:00 pm and 8.00 a.m., except in the case of a community event or as specifically authorized by Council.
- [Amended by Bylaw No. 527]
- 10.2 The **Village Manager** may, at any time, by written order posted at the **park** or **community facility**, close any **park** or **community facility**, or part thereof, to the use of the Public, or restrict the hours of opening and closing of any **park** or **community facility** if, in the **Village Manager's** opinion, such closure is necessary to prevent or assist the prevention of a breach of the peace or threat thereto, or other violation of the criminal law or to protect members of the public from injury or damage when works of maintenance or repair are being carried on by Municipal employees, or in the event of a natural disaster or possibility thereof.
- 10.3 No person shall enter or remain in any **park** or **community facility** which has been posted as closed to public access by the **Village Manager**.

Part 11 Behaviour and Conduct

- 11.1 No person shall by his or her behaviour create a **nuisance** in any **park**.
- 11.2 No person shall obstruct the lawful use and enjoyment of any **park** or **community facility** by any other person.
- 11.3 No person may refuse to comply with the direction of any **enforcement officer**.
- 11.4 No person shall obstruct or delay, or cause to be obstructed or delayed, any official, employee, agent, **enforcement officer**, or contractor of the **Village** in the exercise of any of lawful duties.
- 11.5 No person shall urinate or defecate in a **park**, except in a **park** washroom
- 11.6 No person shall smoke in any park or trailway.
- 11.7 No person shall play amplified music in any park, or public trail, or other way open to public use, except as permitted under **Part 8 – Community Facilities Rental**

Part 12 Permitted Uses

- 12.1 No person shall store boats, canoes, kayaks, trailers or other watercraft or things, on a **beach** or **foreshore** in any **park**.
- 12.2 No person shall erect any tent, building, shelter or other structure or works, sleep overnight, or occupy a **vehicle**, trailer or camper for overnight camping, temporary or permanent, in or on any **park**.
- 12.3 No person shall do any of the following in any **park**:
1. play golf or strike a golf ball;

2. fly any motor driven aircraft or glider;
3. shoot an arrow or practice archery; or
4. play or participate in paint-ball.

12.4 Storage Facilities

1. The Village is authorized to establish storage facilities for canoes, kayaks, and other non-motorized water craft within a **Park or Community Facility**;

2. The Village may charge a fee for this service in accordance with Fees Bylaw No. 497, as amended;

3. The Village Manager is authorized to create procedures and policies to administer the storage facility and associated fees and may seize any water craft or thing unlawfully occupying the storage facility;

4. The Village, through the Village Manager, may recover those fees from the owner of the water craft or thing, including by sale of the water craft or thing if the owner refuses to pay or cannot be identified after reasonable efforts and the Village relies on the powers granted under the *Community Charter and the Disposal of Property in Police Possession Regulation.*"

[Amended by Bylaw No. 527]

Part 13 Loss of Access Rights

13.1 Where the **Village Manager** or an **enforcement officer** is of the opinion that a person or group within a **park or community facility** is contravening any provisions of this or any other Bylaw, that person or group:

1. must cease contravening the provision of the Bylaw or other enactment;
2. may be required by the **Village Manager** or designate or an **enforcement officer** to leave the **park or community facility**;
3. may, on written notice from the **Village Manager** or designate, forfeit their right of access to the **park** and/or **community facility** for a period of time stipulated in writing by the **Village Manager**, but not to exceed 60 days.

Part 14 Penalty and Enactment

14.1 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 \$2,000, and is guilty of a separate offence each day that a violation continues or exists, unless the Village elects to proceed under the Bylaw Notice Enforcement Bylaw No. 385, 2006, as amended, in which case any violation of or failure to act under this bylaw shall constitute a bylaw contravention rather than an offence."

[Amended by Bylaw No. 527]

**Village of Lions Bay
Parks Regulations Amendment Bylaw 448, 2012**

READ A FIRST TIME on May 22nd, 2012
READ A SECOND TIME on May 22nd, 2012
READ A THIRD TIME on June 4th, 2012
ADOPTED by the **Council** on June 19th, 2012

Mayor

Acting Corporate Officer

Certified a true copy of
Bylaw 448, 2012 as adopted

Acting Corporate Officer



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Type	Request for Decision		
Title	Traffic and Parking Bylaw No. 413, 2009, Amendment Bylaw No. 528, 2017		
Author	Shawna Gilroy	Reviewed By:	Peter DeJong
Date	June 14, 2017	Version	1
Issued for	June 20, 2017 Regular Council Meeting		

Recommendation:

(1) THAT Traffic and Parking Bylaw No. 413, 2009, Amendment Bylaw No. 528, 2017 be given three readings.

Attachments:

- (1) Draft Traffic and Parking Bylaw No. 413, 2009, Amendment Bylaw No. 528, 2017
- (2) Draft Consolidation of Traffic and Parking Bylaw No. 413, 2009.

Key Information:

This bylaw deletes several references to the previous Schedule A, which provided for certain fees associated with the bylaw, and instead references Fees Bylaw No. 497, 2016. It also allows a three year period before an applicant of an extraordinary vehicle or trailer permit must re-apply to Council, and in the case of a community event or other circumstance approved by Council, the bylaw allows the exception of occupying a highway for the purpose of selling of displaying goods or services (eg: food trucks).

Options:

- (1) Give the bylaw three readings;
- (2) Amend the bylaw, and then give it three readings;
- (3) Send the bylaw back to staff with other instructions.

Preferred Option: Give the bylaw three readings.

Legal Considerations: None



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Follow Up Action: If the bylaw is given three readings, it will come back for consideration of adoption on July 4th.



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY



Traffic and Parking Bylaw No. 413, 2009

Amendment Bylaw No. 528, 2017

Adopted: _____, 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

Traffic and Parking Bylaw No. 413, 2009 Amendment Bylaw No. 528, 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 “Traffic and Parking Bylaw No. 413, 2009, Amendment Bylaw No. 528, 2017”.
2. Traffic and Parking Bylaw No. 413, 2009 (the “Parking Regulation Bylaw”) is hereby amended as follows:
 - (a) Section 1 is amended by adding: “, 2009”.
 - (b) Section 11 (3) (i) is amended by adding: “such approval shall be valid for no longer than 3 years, after which time the owner of the vehicle must remove it or reapply;”
 - (c) Section 24 is amended by adding: “, except in the case of a community event or as specifically authorized by Council”.
 - (d) All references to Schedule A are hereby deleted and replaced with the words “in accordance with Fees Bylaw No. 497, 2016, as amended”.

READ A FIRST TIME	_____, 2017
READ A SECOND TIME	_____, 2017
READ A THIRD TIME	_____, 2017

ADOPTED	_____, 2017
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Mayor

Corporate Officer

**Certified a true copy of Lions Bay Parks
Regulation Amendment Bylaw No. 448, 2912,
Amendment Bylaw No. 527, 2017 as adopted.**

Corporate Officer



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY



Traffic and Parking Bylaw No. 413, 2009

Office Consolidation

This document is an office consolidation of Traffic and Parking Bylaw No. 413, 2009 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 Traffic and Parking Bylaw No. 413, 2009, 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
385	5.1	Amends penalties applicable under s.34	Sept. 19, 2006
465	3.1(10)	Deletes Schedule A & adds s.35 Fee BL Reference	Sept. 2, 2014
497	5.1.9	Updates Fee Bylaw Reference in s.35	January 1, 2017
528	42(a) 11.3(i)2(b) 242(c)	Adds the year to the citation name Adds a time restriction for a re-application of 3 <u>year limit for Council approvals of extraordinary</u> <u>vehicle or trailer permits under section 11.3(j)</u>	

	<u>Sch. A2(d)</u>	Authorizes Council to amend restrictions <u>allow for the sale</u> of selling or displaying of goods or services <u>on a highway</u> Amends-Deletes all references to <u>Schedule A fees and substitutes reference to</u> Fees Bylaw <u>No. 497</u>	
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Bylaw No. 413, 2009

TRAFFIC AND PARKING BYLAW

A bylaw to regulate, control, or prohibit traffic and parking

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

Citation

1. This Bylaw may be cited as "Traffic and **Parking** Bylaw No. 413, [2009](#)".
2. 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.

Repeal

3. Bylaws Number 219, 297 and 335 are hereby repealed.

Definitions

4. In this Bylaw:
 - (a) the definitions contained within the Motor Vehicle Act R.S.B.C. c. 318, the Commercial Transport Act, R.S.B.C. 1998, c. 58, and the Community Charter, S.B.C. 2003, c.26 shall be applicable; and
 - (b) **"Boulevard"** means the area from the travelled portion of the **highway** to the adjacent property line;
"Building-site workers" means professionals, contractors and labourers working on sites adjacent to a **highway**, where demolition or building is occurring;
"Chattel" means any article of tangible property other than land, buildings, and other things annexed to land;
"Commercial vehicle" means a vehicle licensed as a **commercial vehicle** under the Commercial Transport Act;
"Corporate Secretary" means the person appointed to such position from time to time or other persons authorized to carry out the duties ascribed to the said **Corporate Secretary**;
"Council" means the **Council** of the **Village** of Lions Bay;
"Dumpster" means a container designed to receive, transport away and dump waste, as distinguished from a household garbage can which holds waste until it is collected;

"Enforcement officer" means:

1. every person designated by **Council** by name of office or otherwise as an **enforcement officer** for the purposes of administering and enforcing this Bylaw; and
2. a peace officer, including every officer of the Royal Canadian Mounted Police;

"Extraordinary vehicle" means any vehicle having a licensed gross vehicle weight rating of 5,000 kg or more, or a vehicle having an overall length including any attached trailer exceeding 6.1 metres, except for vehicles owned or leased by the **Village** or its agents;

"Highway" means a street, road, lane, bridge, viaduct and any other way open to public use, whether owned or leased by the **Village**, other than a private right of way on private property, including without limiting the generality of the word, the **roadway** and the **boulevard**;

"Lane" means a **highway** which affords a secondary means of access to abutting sites;

"Manager Public Works" means the person appointed by **Council** to such position from time to time or other persons authorized to carry out the duties ascribed to the said **Manager Public Works**;

"Mayor" means the **Mayor** of the **Village** of Lions Bay, or his/her designate;

"Park" means the **stopping** or **standing** of a vehicle, whether occupied or not, except when **standing** temporarily for the purpose of and while actively and visibly engaged in loading or unloading for no longer than fifteen (15) minutes;

"Person with a disability" means a person with a disability whose vehicle displays a **parking permit** obtained under the **Parking Permit Program for People with Disabilities**, operated by the Social Planning and Research **Council** (SPARC);

"Police force" shall mean the Royal Canadian Mounted Police;

"Private road" or **"Driveway"** shall mean a **highway** or **driveway**, or that portion thereof, which is on land that is not owned or leased by the **Village** or the province;

"Public Works" means the Public Works department of the **Village** of Lions Bay.

"Roadway" means that portion of a **highway** that is improved and ordinarily used for the passage of vehicular traffic;

"Sidewalk" means that portion of a **highway** that is improved and marked for or ordinarily used for passage by pedestrians.

"Stop" or **"stand"** means,

- (a) a complete cessation from movement, or
- (b) the **stopping** or **standing** of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or to comply with the directions of a peace officer or **traffic control device**;

"Traffic control device" means a sign, signal, line, meter, marking, space, barrier or device which is consistent with the Motor Vehicle Act and placed or erected by or under the authority of the **Village**;

"Village" means the **Village** of Lions Bay; and

"Village Manager" means the **Village Manager** or Administrator of the **Village** of Lions

Bay, and also means the person appointed by **Council** to the **Village Manager** or Administrator position from time to time, or other persons authorized to carry out the duties ascribed to the said **Village Manager** or Administrator.

“**Workers on film projects**” means employees of film companies who are carrying out filming-related work in the Village of Lions Bay.

Traffic Control Devices

5. **Manager Public Works** is hereby authorized to make orders in respect of placing, or causing to be placed, **traffic control devices** on or above the surface of a **highway**, in order to enforce the provisions of this Bylaw.
6. The **Mayor**, the **Village Manager**, **enforcement officers**, employees of **Public Works** or **Lions Bay Fire Rescue**, or any other persons specifically authorized by **Manager Public Works**, may erect or place a **traffic control device** within the **Village** for a period not exceeding 48 hours at one time, in the interests of public safety or controlling **parking** during events.
7. **Manager Public Works** may erect or place or may require or permit to be erected or placed **traffic control devices** on any **highway** where construction, reconstruction, widening, repair, marking, or any other work is being carried out on the **highway** or on a parcel adjacent to it, during the period of the work, to:
 - a) indicate that persons or equipment are working upon the **highway** or on a parcel adjacent to it; and
 - b) to regulate or prohibit traffic in the vicinity of such work.
8. (1) Every person must obey the directions, instructions or prohibitions on or indicated by any **traffic control device** placed or erected in accordance with this Bylaw or the Motor Vehicle Act.
 - (2) No person shall deface, damage, injure, move, remove, obstruct, or otherwise interfere with, intentionally or otherwise, any **traffic control device** placed or erected upon any **highway**.
 - (3) No person shall allow plant growth on the **boulevard** adjacent to the property where they reside to obstruct sightlines to a **traffic control device**.
 - (4) No person shall establish, place, erect or maintain, or display in, or upon, or in view of any **highway**, any sign, signal or other device which purports to be, or is in imitation of, or resembles any **traffic control device**, or which attempts to direct the movement of traffic or the **parking** of vehicles.

Parking

9. The **Council** may direct **Manager Public Works** to designate, by the erection of a **traffic control device**, “no parking” zones in which **parking** or **stopping** a vehicle is prohibited by this Bylaw. The prohibition shall be in effect at all times unless **Council**, by Bylaw, limits the hours or days when the prohibition is in effect. The **Council** may specify that certain zones or stalls are reserved, either permanently or temporarily, for vehicles owned or operated by classes of persons as **Council** may require, such as residents of the **Village**, visitors to the **Village**, **persons with disabilities**, **building-site workers**, or **workers on film projects**.

-
10. No person may **stand, stop** or **park** a vehicle:
- a) in contravention of a **traffic control device** which gives notice that **standing, stopping** or **parking** is restricted or prohibited there, except when actively and visibly engaged in loading or unloading;
 - b) on a **highway** when not displaying a valid, current insurance decal, if such decal is required for the vehicle to be lawfully driven;
 - c) on a crosswalk or within 5 metres of the edge of the marked crosswalk;
 - d) on that side of a **highway** within 6 metres of a **stop** sign;
 - e) on a bridge;
 - f) within 5 metres of any fire hydrant or **standpipe**, or in a position that causes it to interfere with fire-fighting;
 - g) on any portion of a **highway** or public place in such a way as to interfere with or obstruct the normal flow of traffic on the **highway** or public place or in such a way as to interfere with the maintenance of such **highway** or public place by men/women and equipment provided for that purpose;
 - h) in an area signed for **parking** only by residents, **Building-site workers** or persons with disabilities, except if the appropriate permit for the **parking** is prominently displayed in a vehicle's window. Homeowners receive two free resident **parking** permits, issued annually with municipal tax notices. Extra annual **parking** permits for residents, as well as **parking** permits for **building-site workers**, and for vehicles used by film companies and their employees, are to be obtained from the **Village** office upon payment of a fee shown in Schedule A, in accordance with Fees Bylaw No. 497, 2016, as amended.
 - i) on any portion of a **highway** or public place within 2 meters of the access to or egress from a private **driveway** or **Village** right of way;
 - j) with all of its tires on any **roadway**;
 - k) on any **highway** for a period longer than 72 consecutive hours;
 - l) on any **highway** for a period longer than 24 hours after the commencement of a fall of snow; or
 - m) within an intersection or within 6 metres of any intersection.
11. (1) No person shall **park** any **extraordinary vehicle** between 6:00 pm of any day and 6:00 am of the day immediately following on any **highway** in a residential district except when actively engaged in loading or unloading.
- (2) No person shall **park** any trailer on a **highway** unless it is attached to a vehicle.
- (3) Despite 11-(1) and 11-(2), if **Council** deems that it is dangerous or impractical to **park** an **extraordinary vehicle** or trailer by an owner on real property occupied by the owner, by reason of the topography of that real property, the **Manager Public Works** may designate and specify a **parking** space on the **highway** for the vehicle or trailer, under the following circumstances:

- i. if **Council** approves a written application to **Council** by the owner of the vehicle or trailer, and such approval shall be valid for no longer than 3 years, after which time the owner of the vehicle must remove it or reapply;
 - ii. upon payment to the **Village** of an annual fee as shown in Schedule A in accordance with Fees Bylaw No. 497, 2016, as amended.
12. The driver of a vehicle shall not **stop, stand** or **park** a vehicle on that side and portion of any **highway** which abuts upon any property occupied by a school or used as a school playground on any school day between the hours of 8 o'clock in the forenoon and 5 o'clock in the afternoon, from Monday to Friday, from the beginning of September through to the end of June.
13. The provisions of this Bylaw prohibiting **stopping, standing** or **parking** shall not apply to:
 - a) any emergency vehicle while attending at any emergency call, but this exemption shall not excuse the driver of any such vehicle from exercising due and proper care for the safety of other traffic;
 - b) Municipal or Provincial utility vehicles or the vehicles of their agents;
 - c) vehicles of a public utility or public transit corporation; and
 - d) tow trucks, while such vehicles are actually engaged in works of necessity requiring them to be **stopped, to stand, or to park**, in contravention of such provision.

GENERAL REGULATIONS

Enforcement Officers

14. Every **enforcement officer** is authorized to enforce this Bylaw.
15. Every **enforcement officer** is authorized to direct traffic as the **enforcement officer** considers necessary to:
 - a) ensure the orderly movement of traffic;
 - b) prevent injury or damage to persons or property; and
 - c) permit proper action in any emergency.
16. No person may refuse to comply with the direction of any **enforcement officer**.
17. No person may hinder, delay or obstruct in any manner, directly or indirectly, an **enforcement officer** carrying out duties in accordance with this Bylaw.

Speed Limits in the Village

18. The speed limit on all **highways** throughout the **Village** shall be not more than forty kilometres per hour for all traffic, unless otherwise posted. The speed limit in all **lanes** throughout the **Village** shall be no more than ten kilometres per hour, for all traffic.

Noise Making Devices

19. No person shall operate a motor vehicle on a **highway** while the motor vehicle is using any loudspeaker or noise-making device for advertising or other commercial purposes, unless the person is acting in support of community events or of public safety.

Driving Over Fire-Hose Prohibited

20. No person shall drive a vehicle over an unprotected hose of Lions Bay Fire Rescue, when the hose is laid down on a **highway** or private **driveway** at a fire or an alarm of fire.

Protection of Highways

21. No person shall:
- a) spill, throw, drop, deposit, leave behind, or let fall debris from or out of any vehicle, including any bottle, glass, paper, crockery, nails, tacks, wood, dirt, gravel, manure, sawdust, or refuse or any object, substance or materials whatever;
 - b) allow the flow of any noxious, offensive, or filthy water or substance on or upon any **highway**;
 - c) damage landscaping, grass, shrubs, trees, flowers or plantings upon a **highway**;
 - d) damage or deface any **highway** by piling materials or articles upon it, carrying out any kind of job upon it, dragging or hauling heavy materials or articles on or over it, digging into it, constructing a ditch, the water from which causes damage to it, removing any paving materials, turf, plants, earth, gravel or rocks from it, or by any other activity or means which may affect the **highway**;
 - e) leave any dead animal on any **highway**;
 - f) camp, either by day or night, on any **highway**;
 - g) make any fire on any **highway**, or make a fire at any place so as to endanger any installation on any **highway**;
 - h) haul or convey any load on any vehicle, or on or through any **highway**, unless the load and any covering thereon is secured:
 - a. from becoming loose, detached or in any manner a hazard to other vehicles or users of the **highway**;
 - b. from overhanging the rear or side of the vehicle in such a manner as to cause the load to drag upon the surface of the **highway**;
 - i) urinate or defecate upon any **highway**;
 - j) drive a vehicle or combination of vehicles with a licensed gross vehicle weight in excess of 63,500 kgs on a **highway**, without notifying the **Manager Public Works** and paying

the applicable fee ~~shown on Schedule A~~ in accordance with Fees Bylaw No. 497, 2016, as amended; or

- k) operate or use any vehicle having wheel, tires or treads constructed or equipped with projecting lugs, spikes, clouts, ribs, clamps, flanges or other attachments or projections which extend beyond the tread or traction surface of the wheel, tire or track, upon any **highway** except as permitted by the Motor Vehicle Act.
22. In the event that any person shall contravene this bylaw by causing or allowing spillage, deposit or damage as outlined in Section 21-(a), 21-(b), 21-(c), or 21-(d) above, the spillage must be cleaned up within twenty-four (24) hours of any spill and any damage to the **highway** repaired or remediated within fourteen (14) days of the occurrence of the damage. This work must be carried out:
- a) under the supervision of **Manager, Public Works** or according to the directions laid down by **Manager Public Works**, and
- b) at the expense of the owner and other persons responsible, jointly and severally, for the presence of the material or substance spilled or the damage created.
23. In the event that the terms of clean-up or remedial work required in Section 21 are not complied with, in accordance with Section 17-(1) and 17-(2) of the Community Charter, the following procedure shall apply. **Manager Public Works** may arrange clean-up of the spill or remediation of the damage at the expense of the owner and other persons responsible, jointly and severally for the presence of the material or substance spilled or the damage created. Fees will be charged in accordance with ~~Schedule A to this bylaw~~ Fees Bylaw No. 497, 2016, as amended. The **Village** of Lions Bay may recover both these fees and the costs of the clean-up or remediation as a debt from the owner and other persons responsible, jointly and severally, for the presence of the material or substance spilled or the damage created.
24. With the exception of young children operating a lemonade or similar **stand**, no person may use or occupy any **highway** for the purpose of selling or displaying any goods or services, including without limitation, flowers, fruit, vegetables, seafood, commodity, article, car cleaning or other thing, except in the case of a community event or as specifically authorized by Council.
Amended by Bylaw No. 528
- 24-25. No person may place or store any **chattel**, object, material, container or structure on any **highway**, except as permitted by bylaw.
- 25-26. No person may place a **dumpster** upon a **highway**, except with notification to the **Village** office and payment to the **Village** of a fee ~~as shown in Schedule A~~ in accordance with Fees Bylaw No. 497, 2016, as amended.
- 26-27. No person may place, allow or permit any earth, rock, stone, tree, log, stump, branches or other material to accumulate, cave, fall, crumble, slide or to be otherwise deposited on any **highway**, except as permitted by bylaw.
- 27-28. No person shall make any excavation for any purpose adjoining, or adjacent to, any **highway** without building and maintaining a good and sufficient fence or other barrier along the line of such **highway**, so as to effectively guard such excavation, and to protect and guard persons and

vehicles travelling along such **highway** against danger, risk, or accident by reason of such excavation.

~~28-29.~~ No person shall construct or maintain any doorstep, porch, railing or other projection or obstruction into or on any **highway**.

~~29-30.~~ Employees of the **Village** may remove any vehicle, chattel, construction, thing or growth which is an obstruction to the free or safe use of any **highway**, or which may interfere with the free use thereof, or which may encroach thereon.

~~30-31.~~ The **Mayor** or **Village Manager** may direct a group congregated on any **highway** to disperse, if such dispersal is necessary to prevent or assist the prevention of a breach of the peace or threat thereto, or other violation of the criminal law, or to protect members of the public from injury or damage when works of maintenance or repair are being carried on by Municipal employees, or in the event of a natural disaster or possibility thereof. No person, being directed to so disperse, shall fail to do so.

~~31-32.~~ No person shall skateboard, rollerblade or operate a push scooter upon any **highway** unless wearing a helmet.

Violation Provisions

- ~~32-33.~~ (1) Any vehicle, **chattel**, obstruction or thing occupying any portion of a **highway**, where such vehicle, **chattel**, obstruction or thing interferes with the normal flow of traffic on the **highway**, or interferes with the maintenance of the **highway** by persons or equipment provided for that purpose, or is on the **highway** in contravention of the provisions of the Motor Vehicle Act or this Bylaw, is deemed to be unlawfully occupying a portion of the said **highway**.
- (2) Any **enforcement officer** may remove or cause to be removed any vehicle unlawfully occupying any portion of a **highway** and shall cause the said vehicle be towed to a place of storage and the **enforcement officer** shall immediately report the matter to the RCMP, giving a complete description of the vehicle and the location of the place of storage. Any vehicle removed by the **Village's** towing contractor may be recovered by paying the fees levied by the towing contractor, during the towing contractor's hours of operation. Any vehicle directly removed to another location within the **Village**, by **Village** staff, may be recovered by contacting the **Village** during its hours of operation and paying the fees specified in [Schedule A Fees Bylaw No. 497, 2016, as amended](#). The **Village**, a member of the **Council**, a person in lawful custody of the vehicle, or an officer, employee or agent of the municipality, is not liable, in damages or otherwise, for or in respect of any claim that may arise in respect of the vehicle after its removal in accordance with this section.
- (3) If a motor vehicle is removed, detained or impounded and not claimed by its owner within 48 hours, the **Village** will give written notice by registered mail to the registered owner at his or her address as shown on the records of the Registrar of Motor Vehicles, advising the owner of the seizure and impoundment, the sum payable to release the motor vehicle and the date of advertising for sale by public auction if the vehicle is unclaimed.

- (4) Except for vehicles as described in 33-(2) and 33-(3) above, any **enforcement officer** may seize any **chattel**, obstruction or thing unlawfully occupying any portion of a **highway** and cause the item to be taken to a place of storage and the **enforcement officer** shall immediately report the matter to the RCMP giving a complete description of the item and the location of the place of storage. The item may be recovered by attending the **Village** office and paying the fees outlined in Schedule A Fees Bylaw No. 497, 2016, as amended.
- (5) All property removed, detained or impounded under all the provisions above of this section shall be deemed to have come into the custody and possession of the **Police force** on behalf of the **Village**. Where the owner of the property has not been ascertained, and no order of a competent court has been made with respect thereto, the property shall be disposed of or sold by the **Village Manager** in accordance with section 67 of the Community Charter. A fee shown on Schedule A in accordance with Fees Bylaw No. 497, 2016, as amended shall be charged by the **Village** against the proceeds, and the balance shall be held for the owner. If the balance remains unclaimed after one year from the sale date, the balance shall be paid into the general revenue of the **Village**. The **Village**, a member of the **Council**, a person in lawful custody of a vehicle, **chattel**, obstruction or thing, or an officer, employee or agent of the municipality, is not liable, in damages or otherwise, for or in respect of any claim that may arise in respect of the item after its disposal in accordance with this section.
- (6) Despite any other provision of this Bylaw, if a **chattel**, obstruction or vehicle removed, detained, or impounded is a perishable article, has an apparent market value of less than \$2,000.00 or if its custody involves unreasonable expense or inconvenience, the **Village Manager** may decide not to proceed to public auction, and may dispose of the **chattel**, obstruction or vehicle in any manner in which he or she deems expedient.

Penalties

33-34. Any person contravening or committing any breach of or committing any offence against any of the provisions of this Bylaw, or of the regulations or orders issued under this Bylaw, or refusing, omitting, or neglecting to fulfill, observe, carry out or perform any duty or obligations imposed by this Bylaw, or by the regulations or orders created hereunder, prescribed or imposed, is liable on summary conviction, to a fine of \$10,000, and is guilty of a separate offence each day that a violation continues to exist.

[Amended by Bylaw 385]

34-35. Fees for services that may be or are provided under this Bylaw shall be payable as set out in Fees Bylaw No. 497, 2016, as amended.

[Amended by Bylaw 465]

[s. 35 Amended by Fees Bylaw No. 497, 2016]

READ A FIRST TIME on	July 6, 2009
READ A SECOND TIME on	July 6, 2009
READ A THIRD TIME on	July 20, 2009
ADOPTED by the Council on	July 21, 2009

Mayor

Village Manager

Certified a true copy of
Bylaw 413, 2009 as adopted

Village Manager

SCHEDULE A – FEES FOR CLEAN-UP, REPAIR AND REMEDIATION

Where work is performed by the **Village** in cleaning up spills or deposits on a **highway**, or remediating damage to a **highway**, fees per hour of work will be charged as shown below, to cover staff time plus use of **Village** equipment. Actual extra costs to the **Village** for items such as fuel, materials, turf, plants, storage in commercial premises, and equipment rentals required for clean-up or remediation work, will also be charged, based on invoices or receipts for materials or equipment. If work is performed by a commercial contractor under contract to the **Village**, the actual cost of the contract will be charged, in addition to a \$150 flat fee for **Village** administration time.

Clean-up of spills or deposits on highway	\$100 per hour of work
Remediation of damage to highway	\$100 per hour of work
Administration fee for commercial contract	\$150

FEES FOR REMOVALS FROM HIGHWAY

Where vehicles, obstructions and **chattels** are removed from a **highway**, fees per hour of work are charged for removals and towing. If these items are not claimed and must subsequently be advertised and sold at auction, a flat fee is charged to cover the cost of storage, administration time and advertising.

Removal of chattels , obstructions and things seized from highway	\$100 per hour of work, plus \$50 per day fee for storage
Towing of vehicle	\$100 per hour of towing
Sale of chattels , obstructions and things seized from highway	\$1000 flat fee

FEES FOR PERMITS

Extra-annual resident parking permit — obtainable by a resident, allows parking in “resident parking ” zones	\$40 per year
Worksite parking permit for building-site workers for three months — obtainable by homeowners or construction managers on projects, allows parking in “resident parking ” or “construction parking ” zones	\$40 for three months
Film company parking	

<ul style="list-style-type: none"> ● Worker's personal vehicle ● Film company truck 	<p>\$25 per day</p> <p>\$100 per day</p>
<p>Visitor parking day pass — obtainable by visitors, allows parking for one day in "resident only" zones</p>	<p>\$10 per vehicle</p>
<p>Special occasion parking for visitors — obtainable by residents, allows parking for one day for guests</p>	<p>\$1 per vehicle</p>
<p>Operating a vehicle or combination of vehicles in excess of 63,500 kgs licensed gross vehicle weight on highway</p>	<p>\$35 per vehicle load</p>
<p>Monthly fee for parking of extraordinary vehicle or trailer on Village property, with permission of Council</p> <p>Vehicle or trailer 6.1–6.5 metres in length</p> <p>Vehicle or trailer 6.5–7.7 metres in length</p> <p>Vehicle or trailer over 7.7 metres in length</p>	<p>\$80 per month</p> <p>\$110 per month</p> <p>\$135 per month</p>
<p>Daily fee for placing dumpster on highway</p>	<p>\$35</p>



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Type	Request for Decision		
Title	Council Procedures Bylaw No. 476, 2015, Amendment Bylaw No. 529, 2017		
Author	Shawna Gilroy	Reviewed By:	Peter DeJong
Date	June 15, 2017	Version	1
Issued for	June 20, 2017 Regular Council Meeting		

Recommendation:

(1) THAT Council Procedures Bylaw No. 476, 2015, Amendment Bylaw No. 529, 2017 be given three readings.

Attachments:

- (1) Draft Council Procedures Bylaw No. 476, 2015, Amendment Bylaw No. 529, 2017
- (2) Draft Consolidation of Council Procedures Bylaw No. 476, 2015

Key Information:

The following outlines the reasons for amending Council Procedures Bylaw No. 476, 2015:

- Section 4 is amended to clarify the type of committee the CSC represents.
- Section 7 (1) is amended due to the Province moving local government elections forward on the calendar by one month every 4 years.
- Section 8 (1) is amended to provide greater clarity regarding this provision in the existing bylaw.
- Section 8 (3) (a) and (b) amendments are required as only a resolution of Council can amend a previous resolution of Council (i.e. when Council sets the regular meeting schedule). Section 8 (4) is amended provide consistency with section 8 (3).
- Section 9 (2) is amended to add the corresponding section pertaining to cancelling or rescheduling a meeting per section 8 (3).
- Section 9 (4) is amended to clarify that Council may close a meeting whether or not the Notice of Meeting or Agenda stipulated that it was to be closed for a particular matter. Section 10 (4) adds a adds the same clarification as section 9 (4), but for Special Meetings.



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

- Section 11 (1) allows for electronic or other communication facilities to be used for Regular Meetings and CSC Meetings, as well as for Special Meetings.
- Section 11 (2) is amended for consistency with s.11(1).
- Section 11 (3) is amended to be consistent with s.11(1) in terms of allowing electronic participation at CSC Meetings.
- Section 11 (4) is amended to add Regular and CSC meetings. Section 11 (5) was added allowing staff, consultants and other invited persons to participate at a meeting via electronic communication.
- Section 18 (5) was added to allow that open Council Meetings shall be audio recorded and posted to the municipal website, and that Committee meetings shall not be recorded.
- Section 22 (3) is amended to clarify that the agenda must be made available to Council and the public at least 24 hours before a regular Council Meeting, except if it is closed to the public.
- Section 23 (1) (d) amends the title in one item of the order of proceedings on an agenda, being “Receipt and Approval of Minutes” rather than “Adoption of Minutes”.
- Section 28 (1) amends a typo
- Section 28 (2) is amended by allowing an individual or a delegation to address Council at a Council meeting on any subject, rather than only a subject of an agenda item.
- Section 28 (4) (c) is amended by striking the portion related to allowing an individual or a delegation to address any subject rather than only that of an agenda item.
- Section 32 (3) (a) substitutes “adopt” for “approve” with respect to minutes. .
- Section 35 is deleted and replaced to provide reconsideration provisions that reflect the wording of the Community Charter. As well, provisions are added to address procedural requirements for persons to be able to “appeal” a decision made by a delegate (eg: CAO deciding a TUP application).
- Section 55 is amended to clarify that committees are required to establish as soon as practicable once the committee has been struck: a Terms of Reference, monthly or annual meeting schedule, and for standing or select committees, an elected official as the Chair of the committee. [Council should reflect on this underlined change. The intent is to ensure a person with some knowledge of procedural requirements is the Chair of any particular committee.]



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Options:

- (1) Give the bylaw three readings;
- (2) Amend the bylaw, and then give it three readings;
- (3) Send the bylaw back to staff with other instructions.

Preferred Option: Give the bylaw three readings.

Legal Considerations: None

Follow Up Action: If the bylaw is given three readings, it will come back for consideration of adoption on July 4th.



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY



**Council Procedures Bylaw No. 476, 2015,
Amendment Bylaw No. 529, 2017**

Adopted: _____, 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

Council Procedures Bylaw No. 476, 2015, Amendment Bylaw No. 529, 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 “Council Procedures Bylaw No. 476, 2015, Amendment Bylaw No. 529, 2017”.
2. The definition of Council Strategy Committee (CSC) in Section 4 of Council Procedures Bylaw No. 476, 2015 (the “Procedures Bylaw”) is amended by adding the words “of the Whole” after the words “means a Committee”.
3. Section 7 (1) of Council Procedures Bylaw No. 476, 2015 (the “Procedures Bylaw”) is amended by striking the word “December” and substituting the word “November”.
4. Section 8 (1) of the Procedures Bylaw is amended by adding the following: “Meetings, hearings or other proceedings referred to in Section 134.1 (1) may be held outside the boundaries of the Village of Lions Bay.”
5. Section 8 (3) (a) of the Procedures Bylaw is amended by adding the following after the word “by”: “a resolution of” and by striking the word “and” and substituting “or”.
6. Section 8 (3) (b) of the Procedures Bylaw is amended by striking the word “changed” and substituting the word “rescheduled” and by striking the words “by the Mayor” and substituting “by Council resolution”.
7. Section 8 (4) of the Procedures Bylaw is amended by striking “is postponed pursuant to Section 8 (3) (b)” and substituting “date is cancelled or rescheduled pursuant to section 8 (3)”.
8. Section 9 (2) of the Procedures Bylaw is amended by adding “under Section 8 (3)” after the words “Regular Council Meeting”.
9. Section 9 (4) of the Procedures Bylaw is amended by adding the following: “Nothing herein precludes Council from passing a resolution to close a Regular Meeting and stating the basis for doing so, notwithstanding failure to provide advance notice.
10. Section 10 (4) of the Procedures Bylaw is amended by adding the following:

“Nothing herein precludes Council from passing a resolution to close a Special Meeting and stating the basis for doing so, notwithstanding failure to provide advance notice.

11. Section 11 (1) (a) of the Procedures Bylaw is amended by deleting the words “if the Mayor or Council requires”.

12. Section 11 (1) (b) of the Procedures Bylaw is hereby deleted and replaced with the following:

“a Council or Committee Member who is unable to attend at a Regular or Special Council Meeting or a CSC Meeting, as applicable, may participate, including voting, in the Meeting by means of electronic or other communication facilities.”

13. Section 11 (2) of the Procedures Bylaw is hereby deleted and replaced with the following:

“The Chair at a Regular or Special Council Meeting, or CSC Meeting, must not participate electronically.

14. Section 11 (3) of the Procedures Bylaw is hereby amended by striking the second instance of the word Council.

15. Section 11 (4) of the Procedures Bylaw is hereby amended by striking the words “A Special Council Meeting or Committee Council Meeting” and substituting the words “A Regular or Special Council Meeting or CSC Meeting”.

16. Section 11 of the Procedures Bylaw is further amended by adding the following subsection:

“(5) Staff, consultants and other invited persons may participate at a meeting under Section 11.”

17. Section 18 of the Procedures Bylaw is amended by adding the following subsection:

“(5) Council Meetings, other than portions closed pursuant to Section 90 of the *Community Charter*, shall be audio recorded and posted to the municipal website as an audio file. Committee meetings shall not be recorded.”

18. Section 22 (3) of the Procedures Bylaw is amended by adding the following: “, except with respect to any part of the meeting that is closed to the public.”

-
19. Section 23 (1) (d) of the Procedures Bylaw is amended by striking the word "Adoption" and substituting the words "Receipt and Approval".
 20. Section (28 (1) of the Procedures Bylaw is amended by striking the words "regular Council Council" and substituting the words "Regular Council".
 21. Section 28 (2) of the Procedures Bylaw is amended by striking the words "on the subject of an agenda item" and substituting the words "on any subject within the jurisdiction of Council".
 22. Section 28 (4) (c) of the Procedures Bylaw is amended by striking the words "has no relation to an agenda item or".
 23. Section 32 (3) (a) of the Procedures Bylaw is amended by striking the word "adopt" and substituting the word "approve".
 24. Section 35 of the Procedures Bylaw, including the heading therefore, is hereby deleted and replaced with the following:

"RECONSIDERATION OF AN ADOPTED OR APPROVED BYLAW, RESOLUTION OR PROCEEDING

(1) Without limiting the authority of the Council to reconsider a matter:

- (a) the Mayor may require the Council to reconsider and vote again on a matter that was the subject of a vote; and
- (b) a Council Member who voted in the majority with respect to a matter may move that the Council reconsider and vote again on the matter, provided that the Council shall not reconsider and vote again on the matter unless the motion for reconsideration is passed.

(2) As restrictions on the authority under section 35 (1):

- (a) the Mayor, or Council Member who voted in the majority, may only initiate a reconsideration under this section at the same Council meeting as the vote took place or within 30 days of that meeting; and
- (b) a matter may not be reconsidered under this section if:

-
- (i) it has had the approval of the electors or the assent of the electors and was subsequently adopted by the Council; or
 - (ii) there has already been a reconsideration under this section in relation to the matter.
 - (3) On a reconsideration under section 35 (1), the Council:
 - (a) shall deal with the matter as soon as convenient;
 - (b) shall consider whether any contracts have been entered into or legal positions adopted as a result of the original decision; and
 - (c) has the same authority it had in its original consideration of the matter, subject to the same conditions that applied to the original consideration.
 - (4) If the original decision was the adoption of a bylaw or resolution and that decision is rejected on reconsideration:
 - (a) the bylaw or resolution is of no effect and is deemed to be repealed; and
 - (c) the rejected bylaw or resolution shall not be reintroduced for further reconsideration by the Council for a period of six (6) months, except upon an affirmative vote of the Council of at least two-thirds (2/3) of the votes cast.
 - (5) Where a person is entitled under an enactment to have the Council reconsider a matter that has been decided pursuant to a delegation of authority by the Council:
 - (a) the person may invoke this right by
 - (i) giving written notice of the request for reconsideration to the Corporate Officer within 30 days of the impugned decision, and
 - (ii) setting out in the request for reconsideration,
 - (A) the name of the delegate who made the decision, the date of the decision and the decision made;

-
- (B) the factual details of the matter decided by the delegate;
 - (C) the bases upon which the Council should reconsider the decision and a clear statement as to the decision sought from the Council;
 - (D) any other information or documents which the person seeking reconsideration considers relevant; and
 - (E) whether the person wishes to speak to the matter upon reconsideration by the Council, in which case the person shall have no more than 10 minutes allotted;
- (b) the Corporate Officer shall, upon receipt of a request for reconsideration pursuant to this section:
- (i) subject to Section 22 (2), set the matter down on the Agenda of the following Regular Meeting, to be heard following any Delegations appearing before the Council on that date, if any;
 - (ii) provide public notice of the request for reconsideration of the decision by the Council, if the original decision of the delegate required that public notice be given;
 - (iii) obtain from the delegate who rendered the decision and provide to the Council and to the person requesting reconsideration:
 - (A) the factual details of the matter decided by the delegate,
 - (B) the bases upon which the delegate rendered the decision; and
 - (C) any other information or documents which the delegate considers relevant to the original decision;
- (c) the Corporate Officer is not required to provide copies of information or documents under Section 23 (5) (b) (iii) to the person requesting reconsideration where such information has previously been provided to the person requesting reconsideration.
- (d) the Council shall:

- (i) receive all of the information submitted for reconsideration pursuant to this section;
 - (ii) if requested, hear any oral submissions of the person requesting reconsideration or his or her agent or legal counsel;
 - (iii) be entitled to ask, through the Chair of the meeting, any questions of the person or of the delegate who rendered the original decision;
 - (iv) unless an adjournment is required for the purpose of obtaining legal counsel, forthwith decide the matter; and
 - (v) provide the person with oral reasons for the decision, from which there shall be no appeal, subject only to a contrary act or regulation.
- (e) Following reconsideration, the Council may confirm the decision of the delegate, or set aside the decision of the delegate and substitute the decision of the Council.

25. Section 55 of the Procedures Bylaw is deleted and replaced with the following:

“Unless the following matters are established by the Mayor or by Council, Committees are required to establish as soon as practicable once the Committee has been struck and member appointments made:

- (a) a Committee Terms of Reference in accordance with the purposes for which the Committee was established;
- (b) a monthly or annual meeting schedule; and
- (c) for standing or select committees, an elected official as the Chair of the Committee.

READ A FIRST TIME _____, 2017

READ A SECOND TIME _____, 2017

READ A THIRD TIME _____, 2017

ADOPTED _____, 2017

Mayor

Corporate Officer

**Certified a true copy of Council Procedures
Bylaw No. 476, 2015, Amendment Bylaw
No. 529, 2017 as adopted.**

Corporate Officer



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY



Council Procedures Bylaw No. 476, 2015

Office Consolidation

This document is an office consolidation of Council Procedures Bylaw No. 476, 2015 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 Council Procedures Bylaw No. 476, 2015, 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
529	All	Various amendments	

Bylaw No. 476, 2015 Council Procedures 2015

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**THE VILLAGE OF LIONS BAY
BYLAW NO. 476**

Council Procedures

The Council of the Municipality of the Village of Lions Bay deems it expedient to provide for Council meeting and Committee meeting procedures pursuant to the Community Charter Council, in open meeting assembled, enacts as follows:

PART 1 – INTRODUCTION

TITLE

1. This Bylaw may be cited as the “COUNCIL PROCEDURES BYLAW NO. 476, 2015”.

SEVERABILITY

2. 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 portion.

PREVIOUS BYLAW REPEAL

3. Council Procedures Bylaw No. 453, 2012 is hereby repealed.

DEFINITIONS

4. In this Bylaw:

“Chair” means the Council Member identified to preside over Council proceedings;

“Committee” means a standing, select, or other Committee of Council, but does not include the Council Strategy Committee (CSC);

“Corporate Officer” means the Chief Administrative Officer of the Village or his or her delegate;

“Correspondence” means documentation submitted to the Village, either electronically or in hard copy, which:

- (a) is addressed specifically to Council or a majority of Council Members; or
- (b) that the Corporate Officer determines, based on the content, should be included as Council Correspondence.

“Committee Member” means a member of a Committee, as appointed by Council or the Mayor;

“Committee Meeting” means a meeting of a Select or Standing Committee of Council;

“Council” means the Council of the Village of Lions Bay;

“Council Meeting” means an Inaugural, Regular or Special Council Meeting, as the context requires;

“Council Member” means a member of Council, being the Mayor or a Councillor;

“Council Strategy Committee (CSC)” means a Committee of the whole of which the Mayor and all Councillors are members for the purpose of strategic goal planning;

[Amended by Bylaw No. 529, 2017]

“Councillor” means a Council Member of the Village of Lions Bay, excluding the Mayor;

“Inaugural Council Meeting” means the Council Meeting at which the Mayor and Councillors elected at the most recent general local election are sworn in;

“Mayor” means the Mayor, but not the Acting Mayor, of the Village;

“Motion” means a formal proposal made by a Council Member at a Council Meeting whereby Council approves or orders a specified course of action;

“Municipal Hall” means the Village of Lions Bay Office located at 400 Centre Road, Lions Bay, BC, V0N 2E0;

“Point of Information” means the procedure pursuant to which a Council Member may ask the Chair to require further information on the subject being debated;

“Point of Order” means a procedure by which a Council Member interrupts another speaker to ask the Chair to rule on a procedural matter immediately;

“Public Notice Posting Places” means the notice boards at the Municipal Hall and Village post office as well as the Village website;

“Quorum” means:

(a) in the case of Council, a majority of the number of Council Members of which the Council consists under the Community Charter; and

(b) in the case of a Committee or other body, a majority of the voting Committee Members appointed.

“Recorder” means the staff member, contractor, Council Member or Committee Member assigned to take the minutes at a Council Meeting or Committee Council Meeting;

“Regular Council Meeting” means a Council Meeting of the Council, other than a Special or Inaugural Council Meeting, held under Part 2;

“Special Council Meeting” means a Council Meeting of the Council, other than a Regular or Inaugural Council Meeting, held under Part 2;

“Village” means the Village of Lions Bay;

“Village Website” means the information resource found at an internet address provided by the Village.

INTERPRETATION

5. Reference in this Bylaw to:

- (1) A numbered Section or Part is a reference to the correspondingly numbered Section or Part of this Bylaw.
- (2) The plural is to be considered to be a reference also to the singular, unless the context otherwise requires.
- (3) A resolution or vote of Council is a reference to a resolution or vote passed by the affirmative vote of a majority of Council Members present and entitled to vote on the matter except as otherwise provided by the Community Charter or this or any other Bylaw of the Village.

APPLICATION OF RULES OF PROCEDURE

6. (1) The provisions of this Bylaw govern the proceedings of Council, CSC and all standing and select Committees of Council, as applicable.
- (2) In cases not provided for under this Bylaw, the New Robert's Rules of Order, 11th edition, apply to the proceedings of Council, CSC, and Committees to the extent they are:
 - (a) applicable in the circumstances; and
 - (b) not inconsistent with provisions of this Bylaw or the Community Charter.

PART 2 – COUNCIL MEETINGS

INAUGURAL MEETING

7. (1) Following a general local election, the first Council Meeting must be held on the first Tuesday in ~~November~~December in the year of the election.

- (2) If a Quorum of Council Members elected at the general local election has not taken office by the date of the Council Meeting referred to in Section 7(1), the first Council Meeting must be called by the Corporate Officer and held as soon as reasonably possible after a Quorum has taken office.

TIME AND LOCATION OF MEETINGS

8. (1) All Council Meetings must take place within the Council Chambers of the Municipal Hall except when Council resolves to hold Council Meetings elsewhere. Except in the case of a Council Meeting outside Municipal boundaries, Council may pass a Resolution to hold a Council Meeting outside of Municipal Hall at the commencement of that Council Meeting. Meetings, hearings or other proceedings referred to in Section 134.1 (1) may be held outside the boundaries of the Village of Lions Bay.

[Amended by Bylaw No. 529, 2017]

- (2) Regular Council Meetings must:

- (a) be held on the first and third Tuesday of each month, excepting August;
- (b) begin at 7:00 p.m.; and
- (c) be adjourned by 10:00 p.m. on the day scheduled for the Council Meeting unless Council resolves to proceed beyond that time in accordance with Section 40(1).

- (3) Regular Council Meetings may:

- (a) be cancelled by a resolution of Council, provided that two consecutive Council Meetings are not cancelled; ~~or~~
- (b) be ~~changed~~ rescheduled to a different day, time and place by ~~the Mayor~~ Council resolution, provided the Corporate Officer is given at least 2 days written notice.

[Amended by Bylaw No. 529, 2017]

- (4) When a Regular Council Meeting ~~is postponed pursuant to Section 8(3)(b)~~ date is cancelled or rescheduled pursuant to section 8(3) notice shall be provided in accordance with Sections 9(2) and 9(3).

[Amended by Bylaw No. 529, 2017]

NOTICE OF REGULAR COUNCIL MEETINGS

9. (1) The Corporate Officer must, at Public Notice Posting Places, annually before January 15 post a schedule of the dates, times and places of Regular Council Meetings.
- (2) The Council may cancel or reschedule a Regular Council Meeting under Section 8 (3) or call a Special Council Meeting under Section 10. The Corporate Officer must, as soon as practicable;

- (a) post a notice at the Public Notice Posting Places which indicates revisions to the date, time and place of a Regular Council Meeting or cancellation of a Regular Council Meeting; and
 - (b) revise the schedule referred to in Section 9(1).
- (3) Subject to Section 9(2) the Corporate Officer must give public notice of a Regular Council Meeting at least 24 hours before the date of the Council Meeting.
- (4) If the agenda for a Council Meeting contains a proposed resolution to close all or part of that Council Meeting to the public, the notices must state the basis under the Community Charter on which all or part of the Council Meeting is to be closed, but the notice must not otherwise describe the matter in respect of which all or part of the Council Meeting is to be closed. Nothing herein precludes Council from passing a resolution to close a Regular Meeting and stating the basis for doing so, notwithstanding failure to provide advance notice.

[Amended by Bylaw No. 529, 2017]

NOTICE OF SPECIAL MEETINGS

10. (1) A Special Council Meeting may be called in compliance with applicable enactments.
- (2) Except where notice of a Special Council Meeting is waived by unanimous vote of all Council Members as required under the Community Charter, a notice of the date, time, and place of a Special Council Meeting must be given at least 24 hours before the time of Council Meeting by:
- (a) posting a copy of the notice at the Public Notice Posting Places;
 - (b) leaving one copy of the notice for each Council Member in the Council Member's mailbox at Municipal Hall; and
 - (c) contacting each Council Member by telephone (or leaving a recorded message) or by email to their municipal email address.
- (3) The notice under Section 10(2) must describe in general terms the purpose of the Council Meeting.
- (4) If the agenda for the Special Council Meeting contains a proposed resolution to close all or part of that Council Meeting to the public, the notices must state the basis under the Community Charter on which all or part of the Council Meeting is to be closed, but the notice must not otherwise describe the matter in respect of which all or part of the Council Meeting is to be closed. Nothing herein precludes Council from passing a resolution to close a Special Meeting and stating the basis for doing so, notwithstanding failure to provide advance notice.

[Amended by Bylaw No. 529, 2017]

ELECTRONIC MEETINGS

11. (1) Provided the conditions set out in the Community Charter are met:
- (a) a Special Council Meeting may be conducted by means of electronic or other communication facilities ~~if the Mayor or Council requires;~~
 - (b) ~~a Council Member or a Committee Member who is unable to attend at a Special Council Meeting, as applicable, may participate, including voting, in the Council Meeting by means of electronic or other communication facilities.~~ a Council or Committee Member who is unable to attend at a Regular or Special Council Meeting or a CSC Meeting, as applicable, may participate, including voting, in the Meeting by means of electronic or other communication facilities.
- (2) ~~The Chair at a Special Council or Committee Council Meeting must not participate electronically.~~ The chair at a Regular or Special Council Meeting, or CSC Meeting, must not participate electronically.
- (3) No more than 2 Council Members or Committee Members at one time may participate at a ~~Council~~ Meeting under Section 11(1)(b).
- (4) ~~A Special Council Meeting or Committee Council Meeting~~ A Regular or Special Council Meeting or CSC Meeting will not be cancelled due to the unavailability, failure or malfunction of electronic or communications facilities, as long as a Quorum still exists.
- (5) Staff, consultants and other invited persons may participate at a meeting under Section 11.

[Amended by Bylaw No. 529, 2017]

ANNUAL MEETING

12. The Corporate Officer must give notice of the Council Meeting or other public meeting in respect of which Council has resolved to consider:
- (a) the annual report prepared under the Community Charter; and
 - (b) submissions and questions from the public;

By giving public notice by:

- (a) posting notice of the date, time and place of such meeting in the Public Notice Posting Places; and
- (b) publishing notice of the date, time and place of such meeting in accordance with the Community Charter.

PART 3 - DESIGNATION OF MEMBER TO ACT IN PLACE OF MAYOR

13. Annually in December Council must, from amongst the Council Members, designate Councillors to serve as the Council Member responsible for acting in the place of the Mayor (“Acting Mayor”) when the Mayor is absent or otherwise unable to act or when the office of Mayor is vacant.
14. Each Councillor designated under Section 13 must fulfill the responsibilities of the Mayor in his or her absence and has the same powers and duties as the Mayor in relation to the applicable matter.
15. If both the Mayor and the Council Member designated under Section 13 are absent from the Council Meeting, the Council Members present must choose a Councillor to preside at the Council Meeting.

PART 4 – COUNCIL PROCEEDINGS

COMMUNITY CHARTER PROVISIONS

16. Matters pertaining to Council proceedings are governed by the Community Charter including those provisions found in Division 3 of Part 4 and Division 2 of Part 5.

ATTENDANCE OF PUBLIC AT MEETINGS

17.
 - (1) Except where the provisions of Section 90 of the Community Charter apply, all Council Meetings must be open to the public.
 - (2) Before closing a Council Meeting or part of a Council Meeting to the public, Council must pass a resolution in a public Council Meeting in accordance with Section 92 of the Community Charter.
 - (3) This section applies to all Council Meetings of the bodies referred to in Section 93 of the Community Charter, including without limitation:
 - (a) Council Strategy Committee;
 - (b) Standing and Select Committees;
 - (c) Parcel Tax Review Panel; and
 - (d) Board of Variance.
 - (4) Despite Section 17(1), the Mayor, or the Councillor designated as the Council Member responsible for acting in the place of the Mayor under Section 13, may expel or exclude from a Council Meeting a person in accordance with Section 27(4) of this bylaw.

MINUTES OF MEETINGS TO BE MAINTAINED AND AVAILABLE TO PUBLIC

18. (1) Minutes of the proceedings of Council must:
- (a) be legibly recorded, with decisions and action items clearly noted;
 - (b) generally reflect the nature of business which occurred;
 - (c) be certified as correct by the Corporate Officer; and
 - (d) be signed by the Mayor, or other Council Member presiding at the Council Meeting, and the Corporate Officer once adopted by Council.
- (2) Verbatim transcription of statements and commentary will not be captured in the official minutes. Persons addressing Council, either as a Delegation or during participatory periods of the Council Meeting, may provide the Recorder with a transcript of their comments at the Council Meeting, for inclusion with the filing of the official Agenda package. Documents will not be received after the Council Meeting has concluded.
- (3) Subject to Section 18(3), and in accordance with the Community Charter, minutes of the proceedings of Council must be open for public inspection at the Municipal Hall during its regular office hours.
- (4) Section 18(3) does not apply to minutes of a meeting or that part of a meeting from which persons were excluded under Section 90 of the Community Charter.
- (5) Council Meetings, other than portions closed pursuant to Section 90 of the Community Charter, shall be audio recorded and posted to the municipal website as an audio file. Committee meetings shall not be recorded.

[Amended by Bylaw No. 529, 2017]

CALLING MEETING TO ORDER

19. (1) As soon after the time specified for a Council Meeting as there is a Quorum present, the Chair must call the Council Meeting to order.
- (2) If a Quorum of Council is present but neither the Mayor nor the Councillor designated as the Council Member responsible for acting in the place of the Mayor under Section 13 attend within 15 minutes of the scheduled time for a Council Meeting:
- (a) the Corporate Officer must call to order the Council Members present; and
 - (b) the Council Members present must choose a Council Member to preside at the Council Meeting until:
 - i) either the Mayor or the Councillor designated as the Council Member responsible for acting in the place of the Mayor under Section 13 arrives;
 - or

- ii) the end of the Council Meeting.
- (3) If the Mayor or the Councillor designated as the Council Member responsible for acting in the place of the Mayor under Section 13 arrives after commencement of a Council Meeting, he or she will assume the role of Chair upon arrival.

ADJOURNING MEETING WHERE NO QUORUM

20. If there is no Quorum of Council present within 15 minutes of the scheduled time for a Regular Council Meeting the Corporate Officer must:
- (a) record the names of the Council Members present and those absent and adjourn the Council Meeting until the next scheduled Council Meeting; and
 - (b) place all business on the agenda that is not dealt with at that Regular Council Meeting on the agenda for the next Regular Council Meeting.
21. If a Quorum of Council is lost during a Council Meeting, the Corporate Officer must record the names of the Council Members present and those absent, and temporarily adjourn the Council Meeting until a Quorum is present. If a Quorum does not reconvene, Section 20 will apply.

AGENDA

22. (1) Prior to each Council Meeting, the Corporate Officer must prepare an agenda setting out all the items for consideration at that Council Meeting, noting the options and recommendations, if any, for each item on the agenda.
- (2) The deadline for submissions to the Corporate Officer of items for inclusion on the Council Meeting agenda must be noon on the Thursday prior to the Council Meeting. Electronic submissions are to be emailed to agenda@lionsbay.ca.
- (3) The Corporate Officer must make the agenda available to the Council Members and the public at least 24 hours before a regular Council Meeting, except with respect to any part of the meeting that is closed to the public.
- [Amended by Bylaw No. 529, 2017]
- (4) Council must not consider any matters not listed on the agenda unless a new matter for consideration is properly introduced as a late item pursuant to Section 24.

ORDER OF PROCEEDINGS AND BUSINESS

23. (1) Unless otherwise resolved by Council, the agenda for all Regular Council Meetings contains the following matters in the order in which they are listed below:
- (a) Approval of Agenda
 - (b) Public Participation
 - (c) Delegations (requests to address Council)
 - (d) ~~Adoption-Receipt and Approval~~ of Minutes
 - (e) Business Arising from the Minutes

- (f) Unfinished Business
- (g) Reports
- (h) Resolutions
- (i) Bylaws
- (j) Correspondence
- (k) New Business
- (l) Public Questions & Comments
- (m) Closed Council Meeting (when applicable)
- (n) Adjournment

[Amended by Bylaw No. 529, 2017]

- (2) Particular business at a Council Meeting must in all cases be taken in the order in which it is listed on the agenda unless otherwise resolved by Council.

LATE ITEMS

- 24. (1) An item of business not included on the agenda must not be considered at a Council Meeting unless introduction of the late item is approved by Council at the time the agenda is approved.
- (2) If Council makes a resolution under Section 24(1), information pertaining to late items must be distributed to the Council Members and the Recorder.

VOTING AT MEETINGS

- 25. (1) The following procedures apply to voting at Council Meetings:
 - (a) when debate on a matter is closed, the Chair must put the matter to a vote of Council Members. For the purpose of this section and subsequent sections 'put' or 'putting' refers to putting the Motion to a vote.
 - (b) when Council is ready to vote, the Chair must put the matter to a vote by stating:

"All in favour?" and then "Opposed?" Council Members will indicate their preference by show of hands when the question is called.
 - (c) when the Chair is putting the matter to a vote under Sections 25(1)(a) and (b) a Council Member must not:
 - (i) cross or leave the room, or
 - (ii) interrupt the voting procedure under Section 25(1)(b) unless the interrupting Council Member is raising a Point of Order;
 - (d) after the Chair puts the question to a vote under Section 25(1)(b), a Council Member must not speak to the question or make a Motion concerning it;
 - (e) the Chair's decision about whether a question has been finally put is conclusive;

- (f) whenever a vote of Council on a matter is taken, each Council Member present shall signify their vote by raising their hand; and
- (g) the Chair must declare the result of the voting by stating whether the Motion has been carried or not.

26. Abstention from voting and tie votes are deemed to affect voting as follows:

- (a) Any Council Member present who does not indicate their objection shall be deemed to have voted in the affirmative on the question; and
- (b) If the votes of the Council Members present at a Council Meeting at the time of the vote are equal for and against a Motion, the Motion is defeated.

PUBLIC PARTICIPATION

27. (1) Council shall hold a ten minute public participation period or until speakers have concluded, whichever comes first, at the beginning of each Council Meeting, except the Inaugural Meeting.
- (2) Members of the public shall address their questions through the Chair who shall answer if possible, or refer to another Council Member or to staff for answer or subsequent research.
- (3) Each address must be limited to two minutes.
- (4) All persons addressing Council are expected to adhere to the Public Guidelines which are appended to this Bylaw.

DELEGATIONS

28. (1) A maximum of three (3) delegations will be permitted at a ~~regular Council~~ Regular Council Meeting. Council may, by unanimous decision, allow additional delegations if the subject matter is deemed to be urgent or time-sensitive.
- (2) Council may, by resolution, allow an individual or a delegation to address Council at a Council Meeting ~~on the subject of an agenda item~~ provided written application on a prescribed form has been received by the Corporate Officer by noon on the Thursday prior to the Council Meeting. Each address must be limited to ten minutes unless a longer period is agreed to by unanimous vote of those Council Members present.
- (3) Where written application has not been received by the Corporate Officer as prescribed in Section 28(2), an individual or delegation may address the Council Meeting if approved by the unanimous vote of the Council Members present provided the maximum number of delegations has not been met.
- (4) Council must not permit a delegation to address a Council Meeting of the Council:

- (a) regarding a bylaw in respect of which a public hearing has been held, where the public hearing is required under an enactment as a pre-requisite to the adoption of the bylaw;
 - (b) if the purpose is to address an issue which is before the courts or on which Council has authorized legal action; or
 - (c) if the purpose or subject of the delegation ~~has no relation to an agenda item or~~ is beyond the jurisdiction of Council; except as otherwise permitted by Council.
- (5) The Corporate Officer may schedule delegations to another Council Meeting or advisory body as deemed appropriate according to the subject matter of the delegation or if the maximum delegations has been reached for the Council Meeting.
- (6) The Corporate Officer may refuse to place a delegation on the agenda if the issue is not considered to fall within the jurisdiction of Council. If the delegation wishes to appeal the Corporate Officer's decision, the information must be distributed under separate cover to Council for their consideration.
- (7) Delegation requests must include:
- (a) the full particulars of the subject matter;
 - (b) the proposed action, within the jurisdiction of the Village, which the delegation wishes the Village to take in response to the submission;
 - (c) the names and addresses of the person(s) or the organization comprising the delegation; and
 - (d) the name, address and telephone number of the designated speaker(s).
- [Amended by Bylaw No. 529, 2017]

CORRESPONDENCE

29. Any person wishing his or her Correspondence to be received by Council at a regular Council Meeting shall provide it in accordance with the deadline noted in section 22(2).

POINTS OF ORDER

30. (1) Without limiting the Chair's duty under the Community Charter, the Chair must apply the correct procedure to a Motion:
- (a) if the Motion is contrary to the rules of procedure in this Bylaw, and
 - (b) whether or not another Council Member has raised a Point of Order in connection with the Motion.
- (2) When the Chair is required to decide a Point of Order:

- (a) the Chair must cite the applicable rule or authority if requested by another Council Member;
- (b) another Council Member must not question or comment on the rule or authority cited by the Chair under Section 30(2)(a); and
- (c) the Chair may reserve the decision until the next Council Meeting.

CONDUCT AND DEBATE

31. (1) A Council Member may speak to a question or Motion at a Council Meeting only if that Council Member first addresses the Chair.
- (2) Council Members must address the Chair by that person's title of Mayor, Acting Mayor, or Councillor.
- (3) Council Members must address other non-presiding Council Members by the title Councillor.
- (4) No Council Member may interrupt a Council Member who is speaking except to raise a Point of Order.
- (5) If more than one Council Member speaks the Chair must call on the Council Member who, in the Chair's opinion, first spoke.
- (6) Council Members who are called to order by the Chair:
- (a) must immediately stop speaking;
 - (b) may explain their position on the Point of Order; and
 - (c) may appeal to Council for its decision on the Point of Order in accordance with Section 132 of the Community Charter.
- (7) Council Members speaking at a Council Meeting:
- (a) must use respectful language;
 - (b) must not use offensive gestures or signs;
 - (c) must speak only in connection with the matter being debated;
 - (d) may speak about a vote of Council only for the purpose of making a Motion that the vote be rescinded; and

- (e) must adhere to the rules of procedure established under this Bylaw and to the decisions of the Chair and Council in connection with the rules and points of order.
- (8) If a Council Member does not adhere to Section 31(7), the Chair may order the Council Member to leave their seat, and, if the Council Member refuses to leave, the Chair may cause the Council Member to be removed by a peace officer from their seat.
- (9) A Council Member may require the question being debated at a Council Meeting to be read at any time during the debate if that does not interrupt another Council Member who is speaking.
- (10) The following rules apply to limit speech on matters being considered at a Council Meeting:
 - (a) A Council Member may speak more than twice in connection with the same question only:
 - (i) with the permission of Council; or
 - (ii) if the Council Member is explaining a material part of a previous speech without introducing a new matter; or
 - (iii) to ask a question pertinent to the matter under debate.
 - (b) A Council Member who has made a substantive Motion to Council may reply to the debate;
 - (c) A Council Member who has moved an amendment, the previous question, or an instruction to a Committee may not reply to the debate;
 - (d) A Council Member may speak to a question, or may speak in reply, for longer than a total time of 5 minutes only with the permission of Council.

MOTIONS GENERALLY

- 32. (1) Council may debate and vote on a Motion only if it is first moved by one Council Member and then seconded by another.
- (2) A Motion that deals with a matter that is not on the agenda of the Council Meeting at which the Motion is introduced may be introduced with Council's permission.
- (3) A Council Member may make only the following Motions when Council is considering a question:
 - (a) to ~~approve~~ **adopt** minutes;
 - (b) to refer to a Committee;
 - (c) to amend;

- (d) to lay on the table;
- (e) to postpone indefinitely;
- (f) to postpone to a certain time;
- (g) to move the previous question;
- (h) to adjourn.

[Amended by Bylaw No. 529, 2017]

- (4) A Motion made under Sections 32(3)(d) to (h) is not amendable or debatable.
- (5) Council must vote separately on each distinct part of a question that is under consideration at a Council Meeting if requested by a Council Member.

MOTION FOR THE MAIN QUESTION

- 33. (1) In this section "main question", in relation to a matter, means the Motion that first brings the matter before the Council.
- (2) At a Council Meeting, the following rules apply to a Motion for the main question, or for the main question as amended:
 - (a) if a Council Member moves to put the main question, or the main question as amended, to a vote, that Motion must be dealt with before any other amendments are made to the Motion on the main question; and
 - (b) if the Motion for the main question, or for the main question as amended, is decided in the negative, Council may again debate the question, or proceed to other business.

AMENDMENTS GENERALLY

- 34. (1) A Council Member may, without notice, move to amend a Motion that is being considered at a Council Meeting.
- (2) An amendment may propose removing, substituting for, or adding to the words of an original Motion.
- (3) A proposed amendment must be decided or withdrawn before the Motion being considered is put to a vote unless there is a call for the main question.
- (4) An amendment may be amended once only.
- (5) No Motion to amend a Motion may be made if the amendment negates the Motion which would be amended.
- (6) If any Council Member states that a proposed amendment to a Motion would negate that Motion, the Chair must immediately rule whether that would be the case. The ruling may be appealed to Council as if the ruling were on a Point of Order.

- (7) An amendment that has been defeated by a vote of Council cannot be proposed again at a given Council Meeting.
- (8) A Council Member may propose an amendment to an adopted amendment.
- (9) The Chair must put the main question and its amendments in the following order for the vote of Council:
 - (a) a Motion to amend a Motion amending the main question;
 - (b) a Motion to amend the main question, or an amended Motion amending the main question if the vote under Section 35(9)(a) is positive;
 - (c) the main question.

RECONSIDERATION BY COUNCIL MEMBER RECONSIDERATION OF AN ADOPTED OR APPROVED BYLAW, RESOLUTION OR PROCEEDING

35. (1) Without limiting the authority of the Council to reconsider a matter:
- (a) the Mayor may require the Council to reconsider and vote again on a matter that was the subject of a vote; and
 - (b) a Council Member who voted in the majority with respect to a matter may move that the Council reconsider and vote again on the matter, provided that the Council shall not reconsider and vote again on the matter unless the motion for reconsideration is passed.

(2) As restrictions on the authority under section 35 (1):

(a) the Mayor, or Council Member who voted in the majority, may only initiate a reconsideration under this section at the same Council meeting as the vote took place or within 30 days of that meeting; and

(b) a matter may not be reconsidered under this section if:

(i) it has had the approval of the electors or the assent of the electors and was subsequently adopted by the Council; or

(ii) there has already been a reconsideration under this section in relation to the matter.

(3) On a reconsideration under section 35 (1), the Council:

(a) shall deal with the matter as soon as convenient;

(b) shall consider whether any contracts have been entered into or legal positions adopted as a result of the original decision; and

(c) has the same authority it had in its original consideration of the matter, subject to the same conditions that applied to the original consideration.

(4) If the original decision was the adoption of a bylaw or resolution and that decision is rejected on reconsideration:

(a) the bylaw or resolution is of no effect and is deemed to be repealed; and

(c) the rejected bylaw or resolution shall not be reintroduced for further reconsideration by the Council for a period of six (6) months, except upon an affirmative vote of the Council of at least two-thirds (2/3) of the votes cast.

(5) Where a person is entitled under an enactment to have the Council reconsider a matter that has been decided pursuant to a delegation of authority by the Council:

(a) the person may invoke this right by

(i) giving written notice of the request for reconsideration to the Corporate Officer within 30 days of the impugned decision, and

(ii) setting out in the request for reconsideration,

(A) the name of the delegate who made the decision, the date of the decision and the decision made;

(B) the factual details of the matter decided by the delegate;

(C) the bases upon which the Council should reconsider the decision and a clear statement as to the decision sought from the Council;

(D) any other information or documents which the person seeking reconsideration considers relevant; and

- (E) whether the person wishes to speak to the matter upon reconsideration by the Council, in which case the person shall have no more than 10 minutes allotted;
- (b) the Corporate Officer shall, upon receipt of a request for reconsideration pursuant to this section:
 - (i) subject to Section 22 (2), set the matter down on the Agenda of the following Regular Meeting, to be heard following any Delegations appearing before the Council on that date, if any;
 - (ii) provide public notice of the request for reconsideration of the decision by the Council, if the original decision of the delegate required that public notice be given;
 - (iii) obtain from the delegate who rendered the decision and provide to the Council and to the person requesting reconsideration:
 - (A) the factual details of the matter decided by the delegate,
 - (B) the bases upon which the delegate rendered the decision; and
 - (C) any other information or documents which the delegate considers relevant to the original decision;
- (c) the Corporate Officer is not required to provide copies of information or documents under Section 23 (5) (b) (iii) to the person requesting reconsideration where such information has previously been provided to the person requesting reconsideration.
- (d) the Council shall:
 - (i) receive all of the information submitted for reconsideration pursuant to this section;
 - (ii) if requested, hear any oral submissions of the person requesting reconsideration or his or her agent or legal counsel;
 - (iii) be entitled to ask, through the Chair of the meeting, any questions of the person or of the delegate who rendered the original decision;

(iv) unless an adjournment is required for the purpose of obtaining legal counsel, forthwith decide the matter; and

(v) provide the person with oral reasons for the decision, from which there shall be no appeal, subject only to a contrary act or regulation.

(e) Following reconsideration, the Council may confirm the decision of the delegate, or set aside the decision of the delegate and substitute the decision of the Council.

~~———— Subject to Section 35(5), a Council Member may, at the next Council Meeting:~~

~~(a) move to reconsider a matter on which a vote, other than to postpone indefinitely, has been taken; and~~

~~(b) move to reconsider an adopted bylaw after an interval of at least 24 hours following its adoption.~~

~~(2) A Council Member who voted affirmatively for a resolution adopted by Council may at any time move to rescind that resolution.~~

~~(3) Council must not discuss the main matter referred to in Section 35(1) unless a Motion to reconsider that matter is adopted in the affirmative.~~

~~(4) A vote to reconsider must not be reconsidered.~~

~~(5) Council may only reconsider a matter that has not:~~

~~(a) had the approval or assent of the electors and been adopted;;~~

~~(b) been reconsidered under Section 35(1) or Section 131 of the Community Charter; or~~

~~(c) been acted on by an officer, employee, or agent of the Village.~~

~~(6) The conditions that applied to the advertising of the original bylaw, resolution, or proceeding apply to its rejection under this section.~~

~~(7) A bylaw, resolution, or proceeding that is reaffirmed under Section 35(1) or Section 131 of the Community Charter is as valid and has the same effect as it had before reconsideration.~~

[Amended by Bylaw No. 529, 2017]

PRIVILEGE

36. (1) In this section, a matter of privilege refers to any of the following Motions:

- (a) to fix the time to adjourn;
 - (b) to adjourn;
 - (c) to recess;
 - (d) to raise a question of privilege of the Council; and
 - (e) to raise a question of privilege of a Council Member.
- (2) A matter of privilege must be immediately considered when it arises at a Council Meeting.
- (3) For the purposes of Section 36(2), a matter of privilege listed in Section 36(1) has precedence over those matters listed after it.

PUBLIC QUESTIONS & COMMENTS

37. During Public Questions and Comments, a person may address Council for a maximum of two minutes on a topic/topics which have already been subject to discussion at the Council Meeting.
38. A question may be referred by Council to staff for subsequent response. In special circumstances Council may permit, by resolution, a person to address Council with a public question or comment earlier in the Council Meeting.
39. Section 27(4) applies during Public Questions & Comments.

ADJOURNMENT

40. (1) Council may continue a Council Meeting:
- (a) from 10:00 p.m. to 10:30 p.m. only by an affirmative vote of a majority of the Council Members present; and
 - (b) from 10:30 p.m. to another specified time only by a unanimous vote of all Council Members present.
- (2) A Motion to adjourn either a Council Meeting or the debate at a Council Meeting is always in order if that Motion has not been preceded at that Council Meeting by the same Motion.
- (3) Section 40(2) does not apply to either of the following Motions:
- (a) a Motion to adjourn to a specific day; or
 - (b) a Motion that adds an opinion or qualification to a preceding Motion to adjourn.

PART 5 – BYLAWS

COPIES OF PROPOSED BYLAWS TO COUNCIL MEMBERS

41. A proposed bylaw may be introduced at a Council Meeting only if a copy of it has been delivered to each Council Member at least 24 hours before the Council Meeting, or all Council Members unanimously agree to waive this requirement.

FORM OF BYLAWS

42. A bylaw introduced at a Council Meeting must:
- (1) be printed;
 - (2) have a distinguishing name;
 - (3) have a distinguishing number;
 - (4) contain an introductory statement of purpose; and
 - (5) be divided into sections.

BYLAWS TO BE CONSIDERED SEPARATELY OR JOINTLY

43. Council must consider a proposed bylaw at a Council Meeting either:
- (1) separately when directed by the Chair or requested by another Council Member; or
 - (2) jointly with other proposed bylaws in the sequence determined by the Chair.

READING AND ADOPTING BYLAWS

- 44.
- (1) The Chair of a Council Meeting may request the Corporate Officer to provide a verbal synopsis of each proposed bylaw reading.
 - (2) The readings of the bylaw may be given by stating its title and object.
 - (3) A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the Community Charter.
 - (4) Subject to Section 882 of the Local Government Act, each reading of a proposed bylaw must receive the affirmative vote of a majority of the Council Members present.
 - (5) In accordance with the Community Charter Council may give up to three readings to a proposed bylaw at the same Council Meeting.

- (6) Subject to this bylaw and any enactments, Council may give up to three readings of a bylaw in a single Motion.
- (7) Unless expressly authorized by statute, Council may not adopt a bylaw at the same Council Meeting at which it gives third reading.
- (8) Despite Section 135(3) of the Community Charter and in accordance with Section 890(9) of the Local Government Act Council may adopt a proposed official community plan or zoning bylaw at the same Council Meeting at which the plan or bylaw passed third reading.

RECONSIDERATION OF PART OR ALL OF A BYLAW

45. Subject to applicable enactments, Council may by resolution, rescind the most recent reading of a proposed bylaw, other than first reading, and then give the proposed bylaw that reading with or without amendment.

BYLAWS MUST BE SIGNED

46. After a bylaw is adopted, it must be signed by the Corporate Officer and the Chair of the Council Meeting at which it was adopted. The Corporate Officer must then have the bylaw placed in the Village's records for safekeeping.

PART 6 – RESOLUTIONS COPIES OF RESOLUTIONS TO COUNCIL MEMBERS

47. A resolution may be introduced at a Council Meeting only if a copy of it has been delivered to each Council Member at least 24 hours before the Council Meeting, or all Council Members unanimously agree to waive this requirement.

FORM OF RESOLUTION

48. A resolution introduced at a Council Meeting must be printed and have a distinguishing number.

INTRODUCING RESOLUTIONS

49. The Chair may:
 - a) have the Corporate Officer read the resolution; and
 - b) request a Motion that the resolution be introduced.

PART 7 – COUNCIL STRATEGY COMMITTEE

GENERAL PROVISIONS

50. A Council Strategy Committee is a Committee of which the Mayor and all Councillors are members. All members of the Council Strategy Committee must be Council Members.

51. Council Strategy Committee Council Meetings will be held in the Municipal Hall Council Chambers unless otherwise resolved by Council.
52. The applicable rules of procedure as set out in this bylaw shall apply to Council Strategy Committee Council Meetings.

PART 8 – COMMITTEES

COMMITTEE MEETING PROCEDURES

53. At all meetings of Standing Committees established by the Mayor and Select or other Committees established by the Council, the applicable Rules of Procedure, as set out in this Bylaw, shall apply.

DUTIES & AUTHORITY

54. Committees will undertake review into matters as directed by Council.
55. ~~Committees are required to establish an annual meeting schedule and Committee Terms of Reference as soon as practicable once the Committee has been struck and member appointments made.~~ Unless the following matters are established by the Mayor or by Council, Committees are required to establish as soon as practicable once the Committee has been struck and member appointments made:
 - (a) a Committee Terms of Reference in accordance with the purposes for which the Committee was established;
 - (b) a monthly or annual meeting schedule; and
 - (c) for standing or select committees, an elected official as the Chair of the Committee.

[Amended by Bylaw No. 529, 2017]
56. Committees operate exclusively in an advisory capacity by making recommendations to Council. Committees do not have the authority to direct staff nor to authorize expenditures or enter into contracts or agreements on behalf of the Village.

NOTICE OF MEETINGS

57. Committees are required to give public notice of meetings by posting a copy of the agenda in the Public Notice Posting Place at least 24 hours in advance of each Committee meeting.

MINUTES OF MEETINGS

58. Minutes of the proceedings of a Committee must be:

- a) legibly recorded;
- b) certified as correct by Committee consensus;
- c) signed by the Committee Chair once adopted; and
- d) open for public inspection in accordance with section 97(1)(c) of the Community Charter.

PUBLIC PARTICIPATION

59. Section 27(4) of this Bylaw shall apply to public participation at Committee meetings.

MAYOR A MEMBER OF ALL COMMITTEES

60. The Mayor is an ex-officio member of all Committees and is a voting member to the Committees of which the Mayor is appointed.

PART 9 – GENERAL

IRREGULARITY

61. The failure of Council to observe the provisions of this bylaw does not affect the validity of resolutions passed or bylaws enacted by Council.

WAIVER

62. Where all Council Members are present at a Council Meeting, the absence of a call for such a Council Meeting or failure to give notice to all or any Council Member will not render the Council Meeting invalid if the unanimous consent of those Council Members present is obtained prior to transacting any business.

PART 10 – SCHEDULES

Schedule A: Public Guidelines

NOTICE given in accordance with sections 94 and 124(3) of the Community Charter by way of posting notices in the Public Notice Posting Places on December 17, 2014.

READ A FIRST TIME	January 6, 2015
READ A SECOND TIME	May 5, 2015
READ A THIRD TIME	June 2, 2015
RESCINDED THIRD READING	June 16, 2015
READ A THIRD TIME	July 7, 2015
ADOPTED	July 21, 2015

Mayor

Corporate Officer

**Certified a true copy of
Bylaw No. 476, 2015 as adopted.**

Corporate Officer

SCHEDULE A:

Public Guidelines

Speakers wishing to take part in Public Participation and Public Question periods must enter their name onto the Speakers' List prior to the commencement of the Council Meeting.

Council will begin and end Council Meetings with public participation of up to ten minutes each, with each person who wishes to speak allocated a maximum of two minutes.

The Council Member or staff member responsible for timing speakers will provide approximately 30 seconds' notice to the speaker.

When the timer sounds, the speaker may complete their sentence within a few seconds, and then must leave the podium. Any questions asked during the two minute segment will be captured by the Recorder.

A respectful decorum is expected at all Council Meetings and Committee Meetings.

A person acting improperly may be asked to leave the Council Meeting, consistent with Section 133 of the *Community Charter*.

Expulsion from Council Meetings

133 (1) If the person presiding at a Council Meeting considers that another person at the Council Meeting is acting improperly, the person presiding may order that the person is expelled from the Council Meeting.

(2) If a person who is expelled does not leave the Council Meeting, a peace officer may enforce the order under subsection (1) as if it were a court order.



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Type	Request for Decision		
Title	Development Application Procedures Bylaw No. 431, 2011, Amendment Bylaw No. 531, 2017		
Author	Peter DeJong	Reviewed By:	
Date	June 15, 2017	Version	1
Issued for	June 20, 2017 Regular Council Meeting		

Recommendation:

(1) THAT Development Application Procedures Bylaw No. 431, 2011, Amendment Bylaw No. 531, 2017 be given three readings.

Attachments:

- (1) Draft Development Application Procedures Bylaw No. 431, 2011, Amendment Bylaw No. 531, 2017;
- (2) Draft Consolidation of Development Application Procedures Bylaw No. 431, 2011.

Key Information:

The amendments are housekeeping amendments intended to take into account changes associated with Zoning and Development Bylaw No. 520, 2017.

Options:

- (1) Give the bylaw three readings;
- (2) Amend the bylaw, and then give it three readings;
- (3) Send the bylaw back to staff with other instructions.

Preferred Option: Give the bylaw three readings.

Legal Considerations: None

Follow Up Action: If the bylaw is given three readings, it will come back for consideration of adoption on July 4th.



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY



**Development Application Procedures Bylaw No. 431, 2011,
Amendment Bylaw No. 531, 2017**

Adopted: _____, 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

Development Application Procedures Bylaw No. 431, 2011, Amendment Bylaw No. 531, 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 “Development Application Procedures Bylaw No. 431, 2011, Amendment Bylaw No. 531, 2017”.
2. Notice of Public Hearing By-law No. 46, 1976, is hereby repealed.
3. Development Application Procedures Bylaw No. 431, 2011 (the “DAP Bylaw”) is hereby amended as follows:
 - (a) Section 1 of the DAP Bylaw is amended by deleting the words : “Village of Lions Bay” and “and Fees”.
 - (b) Section 2(b) of the DAP Bylaw is amended by adding: “amendments to the” at the beginning of the subsection and deleting “or bylaws of the Village of Lions Bay”.
 - (c) Section 2(d) of the DAP Bylaw is amended by deleting the word “approval”.
 - (d) Section 4(d)(ii) of the DAP Bylaw is amended by adding the words “existing and” after the word “all”.
 - (e) Section 4(d)(iii) of the DAP Bylaw is amended by adding the words “existing and” after the word “all”.
 - (f) Section 6 of the DAP Bylaw is amended by striking “2(a) and (b)” and substituting “2(a), (b) and (c)”.
 - (g) Section 8 of the DAP Bylaw is amended by adding the following after section 8 (d), applicable to all subsections of section 8:

“subject to any delegations of authority with respect to such applications.”
 - (h) Section 9 of the DAP Bylaw is amended by striking the words “pursuant to Section 2 (d) of this bylaw” and substituting the words “for subdivision approval”.
 - (i) The DAP Bylaw is further amended by adding the following as section 9.1:

“9.1 Where an application for subdivision does not require a zoning or OCP amendment, conditions 9(b) through 9 (f) must be satisfied before an application for subdivision approval may be made to, or accepted by, the Approving Officer.

READ A FIRST TIME _____, **2017**

READ A SECOND TIME _____, **2017**

READ A THIRD TIME _____, **2017**

ADOPTED _____, **2017**

Mayor

Corporate Officer

**Certified a true copy of Development
Application Procedures Bylaw No. 431, 2011,
Amendment Bylaw No. 531, 2017 as adopted.**

Corporate Officer



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY



Development Application Procedures and Fees Bylaw No. 431, 2011

Office Consolidation: December 6, 2016

This document is an office consolidation of Development Application Procedures and Fees Bylaw No. 431, 2011 (formerly Village of Lions Bay Development Application Procedures and Fees Bylaw No. 431, 2011) 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 Development Application Procedures and Fees Bylaw No. 431, 2011, 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 or In Force
509	All	Various amendments to text and schedules	December 6, 2016
497	3, 12	Amends references to applicable Fee Bylaw	December 20, 2016 / January 1, 2017

VILLAGE OF LIONS BAY

BYLAW NO. 431, 2011

A bylaw to establish procedures and a fee structure for development applications

WHEREAS Section 460 of the *Local Government Act* requires a local government by bylaw to establish procedures to:

- a) amend an official community plan, a zoning bylaw; or
- b) issue a permit pursuant to Part 14;

AND WHEREAS Section 462 of the *Local Government Act* authorizes a local government by bylaw to establish a fee structure for the following types of development applications:

- a) amendment to an official community plan or a zoning bylaw;
- b) issuance of a development permit or a development variance permit;
- c) granting of a variance by the Board of Variance; and
- d) subdivision approval including the administering and inspecting works and services;

the intent of which is for the amount of the application fee to not exceed the estimated costs of processing, advertising and administering the average application;

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

Title of Bylaw

1. This bylaw may be cited for all purposes as "Development Application Procedures ~~and Fees~~ Bylaw No. 431, 2011.

Scope

2. This Bylaw shall apply to applications for:
 - a) amendments to the Official Community Plan (OCP)
 - b) ~~amendments to the zoning bylaw or bylaws of the Village of Lions Bay;~~
 - c) issuance of a development permit or a development variance permit or a temporary use permit; and
 - d) ~~subdivision approval.~~

Development Procedures

3. Before an application can be made under this bylaw, a prospective applicant must submit a Request for Preliminary Review of Development Proposal in accordance with Schedule A attached hereto and forming a part of this bylaw, pay the applicable fee set out in Schedule 2 of Fees Bylaw No. 497, 2016, as amended, and enter into a Preliminary Review Process with the Chief Administrative Officer and his or her designates.

[Amended by Fees Bylaw No. 497, 2016]

4. The Preliminary Review Process may consider, but is not restricted to, the following matters:
 - a) presentation of the concept proposal in writing;

- b) review of intended legal status of the land for proposed use, including bare land strata, fee simple, RS-1 with or without a secondary suite, RM-1, or other zoning designations;
- c) topographical survey and staking of existing lot boundaries;
- d) preliminary concept plan showing:
 - (i) date, scale and north arrow;
 - (ii) dimensions and sizes of all existing and proposed lots;
 - (iii) approximate location and sizing of all existing and proposed dwelling units or other structures and any possible variances potentially required;
 - (iv) location of existing buildings, roads, trails, watercourses, wetlands, easements, rights of way and other covenanted areas;
 - (v) approximate location, width, grade and surface of all proposed road and parking allowances;
 - (vi) approximate location of accesses for proposed lots and legal status of lands required for accesses;
 - (vii) location of existing water, sewer or septic, streetlighting and utility systems;
 - (viii) approximate location of proposed water, sewer or septic, streetlighting and utility systems;
- e) hydrological assessment of estimated potable water consumption for existing and proposed dwelling units or other structures in relation to estimated water supply for potable use and fire flows for existing and proposed dwelling units or other structures;
- f) geohazard risk assessment;
- g) geotechnical assessment of grading and soils for storm drainage and slope stability;
- h) wildfire interface protection assessment;
- i) environmental impact assessment, including Migratory Birds and Species at Risk, vegetation impacts, regulatory requirements and proposed mitigation;
- j) description of water and energy conservation features and clean heating features of proposed development;
- k) assessment of flood or inundation risks and appropriate minimum flood construction levels;
- l) socio-economic analysis and/or commercial economic impact analysis, including market analysis of the quantity and type of development proposed;
- m) suitability of site for age friendly and/or affordable housing development potential;
- n) traffic and noise impact and mitigation study, including construction and highway noise mitigation measures and air quality considerations;
- o) preliminary review of development siting, landscape and design for visual impact analysis, including the impacts on view corridors, the creation of shadows and other experiential characteristics;
- p) developer's public information session; and
- q) Preliminary Review Process summary report.

5. Council may approve policy guidelines to provide additional detail and scope to the matters considered in the Preliminary Review Process and such guidelines may be used to assist with the interpretation of the requirements of the Preliminary Review Process.
6. Every application pursuant to Section 2(a), ~~and (b)~~ and (c) shall be processed by staff with a report to be submitted to Council which may include:
 - a) a copy of the proposed bylaw amendment or proposed permit;
 - b) a review and analysis of the proposed bylaw amendment or proposed permit;
 - c) a recommended course of action for Council to consider; and
 - d) any additional relevant information.
7. The Council may, upon receipt of the staff report, regarding an application submitted pursuant to Section 2(a) and (b), or either of them:
 - a) proceed with an amendment bylaw;
 - b) refuse the application; or
 - c) refer the application back to staff for further analysis and information.
8. The Council may, upon receipt of the staff report, regarding an application submitted pursuant to Section 2(c):
 - a) authorize the issuance of the proposed permit;
 - b) authorize the issuance of the proposed permit as amended by Council;
 - c) refuse to authorize the issuance of the proposed permit; or
 - d) refer the application back to staff for further analysis and information;

subject to any delegations of authority with respect to such applications.
9. Where an application for subdivision requires rezoning or amendment of the OCP, an application ~~pursuant to Section 2(d) of this bylaw~~ for subdivision approval shall not be made to, or accepted by, the Approving Officer, unless and until:
 - a) an application for rezoning, and OCP amendment if applicable, has been considered and the associated bylaw or bylaws have been adopted by Council;
 - b) any applicable development cost charges, community amenity contributions, parkland dedication or cash in lieu provisions have been complied with or security taken in respect thereof;
 - c) any applicable development permits or variances have been issued;
 - d) any applicable subdivision servicing and development agreements have been executed;
 - e) any external agency approvals have been obtained; and
 - f) the Approving Officer's detailed statement of conditions in the request for preliminary layout requirements have been fulfilled.

9.1 Where an application for subdivision does not require a zoning or OCP amendment, conditions 9 (b) through (f) must be satisfied before an application for subdivision approval may be made to, or accepted by, the Approving Officer

Application Form

10. An application shall be submitted in the prescribed form to the Chief Administrative Officer or their designate and shall include, but is not limited to, the information required by Schedule A of this Bylaw.
11. The application form shall be signed by the registered owner of the land to which it relates, or by an agent authorized in writing by the owner, and shall be accompanied by a written description of the purpose and reason for the application.

Application Fee

12. At the time of application for any of the types of application listed in Section 2, the applicant shall pay to the Village an application fee set out in Schedule 2 of Fees Bylaw No. 497, 2016, as amended.

[Amended by Fees Bylaw No. 497, 2016]

13. In the event that the Chief Administrative Officer or their designate determines that the matter is more than ordinarily complex such that the fee calculated hereunder will not cover the actual costs of processing the preliminary review or any subsequent application, the Chief Administrative Officer or their designate may request that the party enter into a cost recovery agreement to allow for recovery of extraordinary costs, including but not limited to staff costs and consultant engineering, planning, and legal costs, along with the costs of engaging peer reviews of any professional reports requested, which agreement shall provide that the Village will from time to time invoice the party for the excess amounts as incurred. If no such agreement is entered into, the Chief Administrative Officer or their designate may refer the matter to Council or the Approving Officer, as the case may be, with a recommendation that the matter not be advanced unless and until funding is in place to cover such extraordinary costs.
14. Where an application for an amending bylaw or a permit has been rejected or refused by Council, the Chief Administrative Officer shall notify the applicant in writing within 30 days following the date of rejection, including any reasons for rejection of a development permit and any application fees refunds that may be applicable.

Notice

15. Where pursuant to the *Local Government Act* or *Community Charter*, the Village is required to mail or otherwise deliver notice of intended action, notice shall be given to owners and occupants of all parcels of land, any part of which is the subject of an amending bylaw or is situated within 100 meters of the perimeter of the subject property.
16. Where pursuant to the *Local Government Act* or *Community Charter*, the Village is required to mail or otherwise deliver notice of intended action, notice shall be given to owners and occupants of all parcels of land, any part of which is the subject of a proposed permit or is situated within 50 meters of the perimeter of the subject property.

Sign

17. A sign shall be prepared by a professional sign company as set out in Schedule C of this Bylaw, shall be posted on the property that is the subject of an application pursuant to subsections 2(a)-(d), and shall include the following information:
 - a) that an application has been made;

- b) name of the applicant or agent;
 - c) a map showing the subject property with surrounding properties;
 - d) the existing and proposed zoning classifications;
 - e) the particulars of the proposal; and
 - f) the location and time where the application can be viewed.
18. A draft of the sign content and its proposed location shall be submitted to the Chief Administrative Officer or his / her designate for approval prior to the erection of the sign along with a security deposit of \$500.00.
19. The sign shall be erected on the subject property within 10 days of submitting an application.
20. The Village may request that the information on the sign be amended during the application process.
21. The sign shall be removed within 30 days of the amending bylaw being either adopted or refused by Council at which time the security deposit will be returned to the applicant.

Re-application

22. Subject to the *Local Government Act*, re-application for a bylaw amendment or a permit that has been refused by Council shall not be considered within a six month time period immediately following the date of refusal.

Security Deposit

23. In the case where a security deposit may be required by the Village, cash or an irrevocable bond or letter of credit in a form satisfactory to the Village and in amount of 125% of the value of the required works and services shall be required to ensure satisfactory completion of any and all conditions.
24. The security deposit shall be returned to the applicant upon satisfactory completion of any and all conditions to the satisfaction of the Village.

Schedules

25. Schedules A, B, and C are attached hereto and form a part of this Bylaw.

Severability

26. 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

March 7, 2011

READ A SECOND TIME

April 18, 2011

READ A THIRD TIME

May 3, 2011

THIRD READING RESCINDED	May 16, 2011
AMENDED AND REREAD A THIRD TIME, AS AMENDED,	May 16, 2011
ADOPTED	June 6, 2011

Mayor

Village Manager

**Certified a true copy of
Bylaw No. 431, 2011 as adopted.**

Village Manager

SCHEDULE A

File No. _____

**VILLAGE OF LIONS BAY
REQUEST FOR PRELIMINARY
REVIEW OF DEVELOPMENT PROPOSAL**

1. Please provide the following general information on your proposal:

(a) Type of development proposal:

- Amendment to Official Community Plan (OCP)
- Amendment to Zoning Bylaw
- Subdivision

(b) Legal Description of your lands, per State of Title Certificate:

PID: _____

(the "Lands")

(c) Civic Address: _____

(d) Existing Land Use: _____

(e) Existing Zoning: _____

(f) Number of Lots/Units Proposed for the Lands: _____

2. Please provide the following information about the owner(s)/agent:

(a) Owner Name(s): _____

Mailing Address: _____

Email Address: _____

Cell Phone: _____ **Home Phone:** _____

(b) Agent Name: _____

Mailing Address: _____

Email Address: _____

Cell Phone: _____ **Home Phone:** _____

3. Please provide the following materials with this Request for Preliminary Review of Development Proposal:

- 2 paper copies and a digital copy of an 11x17 Topographical Survey and Preliminary Concept Plan, along with a large scale survey and plan (the large scale survey and plan can wait until after your initial meeting noted in paragraph 5 below).
- 1 current (within 30 days) State of Title Certificate or Title Search
- The fee set out in Schedule 2 of Fees and Charges Bylaw No. 462, as amended, for the Request for Preliminary Review of Development Proposal
- An authorization letter from the Owner if the Requestor is not the Owner of the Lands
- A letter outlining the reasons and rationale for the Proposal and the intended legal status of the Lands for the proposed use

4. Please ensure that your Preliminary Concept Plan includes the following material:

- Date, scale and north arrow
- Dimensions and sizes of all proposed lots
- Approximate location and sizing of all proposed dwelling units or other structures
- Location of existing buildings, roads, trails, watercourses, wetlands, easements, rights of way, and other covenanted areas
- Approximate location, width, grade and surface of all proposed road and parking allowances
- Approximate location of accesses for proposed lots and legal status of lands required for accesses
- Location of existing water, sewer or septic, streetlighting, and utility systems
- Approximate location of proposed water, sewer or septic, streetlighting and utility systems

5. Please note that, depending on your application, the matters referenced in subsections 4 e) – q) of Bylaw No. 431, as amended, may also be required. This will be clarified in your initial meeting with the Chief Administrative Officer (CAO) or his/her designate. Your Topographical Survey and Preliminary Concept Plan need not be drawn by a registered professional for your initial meeting with the CAO, but will be required in order to move forward with the review of your proposal.**6. Please read and sign below:**

I understand that I must submit this form and my Preliminary Concept Plan before my meeting can be scheduled with the CAO. I have read the Village of Lions Bay Development Application Procedures and Fees Bylaw No. 431, 2014, as amended and will come prepared to discuss these matters.

The information on this form is collected under the authority of the Village of Lions Bay Development Application Procedures and Fees Bylaw No. 431, 2014 and is used to process your Request for Preliminary Review of Development Proposal and later statistical analysis. If you have questions about the collection and use of this information, please contact the Freedom of Information and Protection of Privacy Act Head for the Village of Lions Bay.

 Signature

 Date

SCHEDULE B

Intentionally left blank

SCHEDULE C**DEVELOPMENT APPLICATION SIGN REQUIREMENTS****Specifications:**

These requirements and a Development Proposal Sign Format Sheet will be attached to applications for:

1. Official Community Plan Amendment;
2. Zoning Bylaw Amendment;
3. Development Permit;
4. Development Variance Permit;

Development proposal signage shall be a minimum of 1.22m x 1.22m (4 feet x 4 feet) in size and constructed of 1.3cm (1/2 inch) plywood or other durable material with a white background and black lettering. It will include a 40cm x 40cm (15.75 inches x 15.75 inches) Site Map that is white with black highlights. Lettering and map highlights will be in accordance with the following:

- Headings to be in block capitals no less than 6cm (2.36 inches) in height;
- Proposal description text to be not less than 2.5cm (0.98 inches) in height;
- Site Map to show adjacent property addresses in lettering not less than 2.5cm (0.98 inches) in height.

Where a sign is mounted on a building, it must be unobstructed from the street, and the bottom edge shall be a minimum of 1.22m (4 feet) from the ground.

Locations:

The signage shall be posted in a location unobstructed to view from the street and:

- No further than 6m (19.7 feet) from the property line abutting the street;
- Where no property abuts 2 or more streets, excluding lanes, a sign shall be posted no further than 6m (19.7 feet) from each property line abutting a street, or, alternatively, at a 45 degree angle from the intersection point of the 2 streets;
- Where placement of a required sign on a property is not feasible, the notice may be posted on an abutting road right of way, subject to approval by the Village of Lions Bay.

Timing:

The required signage must be posted no later than 10 days following submission of an application to the Village of Lions Bay and must be removed within 30 days following completion of the public hearing or withdrawal / rejection of the application.

Posting:

It is the responsibility of the applicant to ensure that signage is created and installed in accordance with the requirement of this bylaw. Failure to do so will result in a postponement in the processing of the application.

**Note: Village-initiated map amendments involving multiple properties, and text amendments affecting multiple properties, are exempt from requirements to install development proposal signage.*

**EXAMPLE:
REZONING APPLICATION**

(Applicant's Name)

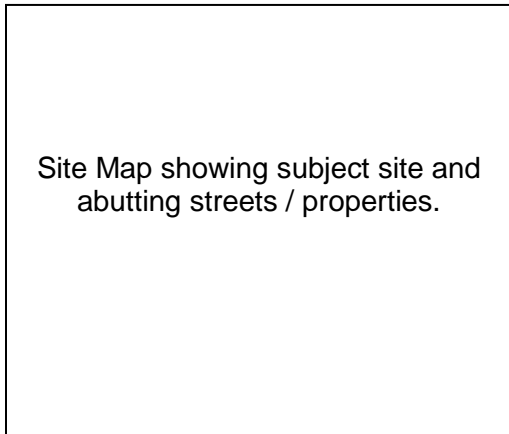
of

(Location)

has made an application to the Village of Lions Bay, which, if approved, would rezone this property

from _____

to _____.



For more information regarding the status of this proposal and the date, time, and location of the public hearing, please contact:

Chief Administrative Officer
PO Box 141
Lions Bay, BC V0N 2E0
Tel: 604-921-9333 ext.101
Email: cao@lionsbay.ca

Intentionally Blank

VILLAGE OF LIONS BAY

Incoming Correspondence - June 20, 2017

General Correspondence:

- G-1: Fisheries and Oceans Canada Invitation (Page 1)
- G-2: Proclamation for our Oceans and Waterways (Page 3)
- G-3: Prime Minister to Fight Sex Crimes and Trafficking (Page 6)
- G-4: LMLGA Community Excellence Awards (Page 12)
- G-5: Wilderness Committee - Tar Sands (Page 13)

Resident Correspondence:

- R-1: Ray Kisser (Page 15)
- R-2: Sarah McCullough - Brunswick Parking (Page 18)



Pamela Goldsmith-Jones

Member of Parliament
West Vancouver - Sunshine Coast - Sea to Sky Country

June 7, 2017

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

Dear Village of Lions Bay Mayor and Council,

We are facilitating the revitalization of the DFO lab in West Vancouver together with community and science partners and the Squamish, Tsleil-Waututh and Musqueam Nations. The Honourable Dominic LeBlanc, Minister of Fisheries, Oceans and the Canadian Coast Guard, is a leader in Canada's commitment to science and research, and the laboratory is a critical facility.

We invite you to join us on Saturday, June 10 to meet scientists, tour the facility, participate in discussion, explore a research vessel and experience community stewardship displays. Please RSVP to pam.goldsmith-jones.c1a@parl.gc.ca to be included in our remarks.

Looking forward to seeing you there.

*West Vancouver Laboratory
4160 Marine Drive
Saturday, June 10
9:30am – 2:30pm
Formal remarks: 10am*

Sincerely,

A handwritten signature in black ink that reads "P. Goldsmith-Jones".

Pamela Goldsmith-Jones, M.P.
West Vancouver-Sunshine Coast-Sea to Sky Country



Fisheries
and Oceans
Canada
invites you



Open House





**Centre for Aquaculture and
Environmental Research (CAER)**

SATURDAY, JUNE 10, 2017

9:30 am - 2:30 pm

4160 Marine Drive, West Vancouver

CAER will soon become one of two Science Enterprise Centres in Canada – an innovative hub where governments, Indigenous Peoples, academics, industry and the community collaborate on healthy ecosystems, fisheries and sustainable aquaculture.

-  Meet our scientists
-  Tour the facility and a research vessel
-  Experience interactive marine and community stewardship displays
-  Learn about our research

Parking is limited; transit recommended.

See event details at www.pac.dfo-mpo.gc.ca/caer-crae-ohpo-eng.html

Contact Elan.Park@dfo-mpo.gc.ca



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Canada

From: [Lions Bay Reception](#)
 To: [Agenda](#)
 Subject: FW: BC Mayors & Councils - A Personal Proclamation for Our Oceans & Waterways, from the Salish Sea Trust
 Date: Friday, June 09, 2017 9:35:21 AM

From: Salish Sea Trust [mailto:SalishSeaTrust@shaw.ca]

Sent: Thursday, June 08, 2017 9:54 AM

To: Lake Cowichan <general@lakecowichan.ca>; Langford <jbowden@cityofflangford.ca>; Langley <info@langleycity.ca>; Lantzville <district@lantzville.ca>; Lillooet <cityhall@lillooetbc.ca>; Lions Bay Reception <reception@lionsbay.ca>; Logan Lake <districtofloganlake@loganlake.ca>; Lumby <info@lumby.ca>; Lytton <hotspot@lytton.ca>; Mackenzie <info@district.mackenzie.bc.ca>; Maple Ridge <enquiries@mapleridge.ca>; Masset <vom@mhtv.ca>; McBride <mcbride@mcbride.ca>; Merritt <info@merritt.ca>; Metchosis <info@metchosis.ca>; Mission <info@mission.ca>; Montrose <admin@montrose.ca>; Nakusp <info@nakusp.com>; Nanaimo <mayor.council@nanaimo.ca>; Nelson <flong@nelson.ca>; New Denver <office@newdenver.ca>; New Hazelton <info@newhazelton.ca>; New Westminister <postmaster@newwestcity.ca>; North Cowichan <info@northcowichan.ca>; North Saanich <admin@northsaanich.ca>; North Vancouver <info@cnv.org>; Oak Bay <wjones@oakbay.ca>; Oliver <admin@oliver.ca>; Osoyoos <info@osoyoos.ca>; Parksville <info@parksville.ca>; Peachland <info@peachland.ca>; Pemberton <admin@pemberton.ca>; Penticton <ask@penticton.ca>; Pitt Meadows <info@pitmeadows.bc.ca>; Port Alberni <citypa@portalberni.ca>; Port Alice <info@portalice.ca>; Port Clements <cao@portclements.ca>; Port Coquitlam <info@portcoquitlam.ca>; Port Edward <info@portedward.ca>; Port Hardy <general@porthardy.ca>; Port McNeill <reception@portmcneill.ca>; Port Moody <info@portmoody.ca>; Pouce Coupe <sstokes@poucecoupe.ca>; Powell River <info@cdpr.bc.ca>; Prince George <cityclerk@princegeorge.ca>; Prince Rupert <cityhall@princerupert.ca>; Princeton <admin@princeton.ca>

Subject: BC Mayors & Councils - A Personal Proclamation for Our Oceans & Waterways, from the Salish Sea Trust

Salish Sea Trust
 Box 333, Cedar, B.C., V9X 1W1
www.salishseatrust.ca

To: Mayors & Councils
 Local BC Governments

Re: BC, Canadians, the UN, and World Oceans Day

June 8, 2017

Dear Mayors and Councils,

You may recall that last year we invited your consideration in declaring World Oceans Day, June 8th. Many of you did, and your encouragement has led to additional initiatives for cultural and natural protections - including our application to have the Salish Sea recognized as a World heritage Site. This letter asks nothing more of you at this time, but is a way to keep you informed. BTW, our work to support the Salish Sea has resulted in some 15,000 individuals signing our Petition, and writing support letters ...and our realization that there is a growing wish from British Columbians and Canadians to have our waterways, seas, oceans and coasts protected and rehabilitated.

We therefore decided to adapt the wording and request of last year, for local governments to declare World Oceans Day, so that all Canadians might be able to pledge their personal support for marine protection and rehabilitation of our waters and shores.

With World Oceans Day today, June 8th, and the UN's first Oceans Conference well underway, we wanted to provide you with a copy of our 'Personal Proclamation'. We have also provided a copy of our press release, along with our poster and text, below. We believe the 'Personal Proclamation' summarizes reasons why Canadians have a true and abiding love for the rivers, lakes and ocean waters across and around our country - and also helps to encourage Canadians to get involved in their protection.

Should the opportunity arise as you discuss and debate such matters we would urge you to consider this 'Personal Proclamation', and as appropriate to bring it to the attention of your constituents. We believe it is a good and heartfelt contribution to our west coast as well as to the World's Oceans, reflecting our ongoing relationship with the waters and marine life which are so central to our heritage, and our common future.

Thank you for your time and interest. Please do not hesitate to be in touch if we can be of service.

regards,

Laurie Gourlay
 Interim Director
 Salish Sea Trust

----- Forwarded Message -----

Subject: Press Release: Personal Proclamation for Canadians ...for World Oceans Day & Rivers To Oceans Week (Jn 8-14th)
 Date: Mon, 5 Jun 2017
 From: Salish Sea Trust <SalishSeaTrust@shaw.ca>
 Organisation: SalishSeaTrust
 To: salishseatrust@shaw.ca

Press Release
 FOR IMMEDIATE RELEASE
 June 5, 2017

**Local Organization Offers Canadian Rivers & Ocean Proclamation
 Personal Pledge Supports World Environment Day & World Oceans Day (Jn 5 & 8th)**

CEDAR, By The Salish Sea – "Canadians want to work together for the environment and the economy, locally and globally," according to Laurie Gourlay, Interim Director of the Salish Sea Trust. The regional organization has recently submitted an application to Parks Canada to have the Salish Sea recognized as a UNESCO World Heritage Site.

"Over 15,000 individuals signed our Petition and wrote letters in support of the Salish Sea World Heritage Site proposal," Gourlay notes, "and we knew we had to keep the momentum going." The Salish Sea Trust has revised a Declaration for World Oceans Day, and Rivers to Ocean Week, supported by local municipal governments around the Salish Sea in 2016.

"The Personal Proclamation briefly states why our rivers, seas and oceans are so important to all of us," states Gourlay "and lets individuals pledge to work together, or on their own, to help protect and rehabilitate marine ecosystems, biodiversity and productivity." The Salish Sea Trust is circulating the Proclamation on social media, and sending the Proclamation to Canada's Environment Minister as the host of World Environment Day (June 5), as well as to UNESCO's World Heritage Marine Programme as they prepare to celebrate World Oceans Day (June 8th).

"Canadians can sign the Proclamation during Canadian Environment Week (Jn 4-14th), enjoy the beauty of our waterways over the summer, and roll up our sleeves and get to work protecting nature and sustainability come the fall." A copy of the text, and the poster that is being circulated, is copied below.

-30 -

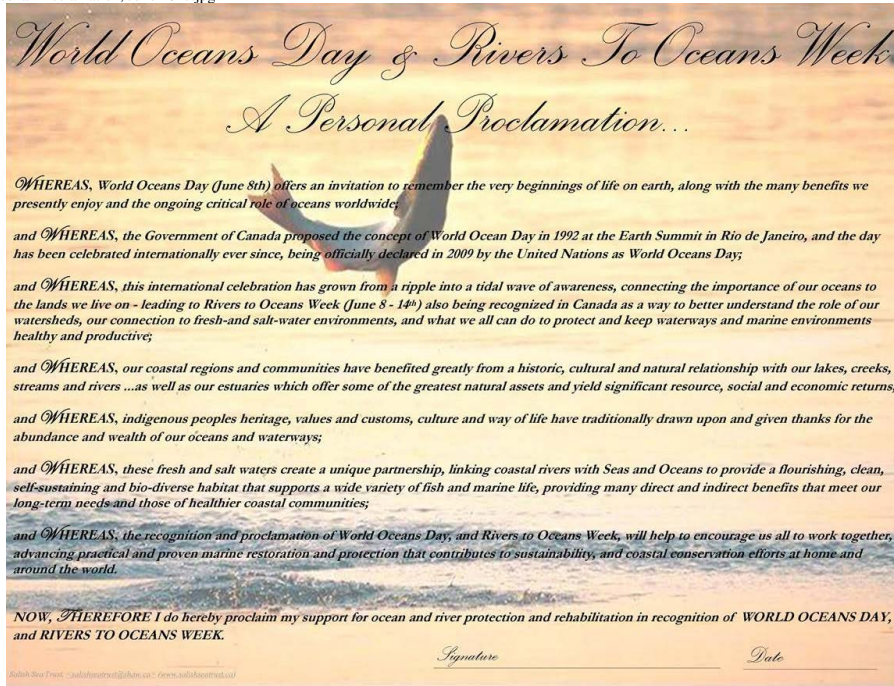
For more information:

Laurie Gourlay
 Interim Director, Salish Sea Trust
 (250 722-3444)

Salish Sea Trust, Box 333, Cedar, B.C., V9X 1W1

250.722.3444, <SalishSeaTrust@shaw.ca> (www.salishseatrtrust.ca)

World Oceans Day, A Personal Proclamation, June 2017.jpg



World Oceans Day & Rivers To Oceans Week
A Personal Proclamation...

WHEREAS, World Oceans Day (June 8th) offers an invitation to remember the very beginnings of life on earth, along with the many benefits we presently enjoy and the ongoing critical role of oceans worldwide;

and WHEREAS, the Government of Canada proposed the concept of World Ocean Day in 1992 at the Earth Summit in Rio de Janeiro, and the day has been celebrated internationally ever since, being officially declared in 2009 by the United Nations as World Oceans Day;

and WHEREAS, this international celebration has grown from a ripple into a tidal wave of awareness, connecting the importance of our oceans to the lands we live on - leading to Rivers to Oceans Week (June 8 - 14th) also being recognized in Canada as a way to better understand the role of our watersheds, our connection to fresh-and salt-water environments, and what we all can do to protect and keep waterways and marine environments healthy and productive;

and WHEREAS, our coastal regions and communities have benefited greatly from a historic, cultural and natural relationship with our lakes, creeks, streams and rivers ...as well as our estuaries which offer some of the greatest natural assets and yield significant resource, social and economic returns;

and WHEREAS, indigenous peoples heritage, values and customs, culture and way of life have traditionally drawn upon and given thanks for the abundance and wealth of our oceans and waterways;

and WHEREAS, these fresh and salt waters create a unique partnership, linking coastal rivers with Seas and Oceans to provide a flourishing, clean, self-sustaining and bio-diverse habitat that supports a wide variety of fish and marine life, providing many direct and indirect benefits that meet our long-term needs and those of healthier coastal communities;

and WHEREAS, the recognition and proclamation of World Oceans Day and Rivers to Oceans Week, will help to encourage us all to work together, advancing practical and proven marine restoration and protection that contributes to sustainability, and coastal conservation efforts at home and around the world.

NOW, THEREFORE I do hereby proclaim my support for ocean and river protection and rehabilitation in recognition of World Oceans Day, and Rivers to Oceans Week.

Signature _____

Date _____

From: [Lions Bay Reception](#)
To: [Agenda](#)
Subject: FW: Prime Minister to fight sex crimes/trafficking: please send this email to City Council
Date: Monday, June 12, 2017 1:09:22 PM
Attachments: [Dear Honorable Minister Jody Wilson.docx](#)
Importance: High

For Incoming Correspondence for next Council meeting.

Susan Loutet

Administrative Assistant

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

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

Tel: (604) 921-9333 ext. 1000 | Fax: (604) 921-6643

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From: Cathy Peters [mailto:ca.peters@telus.net]

Sent: Saturday, June 10, 2017 2:45 PM

To: district@dist100milehouse.bc.ca; info@abbotsford.ca; mailbox@acrd.bc.ca; officeclerk@alertbay.ca; village.hall@anmore.com; info@cityoffarmstrong.bc.ca; admin@ashcroftbc.ca; inquiry@barriere.ca; bim@bimbc.ca; inquiries@rdbn.bc.ca; clerks@burnaby.ca; village@burnslake.ca; admin@cachecreek.info; info@campbellriver.ca; village@canalflats.ca; breems@crd.bc.ca; mailbox@cariboord.ca; castlegar@castlegar.ca; aa@ccrd-bc.ca; info@rdck.bc.ca; info@cord.bc.ca; municipalhall@csaanich.ca; chase@chasebc.ca; d-chet@gochetwynd.com; info@chilliwack.com; admin@docbc.ca; admin@village.clinton.bc.ca; info@coldstream.ca; inquiries@csrd.bc.ca; generalinquiry@colwood.ca; town@comox.ca; administration@comoxvalleyrd.ca; feedback@coquitam.ca; info@courtenay.ca; cvrd@cvrd.bc.ca; info@cranbrook.ca; info@creston.ca; info@cumberland.ca; admin@dawsoncreek.ca; clerks@delta.ca; duncan@duncan.ca; info@rdek.bc.ca; info@elkford.ca; info@cityoffenderby.com; info@esquimalt.ca; cityhall@fernien.ca; district@fortstjames.ca; info@fortstjohn.ca; rjholland@fraserlake.ca; info@fvrd.ca; district@rdffg.bc.ca; info@village.fruitvale.bc.ca; info@gibsons.ca; villageofgoldriver@cablerocket.com; enquiries@golden.ca; general@villageofgranisle.ca; info@greenwoodcity.com; info@harrisonhotsprings.ca; info@hazelton.ca; lcondon@highlands.ca; info@hope.ca; doh@houston.ca; district@hudsonshope.ca; info@invermere.net; information@islandstrust.bc.ca; jumboglaciermrm@gmail.com; info@kamloops.ca; admin@kaslo.ca; ask@kelowna.ca; clee@district.kent.bc.ca; cao@keremeos.ca; info@kimberley.ca; districtofkitimat@kitimat.ca; info@rdks.bc.ca; admin@rdkb.com; info@ladysmith.ca; admin@lakecountry.bc.ca; general@lakecowichan.ca; jconeybeer@cityofflangford.ca; info@langleycity.ca; info@tol.ca; district@lantzville.ca; cityhall@lillooetbc.ca; Lions Bay Reception <reception@lionsbay.ca>; districtofloganlake@loganlake.ca; info@lumby.ca; hotspot@lytton.ca;

info@district.mackenzie.bc.ca; enquiries@mapleridge.ca; vom@mhtv.ca; mcbride@mcbride.ca;
info@merritt.ca; info@metchosin.ca; icentre@metrovancover.org; midwaybc@shaw.ca;
info@mission.ca; admin@montrose.ca; info@rdmw.bc.ca; info@nakusp.com;
mayor.council@nanaimo.ca; corpsrv@rdn.bc.ca; flong@nelson.ca; office@newdenver.ca;
info@newhazelton.ca; postmaster@newwestcity.ca; info@northcowichan.ca; info@rdno.ca;
admin@northsaanich.ca; info@cnv.org; infoweb@dnv.org; justask@northernrockies.ca;
wjones@oakbay.ca; info@rdos.bc.ca; admin@oliver.ca; info@osoyoos.ca; info@parksville.ca;
prrd.dc@prrd.bc.ca; info@peachland.ca; admin@pemberton.ca; ask@penticton.ca;
info@pittmeadows.bc.ca; citypa@portalberni.ca; info@portalice.ca; cao@portclements.ca;
info@portcoquitlam.ca; info@portedward.ca; general@porthardy.ca; reception@portmcneill.ca;
info@portmoody.ca; sstokes@poucecoupe.ca; info@cdpr.bc.ca;
administration@powellriverrd.bc.ca; cityclerk@princegeorge.ca; cityhall@princerupert.ca;
admin@princeton.ca; qbtown@qualicumbeach.com; office@queencharlotte.ca;
cityhall@quesnel.ca; mark.read@radiumhotsprings.ca; admin@revelstoke.ca;
cityclerk@richmond.ca; cityhall@rossland.ca; clerksec@saanich.ca; cao@salmo.ca;
cityhall@salmonarm.ca; village@saywardvalley.net; info@sechelt.ca; dhill@secheltnation.net;
info@sicamous.ca; admin@sidney.ca; admin@silverton.ca; info@sqcrd.bc.ca;
info@villageofslocan.ca; general@smithers.ca; info@sooke.ca; mail@spallumcheentwp.bc.ca;
sparwood@sparwood.ca; admdept@squamish.ca; info@sird.bc.ca; info@districtofstewart.com;
administration@strathconard.ca; info@summerland.ca; admin@sunpeaks municipality.ca;
info@scrd.ca; clerks@surrey.ca; reception@villageoftahsis.com; feedback@districtoftaylor.com;
info@telkwa.ca; cityhall@terrace.ca; admin@tnrd.ca; office@tofino.ca; info@trail.ca; cao@dtr.ca;
info@ucluelet.ca; office@valemount.ca; info@district.vanderhoof.ca; admin@vernon.ca;
publicservice@victoria.ca; info@viewroyal.ca; warfieldadmin@shawlink.ca; office@wells.ca;
info@westkelownacity.ca; info@westvancouver.ca; info@whistler.ca; webmaster@whiterockcity.ca;
cbouchard@williamslake.ca; adminzeb@recn.ca

Subject: Prime Minister to fight sex crimes/trafficking: please send this email to City Council

Importance: High

Dear Mayors and City Councillors of British Columbia (urgent),
This statement from the Prime Minister came out yesterday (please see below).

This is an encouraging step; however, my focus/concern/mandate is **British Columbia**.

I have included my recent letter (attachment) to the Federal Ministry of Justice department in Ottawa as a result of our Ministry of Justice Committee Roundtable discussion in Vancouver on May 24th.

My goal is to “traffick-proof” every community in BC.
I do not want another Robert Picton situation.

<http://www.bbc.com/news/magazine-38796464>

I confess this is my “mother bear instinct” rising up.

I hope to hear from you.

I have applied to speak (with a panel of experts) to the UBCM convention for this September. Title: Prevention of Youth/Child Sexual Exploitation.
Please write a letter of support for my application to UBCM.

This is the fastest growing crime in Canada and the world.
British Columbia is not immune and our youth/children are being aggressively targeted for the sex trade industry.

As a “seasoned” educator (former inner city high school teacher) I am available to speak to this issue to any group.
Education is our greatest weapon and **collaboration is key.**

And I want to publicly thank OIC Inspector Sean Maloney from the Coquitlam RCMP SMT for presenting me with a Coquitlam Police Challenge Coin. **This is an honor which I cherish and value.** Thank you Inspector Maloney.

Most Sincerely and with appreciation to every Council for your important work and commitment to community safety,
Mrs. Cathy Peters (BC’s anti-human trafficking advocate and “just a mom”)
#302-150 W. 15th St., North Vancouver, BC V7M 0C4

Prime Minister underlines commitment to fight sex crimes and trafficking

June 9, 2017
Ottawa, Ontario

The Government of Canada is committed to combat sexual crime and human trafficking for sexual exploitation. These crimes are global problems that have devastating impacts on their victims. That is why the Prime Minister, Justin Trudeau, today underscored that, as part of the Government of Canada’s continued financial support for the Formula 1 Grand Prix du Canada in Montréal, he has asked the Minister of Innovation, Science and Economic Development to monitor – in collaboration with the Province of Quebec, City of Montréal, and other partners – the results of their collective efforts to combat sex crimes and trafficking during this event, and ensure progress is achieved in reducing these criminal acts. All three orders of government are collaborating on efforts that aim to reduce sexual exploitation and ensure that the Grand Prix remains a family-friendly event and a positive reflection of all that Montréal has to offer.

Quote

“Sex crimes and trafficking have no place in our country, and certainly not during the F1 Grand Prix weekend in Montréal. Our government is working closely with the Province of Quebec, the City of Montréal, and other partners to combat these activities. I believe these efforts will go a long way to protect some of our most vulnerable women and men. We expect a marked improvement in tackling this longstanding and pernicious problem as part of our ongoing support to the Grand Prix du Canada.”

– *The Right Hon. Justin Trudeau, Prime Minister of Canada*

Quick Facts

- Vulnerable populations at risk of becoming trafficked include migrant workers, new immigrants, youth, Indigenous women and girls, those who are socially or economically disadvantaged, or those who may have been lured to urban centres or have gone of their own free will with the hopes of bettering their lives. The RCMP manages the Human Trafficking National Coordination Centre, which provides a focal point for

law enforcement in their efforts to combat and disrupt individual and criminal organizations involved in human trafficking activities.

Associated Link

- [Extension of the Formula 1 Grand Prix du Canada in Montréal until 2029](#)

PMO Media Relations:
613-957-5555

Dear Honorable Minister Jody Wilson-Raybould
and Assistant Jessica Prince,

I had the privilege of attending the Ministry of Justice Roundtable in Vancouver on May 24 that was chaired by Parliamentary Secretary MP Marco Mendicino.

I would like to give you some feedback regarding that meeting.

Our group of 12, who support the Law (with the exception of Section 213) were given time to speak and no one felt rushed.

We all appreciated that. Thank you.

However, **there is confusion as to why this meeting was held, why the Minister of Justice did not attend, and what the process is from here.**

Could you clarify this for us, please?

The sex trade industry is powerful, strong, unchecked and global in Vancouver.

So there is a strong push for legalization/full decriminalization here.

The city of Vancouver is openly not targeting the buyers of sex or enforcing the law, and this is influencing all of British Columbia.

Hence, BC is the best place to traffick human beings in Canada.

The impact of legalization/decriminalization would be devastating to public/community safety.

Firstly to **aboriginal women and children** who have already been exploited for generations; their exploitation/destruction would be complete, normalized and final. (This needs to be addressed in the Inquiry for Missing Women).

Robert Pickton, Canada's most notorious john and serial killer is from the Vancouver area.

Legalization /decriminalization would certainly lead to more violence of this nature.

Human trafficking, **youth and child exploitation**, organized crime, presence of international crime syndicates would all exponentially grow and flourish in a legalized or full decriminalized situation. (Look at Germany for example and the State of Nevada).

I trust the Honorable Minister and Justice Committee understand these implications.

Bill C-36 is a good law. But it needs to be enforced and training is **needed by all police** in Canada. In the meantime, Canada and particularly the West Coast are becoming global sex tourism destinations.

Prime Minister Trudeau cites "gender equity" as a policy platform of his government. Therefore it is "unacceptable for women and children to be bought and sold in a modern equal society". (my quote)

I request an email response at your earliest convenience.

I also request a personal meeting with the Minister when she is in the Vancouver area. I had made this request a year ago through my local MP Pamela Goldsmith-Jones (West Vancouver-Sunshine Coast-Sea to Sky Country).

Thank you.

Most Sincerely, Mrs. Cathy Peters (educator and BC's anti-human trafficking advocate)
#302-150 W.15th St., North Vancouver, BC V7M 0C4

From: Jamee [<mailto:jjustason@ubcm.ca>]

Sent: Thursday, June 15, 2017 10:24 AM

Subject: UBCM Convention Deadlines for Community Excellence Awards, Session Proposals and Registration opens soon. Plus your LMLGA 2017-18 Executive

Attn:

Mayor/Chair
Council/Board
Senior Staff

Dear LMLGA member local governments:

This is a reminder of important upcoming dates and deadlines for the UBCM Convention.

Community Excellence Awards

The deadline to submit an application for the Community Excellence Awards program is **Friday, June 23**. [Learn more.](#)

Many past winners of these awards were LMLGA members. I encourage you to submit your applications by the deadline for consideration.

Session Proposals

There are two opportunities for session participation at the 2017 UBCM Convention: workshops and clinics. The deadline to submit a session proposal is **Friday, June 23**. [Read more.](#)

Registration

UBCM Convention Registration opens on **Tuesday, July 4**. The discounted early bird rate is available until August 11. Check the UBCM web site (www.ubcm.ca) starting July 4 for the registration page.

New LMLGA Executive

Your 2017-18 LMLGA Executive list is now available on the [LMLGA web site](#).

Best Regards,

Jamee

Jamee Justason

Executive & Association Services Coordinator

Union of BC Municipalities

Lower Mainland Local Government Association

60 – 10551 Shellbridge Way

Richmond, BC V6X 2W9

Phone: 604-270-8226 Ext. 100

Email: jjustason@ubcm.ca

Websites: www.ubcm.ca and www.lmlga.ca

RECEIVED
JUN 16 2017**WILDERNESS
COMMITTEE****NATIONAL OFFICE**
46 E. 6th Avenue,
Vancouver, BC V5T 1J4Toll Free: 1-800-661-9453
In Vancouver: (604) 683-8220
WildernessCommittee.org

VANCOUVER • VICTORIA • WINNIPEG • TORONTO

TIME'S UP FOR THE TAR SANDS



June 8, 2017

Dear Mayor & Council

Climate chaos is now impossible to ignore.

Communities like yours are on the frontlines of this crisis. We're seeing more floods, fires and storms and having to plan to adapt. We are in an urgent crisis and it's about time our leaders started acting like it.

Instead, they promise to build new tar sands pipelines.

Expanding the world's most polluting project at a time like this is deeply irresponsible. Not only that, trying to prop up a dying industry instead of embracing the future is foolhardy.

Cities and towns have a huge stake in the fight against tar sands expansion and new pipelines.

In our latest report, *Time's Up for the Tar Sands*, we explore the damning reality facing the fossil fuel industry – the economics, the alternatives and the resistance. It makes a clear argument for how fighting for a safe climate is incompatible with building **any** new pipelines or the tar sands mines they enable.

Our dirty oil has no future in a world that's moving on from fossil fuels.

We can and must embrace that future. Despite all of the climate alarm bells and fleeing investors, government and industry seem determined to build these dinosaur projects and lock in decades of further reliance on fossil fuels.

That's why communities — parents, workers, chiefs and mayors — are stepping up to take action.

Currently, Prime Minister Trudeau has approved two new pipelines and cheered on a third. Thankfully, a powerful movement is rising up to stop this reckless scheme.

continued over...

2.

From dense cities like Vancouver to tourist towns like North Bay, Ontario, municipalities are stepping up to protect their residents from oil spills and the impacts of global climate change.

If you're interested in discussing what your city can do in the fight against pipelines please contact me at peter@wildernesscommittee.org or 778-239-1935.

Now is the time for bold climate action, not reluctant half-measures.

For the wild,



Peter McCartney
Climate Campaigner



From: [Peter DeJong](#)
To: [REDACTED]
Cc: [Council @ Lions Bay; Shawna Gilroy](#)
Subject: RE: Community Amenity Contribution Policy Draft
Date: Monday, May 29, 2017 4:16:24 PM
Attachments: [image002.png](#)

Thanks for your input Ray. Council cannot consider matters related to the Zoning Bylaw between the Public Hearing and Adoption. However, the draft policies for Community Amenity Contributions and Temporary Use Permits will be revisited after adoption (assuming that takes place).

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: Shawna Gilroy
Sent: Monday, May 29, 2017 1:52 PM
To: Peter DeJong <cao@lionsbay.ca>
Subject: FW: Community Amenity Contribution Policy Draft

FYI

Shawna Gilroy
Office Coordinator

From: Ray Kissar [REDACTED]
Sent: Monday, May 29, 2017 1:44 PM
To: Council @ Lions Bay; Shawna Gilroy
Subject: Re: Community Amenity Contribution Policy Draft

Dear Mayor and Council,

Zoning and Development Bylaw No. 520, 2017

You are asking for too much money.

The goal is to get more housing options in Lions Bay concurrent with increased

amenities. Developers will not come here to develop anything if amenity contribution demands are equal to any other easier to build place.

So there will be no additional multi-dwelling housing built unless the land is cheap enough to offset. It's hard to build here not impossible but hard.

As for the proposed amenity charges to existing home owners who may want to build a cottage/ carriage type home. Once again, too much money. For a 1200 sq ft. cottage this would add \$11,000.00 to the build costs of the extra dwelling..

For subdivision, the amount proposed is too high by an incredible amount. A lot in Lions Bay right now that is serviced would fetch between \$900,000 - \$1,200,000 depending on several factors. 10% amenity charge sees 10 or more applications and \$1,000,000.00 in amenity contribution. 33%, you may get a few and it won't be right away. Keep in mind that in order to make a lot sellable, it needs to be serviced. This cost a lot of money especially here! Add 33% amenity charge and now it's a huge investment. Very few would do it.

Given that there is land in Lions Bay that could be developed, and given that there would be demand for additional housing options by the in-place community who really want to stay here, you should make it easier by reducing the upfront costs.

If you don't, it won't happen any time soon.

Let's consider the positive effects on annual taxes. The quicker we can get more households developed in Lions Bay, the quicker annual tax contributions come in.

Sorry I can't comment on commercial as it isn't within my scope of expertise.

These are my comments. Please feel free at any time to challenge them, disagree, agree, or otherwise.

Thank you,

Ray Kissler

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This message is not intended to solicit your listing should you already have a listing agreement with another Realtor.

From: [Karl Buhr](#)
To: [REDACTED]; [Council @ Lions Bay; Agenda](#)
Cc: [Peter DeJong](#)
Subject: RE: Brunswick Parking
Date: Friday, June 09, 2017 3:00:58 PM

Sarah, thanks for your note. We're aware and we're working on it. Nothing in government works fast but resident documentation helps to move it up the chain, so keep it coming.

In this case, Lions Bay does not have jurisdiction to even ticket, let alone tow: it's a provincial highway. MOT does though, and following recent discussions are looking at permanent changes to prevent parking in the first place. One of the main concerns is that the demand is established, so people will park SOMEWHERE, so Lions Bay has to do something about managing demand too: signage, allowed parking, ticketing nuisances (alcohol, noise, litter...).

In your good faith opinion, once people make it onto the beach, are they creating a nuisance, or is it legitimate use of a public beach?

Regards,
Karl

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

From: Sarah McCullough [REDACTED]
Sent: Thursday, June 8, 2017 8:16 PM
To: Council @ Lions Bay; Agenda
Subject: Brunswick Parking

This is getting out of hand. Cars are parking on the highway. I can't think of any other on/off ramp that allows parking. The beach at Brunswick does not have any facilities to handle waste. We need to make both sides of the ramp a tow away zone.

And we need enforcement - people must assume that neither Lions Bay nor the Ministry of Transportation has the funds to pay for towing.

Sent from my iPhone

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ON-TABLE ITEMS



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Type	POLICY	Policy No	POL – 1702
Title	Temporary Use Permits for Short Term Rentals		
Author	CAO	Reviewed By:	
Date	June 20, 2017	Version	6

Purpose

The purpose of this Policy is to provide guidance for staff, elected officials and property owners regarding applications for Temporary Use Permits (TUPs) for Short Term Rentals (STRs).

Council has seen fit to regulate STRs in order to sustain the character of Lions Bay's residential zones, to reduce nuisance from noise, parking and other aspects arising from the existence of STRs, to regulate utility usage, and to be able to influence the amount of short-term vs. long-term rental accommodation available in the community.

Zoning and Development Bylaw No. 520, 2017 (the Zoning Bylaw) prohibits STRs in all zones except where authorized under a TUP. Council has delegated the authority to grant TUPs in accordance with this policy to the Chief Administrative Officer (CAO).

Definitions

Secondary Suite has the same meaning as in the Zoning Bylaw

Short Term Rentals (STRs) have the same meaning as in the Zoning Bylaw.

Temporary Use Permits (TUPs) have the same meaning as in Division 8 of the Local Government Act.

Policy

1. TUPs for short term rentals shall not be granted in respect of:
 - a. houseboats,
 - b. Secondary Suites, or

POL-1702: Temporary Use Permits for Short Term Rentals



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- c. premises which contain a child home care business or are located within 50 metres of a school or daycare.
2. Without limiting the generality hereof, the TUP application form will specify a pre-inspection checklist for STRs to assist applicants in meeting the requirements. An application for a TUP must be submitted by the property owner (Owner) along with a state of title certificate and stipulate whether the Owner will be living on the applicable parcel during the STRs. Application fees are in accordance with Fees Bylaw No. 497, 2016, as amended.
3. Preference in granting TUPs will be given to Owners living on site and in Lions Bay. If the Owner does not live on site or within Lions Bay, they must employ an agent within Lions Bay to manage the STR. Twenty-four hour per day contact information for the Owner and, if applicable, the agent, must be provided to the Municipality and all neighbouring residents within 100 metres of the property ("Neighbours"). The Owner or agent must be capable of responding to complaints made by Neighbours within 1 hour, and by the municipality within 24 hours. A report of the complaint and action taken shall be filed with the Municipality by the Owner or agent within 48 hours of such action.
4. The number of STR guests at any one time shall not exceed 10 on any parcel.
5. All parking for STRs must be provided on the property. The number of guest vehicles shall not exceed the number of guest vehicle parking spaces on the parcel, having regard to any parking spaces required for the Owner and/or Secondary Suite tenants. In Permit Parking zones, Owners may not rely on street parking to achieve the requisite count of parking spaces.
6. Web listings for STRs shall specify the maximum number of guests and guest vehicles.
7. No more than one dwelling unit per parcel may be granted a TUP for STR.
8. Premises subject to a TUP application for STRs shall be inspected by the Municipality for compliance with the BC Building Code, the Lions Bay Building Bylaw and other applicable bylaws, in relation to the use intended under the application.



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9. Decisions regarding the granting of TUPs may take into consideration any or all of the following:
 - a. safety considerations identified regarding the applicable premises;
 - b. the ability of water supply, central sewage in the case of parcels so serviced and onsite wastewater disposal systems to handle the use, the proximity to and potential impacts on ecosystems;
 - c. the proximity to and impact on public rights-of-way, beaches, parks and other public use areas;
 - d. the size of
 - i. the dwelling unit;
 - ii. the parcel; andthe location of the dwelling unit on the parcel in relation to neighbouring properties;
 - e. the impact of vehicles coming and going to and parking upon the property;
 - f. the intended form of management of the STR;
 - g. previous history of complaints regarding STRs at the property;
 - h. potential impacts upon the neighbourhood;
 - i. responses to the application received from Neighbours;
 - j. the number of TUPs already issued for STRs in the neighbourhood and in Lions Bay overall;
 - k. compliance with the Municipality's secondary suite regulations.
10. The CAO may require the Owner to provide a report from an authorized person under the Sewerage System Regulation to confirm that a septic disposal system is capable of handling the anticipated uses related to a TUP.
11. All TUPs shall specify quiet times between the hours of 10 pm and 8 am seven days per week and restrict the use of outdoor areas accordingly.
12. No signs indicating the STR use are permitted on or off the property.
13. STR applications for strata units must be supported by a resolution from the strata council.



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14. Security in the form of cash deposit, bond, irrevocable letter of credit or similar instrument in the amount of \$2,500 is required in conjunction with the issuance of a TUP for STRs. This security may be drawn upon by the Municipality for:

- a. any Bylaw Notices issued under Bylaw Notice Enforcement Bylaw No. 385, as amended;
- b. any judgements obtained or legal expenses incurred in pursuit of remedies in BC Provincial or Supreme Court;
- c. any of the grounds permitted under section 502 of the *Local Government Act*.

If drawn upon by the Municipality, this security shall be replenished by the Owner within 30 days or the TUP issued hereunder shall be null and void.

15. Owners must provide proof of insurance for the use intended, including a Broad form commercial general liability policy for a limit of not less than two million (\$2,000,000.00) dollars per occurrence with respect to third party liability claims for bodily injury, property damage, or personal injury, with a specific rider acknowledging the use of all or part of the property as an STR, and showing the Village as an Additional Named Insured. Such insurance must stay in force and not be amended, cancelled or allowed to lapse during the term of the TUP.

16. The term of the first TUP issued in respect of a property shall be no longer than 1 year. Within 60 days before the expiry of the term of a TUP, the Owner may apply for a 1 year renewal term. Any subsequent use of the property for STRs beyond the original or the renewal term shall be prohibited unless the Owner applies for and receives a new TUP. After the first two years, an Owner may apply for a TUP for up to 3 years, which may be renewed for an additional 3 years subject to this policy.

17. If any public objections to an application are received by the CAO, the CAO shall refer the completed application to the next available Council meeting.

18. A decision of the CAO under this policy may be reconsidered by Council if, within 30 days of the CAO's decision being conveyed to the Owner in writing via email, the Owner requests a reconsideration in accordance with section 35 (5) of Council Procedures Bylaw No. 476, 2015, as amended.

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19. The onus is on Owners to apply for TUPs; staff will follow the Municipality's enforcement policy and seek compliance as the primary objective.
20. Owners who do not have a valid TUP may be given a one week grace period to apply but shall not market their property or accept any new bookings unless and until their application has been approved.

Mayor

Corporate Officer

Adopted by Council:	[date]
Updated:	



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY



Fees Bylaw No. 497, 2016

Amendment Bylaw No. 530, 2017

Adopted: _____, 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

Fees Bylaw No. 497, 2016 Amendment Bylaw No. 530, 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 “Fees Bylaw No. 497, 2016, Amendment Bylaw No. 530, 2017”.
2. Fees Bylaw No. 497, 2016 is hereby amended as follows:

(a) Schedule 5, Traffic and Parking Fees, is amended by adding the following table:

FEES FOR METERED PARKING

Description	Fee
Lions Bay Beach Park Lot (adjacent to train tracks)	\$2/hour or portion thereof up to \$16/day (Day ends at midnight - maximum 3 days)
Kelvin Grove Beach Park Lot <i>*Permit holders exempt from fee.</i>	\$1/hour or portion thereof up to \$8/day (Day is 8 am-10 pm – closed 10 pm-8 am)
Sunset Trailhead Lot <i>*Permit holders exempt from fee, except on weekends and statutory holidays.</i>	\$1/hour or portion thereof up to \$8/day (Day ends at midnight - maximum 3 days)

READ A FIRST TIME _____, 2017

READ A SECOND TIME _____, 2017

READ A THIRD TIME _____, 2017

ADOPTED _____, 2017

Mayor

Corporate Officer

**Certified a true copy of Lions Bay Parks
Regulation Amendment Bylaw No. 448, 2012,
Amendment Bylaw No. 527, 2017 as adopted.**

Corporate Officer



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Type	Request for Decision		
Title	Parking Meter Proposals		
Author	Peter DeJong	Reviewed By:	
Date	June 19, 2017	Version	1
Issued for	June 20, 2017 Open Council Meeting		

Recommendation:

THAT the proposal of Precise ParkLink, in response to the RFP for a metered parking services trial in Lions Bay, be approved.

Attachments:

- (1) RFP for Pay Parking Trial;
- (2) Proposal Comparison Sheet (Closed).

Key Information:

Staff issued a Request for Proposals on May 30th for qualified vendors interested in providing a **free trial of metered parking for June 24 to September 4, 2017** with the proviso that if the Municipality chooses to continue the service beyond September 4, 2017, or re-implement it for the 2018 summer season (generally about 4 months, from June through September) and presumably beyond, the successful proponent will provide the ongoing services. We received 5 proposals.

Staff have narrowed down the best proposals to the ones submitted by:

- (a) Easy Park: This proposal is intriguing in a number of respects, beginning with the mobile payment options available. These include the popular Pay by Phone brand, Easy Park's own parking app, and a new parking app they have just launched with UBC. Customer costs per transaction are lower than comparable offerings from other providers.



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This company also appears to have the most high tech meter offering with Pay by Licence Plate supported by advanced software applications, smartphone monitoring features, dashboard analytics, excellent reporting options, full revenue processing and full servicing and maintenance, including set up and take down each spring and fall. This proposal also included free line painting at the 3 lot locations.

This company charges [a percentage] of gross revenues as a management fee and [a percentage] of gross enforcement revenue for any collection on tickets issued. The latter amount is not unreasonable but is likely moot in the short term as we are currently tied to parking enforcement through the Bylaw Notice Adjudication Centre for the North Shore, although in the future, we could examine removing parking enforcement from our Bylaw Notice Enforcement Bylaw No. 385, as amended.

Estimated expenses for the trial period are pared down to only the estimated credit card processing and usage fees of \$1889 (+ \$600 for ICBC licence plate searches, unless we continue to do those ourselves). Estimated expenses for a 4 month period in 2018 were about [see Closed]. This is based on 2 meters only as they have recommended using only their mobile apps for the Sunset Trailhead location.

Staff found the revenue projections of Easy Park to be very high and, in staff's opinion, unrealistic (even without factoring in any discounted or complimentary resident parking options). Staff's own estimate for the Trial Period came in at approximately [see Closed] in net revenues (after Easy Park's fees and after the 27% Translink parking tax), and about [see Closed] for a 4 month period in 2018. This does not include any enforcement revenue. For the 2018 season then, the net to Lions Bay would be about [see Closed], after deducting the estimated expenses for 2018.

Clearly, there's no financial risk for the trial period in 2017, but staff is concerned that net revenues may not be sufficient in subsequent years to offset the regular expenses of the program, particularly if the municipality is faced with any increases associated with its lease for the lot next to the Lions Bay Beach Park.



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- (b) Precise Parklink: This proposal also includes mobile payment options through their TelePark brand, which appears to have fairly good coverage throughout the lower mainland according to their coverage map, although their user numbers would not compare to the Pay by Phone brand.

This company's proposal is a true "zero cost" proposal for the Trial Period, as all meter charges, data connection fees, and set-up/take-down fees are waived (only actual credit card fees are payable for the trial period). Line painting is optional at [see Closed] for all 3 sites.

Estimated expenses for the 4 month period from mid-May to mid-September, 2018 would be around [see Closed], plus any time charged for servicing or maintenance of the meters at [see Closed]/hour. The model here is that they have recommended a less expensive, refurbished meter for each location, with less expensive monthly rental fees and/or buyout costs. These meters would provide basic Pay and Display chits for the customer's dashboard, which may need to be checked in any event for resident parking permits (if Council decides to provide discounted or complimentary parking for residents in pay lots). Basic reporting on the numbers of customers at each location, time of day, and amounts received could be tabulated for analysis.

The meters are said to be a very simple, component module design which is easy to service and replace modules if necessary. Precise ParkLink would train our Bylaw Enforcement Officers as to how to do this as well as train them on coin collection (only required about once per month, unless we collect more frequently for security reasons). There is a meter upgrade option from this company which would provide more in the way of data analytics, but would add [see Closed]/month to the lease costs.

Under this company's revenue model, the municipality would receive [see Closed] of parking revenues and [see Closed] of enforcement revenues. There was no estimate on revenues provided, but for the sake of comparison, staff's estimated net revenue after the Translink tax would be about [see Closed] for 2017 (less line painting) and about [see Closed] for 2018. This is not including any enforcement revenue. For the 2018 season then, the net to Lions Bay would be about [see Closed], after deducting



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the estimated expenses for 2018. Deduct another [see Closed] if we opt for the meter upgrade.

Options:

- (1) Select the Easy Park proposal. This is a good proposal and would give Lions Bay an opportunity to get as much data as possible for future planning purposes. However, staff is concerned that we don't have the capacity to take full advantage of this proposal and the time likely required to fully understand the software and the options it presents. There is also some concern regarding cell reception at the Sunset Trailhead lot and the fact that this proposal does not include a meter for that location (although they would likely provide one if we pushed for it, along with the associated costs). There is also the potential for insufficient net revenues if either staff's estimates are off or we face other associated increased expenses.
- (2) Select the Precise ParkLink proposal. This is also an excellent proposal, whether one goes with the basic meters or the upgraded ones with greater data reporting capabilities (eg: Pay by Licence Plate). The Village of Harrison Hot Springs is entering year 2 with this company and has been happy with their services and their basic meters. Unlike our proposal, Precise provides HHS with a full range of services including enforcement, but their revenues are much stronger than the revenues anticipated for Lions Bay by staff. There is a concern, however, that our Bylaw Enforcement Officers may spend more time than we had budgeted on servicing, maintaining and emptying meters. Precise has noted that other municipalities do their own meter servicing and collection, including smaller towns like Powell River and Sooke and that it hasn't been an issue but we do have the option to pay their staff [see Closed]/hour to provide servicing if required (eg: if we were short-staffed etc.) The net revenues with this proposal make the endeavour a bit more comfortable, in the event we were to face other associated increased costs.
- (3) Reject all proposals for metered parking and instruct staff to pursue only mobile pay options. Two of the proposals provided mobile pay options only. However, with sometimes spotty cell reception, staff is concerned that this would not be a sufficient option for Lions Bay (yet).



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- (4) Reject all proposals for pay parking for Lions Bay. This would essentially return the matter to the status quo, which includes pay parking sold by the marina for the lot next to the Lions Bay Beach Park, with approximately \$4200 in net revenues (our 50% share).

Preferred Option: Option 2 (Precise ParkLink). Staff feels this option provides the best long term strategy. While Easy Park may present interesting options worth exploring for the Trial Period, by the terms of the RFP and the proposals received we would be committed to continuing with them, if we were committed to continuing at all. If we could try them and then go to another option in year 2, staff might recommend differently. But that is not an option we have at our disposal and for that reason, staff prefers to go with the option that presents the best long term outcomes. There is an option to try the upgraded meters for the Trial Period, which is strongly recommended as we can get stronger reporting at no additional cost for this year. This will inform us well going forward in terms of knowing whether the additional expense for these meters is worthwhile for year 2 or whether to revert to the lower cost meters.

Legal Considerations: Staff will work with the successful proponent to agree upon a contract which reflects the foregoing and the terms of the RFP.

Follow Up Action: Staff would contact the successful proponent as soon as possible to organize a launch of the service.

PDJ



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Request for Proposal Metered Parking Services

The Village of Lions Bay (the Municipality) is primarily a residential community located on the Sea to Sky Highway corridor 13 km north of Horseshoe Bay and is part of the Metro Vancouver Regional District. With a marina, ocean beaches and mountainous hiking trails, the Village is a popular area during the summer months, which puts a strain on the already limited supply of parking.

There is currently no pay parking within the Village, with the exception of the marina area which is privately operated, and the CN Lot, near Lions Bay Beach Park, which is adjacent to the Marina. The Municipality leases the lot from CN and sells daily parking passes for the lot through the Village Office and/or the Marina. There is also a parking lot at Kelvin Grove Beach Park, which is free with a 3 hour time limit for visitors. Residents of Lions Bay receive 2 resident parking decals with their property tax notices, which permits them to park in many areas of the Village which are otherwise restricted (i.e. Permit Parking Only).

For 2017, the Municipality is interested in running a metered parking trial for the CN parking lot at Lions Bay Beach Park, the parking lot at Kelvin Grove Beach Park and for the parking spots at the Sunset Drive trailhead for the Lions and Brunswick Mountain hiking trails. Due to the seasonal nature of demand, we are looking to run this trial for about 10 weeks during the summer, to establish the appropriateness of metered parking in relation to peak demand.

The Municipality is requesting written proposals from qualified vendors interested in providing a **free trial of metered parking for June 24 to September 4, 2017** with the proviso that if the Municipality chooses to continue the service beyond September 4, 2017, or re-implement it for the 2018 summer season (generally about 4 months, from June through September) and presumably beyond, the successful proponent will provide the ongoing services. Alternatively, non-meter solution options will also be carefully considered. This is a request for proposals and is not a contract tender.

The Village welcomes potential proponents to attend an optional site visit on Friday, June 2, 2017 at 11:00 am to better understand the dynamics, operations, locations and access throughout Lions Bay and to provide a better understanding on the scope of services.

For additional questions, please contact Peter DeJong, Chief Administrative Officer, Village of Lions Bay, 604-921-9333 or email cao@lionsbay.ca.



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Proposal Requirements:

The Village of Lions Bay invites emailed Proposals from service providers for the management of pay parking services at:

1. CN Lot at Lions Bay Beach Park – approximately **25** stalls
<https://goo.gl/maps/5oMqUgVrXF42>
2. Parking Lot at Kelvin Grove Beach Park – approximately **27** stalls
<https://goo.gl/maps/aJNCzUYT5Vr>
3. Parking at Sunset Drive Trailhead – approximately **15** stalls
<https://goo.gl/maps/zKXT6k8HFZK2>

It is estimated that a total of about **67** stalls could be used for pay parking at the 3 sites. At present, there are no lines painted at the CN Lot or the Sunset Trailhead, but the Municipality is seeking quotes for this work from 3rd parties but Proponents may include a quote if desired. Due to the lack of any historical data, Lions Bay is uncertain as to whether metered parking will be a viable long term solution. As a result, the Municipality is looking for solutions which will assist us in gathering and analyzing data with respect to actual use during the trial period noted above.

Proposals should canvas the options available for metered parking solutions, from “Pay and Display” to “Pay by Stall #” or “Pay by Licence Plate”. Proposals will also need to indicate options for payment by phone, credit card or cash.

Proponents should indicate any cost differences for these methods of organization and payment. Differences in cost for power requirements should also be specified, along with any other delivery and maintenance requirements. It should also be noted that the Municipality does NOT have a credit card merchant account so payment by credit card (or by phone) would have to be processed by the Proponent.

The Village of Lions Bay is registered with the Province of BC for the use of the Bylaw Notice Enforcement Act and is a member of the North Shore Bylaw Notice Adjudication Program. Therefore, while metered systems can assist us in tracking & analyzing parking use, and monitoring payment compliance, Municipal Bylaw Enforcement Officers will need to be the ones providing enforcement – the Municipality is not looking to contract out that function at this time.

Proposals should indicate all costs associated with the proposal(s) for both the free trial period this summer and, if approved, next summer and beyond. Proponents are encouraged to offer options for ongoing service and the pros and cons of each option.



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Optional choices should recognize that the Municipality really only has demand from, at best, mid-May to the end of September and only hires Bylaw Enforcement Officers for that period and, at present, only for Fridays, Saturdays, Sundays and Statutory Holidays.

Please ensure all costs for the trial period, if any, as well as those associated with ongoing service, if approved, are detailed in full, including:

Annual delivery and removal of meter and concrete base, if any;
Annual power setup and programming of meter, if any;
Maintenance of meter during the trial period and beyond, if any;
Data connectivity costs during the months pay parking is in effect, if any;
Transaction fees, if any;
Any other fees related to the provision of services.

Selection Criteria

Each proposal shall be evaluated based on the following criteria:

1. Understanding and responsiveness to the Municipality's objectives;
2. Fees and cost(s); and
3. Proponent's qualifications.

All responsive submissions shall be reviewed in their entirety and all proposals will be ranked based on the criteria contained herein. The Municipality may conduct interviews of short-listed Proponents.

The Municipality will attempt to reach a final contract with the first-ranked Proponent. If negotiations with the first-ranked Proponent fail, the Municipality will proceed with the next highest ranked Proponent.

Proposals will be received by email until **June 9, 2017 at 2:00 p.m.** and should be addressed to:

Peter DeJong, Chief Administrative Officer, Village of Lions Bay
Submit electronically via: cao@lionsbay.ca

The Village of Lions Bay reserves the right to reject any and all proposals, to waive technical or legal deficiencies, to make such investigation as it deems necessary to evaluate Proponent's qualifications, to accept any proposal that may be deemed in the best interest of the Municipality and to negotiate terms and conditions of any proposal leading to acceptance and final execution of the contract. The lowest or any proposal may not be accepted.