



# THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

## REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF LIONS BAY HELD ON TUESDAY, JUNE 19, 2018 at 7:00 PM COUNCIL CHAMBERS, 400 CENTRE ROAD, LIONS BAY

### AGENDA

1. **Call to Order**
2. **Adoption 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 5, 2018 (Page 7)  

THAT the Regular Council Meeting Minutes of June 5, 2018 be approved as circulated.
6. **Business Arising from the Minutes**
7. **Unfinished Business**
  - A. Follow-Up Action Items from Previous Meetings

#	Meeting Date	Description of Action Item	Person Responsible
32	February 6, 2018	Mayor Buhr and CAO DeJong to work on a Terms of Reference for a Lions Bay Trail Maintenance Committee	Peter and Karl
42	April 24, 2018	IRR ID 159: Liquor Primary License – Exploration of Cannabis Policy – staff to prepare a report	Peter
43	April 24, 2018	CAO to prepare a report on new TUPS and enforcement	Peter
45	April 24, 2018	Correspondence G2: Canada Infrastructure Plan – Mayor Buhr to respond	Karl
48	May 22, 2018	CN Lot Update	Peter/Nai
50	May 22, 2018	Schedule of Utilized Reserves Operating and Capital Expenditures (moved from IRRs)	Pam/Ron
51	June 5, 2018	Lions Bay Beach Park Update	Nai

- B. Unfinished and New Information and Resource Requests (IRRs) (Page 17)  
 THAT the following actions be taken with respect to the IRRs [to be determined in meeting]:

## 8. Reports

### A. Staff

- i. CFO - Information Report: Accumulated Surplus Analysis (Page 27)  
 Recommendation: THAT the report on Accumulated Surplus Analysis be received for information.
- ii. Office Coordinator: Extraordinary Vehicle Permit Application (Page 33)  
 Recommendation: THAT Council approve the Extraordinary Vehicle Permit Application for 425 Bayview Road, allowing the owners to park their horse trailer across the street from 425 Bayview Road, on Village property at \$80 per month, for up to three years expiring July 1, 2021 (the “Term”), subject to annual administrative review by and ability of the CAO to bring this provisional approval back to Council at any time within the Term for reconsideration.

B. Mayor – None

C. Council – None

### D. Committees

- i. Trees, Views and Landscapes Committee – Tree Application #86: 249 Bayview Road (Page 41)  
 Recommendation: THAT as requested, the applicant is permitted to cut and clean the specified Maple and Cedars. All wood and debris must be removed.

E. Emergency Services – None

## 9. Resolutions

### A. Canada Day Celebration

Recommendation: 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; and

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.

## 10. Bylaws

- A. Village of Lions Bay Official Community Plan Designation Bylaw No. 408, 2008, Amendment Bylaw No. 525, 2018 - Consideration of First and Second Reading and Scheduling of Public Hearing (Page 53)
- Recommendations:
- (1) THAT the Request for Decision report titled “Village of Lions Bay Official Community Plan Designation Bylaw No. 408, 2008, Amendment Bylaw No. 525, 2018 - Consideration of First and Second Reading and Scheduling of the Public Hearing” dated June 10, 2018 be received;
  - (2) THAT the Table of Natural Hazard Assessment Area Guidelines appended as Attachment A to the June 10, 2018 report be endorsed as a communication tool;
  - (3) THAT Village of Lions Bay Official Community Plan Designation Bylaw No. 408, 2008, Amendment Bylaw No. 525, 2018, appended as Attachment C to the June 10, 2018 report be read a first and second time;
  - (4) THAT Village of Lions Bay Official Community Plan Designation Bylaw No. 408, 2008, Amendment Bylaw No. 525, 2018 be held to be consistent with the Village of Lions Bay 2018-2022 Five Year Financial Plan and the 2010 GVRD Integrated Solid Waste and Resource Management Plan;
  - (5) THAT a public hearing regarding Village of Lions Bay Official Community Plan Designation Bylaw No. 408, 2008, Amendment Bylaw No. 525, 2018 be held at 7:00 p.m. on Tuesday, July 10, 2018 at Broughton Hall, 400 Centre Road, Lions Bay.
- B. Traffic and Parking Bylaw No. 413, 2009, Amendment Bylaw No. 546, 2018 – Adoption (Page 107)
- Recommendation: THAT Traffic and Parking Bylaw No. 413, 2009, Amendment Bylaw No. 546, 2018 be adopted.
- C. Zoning and Development Bylaw No. 520, 2017, Amendment Bylaw No. 548, 2018 (Page 125)
- Recommendation:

(1) THAT Zoning and Development Bylaw No.520, 2017, Amendment Bylaw No. 548, 2018 be introduced and read a first and second time; and

(2) THAT a public hearing regarding Zoning and Development Bylaw No.520, 2017, Amendment Bylaw No. 548, 2018 be held at 6:30 p.m. on Tuesday, July 3, 2018 at Council Chambers, 400 Centre Road, Lions Bay.

D. Zoning and Development Bylaw No. 520, 2017, Amendment Bylaw No. 549, 2018 (Page 131)

Recommendation:

(1) THAT Zoning and Development Bylaw No.520, 2017, Amendment Bylaw No. 549, 2018 be introduced and read a first and second time; and

(2) THAT a public hearing regarding Zoning and Development Bylaw No.520, 2017, Amendment Bylaw No. 549, 2018 be held at 6:30 p.m. on Tuesday, July 3, 2018 at Council Chambers, 400 Centre Road, Lions Bay.

**11. Correspondence**

A. List of Correspondence to June 14, 2018 (Page 135)

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

**12. New Business**

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

**14. Closed Council Meeting**

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

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

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;

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

j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act;

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;

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

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

**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 5, 2018 at 7:00 PM COUNCIL CHAMBERS, 400 CENTRE ROAD, LIONS BAY**

#### **MINUTES**

In Attendance:

Council: Mayor Karl Buhr  
Councillor Fred Bain  
Councillor Norm Barmeier  
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: 1

Public: 17

**1. Call to Order**

Mayor Buhr called the meeting to order at 7:01 p.m.

**2. Adoption of Agenda**

Moved/Seconded

THAT item G3: Letter from Pamela Goldsmith-Jones be added to correspondence item 11A;

THAT the delegation's presentation documents be added On Table in item 4A;

THAT section 90 1(b) be added as an additional reason for closing the meeting to the public; and

THAT the agenda be adopted, 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)**

##### **A. 1078453 BC Ltd. – Presentation of Development Proposal for 175/185 Kelvin Grove Way**

Studio One Architecture Inc. have been hired on to look at the potential development at 175/185 Kelvin Grove Way and presented their slideshow to Council. They discussed the potential 28-29 single family and duplex dwellings in the development and outlined several ideas, such as:

- off road parking for visitors in areas where vehicles would fit, as well as a garage and driveway for each dwelling;
- the upper portion to the east could be done in Phase 1 and a separate phase 2 area could be used as a staging area for construction to mitigate use of the public roads;
- pre-fab wall can to be constructed off site to help reduce on-site construction time;
- there will be a variety of sizes and unit types and price ranges;
- will work with the challenging steep terrain to create accessible areas, including firefighter access.

A second slideshow was presented outlining the people involved in the potential development, including:

- Wang Yi Nan, President, currently lives primarily in Victoria, BC and also Hong Kong and specializes in corporate finance, capital markets, IPO's and more. The main reason he purchased the site is to develop and move to Lions Bay and live in one of the properties.
- Co-founder Jimmy Sheung, Director and Builder, who has built over 16 homes since immigrating to Canada.
- Juyuan Wang, Director, and is the daughter of Wang Yi Nan, who has a Financial Management and Accounting Degree.
- Timothy Tse, In House Architect, who is a registered architect since 1986 and has worked on many design projects.
- Barry Hong, In-House Development Manager of 1078453 BC Ltd., and president of Hong Corporation in Vancouver, BC.

Council asked a few questions of the developers and it was noted that for a project of 29 units in two phases, the completion time would be approximately 2.5 years to complete. The anticipated price points, at 2,500 sq.ft to 4,000 sq.ft homes with a classic contemporary wood and stone style and depending on the market in three years' time, that they were estimating around \$2.5 to \$4 million dollars. It was also noted that a Geotechnical Engineer has been retained to address the steep slope issues, drainage and other geological challenges presented by the site.

#### **5. Review & Approval of Minutes of Prior Meetings**

A. Regular Council Meeting – May 22, 2018

The following was amended:

- Item 7A – numbers 38 and 41 should say completed rather than in progress.
- Item 8Aii – add “MAYOR BUHR OPPOSED” under CARRIED.
- Item 11A – in section G4, Boarder should be changed to Broader.

Moved/Seconded

THAT the Regular Council Meeting Minutes of May 22, 2018 be approved as amended.

**CARRIED**

*Audio: 00:38*

**6. Business Arising from the Minutes**

May 22, 2018 – Item 9A and 9B: Mayor Buhr queried whether the resolution for Sea to Sky Clean Air Society and Howe Sound Community Forum was sent to the respective contact and it was confirmed that they had been sent.

**7. Unfinished Business**

A. Follow-Up Action Items from Previous Meetings

#	Meeting Date	Description of Action Item	Action
32	February 6, 2018	Mayor Buhr and CAO DeJong to work on a Terms of Reference for a Lions Bay Trail Maintenance Committee	In progress
34	March 20, 2018	G9: Maple Ridge Council to Minister Carole James Re. Employer Health Tax	Completed
42	April 24, 2018	IRR ID 159: Liquor Primary License – Exploration of Cannabis Policy – staff to prepare a report	In progress
43	April 24, 2018	CAO to prepare a report on new TUPS and enforcement	In progress
45	April 24, 2018	Correspondence G2: Canada Infrastructure Plan – Mayor Buhr to respond	In progress
46	May 8, 2018	Mayor Buhr to amend the letter to the Ministry of Finance and send to the ministry	Completed
48	May 22, 2018	CN Lot Resurfacing (moved from IRRs)	In progress - <i>Discussed in IRR 242</i>
49	May 22, 2018	Correspondence G2: E-Comm Board of Directors Appointment – CAO to notify E-Comm Mayor Buhr will attend	Completed
50	May 22, 2018	Schedule of Utilized Reserves Operating and Capital Expenditures (moved from IRRs)	In progress

*Audio: 00:51*

B. Unfinished and New Information and Resource Requests (IRRs)

Moved/Seconded

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

- IRR 145: Traffic Delineator Posts – In progress – high priority, walking path design to be brought to Council

Moved/Seconded

THAT staff seek a professional design of a protected path and bring back to Council by July.

**CARRIED**

- IRR 153: Legal test for use of funds from Restricted Reserve re. Sale of BB ROW – In progress
- IRR 155: Power to Bus Shelter – in progress
- IRR 159: Water Buoy KG – In progress
- IRR 168: Parking Enforcement Violation Categories – move to pre-empted
- IRR 174: Upper Bayview Road Condition – on Public Works' work plan – move to pre-empted
- IRR 184: General Overhead and Sightline Branch Trimming – In progress
- IRR 185: Communications Policy – Non-Community Event Signs – leave private signs on poles until Communications Policy is completed – move to pre-empted
- IRR 199: Stainless Steel Handrails at LBBP – Public Works to use regular steel instead
- IRR 210: Crystal Falls Lots – in progress
- IRR 211: CN Maintenance Responsibility – CAO to seek short legal answer
- IRR 212: Outdoor Water Use Signs – move to pre-empted
- IRR 213: Painting of Klatt Building – lead paint, requires environmental – address as part of Asset Management – move to pre-empted
- IRR 214: Council Compensation – CFO will bring back in September with comparatives – move to pre-empted
- IRR 215: Project Management Tools – not discussed
- IRR 216: Real Estate Information – no demographic information available – deferred
- IRR 217: Public Safety Funding Formula – move to pre-empted
- IRR 218: Police Auxiliaries – CAO to ask Bylaw Enforcement Officer to contact Squamish RCMP for details and requirements and bring report back to Council
- IRR 219: Brunswick Beach Flooding Issue – In progress
- IRR 220: Agendas and Minutes – Office Coordinator working on
- IRR 221: Council Access to Closed Materials Online – CAO to inquire with Upanup

- IRR 222: Website Functionality – CAO noted that intent is to add descriptions with keywords to aid searchability, but will review request
- IRR 223: Spring Loaded Door Stops – elephant feet on Hall doors, cannot put on Council Chambers door per fire code
- IRR 224: Power Cables –Public Works to confirm not power cables and whether responsible party can remove
- IRR 225: CWWF Signage – in progress
- IRR 226: MVRD Styrofoam Ban – once in effect staff will educate through Village Update
- IRR 227: AV Equipment – not budgeted for, Mayor to research
- IRR 228: BC Housing Opportunities for Rental Housing – previously removed from Strategic Plan, was pushed to the next Council
- IRR 229: Wildfire Hazard Rating – move to completed
- IRR 230: Garbage Can Optimization – Public Works moved one can from map kiosk to Kelvin Grove Parking Lot – will ask Waste Control Services for anecdotal information, if available
- IRR 231: Rockfish Conservation Signage – sign was moved – move to completed
- IRR 232: Garbage Can Stickers – keep stickers – move to pre-empted
- IRR 233: Kelvin Grove Beach and Marine Park Signage – move to completed
- IRR 234: Pay Parking Poles at KG and Sunset (move signs) – move to resolutions

Moved/Seconded

THAT staff purchase two sign poles for meters at Kelvin Grove and Sunset parking lots at \$95 each.

**CARRIED**

- IRR 235: Pay Parking Signage at KG and Sunset (text) – staff to change wording from “Resident” to “Annual” on signs – move to pre-empted
- IRR 236: Pay Parking at Sunset Hours – staff to amend – in progress
- IRR 237: Campers and RVs at Lions Bay Beach Park Lot – do nothing – move to pre-empted
- IRR 238: FCM Asset Management Grant – staff applied for and obtained UBCM grant – once Asset Mngt. Plan in place, staff will be in a better position to apply for FCM grant – move to pre-empted
- IRR 239: Parking Signage – staff is working on erecting new signage - move to pre-empted
- IRR 240: TUP/STR Update – CAO finalizing procedures and getting legal advice - move to pre-empted (also appears in Item 7A)
- IRR 241: Lions Bay Beach Park – staff to fabricate a shower for half the cost of ordering from Australia

Moved/Seconded

THAT the previous motion to purchase a shower for up to \$4000 be rescinded;  
 and

THAT staff fabricate a beach shower in-house.

**CARRIED**

*This item to be moved to FUAL to discuss all Lions Bay Beach Park items at once.*

- IRR 242: LBBP Parking Lot Update – have worked out an agreeable lease extension for the CN parking lot-CN have offered a 5 year lease extension at \$2500 per year and agreed to the operational aspects we require, such as metering and no objections to leasehold improvements. Still need to work out fencing specifications with their operations supervisor (meeting on site June 7<sup>th</sup>).

Moved/Seconded

THAT staff work with CN to finalize a lease for a five year renewal at \$2500 per year, commencing May 2019; and

THAT the CAO and Mayor be authorized to execute the contract.

**CARRIED**

*This item to be moved from IRR to FUAL.*

- IRR 243: Neighbourhood Dogs – move to closed
- IRR 244: Neighbourhood Cleanup – CAO noted that due to union and WorkSafeBC rules, residents cannot work alongside staff for various reasons; it was also noted that residents can cut bundles of yard/bush trimmings (3"x3') and Waste Control Services will take away; also, staff noted that the Sea to Sky Invasive Species Council is looking for volunteers to pull weeds etc. and staff will be adding a call for volunteers in the Village Update for a Village-wide cleanup day
- IRR 245: Kelvin Grove Road Closure Lot – move to closed

**CARRIED**

*Staff to bring the Resolved but not yet completed items to the next meeting.*

## 8. Reports

### A. Staff

#### i. CAO: Secondary Suites

CAO DeJong discussed the Secondary Suites report, outlining the results of the mandatory declaration requirement for 2018 in comparison to 2017, and what increases in utility fees would have been required to cover the total fees collected had the Secondary Suite Surcharge not been in place. Although not every resident handed in the mandatory declaration, staff was satisfied that good progress was being made toward identification and inspection of all suites.

Moved/Seconded

THAT Council receive the Information Report, Secondary Suites.

**CARRIED**

*Audio: 02:40*

ii. PWM: CWWF Verbal Update

PWM Jaffer advised Council that they are in a holding pattern and are waiting for a report which is expected to arrive next week. Mayor Buhr was concerned with timing.

Moved/Seconded

THAT the CWWF Verbal Update be received for information.

**CARRIED**

B. Mayor

None

C. Council

None

D. Committees

None

E. Emergency Services

None

**9. Resolutions**

None

*Audio: 02:46*

**10. Bylaws**

A. Fees Bylaw No. 497, 2016, Amendment Bylaw No. 547, 2018 - Adoption

Moved/Seconded

THAT Fees Bylaw No. 497, 2016, Amendment Bylaw No. 547, 2018 be adopted.

**CARRIED**

B. Traffic and Parking Bylaw No. 413, 2009, Amendment Bylaw No. 549, 2018

Council rescinded third reading and discussed the changes to the bylaw before re-reading a third time, such as trailers parked on public roads and the location of parking

permits on vehicles. The words “prominently” and “on a vehicle’s window” were struck from section 2.3 of the amending bylaw.

Moved/Seconded

THAT 3rd reading of Traffic and Parking Bylaw No. 413, 2009, Amendment Bylaw No. 546, 2018 be rescinded.

**CARRIED**

Moved/Seconded

THAT Traffic and Parking Bylaw No. 413, 2009, Amendment Bylaw No. 546, 2018 be re-read a 3rd time, as amended.

**CARRIED**

*The meeting was extended until 11:00 p.m.*

Moved/Seconded

THAT the meeting be extended until 11:00 p.m.

**CARRIED**

C. Parks Regulations Bylaw No. 448, 2012, Amendment Bylaw No. 545, 2018

Council did not pass the Parks Regulations Amendment Bylaw after reviewing the results of the public feedback to extend the beach park hours from 10 p.m. to 11 p.m.

Moved/Seconded

THAT Parks Regulations Bylaw No. 448, 2012, Amendment Bylaw No. 545, 2018 not be adopted and that the three readings given be rescinded.

**CARRIED**

*Audio: 03:00*

## **11. Correspondence**

A. List of Correspondence to May 31, 2018

Moved/Seconded

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

- G1: North Shore Congress Invitation – no response
- G2: Woodfibre LNG Project – Configuration of LNG Storage – no response
- G3: Letter from Pamela Goldsmith-Jones (with Mayor Buhr’s letter to the BC Minister of Finance attached) – no response
- R1: Interchange in Kelvin Grove – Mayor Buhr responded, no further response

- R2: Monday Night Volleyball Game Extension Question – request declined;  
Councillor McLaughlin to respond

**CARRIED**

*Audio: 03:08*

**12. New Business**

**A. Continuance of Horseshoe Bay 259 Bus (Verbal)**

It was noted that the 259 bus was supposedly to be cancelled when in fact it will continue under a different operator (Coast Mountain Bus instead of Blue Bus).

Moved/Seconded

THAT the Continuance of Horseshoe Bay 259 Bus verbal report be received.

**CARRIED**

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

None

**14. Closed Council Meeting**

Moved/Seconded

THAT Council rescind the resolution to close the meeting.

**CARRIED**

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 is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
  - c) labour relations or other employee relations;
  - 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.

**CARRIED**

*The meeting was closed to the public at 10:14 p.m.*

*The meeting was re-opened to the public at 10:53 p.m.*

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

Council ratified the new collective agreement with the union, CUPE Local 389;

Council directed staff to proceed with the next steps in discussions with the proponents for a development at Kelvin Grove; and

Staff is to proceed with the Kelvin Grove road closure lot creation and the steps required to move it along.

**16. Adjournment**

Moved/Seconded

THAT the meeting be adjourned.

**CARRIED**

*The meeting was adjourned at 10:54 p.m.*

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer

Date Approved by Council:	
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REQUESTS FOR COUNCIL										
<u>Request ID</u>	<u>Meeting Date of Request</u>	<u>Requester</u>	<u>Subject</u>	<u>Issue and Information/Resources Requested</u>	<u>Requester's Priority 1 (lo) - 5 (hi)</u>	<u>Rationale</u>	<u>Personnel and/or Financial Resources Est'd by Requester</u>	<u>Admin Owner</u>	<u>Preliminary Administration Response</u>	<u>Committee Recommendation / Council Disposition</u>
153	9/Jan/18	Buhr	Restricted Reserve re. Sale of BB ROW	Would like staff to provide a definitive mechanism for assisting Councils to understand eligible expenditures from restricted reserve re. sale of ROW				CAO	CAO review language and examples with legal advisors and provide a "test" that future Councils and staff can use.	
155	19/Apr/18	Buhr	Power to Bus Shelter	Please install power to the new bus shelter, then a powered light with schedule, on at dusk, off at 11 pm, on at 6:30 (overridden if already light), off at dawn, so that I can advise the Village.				PWM	Cobra, electrical subcontractors for BCHydro, installed timers and cables for bus shelter this past week, so just waiting for Hydro to connect the power (likely 2 weeks wait).	
159	22/May/18	Buhr	Water Buoy KG	Erect (suitable) signage on mooring, and operation of any power vessel within the boundaries of the park (from the land high water mark to a line between the marked points to the north and south), is prohibited, and enforced under Lions Bay Bylaw ___ of 2017."				PWM	Under the Canadian Shipping Act 2001 (CSA), the Vessel Operation Restriction Regulations (VORR) prohibit the placing of any signs or symbols on control buoys and keep-out buoys unless they are authorized under the CSA or another Act of Parliament, such as the Navigable Waters Protection Act. The CSA governs the design of private marker buoys used to restrict navigation (for example, speed limits, keep-out areas). Under the VORR, requests for restrictions must be originated by local authorities, and must be sent to Transport Canada's Office of Boating Safety for final review.	

REQUESTS FOR COUNCIL										
<u>Request ID</u>	<u>Meeting Date of Request</u>	<u>Requester</u>	<u>Subject</u>	<u>Issue and Information/Resources Requested</u>	<u>Requester's Priority 1 (lo) - 5 (hi)</u>	<u>Rationale</u>	<u>Personnel and/or Financial Resources Est'd by Requester</u>	<u>Admin Owner</u>	<u>Preliminary Administration Response</u>	<u>Committee Recommendation / Council Disposition</u>
184	22/May/18	Buhr	Drivethrough notes	General overhead and sightline branch trimming would assist with excessive shagginess.				PWM	Staff are currently behind on our regular operating maintenance. Once the beach park, parking signage, and water main flushing are complete, we'll try to tackle this work.	
210	5/Jun/18	Buhr	Crystal Falls Lots	Please provide a comprehensive report on the "eight lots" at Crystal Falls, suitable for publication to the community by end-June.				CAO	Will get to this at earliest opportunity.	
215	5/Jun/18	Buhr	Project Management Tools	Please report to Council on the project tracking tools and methodologies used by staff to establish and track timelines and critical paths.				CAO	Strategic Plan; Projects & Priorities Spreadsheet; White Boards; Follow Up Action Lists; IRRs; CSRs; Financial Calendars; etc, etc.	
216	5/Jun/18	Buhr	Real Estate Information	Please report on home ownership turnover last 5 years, drawn from title database. If the demographic (ages of new residents, particularly kids) can be reported, so much the better.				CAO	no demographic information available	deferred
219	5/Jun/18	Buhr	Brunswick Beach Flooding Issue	Please write (a physical letter) to resident Hilda Mayo to bring her up to date on the drainage issues at BB, copying the agenda for the record.				PWM	In progress	
221	5/Jun/18	Buhr	Council Access to Closed Materials Online	Can Closed meeting packages be made available behind a login for browse and search?				CAO	CAO to inquire with Upanup	

REQUESTS FOR COUNCIL										
<u>Request ID</u>	<u>Meeting Date of Request</u>	<u>Requester</u>	<u>Subject</u>	<u>Issue and Information/Resources Requested</u>	<u>Requester's Priority 1 (lo) - 5 (hi)</u>	<u>Rationale</u>	<u>Personnel and/or Financial Resources Est'd by Requester</u>	<u>Admin Owner</u>	<u>Preliminary Administration Response</u>	<u>Committee Recommendation / Council Disposition</u>
222	5/Jun/18	Buhr	Website Functionality	Can the website functionality that requires clicked-on links to be downloaded rather than seen be fixed?				CAO	The intent is to add descriptions with keywords to aid searchability, but will review request	
223	5/Jun/18	Buhr	Spring Loaded Door Stops	Please install proper hardware on all municipal spring-loaded doors to hold them open, instead of the current rocks and balks of wood.				PWM	Elephant feet can go on Hall doors, but cannot put on Council Chambers door per fire code - in progress	
225	5/Jun/18	Buhr	CWWF Signage	Please erect the federal CWWF project signs.				PWM	In progress	
226	5/Jun/18	Buhr	MVRD Styrofoam Ban	Please report timelines for the Metro polystyrene (Styrofoam) ban and what we will be doing about it.				PWM	The disposal ban takes effect in July. PW is planning a piece for the Village Update and information for the website to inform residents of the changes.	
227	5/Jun/18	Buhr	AV Equipment	Please confirm that budgeted AV presentation components have been sourced for upcoming public information meetings: 16 X 9 (foot) foldable screen (\$300-400 on amazon.ca), wireless lapel and over-the-ear mics, laser pointer, commercial projector that doesn't require the lites to be dimmed, simple PA operating instructions (or better yet, staff training), countdown clock (likely just app on PC or tablet), skirts for presenter tables (not tablecloths).				CAO/ CFO/ PWM	Not budgeted for	Mayor to research

REQUESTS FOR COUNCIL										
<u>Request ID</u>	<u>Meeting Date of Request</u>	<u>Requester</u>	<u>Subject</u>	<u>Issue and Information/Resources Requested</u>	<u>Requester's Priority 1 (lo) - 5 (hi)</u>	<u>Rationale</u>	<u>Personnel and/or Financial Resources Est'd by Requester</u>	<u>Admin Owner</u>	<u>Preliminary Administration Response</u>	<u>Committee Recommendation / Council Disposition</u>
230	5/Jun/18	Buhr	Garbage Can Optimization	Before buying new, please audit whether garbage cans locations are optimised for demand, and report on any moves.				PWM	Public Works moved one can from map kiosk to Kelvin Grove Parking Lot – will ask Waste Control Services for anecdotal information, if available - in progress	
236	5/Jun/18	Buhr	Pay Parking at Sunset Hrs	Sunset: how does this labelling advise parkers they can park for up to 72 hours				CAO	In progress	
246	19/Jun/18	Buhr	Electrical Box on Bayview	Please paint electrical box on Bayview Rd. across from the school, pending vinylwrap budgeting				CAO	The PWM put this on the CSR long list, but it may get vinyl wrapped next year before painting happens.	
247	19/Jun/18	Buhr	Muni Hall Parking	With the moving of the bus stop, uncertainty at the top as to the stairs and the Ambulance spots, and lack of use of the pregnant mothers stall, please professionally lay out and paint new parking stalls at the municipal offices (including double round-end lines and eliminating the current road fog line that technically blocks crossing into the space). Note that this lot is full of free parkers on the weekend. If we can enforce it (requiring tire marking) do we want add-on "3-Hour Max." signs?				CAO	This matter has been asked and answered previously. There is no uncertainty re. Ambulance stalls. The handicapped parking stall in front of the office is required for a gov't institution and it is used on a regular basis for deliveries, hall rental loading zone, PW loading zone, and other uses. We do not want double round end parking stall lines. Fog line does not prevent crossing. Glad the lot is full on weekends - some of them are with hall rentals and if not, don't mind. Do NOT want 3 hour parking here, which would affect staff. May add a stall or two at the top where old bus stop used to be.	

REQUESTS FOR COUNCIL										
<u>Request ID</u>	<u>Meeting Date of Request</u>	<u>Requester</u>	<u>Subject</u>	<u>Issue and Information/Resources Requested</u>	<u>Requester's Priority 1 (lo) - 5 (hi)</u>	<u>Rationale</u>	<u>Personnel and/or Financial Resources Est'd by Requester</u>	<u>Admin Owner</u>	<u>Preliminary Administration Response</u>	<u>Committee Recommendation / Council Disposition</u>
248	19/Jun/18	Buhr	Belt-mounted printer and Android phone	Please reconsider the decision to not issue a belt mounted printer and modern Android device to BEOs, to alleviate their need to spend what looks like half the shift at the office.				CAO	Don't need a ticket printer and iPhone for bylaw works fine. There is no pay by phone option and meters are pay and display, so Precise Parklink software not needed.	
249	19/Jun/18	Buhr	Bench at Marjorie Meadows	Please make bench at Marjorie's Meadow horizontal side to side, or move it, either way so that it can be used. Same for bench at LBBP in front of change room, front to back.				PWM	Entrance to Marjorie Meadows is used to get equipment to and from the back-side of the hall - bench is against the wall so as to be unobtrusive.	
250	19/Jun/18	Buhr	Cul-de-sacs	I had misunderstood the plan around parking signage in cul-de-sacs and other firelanes. Can we please utilise add-on tags below the No Parking sign, "Fire Lane, Tow-Away Zone" and place ONE tow company sign in the center of each such zone.				CAO	Not required. Each cul-de-sac says "No Parking". If you are so parked, you are likely to get a ticket and get towed.	
251	19/Jun/18	Buhr	Kelvin Grove Parking Lot	Please respond to the resident on his suggestion to designate the first 7 spots at KGB&MP Lot as Permit (copy Council).				CAO	Residents with Permits can already park in the first 7 spots (or anywhere in the lot). And one can see the resident's window from the far end of the lot, so this suggestion is not a solution.	
252	19/Jun/18	Buhr	Calendars	Please merge the "Agenda" and "Calendar" calendars, and rename the result "Municipal."				CAO	In progress	

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
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. <b>Boulevard Bylaw required...</b>
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. <b>Staff to send out Metro brochures with Tax Notices.</b>
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.
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	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	THAT Councillor Waterson research Volunteer Recognition policies, obtain Council input and create a first draft for discussion. <b>Does Council wish to reassign this to another Councillor?</b>

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
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. <b>Mayor working on initial draft.</b>
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
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. <b>Update: two case designs in the works. Once the decision is made we will purchase the materials and build it. It should be completed by end of February.</b>

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
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. <b>WIP</b>
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. <b>WIP</b>
144	1/Jun/17	Buhr	Stair Project	Please report on timing and budget adjustments for planned beach work, given that summer beach season has now commenced				PWM	Our intent is to lump all three stair projects – KG, LBBP, and LB Avenue bus stop stairs – into one RFP to be issued in late August	THAT staff look at the location and determine the best options <b>WIP</b>
145	1/Jun/17	McLaughlin	Traffic Delineator Posts	Please consider putting in some traffic 'delineator posts' in front of the Native Garden. There are a few feet of space between the white line and the edge of the road. Many people use this for walking and many cars go over the white line - which can be noted by the faded white of the line in that area. A couple of well-placed, permanent posts would prevent cars from drifting over, and hopefully prevent any pedestrian accidents.				PWM/CAO	Will review options but also note that protection of walking area from KG trail entrance/exit on SB onramp to corner of Lions Bay Ave and down to LB Beach is part of a holistic approach to trails and pathways in the Village that staff would like to pursue with MOTI using concrete barriers. Council discussed at the April 24th meeting that barriers are a consideration.	THAT staff seek a professional design of a protected path and bring back to Council by July.

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
146	3/Oct/17	Buhr	Upper Chambers	Can we have a brainstorming session for the plan for new Chambers for Council approval, including map, monitor, recording capability, mics, seating, etc?		Need a plan to approve the proposed move		CAO	Yes, staff will work on a plan to identify all aspects of moving Council chambers upstairs and reconfiguring the current chambers area. Please advise any specific requests.	THAT staff provide a report identifying all aspects of moving Council Chambers upstairs and reconfiguring the current chambers area; and THAT Council provide their feedback and/or any particular requests. <b>WIP</b>
156	19/Apr/18	Buhr	Planting	After re-trimming stumps and removing detritus, please plant sword fern and/or salal and/or something on the cleared slope at the X of Bayview and Centre, passed by 40% of the Village daily.				PWM	Added to work plan	THAT cleaning up of Bayview and Centre Road be added to the PWM workplan.
159	19/Apr/18	Buhr	Liquor Primary License	Were we consulted on a "liquor primary" license or is the rural outlet sufficient to allow such use?				CAO		THAT staff prepare a report regarding "exploration of cannabis policy" by July 2018 and add to the Follow-Up Action Items
160	19/Apr/18	Buhr	Upper Chambers Door	Please remove inside slide bolt from middle door of Upper Chambers as superfluous and a pain.				PWM	Added to PWM list	THAT staff look into fixing the Upper Chambers door.
169	22/May/18	Buhr		Additional trashcan midway along KG Lot ASAP. Removal of superfluous signs and poles at KG beach has been done?				PWM	As noted above, Public Works has been spending all available time at the LBBP so this will have to wait until that priority project is completed. Costs for bear proof garbage cans are not within our operating budgets - a combined garbage / recycling can will cost \$2,000.	Add a garbage can at KG parking lot (may come from a less used location)

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
216	5/Jun/18	Buhr	Real Estate Information	Please report on home ownership turnover last 5 years, drawn from title database. If the demographic (ages of new residents, particularly kids) can be reported, so much the better.				CAO	no demographic information available	deferred
234	5/Jun/18	Buhr	Pay Parking Poles at KG and Sunset	Sunset and Kelvin pay parking implementation: please move sign to bolts provided for it on pad, move it to eye level, and particularly at Sunset Hiking, not obscuring the information kiosk (see below).				CAO		THAT staff purchase two sign poles for meters at Kelvin Grover and Sunset parking lots at \$95 each.
241	5/Jun/18	Mc Laughlin	Lions Bay Beach Park	Please provide an update on the LBBP project (shower, grass, other work, signage, etc.)				PWM	Staff can fabricate a shower for half the cost of ordering from Australia	THAT the previous motion to purchase a shower for up to \$4000 be rescinded; and THAT staff fabricate a shower in-house
242	5/Jun/18	Mc Laughlin	LBBP Parking Lot Update	Please provide an update on the status of the Lions Bay Beach Park parking lot (meters, drainage, paving, lining, fencing, etc. and lease)				CAO		THAT staff work with CN to finalize a lesase for a five year renewal at \$2500 per year, commencing May 2019; and THAT the CAO and Mayor be authorized to execute the contract



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

<b>Type</b>	<b>Report to Council</b>		
<b>Title</b>	<b>Accumulated Surplus Analysis</b>		
<b>Author</b>	<b>Pamela Rooke</b>	<b>Reviewed By:</b>	<b>Peter DeJong</b>
<b>Date</b>	<b>June 15, 2018</b>	<b>Version</b>	
<b>Issued for</b>	<b>June 19, 2018 Regular Council Meeting</b>		

### RECOMMENDATION

THAT the report “Accumulated Surplus Analysis” be received for information purposes.

### ATTACHMENTS

- 2017 Accumulated Surplus Reconciliation
- 2017 Surplus Analysis

### KEY INFORMATION

The attached accumulated surplus reconciliation provides a detailed breakdown of the accumulated surplus balance per the audited Financial Statements. The components of the accumulated surplus are as follows:

	2017	2016
Invested in tangible capital assets	\$ 19,061,532	\$ 18,415,256
Reserve funds	848,534	783,555
Unrestricted amounts	1,159,498	1,158,539
	\$ 21,069,564	\$ 20,357,350

The Investment in tangible capital assets represents the Village’s total tangible capital assets less the outstanding debt related to the acquisition of the assets. The reserve fund balance is comprised of the Village’s capital fund, the Curly Stewart fund and the Gas Tax fund. The balance of the accumulated surplus is comprised of funds that are unrestricted, the main component of which is the Village’s accumulated annual surplus. The attached



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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2017 surplus analysis schedule breakdowns the components of the surplus into four groups: grant funding received that is expended on capital, variances in revenue, variances in operating expenses and operating expenses that have been re-budgeted. All of the components of the surplus analysis have been analyzed during the year-end process and presented to Council as part of the annual 4<sup>th</sup> quarter review.

One of the challenges facing staff and Council is to determine the appropriate level of reserves to meet the long term capital requirements of the Village. A key component of the process is an Asset Management Investment Plan (AMIP). The Village has engaged Urban Systems to complete an AMIP which will be completed in the Fall. This plan will provide valuable information in the 2019 budget process and allow staff and Council to start the process of determining their long term capital funding requirements.

### **FOLLOW UP ACTION**

Staff will be available to respond to any questions at the June 19, 2018 Council meeting.

Village of Lions Bay  
Accumulated Surplus Reconciliation  
12/31/2017

## Accumulated Surplus:

	2017				2016			
	Total	General	Water	Sewer	Total	General	Water	Sewer
Unrestricted fund	1,159,498	12,357	946,821	200,320	1,158,539	891,716	84,375	182,448
Reserve fund	848,534	848,534	-	-	783,555	783,555	-	-
Capital fund	19,061,532	15,825,532	3,026,801	209,199	18,415,256	14,840,833	3,350,596	223,827
	21,069,564	16,686,423	3,973,622	409,519	20,357,350	16,516,104	3,434,971	406,275
Reconciliation of Reserve fund								
Opening reserve fund	783,555	783,555	-	-	719,567	719,567	-	-
Interest earned	8,127	8,127	-	-	7,537	7,537	-	-
Transfers to Reserves	56,852	56,852	-	-	56,451	56,451	-	-
Ending Reserve Fund	848,534	848,534	-	-	783,555	783,555	-	-
Reconciliation of Capital Fund								
Net TCA	20,840,295	16,188,370	4,442,726	209,199	19,665,444	15,065,796	4,375,821	223,827
ADD: Transfers fo funds	-	-	-	-	-	-	-	-
Assets held for sale	85,866	85,866	-	-	-	-	-	-
Capital Lease	(147,173)	(147,173)	-	-	(52,320)	(52,320)	-	-
LESS: Long Term Debt	(1,717,456)	(301,531)	(1,415,925)	-	(1,197,868)	(172,643)	(1,025,225)	-
Ending Capital Fund	19,061,532	15,825,532	3,026,801	209,199	18,415,256	14,840,833	3,350,596	223,827
Unrestricted fund								
Opening balance	1,158,539	891,716	84,375	182,448	751,817	619,047	(68,510)	201,280
Amortization	518,681	340,597	163,456	14,628	490,222	309,558	150,939	29,725
Funded capital additions	(1,788,754)	(1,549,037)	(239,717)	-	(173,191)	(27,051)	(111,727)	(34,413)
Loss (gain) on disposal of assets	9,356	-	9,356	-	15,285	2,350	12,935	-
Capital Lease Repayment	(36,043)	(36,043)	-	-	(34,980)	(34,980)	-	-
Capital Lease Acquisition	130,896	130,896	-	-	-	-	-	-
Long Term Debt Repayment	(86,312)	(16,112)	(70,200)	-	(78,627)	(11,047)	(67,580)	-
Long Term Debt Acquisition	605,900	145,000	460,900	-	-	-	-	-
Current Year Surplus	712,214	170,319	538,651	3,244	252,001	97,827	168,318	(14,144)
Interest on Reserves	(8,127)	(8,127)	-	-	(7,537)	(7,537)	-	-
Transfer to Reserves	(56,852)	(56,852)	-	-	(56,451)	(56,451)	-	-
Ending balance	1,159,498	12,357	946,821	200,320	1,158,539	891,716	84,375	182,448

Village of Lions Bay  
 Continuity of Reserves  
 12/31/2017

	Opening Balance	Transfers to Reserves	Interest Earned	Transfers to Surplus	Closing Balance
Capital Fund	608,046	-	6,080	-	614,126
Curly Stewart Fund	7,848	350	88	-	8,286
Gas Tax Funding	167,661	56,502	1,959	-	226,122
<b>Total</b>	<b>783,555</b>	<b>56,852</b>	<b>8,127</b>	<b>-</b>	<b>848,534</b>

Village of Lions Bay  
 Continuity of Reserves  
 12/31/2016

	Opening Balance	Transfers to Reserves	Interest Earned	Transfers to Surplus	Closing Balance
Capital Fund	601,907	-	6,139	-	608,046
Curly Stewart Fund	7,844	-	4	-	7,848
Gas Tax Funding	109,816	56,451	1,394	-	167,661
<b>Total</b>	<b>719,567</b>	<b>56,451</b>	<b>7,537</b>	<b>-</b>	<b>783,555</b>

## Village of Lions Bay 2017 Surplus Analysis

**2017 Surplus** 712,214

### Comprised of:

#### Capital Grants

Build Canada Grant	141,039	
CWWF Grant	<u>213,369</u>	354,408

#### Revenue Variances

Fees, Licenses, Permits and Fines	60,242	
Other Revenue	<u>13,508</u>	73,750

#### Operating Expenses Re-Budgeted in 2018

Records Management	17,800	
Asset Management	20,000	
Emergency Management Consultant	20,000	
Fire Department Radios/Flashlights	7,207	
CN Railway Grade Crossing upgrades	23,053	
UV Wiper Motor Screws	6,500	
Planning Consultant	34,076	
Village Office Landscaping	12,300	
Cash support for UBC Hydrology Study	<u>2,000</u>	142,936

#### Operating Expense Variances (after re-budgets)

Administration	(6,285)	
Council	13,881	
EOC	8,045	
Fire Department	(5,264)	
Bylaw Services	10,940	
Public Works	52,132	
Planning and Development	(19,534)	
Parks, Recreation and Facilities	(29,579)	
Solid Waste	3,694	
Sewer Fund	1,856	
Water Fund	<u>111,233</u>	141,119

**712,214**

#### 2017 Capital Re-Budgeted in 2018

CWWF Grant - Water Tanks	2,453,929	
Water Sampling Stations/Automated Blow Offs	14,760	
Detailed Bridge Inspections	15,619	
Lions Bay Beach Park	29,814	
Bus Shelter	7,680	
Emergency Generator	15,000	
Parking & Traffic /Community Signage	25,000	
Fire Dept. - Hall Exhaust System	18,939	
Fire Dept. - Burn Building	24,015	<u>2,604,756</u>

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## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

<b>Type</b>	<b>Request for Decision</b>		
<b>Title</b>	<b>Extraordinary Vehicle Permit Application</b>		
<b>Author</b>	<b>Shawna Gilroy</b>	<b>Reviewed By:</b>	<b>Peter DeJong</b>
<b>Date</b>	<b>June 13, 2018</b>	<b>Version</b>	<b>1</b>
<b>Issued for</b>	<b>June 19, 2018 Regular Council Meeting</b>		

### **Recommendation:**

THAT Council approve the Extraordinary Vehicle Permit Application for 425 Bayview Road, allowing the owners to park their horse trailer across the street from 425 Bayview Road, on Village property at \$80 per month, for up to three years expiring July 1, 2021 (the "Term"), subject to annual administrative review by and ability of the CAO to bring this provisional approval back to Council at any time within the Term for reconsideration.

### **Attachments:**

Application for Parking of Extraordinary Vehicle, including referral comments of Fire Chief and Public Works Manager.

### **Key Information:**

Three years ago, the previous Public Works Manager brought forward a request to Council to allow the owners of 425 Bayview Road to park their horse trailer on municipal land across the street from their property. Council approved the request and since then, the owners have renewed their permit and diligently paid their monthly fees and the trailer remains parked across the street. As stated in Traffic and Parking Bylaw No. 413, 2009, as amended, section 11(3)(i), the attached permit now allows for a three year renewal period.

### **Options:**

(1) Approve the recommendation and allow the horse trailer to remain parked on municipal land for the designated monthly parking fee;

(2) Amend the recommendation before approving it; or



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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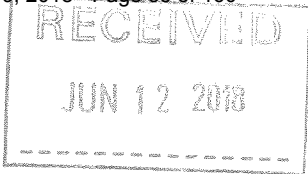
(3) Do not approve the recommendation.

**Preferred Option:**

Option 1: Approve the recommendation. There have been no issues in the past that staff is aware of and none that are foreseen in the immediate future. The wording of the recommended resolution provides for annual review and reconsideration if circumstances change.

**Follow Up Action:**

Inform the owners of 425 Bayview Road of Council's decision, and if approved, collect their payments and provide them with an Extraordinary Parking Permit.



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

APPLICATION FOR PARKING OF EXTRAORDINARY VEHICLE

As defined in Traffic and Parking Bylaw No. 413, any vehicle over 6.1 metres in length, including any attached trailer, or with a licensed gross vehicle weight exceeding 5,000 kgs is an "extraordinary vehicle". It may not park with any part of it on municipal property. A resident unable to accommodate it on their own property should store it elsewhere in commercial premises. If lack of ready access to the vehicle would cause genuine hardship, e.g. if it is used primarily for work within the Village or is the resident's sole means of transport, a yearly application may be made to Council to park it on municipal property. Approval will depend on whether the Village has appropriate space to accommodate the vehicle, any emergency or road safety issues, and whether parking it in a neighborhood would create issues. You will be informed within 6 weeks of the date of application whether it has been approved. If so, approval is for a one-year period and monthly parking fees will apply.

REQUIRED INFORMATION

- 1. Type and make of vehicle(s) including trailer: TRAILS WEST HORSE TRAILER
2. Licensed Gross Vehicle Weight in kgs: 3,500
3. Length of vehicle(s) in metres: 6.2M
4. Vehicle(s) license plate number(s): WDN 06P
5. Is there a preferred place to park on municipal property (address, side of street): ACROSS STREET FROM 425 UPPER BAYVIEW RD
6. Names of adjacent property owners on all sides within 90 metres of this parking spot:
a. 435 Upper Bayview
b. 450 Upper Bayview
c. 445 Upper Bayview
d. 445 Upper Bayview

Monthly fee structure for parking of extraordinary vehicle or trailer on Village property, with permission of Council:
Vehicle or trailer 6.1- 6.5 metres in length - \$80 per month
Vehicle or trailer 6.5-7.7 metres in length - \$110 per month
Vehicle or trailer over 7.7 metres in length - \$135 per month

Name of Applicant: ALLISON BROYNESTEYN
Address: 425 Upper Bayview Road
Phone: [Redacted] Email: [Redacted]
Signature: [Redacted] Date: June 11, 2018



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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THIS SIDE FOR OFFICE USE ONLY

Public Works Input re potential impact on road safety or snow removal if vehicle parked in desired spot:

NO ISSUES - SEE EMAIL FROM PW MGR

Fire Chief Input re potential impact on emergency access if vehicle parked in desired spot:

NO ISSUES - SEE EMAIL FROM FIRE CHIEF

Village Manager Input

Any comments re issues for neighborhood in accommodating the vehicle?

Summary/Recommendation: Is Village in a position to accommodate the vehicle?

Council Decision

Permit is  Approved  Rejected

Date: \_\_\_\_\_

## Lions Bay Reception

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**From:** Naizam Jaffer  
**Sent:** Wednesday, June 13, 2018 9:01 AM  
**To:** Lions Bay Reception  
**Subject:** RE: Emailing: 180612 Application for parking extraordinary vehicle.pdf

Susan - no issues from PW regarding this trailer.

All the best,

Naizam (Nai) Jaffer

Public Works Manager | Village of Lions Bay Village Office (604) 921-9833 | [www.lionsbay.ca](http://www.lionsbay.ca) This email is intended only for the persons addressed and may contain confidential or privileged information. If you received this email in error, it'd be appreciated if you notify the sender and delete it. Statements and opinions herein are made by their authors in a personal capacity, and are not binding on the Municipality of the Village of Lions Bay until contracted. Be aware that this email is the property of the Municipality and may not be disseminated in whole or part without consent. This email may be exempt from disclosure under the British Columbia Freedom of Information and Protection of Privacy Act and other freedom of information or privacy legislation, and no admissible disclosure of this email can be made without the consent of the Municipality. Conversely, be aware that any response to the sender may be subject to disclosure under a freedom of information request.

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

**From:** Lions Bay Reception  
**Sent:** June 12, 2018 12:50 PM  
**To:** Naizam Jaffer <[njaffer@lionsbay.ca](mailto:njaffer@lionsbay.ca)>  
**Subject:** FW: Emailing: 180612 Application for parking extraordinary vehicle.pdf  
**Importance:** High

Sorry Nai, that should read June 19 next Council meeting

Susan Loutet  
Administrative Assistant

The Municipality of the Village of Lions Bay. [www.lionsbay.ca](http://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 This email is intended only for the persons addressed and may contain confidential or privileged information. If you received this email in error, it'd be appreciated if you'd notify the sender and delete it. Statements and opinions herein are made by their authors in a personal capacity, and are not binding on the Municipality of the Village of Lions Bay ("Municipality") until contracted. This email is the property of the Municipality and may not be reproduced or further disseminated in whole or part without the Municipality's consent. It may be exempt from disclosure under the British Columbia Freedom of Information and Protection of Privacy Act and other freedom of information or privacy legislation, and no admissible disclosure of this email can be made without the consent of the Municipality.

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

From: Lions Bay Reception  
Sent: Tuesday, June 12, 2018 12:44 PM  
To: Naizam Jaffer <njaffer@lionsbay.ca>  
Subject: Emailing: 180612 Application for parking extraordinary vehicle.pdf  
Importance: High

Nai

New Application from Dave & Allison Bruynesteyn, 425 Bayview Rd, for parking extraordinary vehicle.  
This is a new application as his other permit expired and he had it for 3 years.

Could you make any comments on attached form and return asap, as it needs to go to council next Tuesday June 12, 19  
2018

Thank you

Susan Loutet  
Administrative Assistant

The Municipality of the Village of Lions Bay. [www.lionsbay.ca](http://www.lionsbay.ca) PO Box 141, 400 Centre Road, Lions Bay, BC V0N  
2E0 CANADA

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## Lions Bay Reception

---

**From:** aoliver@lionsbayfirerescue.ca  
**Sent:** Tuesday, June 12, 2018 7:58 PM  
**To:** Lions Bay Reception  
**Cc:** Naizam Jaffer  
**Subject:** Re: Emailing: 180612 Application for parking extraordinary vehicle.pdf

Just checked trailer I have no issues.  
Thanks

Andrew Oliver

Lions Bay Fire Chief

400 Centre Road  
Lions Bay BC  
V0N 2E0  
604 690 4908

On Jun 12, 2018, at 3:08 PM, Lions Bay Reception <[reception@lionsbay.ca](mailto:reception@lionsbay.ca)> wrote:

Andrew

Yes you will see it parked there now. Just as you go around the corner

Thank you

**Susan Loutet**  
*Administrative Assistant*

<[image001.jpg](#)>**The Municipality of the Village of Lions Bay.** [www.lionsbay.ca](http://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:** [aoliver@lionsbayfirerescue.ca](mailto:aoliver@lionsbayfirerescue.ca) [<mailto:aoliver@lionsbayfirerescue.ca>]  
**Sent:** Tuesday, June 12, 2018 3:06 PM  
**To:** Lions Bay Reception <[reception@lionsbay.ca](mailto:reception@lionsbay.ca)>  
**Subject:** Re: Emailing: 180612 Application for parking extraordinary vehicle.pdf

Hi Susan

This is upper bayview I will check it out but I'm assuming it's on right hand side as you go up.

Andrew Oliver

Lions Bay Fire Chief

400 Centre Road  
Lions Bay BC  
V0N 2E0  
604 690 4908

On Jun 12, 2018, at 12:47 PM, Lions Bay Reception <[reception@lionsbay.ca](mailto:reception@lionsbay.ca)> wrote:

Andrew

New Application from Dave & Allison Bruynesteyn, 425 Bayview Rd, for parking extraordinary vehicle.

This is a new application as his other permit expired and he had it for 3 years. Could you make any comments on attached form and return asap, as it needs to go to council next Tuesday June 19, 2018, so needs to go to Shawna Thursday June 14 to be included in the Council package.

Thank you

Susan Loutet  
Administrative Assistant

The Municipality of the Village of Lions Bay. [www.lionsbay.ca](http://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 This email is intended only for the persons addressed and may contain confidential or privileged information. If you received this email in error, it'd be appreciated if you'd notify the sender and delete it. Statements and opinions herein are made by their authors in a personal capacity, and are not binding on the Municipality of the Village of Lions Bay ("Municipality") until contracted. This email is the property of the Municipality and may not be reproduced or further disseminated in whole or part without the Municipality's consent. It may be exempt from disclosure under the British Columbia Freedom of Information and Protection of Privacy Act and other freedom of information or privacy legislation, and no admissible disclosure of this email can be made without the consent of the Municipality.

<180612 Application for parking extraordinary vehicle.pdf>

Minutes of the Tree Committee meeting

June 1<sup>st</sup>, 2018

On-site @ 249 Bayview Road - #86

In attendance; Chair, Simon Waterson, Mike Jury, Jim Cannell and Jay Barber.

1. The meeting was called to order at 09:30 am.
2. Simon Waterson was appointed Recorder for the meeting.
3. The Agenda was approved unanimously.
4. Public Participation - None
5. The previous minutes from the meeting dated March 27<sup>th</sup> 2018, were approved unanimously.
6. Old Business; None.
7. New Business;
  - a. Tree Application #86 – 249 Bayview Place - moved by Jim Cannell; Seconded by Simon Waterson, that:  
  
*As requested, the applicant is permitted to cut and clean the specified Maple and Cedars.  
All wood and debris must be removed.*
8. Adjournment; - The meeting adjourned at 09:36 am.

Simon Waterson

Recorder

#86



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Schedule "A"

**Tree Cutting Application Form**

All fields must be completed

Applicant's Full Name: Jason Vantomme	
Address: 249 Bayview Road, Lions Bay, BC	
Phone: [REDACTED]	Email: [REDACTED]
Arborist/Contractor Name: Craig Bench (I.S.A. Certified Arborist, PN-1668A)	
Phone: 604-928-3827	Email: bcbench@hotmail.com

<b>Office Use Only</b>	<b>Tree Application Number:</b>
Received by: <i>JM</i>	Date: <i>May 17/18</i>
Amount Paid: <i>\$ 7500</i>	Cash or Cheque:
Application Complete? (Y/N) <i>(Y)</i> <i>251 Bayview Rd - rec'd. (neighbor comments)</i>	If no, reason: <i>requires comments from 247 Bayview Rd. rec'd.</i>
Date referred to Public Works: <i>May 17/18</i>	Date returned by Public Works: <i>May 18/18</i> <b>(See attached comments)</b>
Date Application to Tree Ctte: <i>May 22/18</i>	Meeting Date:
Agenda forwarded to Tree Ctte:	Minutes received from Tree Ctte:
Council Agenda Date:	Council Decision:
Parties Notified:	Received Damage Deposit: Name of Arborist/Contractor:
Date of Letter Notifying Applicant of Decision:  (March 1-July 31: Arborist Certification Required)	Proof of WorkSafe Certificate: Proof of Insurance (\$5 mil/VoLB Add'l Insured):
Permit Issued:	Post-work check by Public Works:
Damage Deposit Returned:	If not, reason:



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Species/Description of Tree(s):  
 TREE 1: Maple  
 TREES 2 & 3: Cedar

Location of Tree(s):  
 TREE 1: On municipal property at the bottom southwest corner of the property; see included property site plan for exact location as determined by surveyors.  
 TREES 2 & 3: In the hedge row bordering the west side of the property; see included property site plan.

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

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

Please provide additional comments which may be useful:  
 TREE 1: As shown on the attached property site plan, the maple in question is located at the very corner of a substantial retaining wall for the already-approved driveway construction. The tree in question needs to be removed in order to permit the driveway retaining wall to be built.  
 TREES 2 & 3: It is unclear whether or not the two trees shown will need to be removed for construction. In general, our goal is to remove as little of the cedar hedging as possible, but the retaining wall may require these to be taken and they are both > 20 cm in diameter. It is quite possible that we will not need to remove one or both of these trees.

Replanting Plan, if any (please include anticipated timeframe for completion):  
 TREE 1: This is the most substantial of the three trees. At present, we do not know what specifically we will replant. However, as a part of the variance approval and encroachment agreement, we are required to re-naturalize the existing entrance to the property and this tree is immediately adjacent to this zone and so any possible replacement will be a part of that plan. We anticipate completing the majority of that re-naturalization work 12-18 months after completion of accessory building.  
 TREES 2 & 3: There will be no replacement for these two cedars.



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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

I have verified the information contained within this application is correct. No cutting of Significant Trees, as defined by Schedule "C" to Village of Lions Bay Tree Bylaw No. 393, 2007, as amended, is contemplated by this application or, if it is, this fact is clearly and explicitly set out in the application along with supporting rationale.

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 any and all conditions of approval incorporated in the Council resolution, and that failure to comply with such conditions may result in fines, penalties and/or legal action.

Jason Vantomme



15-MAY-2018

Name of Applicant (Please Print)

Signature

Date Signed

**TREE 1: MAPLE**

Southwest corner of property.  
Pictures of base, canopy from  
base (left) and canopy from  
across the street (bottom).

This tree must be removed in  
order to install a foundation wall  
as shown in the building permit  
and variance applications. (Both  
already approved.)

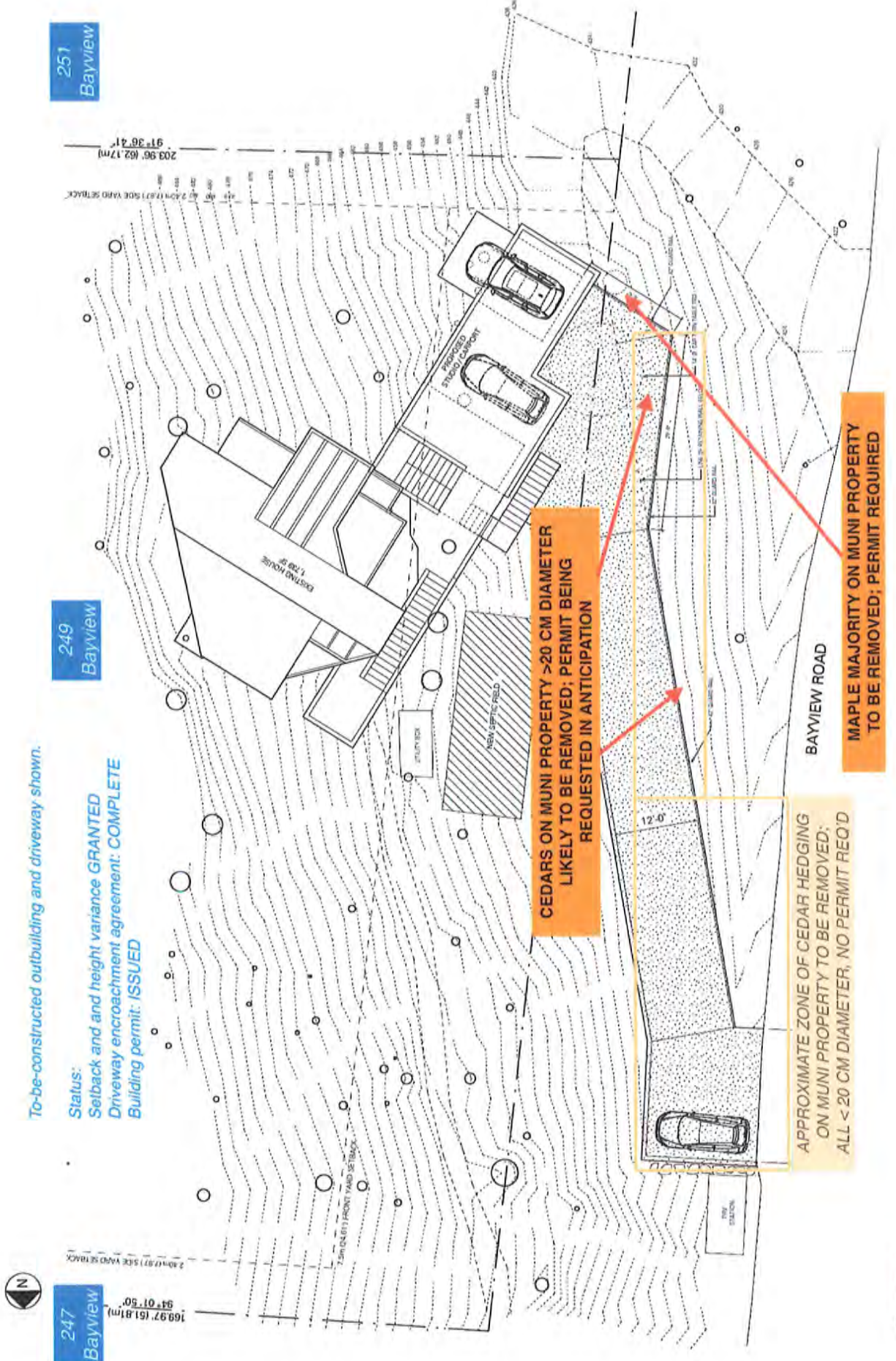


## TREES 2 & 3: CEDAR HEDGE

It is unclear whether or not the two trees shown will need to be removed for construction. In general, our goal is to remove as little of the cedar hedging as possible, but the retaining wall may require these to be taken and they are both  $> 20$  cm in diameter.

These are the only two cedars in the impacted areas of the hedge row above the size threshold that requires a permit.





To-be-constructed outbuilding and driveway shown.

Status:  
Setback and height variance **GRANTED**  
Driveway encroachment agreement: **COMPLETE**  
Building permit: **ISSUED**

247  
Bayview  
169.97 (51.81m)  
94°01'50"

249  
Bayview  
203.96 (62.17m)

251  
Bayview  
91' (28.21m)

CEDARS ON MUNI PROPERTY >20 CM DIAMETER  
LIKELY TO BE REMOVED; PERMIT BEING  
REQUESTED IN ANTICIPATION


APPROXIMATE ZONE OF CEDAR HEDGING  
ON MUNI PROPERTY TO BE REMOVED;  
ALL < 20 CM DIAMETER, NO PERMIT REQ'D

MAPLE MAJORITY ON MUNI PROPERTY  
TO BE REMOVED; PERMIT REQUIRED

SITE PLAN

**Public Works Tree Cutting Referral Comments**

Tree Cutting Application Number:	
Name of Applicant:	Jason Vantomme [REDACTED]
Address of Applicant:	249 Bayview Rd
Location of Tree(s):	Trees are within approved driveway corridor and situated on a mix of public and private lands.
Clearly on Municipal Land: (Y/N) (If no, survey required at applicant's cost)	Yes
Location in Relation to Municipal Infrastructure (Present & Future):	No impact to present or future infrastructure.
Location in Relation to Others' Infrastructure (Telus / Hydro Lines, etc.):	trees beneath power lines to be removed
Slope Stability Considerations:	Public Works will work with the owners of the property on a revegetation plan, <b>if required</b> as the retaining walls themselves will likely increase the overall stability of the slope. A final determination will be made once the construction of the driveway is complete.
Replanting Required (Y/N and recommendations, if any):	To be determined.
Other Considerations / Comments:	To be determined.
Attachments (Y/N and Description):	No

 May 18, 2018

486  
Tree App

May 15, 2018

To: Jason Vantomme

From: [REDACTED]  
(Affected Property Owners)  
251 Bayview Road, Lions Bay BC V0N 2E0  
[REDACTED]

Re: Application for permit to remove trees  
On 249 Bayview Road Lions Bay BC.

We have reviewed the completed Tree Cutting Application Form letter dated May 14, 2018, support photographs and plan supporting the application and are pleased to confirm our full support to your plan as presented within the Application.

As you are aware once your improvements are completed and you will then have an entirely new ingress-egress point to 249 the Pass-Over easement on Lot 2 should be removed.

Jason if we can assist further please let us know,

[REDACTED]

File: 249 trees remove May 15

*verified  
JN*

From: 249 Bayview.  
HILLEN, Jason Vantomme



#86

THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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

Date: May 14, 2018

Affected Property Owner's Name: [Redacted]

Address: 247 Bayview Road, Lions Bay

Email Address: [Redacted]

Phone Number(s): [Redacted]

Dear NEIGHBOUR,

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:	The trees in question sits majority on municipal property along west side border (cedars) and at the bottom southwest corner (maple) of the property; see included property site plan for exactly location as determined by surveyors.
Type(s) of Tree(s):	1 MAPLE tree & 2 CEDAR hedge trees
Description of Work:	MAPLE: This tree is located at the very corner of a substantial retaining wall for the already-approved driveway construction. The tree in question must be removed in order to permit the driveway retaining wall to be built.  CEDARS: It is unclear whether or not these 2 trees will need to be removed. In general, our goal is to remove as little of the cedar hedging as possible, but the retaining wall may require these to be taken.
Replanting Plan:	MAPLE: At present, we do not know what specifically we will replant. However, as a part of the variance approval and encroachment agreement, we are required to re-naturalize the existing entrance to the property and the tree in question is immediately adjacent to this zone and so any replacement will be a part of that plan.  CEDARS: There will be no replanting of these trees or similar.



## Lions Bay Reception

---

**From:** Wade Hickey <WHickey@wvschools.ca>  
**Sent:** Tuesday, May 22, 2018 12:21 PM  
**To:** Jason Vantomme  
**Cc:** Aron Campbell; Natalie Mendes; Lions Bay Reception  
**Subject:** RE: 249 Bayview: Request from neighbour across street

*Tree App  
# 86*

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi Jason,

As discussed, **West Vancouver Schools** is okay with the tree removal.

Regards,  
Wade

**Wade Hickey**  
Director of Facilities  
T 604 981 1079 C 604 916 0120



**From:** Jason Vantomme [REDACTED]  
**Sent:** May-18-18 2:14 PM  
**To:** Wade Hickey <WHickey@wvschools.ca>  
**Cc:** Aron Campbell <ACampbell@wvschools.ca>; Natalie Mendes <NMendes@wvschools.ca>; reception@lionsbay.ca  
**Subject:** Re: 249 Bayview: Request from neighbour across street

Thanks for your time on the phone Wade. I have copied Lions Bay Municipal Staff who will receive your feedback on this thread.

Jason

*verified*



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

<b>Type</b>	<b>Request for Decision</b>		
<b>Title</b>	<b>Village of Lions Bay Official Community Plan Designation Bylaw No. 408, 2008, Amendment Bylaw No. 525, 2018 – Consideration of First and Second Reading and Scheduling of the Public Hearing</b>		
<b>Author</b>	<b>Peter DeJong, CAO</b>	<b>Reviewed By:</b>	<b>Steven Olmstead, Planning Consultant</b>
<b>Date</b>	<b>June 10, 2018</b>	<b>Version</b>	<b>1</b>
<b>Issued for</b>	<b>June 19, 2018 Council Meeting</b>		

### Recommendations:

1. THAT the Request for Decision report titled “Village of Lions Bay Official Community Plan Designation Bylaw No. 408, 2008, Amendment Bylaw No. 525, 2018 - Consideration of First and Second Reading and Scheduling of the Public Hearing” dated June 10, 2018 be received;
2. THAT the Table of Natural Hazard Assessment Area Guidelines appended as Attachment A to the June 10, 2018 report be endorsed as a communication tool;
3. THAT Village of Lions Bay Official Community Plan Designation Bylaw No. 408, 2008, Amendment Bylaw No. 525, 2018, appended as Attachment C to the June 10, 2018 report be read a first and second time;
4. THAT Village of Lions Bay Official Community Plan Designation Bylaw No. 408, 2008, Amendment Bylaw No. 525, 2018 be held to be consistent with the Village of Lions Bay 2018-2022 Five Year Financial Plan and the 2010 GVRD Integrated Solid Waste and Resource Management Plan;
5. THAT a public hearing regarding Village of Lions Bay Official Community Plan Designation Bylaw No. 408, 2008, Amendment Bylaw No. 525, 2018 be held at 7:00 p.m. on Tuesday, July 10, 2018 at Broughton Hall, 400 Centre Road, Lions Bay.

### Attachments:

- A. Table of Natural Hazard Assessment Area (NHAA) Guidelines;

- B. Village of Lions Bay Official Community Plan Designation Bylaw No. 408, 2008, Amendment Bylaw No. 525, 2018 in revised draft form, including a clean copy of Schedule A.

**Key Information:**

On April 10, 2018, Village of Lions Bay Official Community Plan Designation Bylaw No. 408, 2008, Amendment Bylaw No. 525, 2018, came to Council for first reading and referral to a Public Information Meeting. As the bylaw was then conceived, it was based on the introduction of Development Permit Areas under section 488 of the *Local Government Act (LGA)*. For a variety of reasons, the bylaw did not receive any readings and staff were directed to pursue a means of meeting the common law and statutory obligations of the Municipality for development in the face of hazardous conditions through means other than Development Permit Areas.

With corporate knowledge of hazards, the Municipality has a duty to warn and, arguably, a duty of care in relation to new exposures to such risks. The Municipality requires a policy to address these issues. Under the *LGA*, section 473 (1):

an Official Community Plan (OCP) must include statements and map designations for the area covered by the plan respecting:

(d) restrictions on the use of land that is subject to hazardous conditions.

One way to address these requirements is through the implementation of a Development Permit scheme under sections 488-491 of the *LGA*. As noted above, Council decided not to utilize this legislative regime and requested staff to look for ways to meet these requirements through the legislative powers of the Building Inspector and the Approving Officer.

Under section 56 of the *Community Charter* and section 86 of the *Land Title Act*, a Building Inspector or Approving Officer may require an applicant for a building permit or a subdivision to provide a report by a professional engineer or geoscientist experienced in geotechnical study and geohazards, where it is considered that construction or subdivision would be in respect of lands that are or may be subject to a variety of geotechnical hazards.

As well, under section 460 of the *Local Government Act*, a local government that has adopted an official community plan or a zoning bylaw must, by bylaw, define procedures under which an owner of land may apply for: (a) an amendment to the plan or bylaw. Development Applications Procedure Bylaw No. 431 meets this requirement and provides the CAO authority to require geohazard, wildfire and flood risk assessments in conjunction with zoning (and OCP) amendment applications as part of the Preliminary Review Process.

Additionally, Soil Deposit, Soil Removal and Land Alteration Bylaw No. 510, 2018 provides the Public Works Manager with authority to impose conditions and require reports, specifications

and plans from an applicant under that bylaw to ensure that the requirements of land alterations permitted therein are in compliance with that bylaw.

The attached draft of Village of Lions Bay Official Community Plan Designation Bylaw No. 408, 2008, Amendment Bylaw No. 525, 2018 incorporates policy and procedures to enable the Municipality to address its common law and statutory obligations while providing guidance to its employees regarding applications for “New Development”, to the qualified professionals who are tasked with reporting on whether the lands in such applications are safe for the uses intended, and to its residents who may wish to develop their lands.

The risk tolerance policy incorporated in the draft bylaw treats small scale development (i.e. building permits for RS-1 lands and subdivisions of 4 or fewer lots) similar in terms of risk tolerance thresholds to how other jurisdictions view existing development, the idea being that small scale development is more in the nature of infill housing or replacement of existing housing stock than the introduction of any significant new housing projects which may bring with them substantially increased exposures to known hazards. The policy explicitly stipulates that the Municipality chooses *not* to set a risk tolerance threshold in respect of existing development in Lions Bay. The risk tolerance policy set out is in respect to New Development only.

New Development, as defined in the bylaw, within any of the hazard areas identified in the Cordilleran Report, triggers the requirement for a natural hazard assessment in accordance with the guidelines and requirements set out in the bylaw. These Natural Hazard Assessment Areas (NHAAs) take the place of the previous Development Permit Areas and all mapping as required by section 473 of the LGA is adopted for the purposes of the NHAAs.

This framework will provide the CAO, the Building Inspector, the Approving Officer and Qualified Professionals with a policy and set of procedures that will enable them to address applications for New Development in a clear and consistent manner. If lands are determined by a QP to be safe for the use intended without any conditions, then no section 219 covenant will need to be registered in the Land Title Office; if conditions are attached to the QP’s report, then such a covenant will be required in accordance with Provincial enactments.

It should be noted that New Development includes a temporary use permit (TUP) for short-term rentals. This was inserted after receipt of legal advice. A briefing on that legal advice can be found in the Closed Agenda for Council’s consideration.

It should be further noted that Pierre Friele, the geoscientist who wrote the Cordilleran Report, does not agree with or support the proposed quadrupling of residential density in the Village of Lions Bay in the guise of existing development under the proposed risk tolerance policy, which varies from the District of North Vancouver policy in respect of “small-scale development” (i.e. anything less than a 5 lot subdivision or rezoning). His considered opinion is that this type of

decision should not be undertaken without a Qualified Professional first conducting a thorough societal risk assessment to understand: 1) what the existing group risk is affecting the Village of Lions Bay; and 2) what the future group risk will be once the policy is adopted. Without such an analysis being conducted, his view is that policy is being created and advocated without sufficient knowledge, by people (Council) who lack technical expertise, and who are effectively making decisions for others regarding tolerable risk levels without the necessary societal risk factors being taken into account.

Council may wish to review staff's Village Update piece of March 9, 2018 and consider whether the Municipality should, in fact, request a *Societal Risk Assessment*. Staff notes that the Province has not yet responded to queries about further investigation by the Province of the unquantified geohazard risks in and above the Village of Lions Bay.

**Options:**

1. Approve the recommendations as set out at the beginning of this report.
2. As above, with potential changes to the draft bylaw;
3. Refer the bylaw back to staff with alternative directions;
4. Direct staff to seek quotes for a Societal Risk Assessment, whether the recommendations above are approved or not;
5. Otherwise as Council may direct.

**Preferred Option:** The first option to accept the recommendations as per the beginning of the report, with consideration for option 4 as well.

**Organizational and Intergovernmental Implications:**

The *Local Government Act* requires that amendments to Official Community Plans be considered by the Council with respect to implications for financial and waste management plans. This is required after First Reading and before the public hearing.

The Chief Financial Officer reviewed the amendments and determined that they would not result in any material impacts to the Five Year Financial Plan (2018-2022).

Regarding waste management, this amendment has no implications with respect to the 2010 GVRD (Metro) Integrated Solid Waste and Resource Management Plan.

**Follow Up Action:** Staff will place the advertising in a newspaper in accordance with the requirements of the *Local Government Act* and the *Community Charter* and prepare for the

public hearing. Communications will also go out via the Village Update and be advertised on the Municipality's website.

<b>Table of Natural Hazard Assessment Area (NHAA) Guidelines</b>				
<b>NHAAs</b>	<b>Applies to</b>	<b>Reason</b>	<b>Minimum requirements for Permits and Approvals*</b>	
1: Ocean natural hazard areas	Areas lower than 8 m Above Sea Level (ASL) potentially subject to coastal erosion and other consequences of climate change and rising sea level	Area potentially subject to coastal erosion and other impacts of climate change and sea level rise	Habitable space located above the site specific FCL as determined by QP.	
2: Creek natural hazard areas	A: Mitigated debris fan areas	Areas of the respective fans downstream of flood works/barriers	May be subject to residual flood hazard	Building designed to withstand debris flood impacts with the top of concrete steel reinforced foundations established 1 m or more above finished grade, with foundations protected from scour, and by mitigating the possibility of water ingress by lift.
	B: Upper Bayview Fan area	Lots on Upper Bayview Road subject to potential debris flood/debris flow hazard	Potential hazard identified in BGC report from 2012	Debris flow/debris flood assessment. Building designed to withstand debris flood impacts with the top of concrete steel reinforced foundations established 1 m or more above finished grade, with foundations protected from scour, and by mitigating the possibility of water ingress by lift.
	C: Ravine areas	Land within 30 m of a ravine crest	Ravine slope instability and erosion hazards	Siting and conditions determined on a site specific basis by QP recommendations. Management of on-site storm water drainage management and on-site sewage disposal are key considerations.
3: Slope natural hazard areas	A: Open-slope slide areas	From Highway 99 upslope to the Municipal boundary	High to Very High potential consequence from Landslide risk	Landslide Risk Assessment for upslope hazards potentially affecting a site, and seismic slope stability for foundation soils, engineered slopes and adjacent slopes. Foundation design, lift of habitable space, barrier walls and other measures determined by QP.
	B: Rockfall areas	27.5 degree rockfall shadow angle from the base of the rock avalanche scarp between Magnesia and Alberta Creeks, and from other smaller scattered bluffs	High to Very High potential consequence from rockfall risk	Landslide Risk Assessment by QP for upslope hazards potentially affecting a site, and seismic slope stability for foundation soils, engineered slopes and adjacent slopes.
	C: Slopes >30%	Slopes >30% - See hillshade map	Worksafe BC requirement and general threshold used in BC.	For areas below Highway 99 – compliance with Worksafe Regs and any site specific QP requirements. For areas above Highway 99 – compliance with Worksafe Regs and requirements under DPA 3C.
4: Wildfire natural hazard areas	Entire Municipality	Wildfire hazards	Consideration of fire resistive roofing, siding and decking and vegetation management within 10m of buildings and structures.	
<b>*Use and Indemnity Covenants required for NHAAs 1, 2 &amp; 3. *See Bylaw for additional NHAA requirements and exemptions.</b>				

## **Bylaw No. 525, 2018**

### **A bylaw to amend Official Community Plan Bylaw No. 408, 2008**

**WHEREAS** the Council of the Village of Lions Bay has adopted Official Community Plan Bylaw No. 408, 2008, as amended;

**AND WHEREAS** Section 473 (1) of the *Local Government Act* states that an official community plan must include statements and map designations for the area covered by the plan respecting:

(d) restrictions on the use of land that is subject to hazardous conditions or that is environmentally sensitive to development;

**AND WHEREAS** a Public Hearing has been held in accordance with Division 3 of Part 14 of the *Local Government Act*;

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

1. This Bylaw may be cited as “Village of Lions Bay Official Community Plan Designation Bylaw No. 408, 2008, Amendment Bylaw No. 525, 2018.”
2. “Village of Lions Bay Official Community Plan Bylaw No. 408, 2008” is amended by:
  - (a) Adding “(Map 1)” after the title: “8.0 Land Use Map”;
  - (b) inserting Section 10 – Natural Hazard Assessment Areas after Section 9 of Official Community Plan Bylaw No. 408, 2008, as amended, the content of which is contained within Schedule “A” of this Bylaw and which includes Maps 2-9.

**PURSUANT TO SECTION 475 OF THE LOCAL  
GOVERNMENT ACT CONSULTATION  
REQUIREMENTS CONSIDERED**

**July 4, 2017**

**READ A FIRST AND SECOND TIME AND  
CONSIDERED IN CONJUNCTION WITH  
THE VILLAGE OF LIONS BAY FINANCIAL  
PLAN AND ANY APPLICABLE WASTE  
MANAGEMENT PLANS PURSUANT  
TO THE LOCAL GOVERNMENT ACT**

**[June 19, 2018]**

**PUBLIC HEARING HELD ON**

**[July 10, 2018]**

**READ A THIRD TIME**

[July 17, 2018]

**ADOPTED**

[July 17, 2018]

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**Corporate Officer**

**Certified a true copy of  
Bylaw No. 525, 2018 as adopted.**

\_\_\_\_\_  
**Corporate Officer**

## **Schedule A**

### **Village of Lions Bay Official Community Plan Designation Bylaw No. 408, 2008, Amendment Bylaw No. 525, 2018**

#### **10.0 Natural Hazard Assessment Areas**

##### **10.0.1 Definitions**

“Accessory” means accessory as defined in the *Zoning Bylaw*;

“Buffer” or “Buffer Area” means an area that remains undeveloped in order to protect slope stability or to provide a setback from a natural hazard or riparian area;

“Council” means the Council of the *Municipality*;

“Debris Flood” means a flood of water that carries an unusually large amount of sediment and/or wood debris, and that is often triggered by severe channel and bank erosion or a Landslide dam outbreak;

“Debris Flow” means a fast moving, liquefied and channelized Landslide of mixed and unconsolidated debris that may occur during unusually wet weather on a steep mountain creek with abundant debris sources;

“Defensible Space” means the area around a structure where Fuel and vegetation should be managed to reduce the risk of structure fires spreading to the forest or vice versa and to provide safe working space for fire fighters;

“Detailed Assessment” means a detailed, site-specific study and field review to delineate hazard areas and provide quantitative estimates of hazard or risk, the minimum requirements of which Detailed Assessment are set out in this policy described as Schedule A, attached to and forming part of the Municipality’s Official Community Plan Bylaw No. 408, 2008, as amended;

“EGBC” means the Engineers and Geoscientists of British Columbia or any replacement or successor professional association;

“Elements at Risk” means anything of social, environmental or economic value, including human lives and well-being that may be affected by a natural hazard;

“Exemption” means an exemption from the requirement for an approval or permit in connection with a given development;

“Fire Resistive Materials” means materials resistant to fire, such as stucco, metal, brick, rock, stone, lumber treated for fire resistance and cementitious products (including hardiplank), but excludes, without limitation, untreated wood, aluminum and vinyl products;

“Fire Retardant Roofing” means Class A and Class B roofing as specified in the Homeowners FireSmart Manual, BC Edition, 2004, Province of B.C., as the same may be amended or replaced from time to time, or such other roofing as may be specified by the Municipality from time to time;

“Freeboard” means a vertical distance typically added to the designated flood level to account for variation in local hydraulic conditions (such as river bend or large boulders in a stream), to allow for wave effects arising from winds, and to address uncertainties inherent in engineering assumptions and calculations, and to introduce a factor of safety to such calculations;

“Fuel” means a combustible material;

“Gross Floor Area” means gross floor area as defined in the Zoning Bylaw;

“Habitable Space” means any room or space within a building or structure, which room or space is or can be used for human occupancy, commercial sales, or storage of goods, personal property or mechanical or electrical equipment (including furnaces);

“Landslide” means a movement of rock, debris or earth down a slope, and can be the result of wet weather, erosion, earthquake or other natural sequences of events and/or human activities; Landslides may be rapid or slow moving, and include landslip, rock falls, rock slumps, rockslides, rock avalanches, avalanches, rock creep, debris falls, debris slides, debris flows, debris floods, debris torrents, mud flows, earth falls, earth slumps, earth slides, earth flows, earth creep, flow slides and subsidence;

“Municipality” means, depending on the context, the municipal corporation of the Village of Lions Bay or all of the land falling within the jurisdictional boundaries of the Village of Lions Bay;

“New Building or Structure” means a building or structure, excluding an Accessory building or structure, that generally contains Habitable Space and that is newly constructed or being constructed, or intended to be constructed, or that is or is being or is intended to be substantially reconstructed, and shall include:

- (a) a retaining wall as set out the Zoning Bylaw;
- (b) a pool as set out in Building Bylaw No. 234, 1994, as amended; or
- (c) an alteration to a residentially zoned building where
  - (i) the footprint of the building is to be increased by 25% or more, or
  - (ii) the value of the alteration as specified in the applicable building permit is more than 50% of the replacement value of the building, as determined by multiplying the Gross Floor Area of the building by \$300;

“New Development” means:

- (a) construction of a New Building or Structure requiring a building permit;
- (b) construction of a retaining wall over 1.2 meters in height, or a series of terraced retaining walls with a combined height of greater than 1.2 metres;

- (c) development requiring a permit under Soil Deposit, Soil Removal and Land Alteration Bylaw No. 510, 2018 (the “Land Alteration Bylaw”);
- (d) subdivision;
- (e) rezoning; or
- (f) a temporary use permit for the purpose of short-term rentals;

“Preliminary Assessment” means a preliminary or overview assessment by a Qualified Professional to determine the extent, location or presence of a hazard, the probability of a hazardous event affecting an element at risk, and whether a Detailed Assessment is required;

“Qualified Professional” or “QP” means a professional with appropriate education, training and experience, fully insured and in good standing with the relevant professional association, and means:

- (a) for the purposes of the NHAAs 2A, 2B, 2C, 3A, 3B, and 3C, a specialist Professional Engineer or Professional Geoscientist, as appropriate, with experience or training in geotechnical and geohazard assessments, Landslides, river hydraulics and hydrology and, where appropriate, specialist engineering expertise in connection with selection and design of appropriate mitigation works; and
- (b) for the purpose of NHAA 4, a Registered Forest Professional qualified by training or with at least two years’ experience in the assessment, fuel management prescription development and mitigation of wildfire hazards in British Columbia;

“Ravine” means a narrow, steep-sided valley that is commonly eroded by running water and has a ravine sidewall slope gradient greater than 3:1;

“Top of Bank” means:

- (a) for a floodplain area contained in a Ravine, the point closest to the boundary of the active floodplain of a stream where a break in the slope of the land occurs such that the grade beyond the break is flatter than 3:1 at any point for a minimum distance of 15 metres measured horizontally from the break; and
- (b) for a floodplain area not contained in a Ravine, the edge of the active floodplain of a stream where the slope of the land beyond the edge is flatter than 3:1 at any point for a minimum distance of 15 metres measured horizontally from the edge;

“Top of Ravine Bank” means the first significant break in a Ravine slope where the break occurs such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 metres measured horizontally from the break, and the break does not include a bench within the Ravine that could be developed;

“Watercourse” means any natural or man-made depression with well-defined banks and a bed 0.6 metre or more below the surrounding land that serves to give direction to a current of water at least six months of the year, or having a drainage area of two square kilometres or more upstream of the point of consideration;

“Wildfire Mitigation” means any action taken to eliminate or reduce the long-term risk of wildfire; and

“Zoning Bylaw” means the Zoning and Development Bylaw No. 520, 2017. as amended, consolidated or re-enacted from time to time.

## **10.1 General**

### **10.1.1 Introduction – Purpose and Policy**

The technical study by Cordilleran Geoscience titled “The Village of Lions Bay, Natural Hazards Development Permit Area Strategy: Coastal, Creek and Hillslope Hazards”, dated January 18, 2018 (the “Cordilleran Report”, available from the Village of Lions Bay by request or from the Village of Lions Bay online Reports and Documents Library at lionsbay.ca), identifies land potentially subject to geological natural hazards. The study notes that in Lions Bay, given the steep

terrain and the coastal maritime setting there are a number of natural hazards that may affect the community, including coastal hazards, creek hazards and hillslope hazards. Where the Cordilleran Report references Development Permit Areas (DPAs), this bylaw uses the term Natural Hazard Assessment Areas (NHAAs), but these terms should be considered as synonymous in relation to the physical areas mapped as DPAs in the Cordilleran Report and its technical recommendations.

As described in the Cordilleran Report, a hazard is a phenomenon with the potential to cause harm; it is usually represented by a magnitude and recurrence interval (Table 1).

**Cordilleran Report, Table 1: Qualitative hazard frequency categories**

Qualitative frequency	Annual return frequency	Probability	Comments
Very high	>1:20	>90% in 50 years	Hazard is well within the lifetime of a person or typical structure. Clear fresh signs of hazard are present.
High	1:100 to 1:20	40% to 90% in 50 years	Hazard could happen within the lifetime of a person or structure. Events are identifiable from deposits and vegetation, but may not appear fresh.
Moderate	1:500 to 1:100	10% to 40% in 50 years	Hazard within a given lifetime is possible, but not likely. Signs of previous events may not be easily noted.
Low	1:2500 to 1:500	2% to 10% in 50 years	The hazard is of uncertain significance.
Very low	<1:2500	<2% in 50 years	The occurrence of the hazard is remote.

Consequence (Table 2) is a product of factors, including whether a given hazard will reach a site, whether Elements at Risk (e.g., houses/people) will be present when the site is affected by the hazard, how vulnerable the Elements at Risk are to the hazard affecting the site, and the value of the Elements at Risk or the number of persons exposed.

**Cordilleran Report, Table 2: Simplified consequence assessment**

Consequence	Description
Very High	Direct impact with extensive structural damage; loss of life & limb.
High	Direct or indirect impact with some potential for structural damage; loss of life & limb.
Moderate	Indirect debris impact. No structural damage but damage to houses and property.
Low	Minor property damage only.
Very Low	Virtually no damage.

***The product of the factors Hazard Frequency and Hazard Consequence equals Hazard Risk.***

No activity is free of risk, and the concept of safety embodies risk tolerance. In Canada and BC there is no legislated guidance for risk tolerance to geohazards, and the term “safe” has not been defined. In considering risk tolerance, an important concept, and one accepted by the Village of Lions Bay (the “Municipality”) is that risk of loss of life from natural hazards should not add substantially to the combined risk of loss of life to which one is typically exposed (e.g., driving, health, recreation, etc). For reference, the risk of injury and death from driving in Canada is approximately 1:1000 and 1:10,000 per annum, respectively (Transport Canada 2011).

The Municipality wishes to set acceptable levels of risk tolerance with respect to New Development within the Village in the circumstances identified in the Report. Quoting from the Landslide Risk Policy of the District of North Vancouver, “tolerable and acceptable risks are somewhat different: tolerable risks can be tolerated in order to realize some benefit, but they are not negligible, and should be kept under review and reduced further if possible. In contrast, acceptable risks are considered broadly acceptable to the public and efforts to further reduce risks are not warranted.”

As an example, the levels of risk tolerable and acceptable to the District of North Vancouver are in accordance with the risk thresholds set out in Table 11 below.

**Cordilleran Report, Table 11: Landslide risk policy, District of North Vancouver**

Type of Application	1:10,000 + ALARP	1:100,000	FOS >1.3 (static)	FOS >1.5 (static)
Building Permit (<25% increase to Gross Floor Area)	X		X	
Building Permit (>25% increase to gross Floor Area and/or retaining walls >1.2m)		X		X
Re-zoning		X		X
Sub-division		X		X
New Development		X		X

The ostensible rationale for differing thresholds (1:10,000 vs 1:100,000) is that for any form of New Development (substantial addition (>25%), new building, rezoning, sub-division, new development) the extra involuntary risk posed by a hazard should be much less than for existing development (existing building, or addition <25%) on the premise that risk avoidance through development elsewhere in the municipality is an option. Nevertheless, 1:100,000 could be considered a very high threshold for Lions Bay. The Municipality is substantially built out and there are very few options within the Village for risk avoidance through location choice. This means that hazards may need to be mitigated through other means, such as reinforced or raised foundations, siting considerations within a parcel, design considerations for Habitable Space within a structure, rockfall fencing, and other methods of reducing risk.

In the circumstances, the Municipality considers that the level of risk tolerance for New Development ought to consider the scale of such development in comparison to generally accepted levels of risk tolerance for existing development, as indicated in the first line of Table 11. If New Development is within a smaller scope as described in the first two types of application in Table A below, then it is reasonable to set a safety standard which is generally appropriate for existing

development (i.e., 1:10,000 plus ALARP). Typically, as noted in the Cave (1993) Report from the Fraser Valley Regional District, such smaller scale development is in the nature of infill or extension of existing development which may already be subject to the same hazard. Accordingly, balancing concerns for safety with economic, social and political considerations, the levels of risk tolerable and acceptable to the Village of Lions Bay in respect of New Development is in accordance with the risk thresholds set out in Table A below and as expanded upon in the text following Table A.

**Table A: Risk Tolerance Thresholds for New Development, Village of Lions Bay**

Risk tolerance thresholds in accordance with development type:

Type of Application	1:10,000 + ALARP	1:100,000	*FOS >1.3 (static)	*FOS >1.5 (static)
New Development not requiring subdivision or rezoning	X		X	
Subdivision and/or rezoning to create 4 or fewer fee simple or strata parcels (including the original parcel)	X		X	
Subdivision and/or rezoning to create 5 or more fee simple or strata parcels (including the original parcel)		X		X

\* Ratios denote annual probability of individual loss of life per the calculation set out in section 10.4.2 of this bylaw

\* FOS means Factor of Safety, generally in relation to engineered slopes and Ravine sidewall stability

+ ALARP means As Low As Reasonably Practicable

For a risk to be ALARP, it must be possible to demonstrate that the cost involved in reducing the risk further would be grossly disproportionate to the benefit gained. In Lions Bay, this principle of mitigation is to be applied across all Natural Hazard Assessment Areas (NHAAs), particularly where the level of hazard uncertainty is significant. Qualified

Professionals will be responsible for indicating that all methods to reduce risk to As Low As Reasonably Practicable have been considered or implemented.

The Municipality specifically and explicitly chooses *not* to set a risk tolerance threshold in respect of existing development in Lions Bay. The risk tolerance policy set out herein is in respect to New Development only, as defined above, howsoever triggered or required. The Municipality's risk tolerance thresholds for both the annual probability of individual loss of life and the Factor of Safety should be considered by the Qualified Professional and the Municipality for any New Development in NHAAs 2A, 2B, 2C, 3A, 3B, and 3C. Risk tolerance for New Development in NHAAs 1 and 4 is in accordance with the guidelines and requirements in each of those Natural Hazard Assessment Areas.

The goal of the NHAA boundary delineation is to categorise natural hazards by landform type and/or process domain and create a natural hazard planning framework to provide a consistent basis for managing natural hazard risks. The Cordilleran Report identifies potential hazards and assesses the potential reach of these hazards. The likelihood or magnitude of possible hazards is not explicitly estimated, as that is the role and responsibility of site specific studies to be undertaken by property owners wishing to develop their land, or to be undertaken by senior government as further work recommended in the Cordilleran Report.

Additionally, a Community Wildfire Protection Plan was prepared for the Village of Lions Bay in 2007 by B.A. Blackwell and Associates (the "Blackwell Report") and it forms the basis for the Wildfire Natural Hazard Assessment Area, along with other Wildfire Mitigation best practices.

The following sections outline the NHAA framework for natural hazard areas in the Village of Lions Bay, based on the hazards identified and assessed in the Cordilleran and Blackwell reports. A generalized, process-based approach to NHAA delineation is used, with four main categories:

NHAA 1, Coastal Zone Hazards (flooding and erosion);

NHAA 2, Creek Hazards (alluvial fans; Ravines, small creeks);

NHAA 3, Slope Hazards (Open-slope failures, rockfall, and seismic slope stability); and

NHAA 4, Wildfire Hazard

Coastal zone hazards (NHAA 1) include flooding and erosion from a combination of processes including tides, storm surge, wave action and sea level rise. Creek hazards include residual Debris Flow hazards on creeks that have flood control works (NHAA 2A - Alberta, Harvey and Magnesia Creeks) and flooding, Debris Flow and channel avulsion on Upper Bayview Creek (NHAA 2B), and channel and slope hazards associated with creek Ravines (NHAA 2C). Three categories of slope hazard have been identified – open slope failures (NHAA 3A), rockfall hazards (NHAA 3B) and terrain with slopes >30% (NHAA 3C). All land within the Village of Lions Bay is included in the wildfire hazard area (NHAA 4), but particular attention should be given to areas within the residential-wildland interface.

In determining the NHAA boundaries for the hazard categories, it is recognized that there is uncertainty in the extent of influence of possible hazards. Therefore, NHAA boundaries were drawn conservatively so as not to exclude terrain that could be affected by the range of magnitudes considered within future studies. While boundaries are drawn from high-resolution LIDAR-derived mapping products, for proposed development purposes, surveys and professional assessment(s) may be needed to confirm lot layout, natural features, and setback recommendations on a site-specific basis (e.g., top of Ravine vs. setbacks).

#### **10.1.2 Designation of Natural Hazard Assessment Areas**

Under the authority of section 473 (1) (d) of the *Local Government Act*, the areas outlined on Maps 3-9 are designated as Natural Hazard Assessment Areas as follows:

NHAA 1, Map 3: Coastal Zone Hazards (flooding and erosion);

NHAA 2, Maps 4, 5, and 6: Creek Hazards (alluvial fans; Ravines, small creeks);

NHAA 3, Maps 7, 8, and 9: Slope Hazards (Open-slope failures, rockfall, and seismic slope stability); and

NHAA 4, Wildfire Hazard (all land within the boundaries of the Village of Lions Bay).

#### **10.1.3 Activities that Require a Natural Hazard Assessment**

1. In a Natural Hazard Assessment Area, there shall be no New Development permitted unless an Exemption applies under section 10.1.4 or the owner first obtains a Natural Hazard Assessment and a permit or approval from the Municipality.

2. The Municipality may impose in an approval or permit, any condition permitted by law in order to ensure compliance with the guidelines set out in this document.
3. Where a parcel is designated as being within more than one type of NHAA, a single natural hazard assessment report may suffice, provided that the guidelines for all applicable NHAAs are addressed in the assessment report.

#### **10.1.4 Exemptions**

The following activities are exempt from the requirement to obtain natural hazard assessment:

1. public works, services and maintenance activities carried out by, or on behalf of, the Village of Lions Bay, and approved by the CAO;
2. non-structural repairs or renovations, including roof and other exterior repairs or replacements which do not require a building permit;
3. construction of an Accessory building of less than 10 square metres as permitted by the Zoning Bylaw;
4. alteration of land which constitutes routine maintenance of existing landscaping and lawn areas, or construction of Minor Works; Minor Works means the removal or deposit of soil or alteration of land where:
  - (i) at any point the depth of the soil removed or deposited does not exceed 1.2 meters;
  - (ii) the unrestrained slope of the filled or excavated surface does not exceed three (3) horizontal to one (1) vertical (30%);
  - (iii) retaining walls associated with the work do not exceed a height of 1.2 meters measured from the natural ground elevation; and
  - (iv) for deposit of soil, the slope of the existing ground does not exceed thirty percent (30%) at any point or, where the existing ground is filled, the underlying natural ground surface does not exceed thirty percent (30%) at any point;
5. habitat creation, streamside restoration or similar habitat enhancement works in accordance with Village of Lions Bay bylaws and a plan approved by the CAO;

6. planting of vegetation, provided that within 10 metres of the Top of Bank or Top of Ravine Bank, or within 10 metres of any part of a building containing a dwelling, the vegetation should not exceed 9 metres in height at maturity;
7. setbacks may be reduced where coastal zone or riparian area regulation setbacks would preclude development on a lot provided that reports by QPs be supplied to support any Exemption and/or variance; or
8. emergency procedures to prevent, control or reduce erosion, or other immediate threats to life and property provided they are, to the extent possible in the circumstances, undertaken in accordance with the provincial *Water Act* and *Wildlife Act* and the Federal *Fisheries Act*, and are reported immediately to the Municipality.

#### **10.1.5 Expectations for professional scope and reporting**

1. All professional reports pertaining to NHAAs should be consistent with applicable qualified professional practice guidelines and their various report requirements, and provincial regulations (as updated from time to time), including but not exclusive to the list below:
  - i. Flood Hazard Area Land Use Management Guidelines (WLAP 2004; amended January 1, 2018);
  - ii. Guidelines for Legislated Landslide Assessments for Residential Developments in BC (2008, 2010);
  - iii. Guidelines for Legislated Flood Assessments in a Changing Climate in BC (2012, 2017);
  - iv. Riparian Areas Regulation;
  - v. BC Building Code; and
  - vi, Worksafe BC.
2. Where applicable, a report by a Qualified Professional should include the following:
  - i. Report name and date;
  - ii. Client information;
  - iii. QP's information (training, experience, insurance);
  - iv. Property information (legal and civic);
  - v. Description of development proposal;

- vi. Review of relevant Village of Lions Bay bylaws and other statutory requirements;
- vii. Review of background information (site-specific and overview archived & provided by the Village of Lions Bay and others);
- viii. Description of geologic and geomorphic setting;
- ix. Description of field work conducted on and, if required, beyond the proposed development;
- x. Identification of natural hazards or other hazards identified in background reports and field work. Includes also a description of all potential hazards and rationale for excluding some;
- xi. Provides site plan and other mapping required to show hazards affecting, minimum scale ~1:5000-1:10,000;
- xii. Provides maps, illustrations and diagrams to illustrate risk scenarios referred to in the Report;
- xiii. For all hazards, separate and in aggregate, analyses of the georisk affecting the proposed development and evaluation against the Village of Lions Bay safety policy;
- xiv. Discusses the effect of changed conditions to slope stability caused by the project, by future potential natural factors or land-use (fire, forestry) or climate change;
- xv. Discusses uncertainties and describes any residual risk that would remain;
- xvi. Provides technically justified siting constraints or protective measures, as required;
- xvii. States whether all methods to reduce risk to As Low As Reasonably Practicable (ALARP) have been considered or implemented;
- xviii. Provides implementation steps for the identified structural mitigation works (in terms of design, construction and approval). Where protective works are recommended, the report must identify where follow up field verification is required to ensure conformance to design.
- xix. States that “the land may be used safely for the use intended” with siting constraints, protective measures or restrictive covenant, as stipulated in the report.
- xx. Provides permission to Village of Lions Bay to include the Report in the online geo-hazard report library (as background information, not for other parties to rely on);
- xxi. Acknowledges that report may be attached to covenant registered on title to the property;

- xxii. Provides time limitation or condition statement to describe extent the Village of Lions Bay may rely on the Report for development approvals, and when resubmittal is recommended;
  - xxiii. Provides an assurance statement (after APEGBC 2010, 2012);
  - xxiv. Signed and sealed by coordinating qualified registered professional.
3. For sites located within multiple hazard NHAAs, a coordinated approach will be required to ensure recommended prescriptions do not conflict and the overall project objectives are successfully met.
  4. Where a report by a QP identifies protective works or measures to mitigate hazard(s) affecting a lot, those works or measures must not transfer risk to any other lots.
  5. Where an owner has provided a natural hazard assessment report by a QP, the CAO or the Approving Officer may direct that the report be peer reviewed by a QP selected and retained by the Municipality. The peer review will be completed at the owner's expense and the owner must pay the invoice for same within 30 days of the invoice date. If the invoice amount is not paid when due, the CAO, at his or her discretion, may direct the Public Works Manager, the Building Inspector or a Building Official to issue a Stop Work Order Notice in respect of any Soil Deposit and Removal or Land Alteration Permit or Building Permit, as the case may be. The unpaid invoice amount may be deducted from a security deposit paid in respect of any development on or subdivision of the parcel.
  6. Where a Preliminary Assessment only has been provided by an owner, the Municipality may require a Detailed Assessment to be provided by the owner at the owner's cost, whether the QP has recommended one or not.

#### **10.1.6 Registration of Covenants as to Use and Indemnification**

A covenant as to use and indemnification, in wording satisfactory to the Municipality and in accordance with Provincial enactments, will be required to be placed on the land title for all approvals and permits in NHAAs 1, 2A, 2B, 2C, 3A, 3B and 3C where the QP has specified conditions in his or her report in order for the land to be used safely for the use intended. The covenant shall include the report of the QP as a schedule.

#### **10.1.7 Conditions and Requirements**

All development must comply with the conditions and requirements that may be imposed by the Municipality following the review of QP reports as identified in this section.

#### **10.1.8 Council Reconsideration**

If a building inspector is authorized to issue a building permit in accordance with the conditions specified in a QP's report but refuses to do so, the Council may, on application of the parcel owner within 30 days of the building inspector's decision being conveyed to the property owner in writing via email or letter, direct the building inspector to issue the building permit subject to the requirements of the QP's report after reconsideration in accordance with section 35 (5) of Council Procedures Bylaw No. 476, 2015, as amended.

## **10.2 NHAA 1 – Coastal Zone Hazards (Map 3)**

### **10.2.1 Justification**

Ocean front land in the Village of Lions Bay is subject to hazards such as flooding of low-lying terrain, erosion and instability of oceanfront slopes. Coastal zone hazards are expected to be exacerbated over the coming decades by sea level rise. NHAA 1 is intended to designate sites that should be assessed by a qualified registered professional to address coastal flood hazards, but does not preclude development. For Coastal Zone Hazards, year 2100 high water mark (HWM), and site specific factors such as wave effects, storm surge, shoreline erosion, shore face stability and associated setbacks should be considered.

### **10.2.2 Extent**

NHAA 1 extends from the existing natural boundary of the sea to a height of 8 metres CGD (Canadian Geodetic Datum) and is outlined on Map 3. The 8 metre level is conservatively selected to represent a potential future Flood Construction Level (FCL). NHAA 1 includes all lots fronting the ocean within the Village of Lions Bay.

### **10.2.3 Background**

In the Village of Lions Bay, many steep slopes into the sea are rock controlled or are fill slopes below the railway line. These are not a stability concern for residential development. Most residential lots on surficial materials are located on bouldery debris fan deposits of Magnesia, Alberta and Harvey Creeks, and while the shorefronts may be steepened to 70-80% by wave attack, the sea scarp is not tall (<6 m) and materials are coarse and relatively resistant to erosion at the timescale of the life of a structure (e.g., 100-years).

The sites most vulnerable to erosion are those low-lying areas at the south end of Brunswick Beach Road, where housing has been developed on a gravel tombolo that has linked a small rock outcrop with the mainland. The beach gravels forming the tombolo stand just above the HWM, being formed by storm waves, and the terrain between the north and south facing beaches is slightly lower, just at the high water mark (HWM). Future breaching and erosion of these beach ridges places all these low-lying areas at risk.

#### 10.2.4 Guidelines and Requirements

1. Within NHAA 1, New Development applications shall include a coastal flood hazard assessment prepared by a qualified registered professional to define the year 2100 shoreline position and the derived flood construction level, appropriate setback and any necessary mitigation work. Determination of the Year 2100 flood construction level shall follow the Ausenco Sandwell “Combined Method” as referenced in the Flood Hazard Area Land Use Management Guidelines. The FCL is determined as the sum of:
  - Allowance for future sea level rise to the year 2100;
  - Allowance for regional uplift, or subsidence to the year 2100;
  - Higher high water large tide (HHWLT);
  - Estimated storm surge for the Designated Storm with an annual exceedance probability of 1:200, or 1:500 as per the Ausenco Sandwell method referenced in the Flood Hazard Area Land Use Management Guidelines;
  - Estimated wave effects associated with the Designated Storm; and
  - A minimum Freeboard of 0.6 metres. However, because the Combined Method assumes the Designated Storm occurs in conjunction with a high tide; the Freeboard may be reduced from 0.6 m to 0.3 m for situations where the full FCL may be difficult to achieve.
2. Provincial guidance refers to a 15 m ocean setback, while Village of Lions Bay applies a 7.5 m coastal setback (subject to potential variations down to 4.5 m in Brunswick Beach). Siting could be further constrained by consideration of potential erosion. A factor of safety analysis may also be required to support foundation design and determine building setbacks from escarpment crests.
3. A report by a Qualified Professional in NHAA 1 shall include recommendations for any structural measures required to achieve the FCL or protect against coastal flood hazard (e.g. engineered fill or foundations or coastal bank protection or building envelope design).

4. Where a lot does not have sufficient area to accommodate a dwelling under these siting conditions, a variance may be needed to relax setback requirements. This will be determined on a site by site basis, and a report by a QP would be required to support any variance.

### **10.3 NHAA 2 - Creek Hazards**

#### **10.3.1 Justification**

In the Village of Lions Bay, NHAA 2, Creek Hazards include consideration of flooding, Debris Floods and Debris Flows from large creeks with existing Debris Flow hazard mitigation (Magnesia, Alberta, Harvey), unmitigated creeks (upper Bayview) and Ravine hazards arising from deeply channelized unmitigated creeks and escarpment slope instability (parts of Battani and Rundle). Small creeks captured in part by the residential drainage network of ditches, culverts and storm sewers (upper School Yard Creek) are addressed in the NHAA 3C - Slopes >30%.

#### **10.3.2 NHAA 2A- Mitigated Debris Fans**

##### **10.3.2.1 Justification**

Design of mitigation for Harvey, Alberta and Magnesia Creek hazards in the 1980s was based on an estimation of the largest volume that could reasonably occur during the life of each structure (the "Design Event"). However, present day standards need to consider 500 to 2450 year return periods, especially given potential earthquake triggering, and multiple failure mechanisms could lead to larger volumes than the Design Event for each creek. This is supported by recent reviews of small, steep watersheds with areas of 1-7 square kilometres.

##### **10.3.2.2 Extent**

NHAA 2A is shown on Map 4 and includes land on the formerly active portion of the Magnesia Creek fan and the composite Alberta/Harvey Creek fans that could be affected should existing mitigation structures become overwhelmed by a large, rare event.

##### **10.3.2.3 Guidelines and Requirements**

1. For debris fan hazards in NHAA 2A, a description of the magnitude and frequency of the hazards, and risk assessment, including evaluation against life safety thresholds established by the Village of Lions Bay is required.

2. At a minimum, until residual risk is better understood by detailed study, and as per development on alluvial fans (WLAP 2004, 2018), house foundations should be designed to withstand Debris Flood impacts with the top of concrete steel reinforced foundations established a minimum of 1 m above finished grade, with foundations protected from scour, and by mitigating the possibility of water ingress by lift. This involves the establishment of a flood construction level for Habitable Space a minimum of 1 m above finished grade, or the design should include measures to prevent water ingress. For example on the downslope side there could be openings such as doors or garage doors as long as the ground is contoured to prevent water ingress.

### **10.3.3 NHAA 2B - Upper Bayview Creek Fan**

#### **10.3.3.1 Justification**

NHAA 2B is vulnerable to Debris Flow and stream flooding including channel shifting (avulsion). Should the historically diverted Upper Bayview creek channel jump its banks, then the flow could further erode the gullies downslope, causing similar instability and impacts to lots downslope as those experienced during development in 1972. Channel blockage at the point of the 1972 diversion could redirect the creek back into its natural channel, thereby affecting housing at the fan apex. Moreover, a Debris Flow could directly impact several houses near the apex. In either of these scenarios, water and debris could spread throughout the NHAA in unpredictable ways.

#### **10.3.3.2 Extent**

NHAA 2B captures the entire Upper Bayview Creek fan including areas vulnerable to flooding and slope instability in case of misalignment of the diverted channel as outlined on Map 5.

### **10.3.3.3 Guidelines and Requirements**

1. For the Upper Bayview Creek fan, a description of the magnitude and frequency of the hazards, and risk assessment, including evaluation against life safety thresholds established by the Village of Lions Bay.
2. Until comprehensive mitigation of the Upper Bayview fan hazard is in place, the Village of Lions Bay will require Debris Flood and Debris Flow assessment by a qualified registered professional, with consideration for earthquake triggered Landslides from slopes above, failure of excessive and irretrievable road spoil sites, open-slope slides, misaligned drainage and local instability caused by misdirected water.
3. At a minimum, as per development on alluvial fans (WLAP 2004, 2018), house foundations should be designed to withstand Debris Flood impacts with the top of concrete steel reinforced foundations established a minimum of 1 m above finished grade, with foundations protected from scour, and by mitigating the possibility of water ingress by lift. This involves the establishment of a flood construction level for Habitable Space a minimum of 1 m above finished grade, or the design should include measures to prevent water ingress. For example on the downslope side there could be openings such as doors or garage doors as long as the ground is contoured to prevent water ingress.

### **10.3.4 NHAA 2C – Ravines**

#### **10.3.4.1 Justification**

Ravines are landforms associated with creeks that have become incised into bedrock or thick deposits of surficial material. Typically, there is an abrupt slope break from adjacent terrain onto a steep erosional slope that may be susceptible to Landslides. At the toe of slope there may or may not be a floodplain between the toe and the creek's natural boundary. Since Ravines are inherently associated with creeks, they also encompass creek hazards.

#### **10.3.4.2 Extent**

Land within 30 metres of Ravine crests is included within NHAA 2C. This NHAA captures Battani and Rundle Creeks, and the Ravines upstream of fan apices on Magnesia, Alberta and Harvey Creeks.

#### **10.3.4.3 Guidelines and Requirements**

1. For land within 30 metres of Ravine crests in NHAA 2C, a description of the magnitude and frequency of the hazards, and risk assessment, including evaluation against life safety thresholds established by the Village of Lions Bay.
2. A QP's report shall include the following:
  - a. a recommendation of required setback from the Ravine crest, and a demonstration of suitability for the proposed use;
  - b. a field definition of the required setback from the top of a Ravine or other steep slope;
  - c. where building sites are located within Ravines, a Landslide assessment will be required for Ravine slopes affecting the site, and to establish FCLs and other measures based on flood, Debris Flood and Debris Flow from affecting creeks; and
  - d. the required setback to Top of Bank and recommendations relating to construction design requirements for the above development activities, on-site storm water drainage management, on-site sewage disposal and other appropriate land use recommendations.
  - e. seismic slope stability assessments will be required to assess foundation stability.

## 10.4 NHAA 3 - Slope Hazards

### 10.4.1 Landslide Safety Policy

For all Landslide hazards, the Village of Lions Bay adopts a Landslide safety policy that employs Landslide risk assessment for upslope hazards potentially affecting a site, and seismic slope stability for foundation soils, engineered slopes and adjacent slopes as determined relevant by the Qualified Professional. Risk assessments may be qualitative or quantitative in nature, but the QP must satisfy the Municipality that the risk tolerance thresholds for both annual probability of individual loss of life and Factor of Safety set out in Table A of section 10.1.1 of this bylaw have been met. As part of the risk assessment approach, a minimum Landslide magnitude to consider is the 1:500-year event, but larger events up to the 1:2450-year earthquake triggered Landslide should be considered where deemed appropriate by the QP. Reference shall be made to the Cordilleran Report and to the risk tolerance thresholds adopted by the Village of Lions Bay and set out in Table A of section 10.1.1 of this bylaw.

The risk of annual probability of loss of life to an individual is calculated in accordance with the following equation:

$R = P_H * P_{S:H} * P_{T:S} * V * E$  , where:

- $P_H$  = the annual probability of the Landslide occurring;
- $P_{S:H}$  = the spatial probability that the Landslide will reach the individual most at risk;
- $P_{T:S}$  = the temporal probability that the individual most at risk will be present when the Landslide occurs;
- $V$  = the vulnerability, or probability of loss of life if the individual is impacted; and
- $E$  = the number of people at risk, which is equal to 1 for the determination of individual risk.

<b>Annual Probability of Death for the Individual Most at Risk</b>	<b>Qualitative Descriptor</b>
$>10^{-3}$	Very High (Unacceptable)
$10^{-4} - 10^{-3}$	High (Unacceptable)
$10^{-5} - 10^{-4}$	Moderate (Tolerable)
$10^{-6} - 10^{-5}$	Low (Acceptable)
$<10^{-6}$	Very Low (Acceptable)

Three sub-categories of slope hazards that present a risk to people and property are identified in sections 10.4.2, 10.4.3 and 10.4.4.

#### **10.4.2 NHAA 3A - Open-slope Landslides**

##### **10.4.2.1 Justification**

Open-slope Landslides (NHAA 3A) typically involve fragmented bedrock, organic debris, and mineral sediment. A typical slide is triggered by rockfall from a bluff, by windthrow of large trees on a steep slope, or by slab failure of a weathered soil veneer. The headscarp failure plane is typically  $>60\%$ , but sometimes as low as  $40\%$ , or less. Typical, or generic steep terrain where Landslide initiation is most likely has  $60-120\%$  slope, and is overlain by a veneer/blanket of till/colluvium. The initial slip then impacts timber downslope clearing a swath through the forest, and may be very destructive to infrastructure.

#### **10.4.2.2 Extent**

Open-slope Landslide hazard areas within NHAA 3A are identified on Map 7. NHAA 3A extends from Highway 99 upslope to the municipal boundary. Source areas are in moderately steep to steep terrain within and above the Village of Lions Bay, and require identification and field assessment as part of the QP report.

#### **10.4.2.3 Guidelines and Requirements**

In NHAA 3A, a report by a QP should consider the following:

1. Applicants will be required to provide a Preliminary Assessment report and may be required to provide a Detailed Assessment report prepared by a QP in accordance with the subsequent guidelines and requirements as applicable.
2. Some background information on potential slope hazards in some areas is available through the Cordilleran Report. The information in the Cordilleran Report should be referenced as part of any geohazard assessment.
3. Potential slope hazard areas should remain free of development, or, if that is not possible, then:
  - i. appropriate mitigation measures shall be identified to reduce risk to an acceptable level, and
  - ii. conditions (for example conditions relating to the permitted uses, density or scale of building) should be recommended as necessary to reduce potential risk to acceptable levels,as determined by a QP in a Preliminary Assessment or Detailed Assessment report for the consideration of the Municipality.
4. For homes at the base of slopes, it is preferable for bedrooms to be constructed on the downslope side of the home.
5. Where applicable, a report by a QP should include the following:
  - i. For slope hazards, description of the magnitude and frequency of the hazards, and risk assessment, including evaluation against life safety thresholds established by the Village of Lions Bay.

- ii. If required by the risk assessment, then siting constraints and/or design of protective measures. Siting constraints may include consideration of locations to minimize exposure to upslope hazards (local highs; sheltering behind topographic features), and/or the establishment of setbacks from the crests and/or toes of steep slopes. Protective measures may include aspects of foundation design, lift of Habitable Space, barrier walls and other measures. However, protection for a given lot must not transfer risk to other lots.
6. Landslide (open slope or rockfall) risk assessment requires knowledge of a magnitude-frequency model, with reference to event return frequencies that may affect the site, including the 500-year and 2500 year events, or greater return, as considered appropriate by the QP". Stratigraphic and radiometric methods should be considered to estimate historic return periods and gauge Landslide intensity at the site. Such materials/methods may or may not be present or practicably attained from a single lot or group of lots. In lieu of hard data, regional analysis and expert judgment supported by sound geomorphic reasoning must be relied upon.
7. The area included within NHAA 3A has complex micro terrain, with very irregular to hummocky topography, and it is very difficult to predict individual Landslide paths. Thus, while some local topographic features may shelter or protect certain sites, safe sites cannot be predicted using simple rules, and caution is warranted. Landslide modeling by Qualified Professionals using high resolution LIDAR topography would aid defining specific travel paths for various Landslide volumes and rheologies.
8. Open slope Landslide source areas requiring assessment may exist on a parcel or far upslope of a parcel, and field assessment of terrain beyond the parcel is typically required.

### **10.4.3 NHAA 3B – Rockfall**

#### **10.4.3.1 Justification**

Rockfall hazard (NHAA 3B) is the falling, bouncing and rolling of detached rock fragments from cliffs and steep slopes. Natural rockfall source areas are readily identified by slope thematic mapping, keying into slope areas with >70% slopes, and especially bluffs with slopes >90%. Rockfall volumes can range from individual blocks to

100s or 1000s of cubic metres of fragmented rock debris. Over time, rockfall material may form a veneer/blanket or apron of material below a source bluff. These deposits are known as scree or talus. Field assessment of the source area is required to characterise rock structure and quantify potential volumes.

#### **10.4.3.2. Extent**

The NHAA 3B area is drawn by projecting a 27.5° rockfall shadow angle from the base of the rock cliff between Magnesia and Alberta Creeks, and from other smaller scattered bluffs in and above Lions Bay. In the case of the former, since the rock cliff is located high above the Village, and since the cliff is tall and potential rockfall volumes are reasonably large (e.g., 10s – 1000s m<sup>3</sup>), the reach of these events extends far downslope, almost reaching the highway in the vicinity of Schoolyard Creek. Elsewhere, the smaller and lower elevation bluffs, result in less extensive reach of potential rockfall. NHAA 3B is outlined on Map 8.

#### **10.4.3.3 Guidelines and Requirements**

In NHAA 3B, a report by a QP shall be prepared that includes the following:

1. Applicants will be required to provide a Preliminary Assessment report and may be required to provide a Detailed Assessment report prepared by a QP in accordance with the subsequent guidelines and requirements as applicable.
2. Some background information on potential slope hazards in some areas is available through the Cordilleran Report. The information in the Cordilleran Report should be referenced as part of any geohazard assessment.
3. Potential slope hazard areas should remain free of development, or, if that is not possible, then:
  - i. appropriate mitigation measures shall be identified to reduce risk to an acceptable level, and
  - ii. conditions (for example conditions relating to the permitted uses, density or scale of building) should be recommended as necessary to reduce potential risk to acceptable levels,as determined by a QP in a Preliminary Assessment or Detailed Assessment report for the consideration of the Municipality.

4. For homes at the base of slopes, it is preferable for bedrooms to be constructed on the downslope side of the home.
5. Where applicable, a report by a QP should include the following:
  - i. For rockfall hazards, description of the magnitude and frequency of the hazards, and risk assessment, including evaluation against life safety thresholds established by the Village of Lions Bay.
  - ii. If required by the risk assessment, then siting constraints and/or design of protective measures. Siting constraints may include consideration of locations to minimize exposure to upslope hazards (local highs; sheltering behind topographic features), and/or the establishment of setbacks from the crests and/or toes of steep slopes. Protective measures may include aspects of foundation design, lift of Habitable Space, barrier walls and other measures. However, protection for a given lot must not transfer risk to other lots.
6. Within NHAA 3B, a rockfall risk assessment is required. Landslide (open slope or rockfall) risk assessment requires knowledge of a magnitude-frequency model, with reference to event return frequencies that may affect the site, including the 500-year and 2500 year events, or greater return, as considered appropriate by the QP. Rockfall modelling should be applied to aid design of protection measures. Protective measures may include scaling, bolting, shot-creting application, fencing, or building fortification as determined by a specialist QP.
8. Rockfall assessments must consider the hazard intensity of fall of individual blocks to the detachment of larger masses up to several thousand m<sup>3</sup>, such as the prehistoric Kelvin Grove wedge failure and rockfall located off Kelvin Grove Way, on Lots 48, 60 & 61. Specialist bedrock structure and kinematic analysis may be required to determine potential event volumes.
9. Rockfall source areas requiring assessment may exist on a parcel or far upslope of a parcel, and field assessment of terrain beyond the parcel is typically required.

#### **10.4.4 NHAA 3C - Slopes >30%**

##### **10.4.4.1 Justification**

Worksafe BC regulation requires a Natural Hazard Assessment Area category based on simple slope class. NHAA 3C is a slope-based hazard assessment area concerned with stability of foundations, excavations, fill slopes, the existence of very local rockfall and/or slide hazards, and with consideration of water control as it affects local stability, erosion and sedimentation.

##### **10.4.4.2 Extent**

1. NHAA 3C applies to areas where natural average ground slope is >30%. It is noted that Part 20.78 of the Worksafe BC Occupational Health and Safety (OHS) Regulation (BC Reg. 296/97) states that excavation work must be done in accordance with the written instructions of a Qualified Professional if:
  - (i) the excavation is more than 6 m (20 ft) deep,
  - (ii) an improvement or structure is adjacent to the excavation,
  - (iii) the excavation is subject to vibration or hydrostatic pressure likely to result in ground movement hazardous to workers, or
  - (iv) the ground slopes away from the edge of the excavation at an angle steeper than a ratio of 3 horizontal to 1 vertical.
2. Areas where natural average ground slope is >30%, but which have been filled and paved (for example the tennis courts and school parking areas) are included in NHAA 3C. Small areas of gentle terrain exist along Bayview Road toward Mountain Drive, but most lots encompass some areas of steeper slope. Thus, these areas are included in the NHAA.

#### **10.4.4.3 Guidelines and Requirements**

1. Applicants will be required to provide a Preliminary Assessment report and may be required to provide a Detailed Assessment report prepared by a QP in accordance with the subsequent guidelines and requirements as applicable.
2. Some background information on potential slope hazards in some areas is available through the Cordilleran Report. The information in the Cordilleran Report should be referenced as part of any geohazard assessment.
3. Development should minimize any alterations to steep slopes, and the development should be designed to reflect the site rather than altering the site to reflect the development.
4. Terracing of land should be avoided or minimized and landscaping should follow the natural contours of the land.
5. Buildings and structures and landscaping should be located as far as reasonably possible from steep slopes or channel discharge/runoff points at the base of slopes.
6. Potential slope hazard areas should remain free of development, or, if that is not possible, then:
  - i. appropriate mitigation measures shall be identified to reduce risk to an acceptable level, and
  - ii. conditions (for example conditions relating to the permitted uses, density or scale of building) should be recommended as necessary to reduce potential risk to acceptable levels, as determined by a QP in a Preliminary Assessment or Detailed Assessment report for the consideration of the Municipality.
7. Stepped and articulated building forms that integrate and reflect the natural site contours and slope conditions should be used, and large unbroken building masses that are unsuitable for sloped conditions should be avoided.
8. The construction of structures, pathways/trails, driveways, utilities, drainage facilities, septic fields, swimming pools, hot tubs, ponds, landscaping or other uses at or near the top or base of steep slopes should be avoided. A minimum ten metre Buffer Area from the top or base of any steep slope should be

maintained free of development except as otherwise recommended by a QP. On very steep slopes, this Buffer Area should be increased.

9. Vegetation should be maintained and/or reinstated on the slopes and within any Buffer zone above the slopes to filter and absorb water and minimize erosion.
10. No fill, including yard clippings, excavated material, sand or soil, should be placed within ten metres of the top of slopes or along pre-existing drainage channels. This applies to Ravine slopes as well.
11. The base of slopes shall not be undercut for building, landscaping or other purposes except in accordance with the recommendations of a QP and a permit issued in accordance with this bylaw.
12. For homes at the base of slopes, it is preferable for bedrooms to be constructed on the downslope side of the home.
13. Large single plane retaining walls should be avoided, where possible. Where retaining walls are necessary, smaller sections of retaining wall should be used. Any retaining structures 1.2 metres or higher, or a series of terraced retaining walls with a combined height of greater than 1.2 metres, in steeply sloped areas must be designed by a QP.
14. Disturbed slopes should be reinforced and revegetated, especially where gullied or where bare soil is exposed. Planting should be done in accordance with the recommendations of a Certified Horticulturalist, Landscape Architect or qualified registered Professional Forester.
15. Native species, including trees, shrubs and other plants, should be used for any new planting.
16. Any structural mitigation measures must be designed by a QP and confirmation must be received by the Village of Lions Bay that the mitigation measures were implemented as recommended.
17. Water should be diverted away from slopes, yards and structures in a controlled manner and ponding should be avoided near slopes. Small unidentified drainages intercepted by proposed development should be conveyed by structures with adequate capacity (i.e. 200 year flood) and lots should be graded

so that water is directed away from slopes and toward storm drainage systems as indicated in the following guideline.

18. Landscaping; and building, roof, pavement, and other impervious surface drainage should be designed and maintained to shed water away from slopes (especially steep slopes) and shall be connected to a storm drainage system, infiltration pit, or alternative method, recommended by a QP and approved by the Village of Lions Bay.
19. The extent of paved or hard-surfaced areas should be limited, and absorbent or permeable surfaces should be used instead to encourage infiltration where appropriate and reduce runoff.
20. Where applicable, a report by a QP should include the following:
  - i. For slope hazards, description of the magnitude and frequency of the hazards, and risk assessment, including evaluation against life safety thresholds established by the Village of Lions Bay.
  - ii. If required by the risk assessment, then siting constraints and/or design of protective measures. Siting constraints may include consideration of locations to minimize exposure to upslope hazards (local highs; sheltering behind topographic features), and/or the establishment of setbacks from the crests and/or toes of steep slopes. Protective measures may include aspects of foundation design, lift of Habitable Space, barrier walls and other measures. However, protection for a given lot must not transfer risk to other lots.
  - iii. For stability of slopes on or about the proposed development site, assessment of slope failure modes and limiting Factors of Safety, and stability during seismic events. Seismic slope analysis requires comparatively detailed knowledge of subsurface bedrock, soil and groundwater conditions. The required Factor of Safety calculation references many data sources, including (but not limited to):
    - a. seismic hazard maps and reports;
    - b. ground motion data;

- c. seismic Site Class; and
- d. modal magnitude values of the design earthquake.

Assessment of shallow groundwater conditions and the anticipated effects of infiltration pits, footing drains, etc., on local slope stability may also be necessary.

- 21. A report from a QP is required in NHAA 3C for excavations, roads, drainage, fillslopes and foundations. Local rockfall assessment and mitigation may also be required. Evaluation of onsite and nearby municipal drainage structures to identify potential undersizing, blockages and overland flow, and design of buildings to prevent water ingress is also required.
- 23. If required by the risk assessment, then siting constraints should be assessed and/or design of protective measures undertaken. Siting constraints include the establishment of setbacks from the crests and/or toes of steep slopes. Protective measures may include engineering design of excavated slopes, fillslopes and foundations and other measures.

## **10.5 NHAA 4 - Wildfire Hazard**

### **10.5.1 Justification**

A Wildfire Risk Management System (WRMS) was developed by B.A. Blackwell and Associates in 2007 as part of the Village of Lions Bay Community Wildfire Protection Plan (CWPP). The WRMS identified the core area of the Village as being at moderate to high risk from wildfire. The entire Village of Lions Bay is identified in the CWPP as being a high vulnerability interface area with respect to risk from “spotting”. The Community Wildfire Protection Plan noted that public safety, and many of the important values, facilities and structures, may be severely impacted by a major fire in the Village.

### **10.5.2 Extent**

All land within the Village of Lions Bay is designated as NHAA 4.

### **10.5.3 Guidelines and Requirements**

While there are no mandatory requirements for Wildfire Mitigation, the following recommendations are applicable for assessments required under NHAA 4:

1. Consideration should be given to the use of Fire Resistive Materials and construction practices for all subject developments in the Wildfire Natural Hazard Assessment Area:
  - i. Fire Retardant Roofing materials should be used, and asphalt or metal roofing should be given preference;
  - ii. decks, porches and balconies should be sheathed or coated with Fire Resistive Materials;
  - iii. all eaves, attics, roof vents and openings under floors should be screened to prevent the accumulation of combustible material, using 3mm, non-combustible wire mesh, and vent assemblies should use fire shutters or baffles;
  - iv. exterior walls should be sheathed with Fire Resistive Materials;

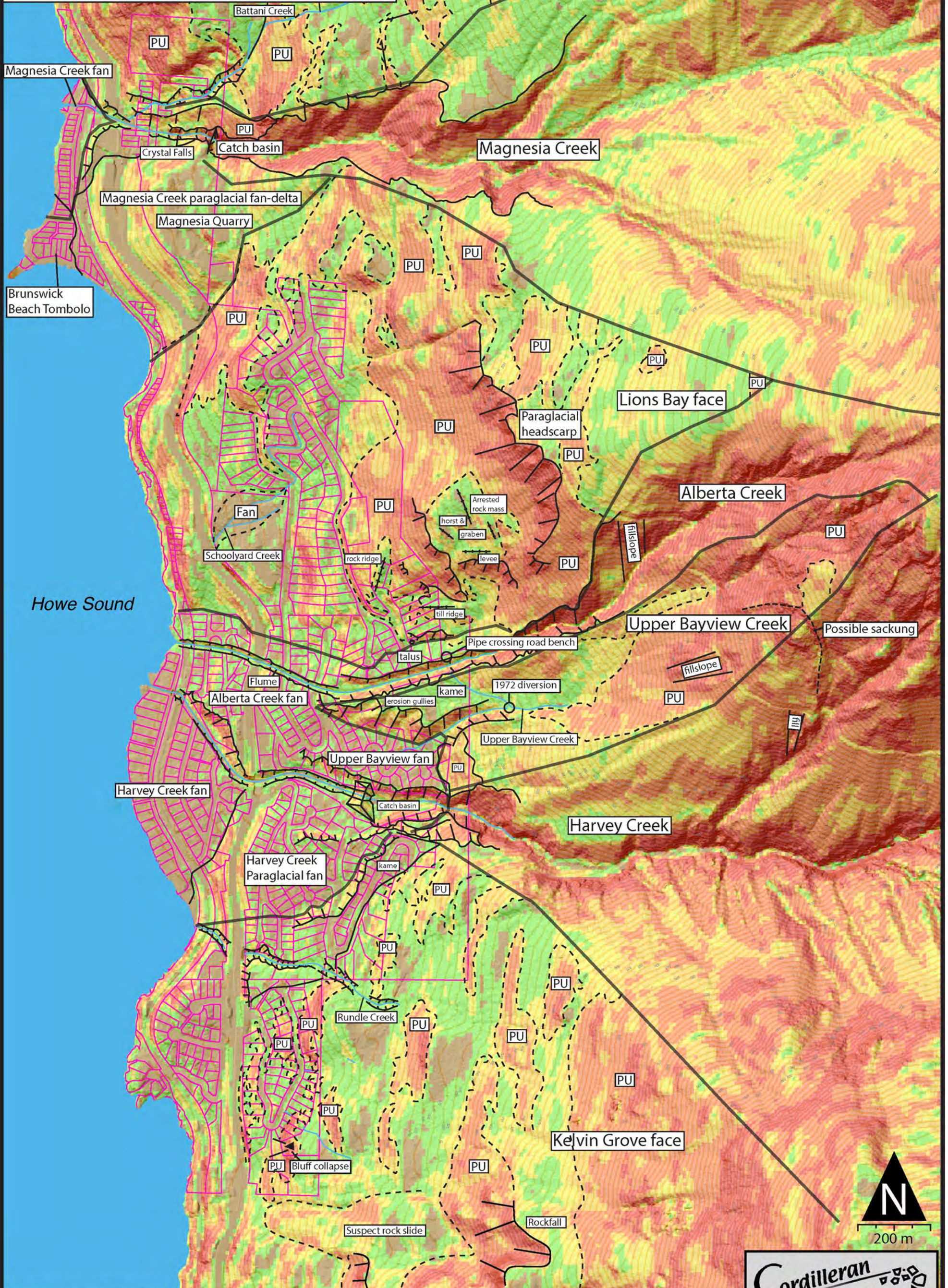
- v. fire-resistive decking materials, such as solid composite decking materials or fire-resistive treated wood, should be used;
  - vi. all windows should be tempered or double-glazed to reduce heat and protect against wind and debris that can break windows and allow fire to enter the building or structure;
  - vii. all chimneys and wood-burning appliances should have approved spark arrestors; and
  - viii. building design and construction should generally be consistent with the highest current wildfire protection standards published by the National Fire Protection Association or any similar, successor or replacement body that may exist from time to time.
2. The following landscape conditions should be considered within 10 metres of a New Building or Structure requiring a building permit:
- i. wildfire risk mitigation and landscaping should be designed and installed to protect, conserve and enhance natural features of the site;
  - ii. if removal of trees or vegetation is recommended by the QP for the purpose of reducing wildfire risk, Village of Lions Bay approval is required, and replacement trees or vegetation may be required by the Municipality; and
  - iii. where feasible, a Defensible Space of 10 metres should be managed around buildings and structures with the goal of eliminating Fuel and combustible debris, reducing risks from approaching wildfire and reducing the potential for building fires to spread to the forest, and the required Defensible Space may be larger in areas of sloping ground where fire behaviour creates greater risk.
3. For sites located within multiple hazard NHAAs, a coordinated approach should be employed to ensure recommended prescriptions do not conflict and the overall project objectives are successfully met. Risk associated with geohazards should usually take precedence over wildfire risk where potentially conflicting mitigation measures are recommended (e.g. vegetation retention for slope stability would take precedence over vegetation removal for wildfire protection).

4. In addition to the Exemptions listed in section 10.1.4, all development is exempt from the requirement to obtain a Wildfire hazard assessment other than the construction and installation of a New Building or Structure for which a building permit is required.
5. A report from a QP should include an acknowledgement of receipt of the report by the QP dealing with the reporting guidelines and requirements of all other Natural Hazard Assessment Areas, if applicable.

Slope theme and Terrain Legend

- >90%: Bedrock; rockfall & slide hazard
- 70-90%: Till/colluvial veneer, rock; rockfall & slide hazard
- 60-70%: Till/colluvial veneer/blanket, rock; slide hazard
- 50-60%: Till/colluvial blanket, rock
- 30-50%: Till/colluvial blanket, rock
- 0-30%: Debris fans, beach, till/colluvial veneer, rock

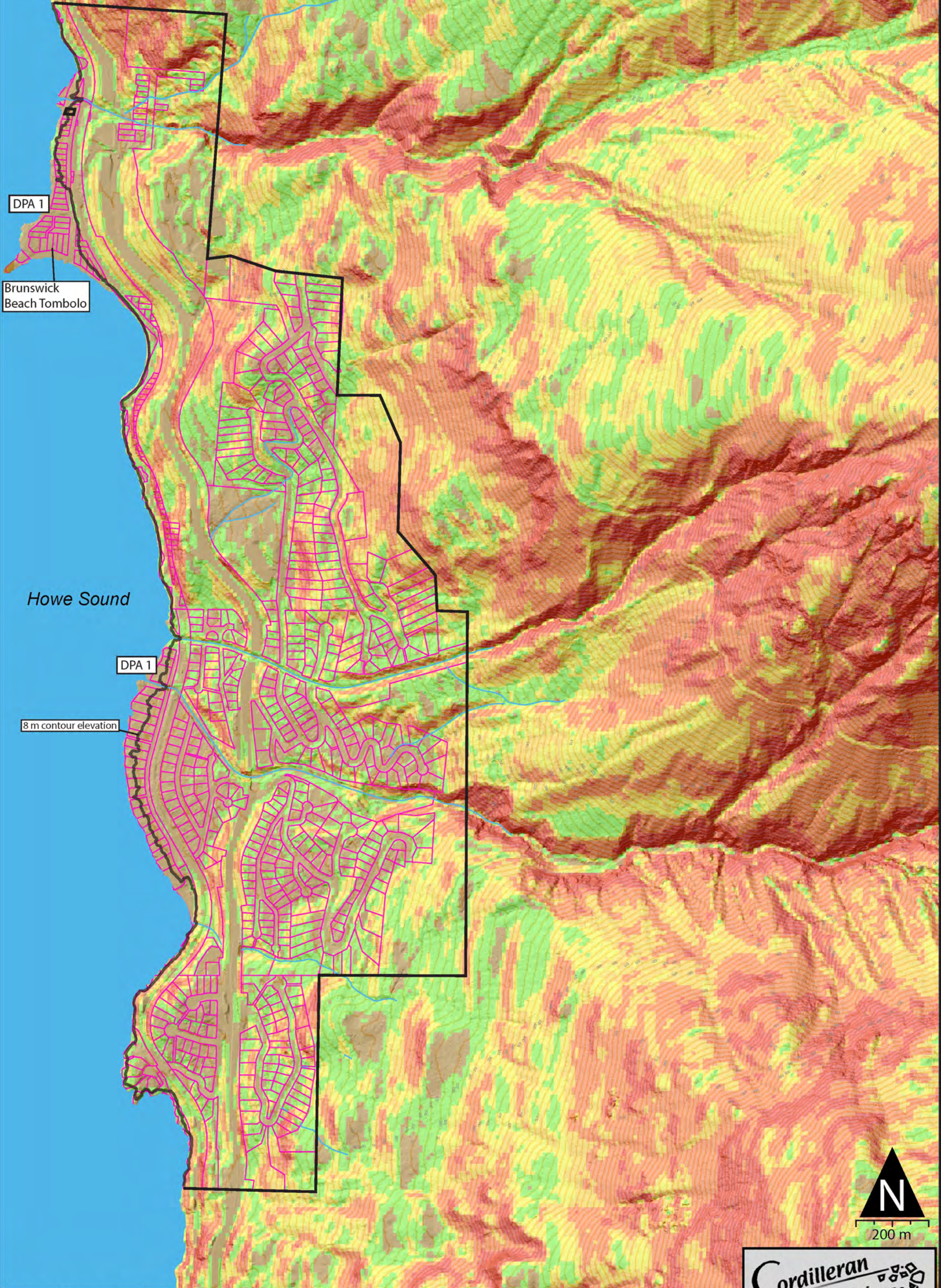
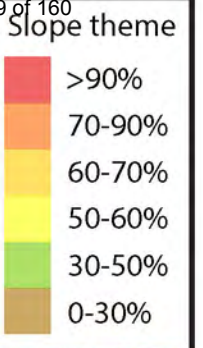
- PU Potentially unstable, based on slopes >60%
- Landform Unit
- Terrain polygon line
- Escarpment slope



Map 2. Lions Bay Slope Theme and Geomorphic Features Map



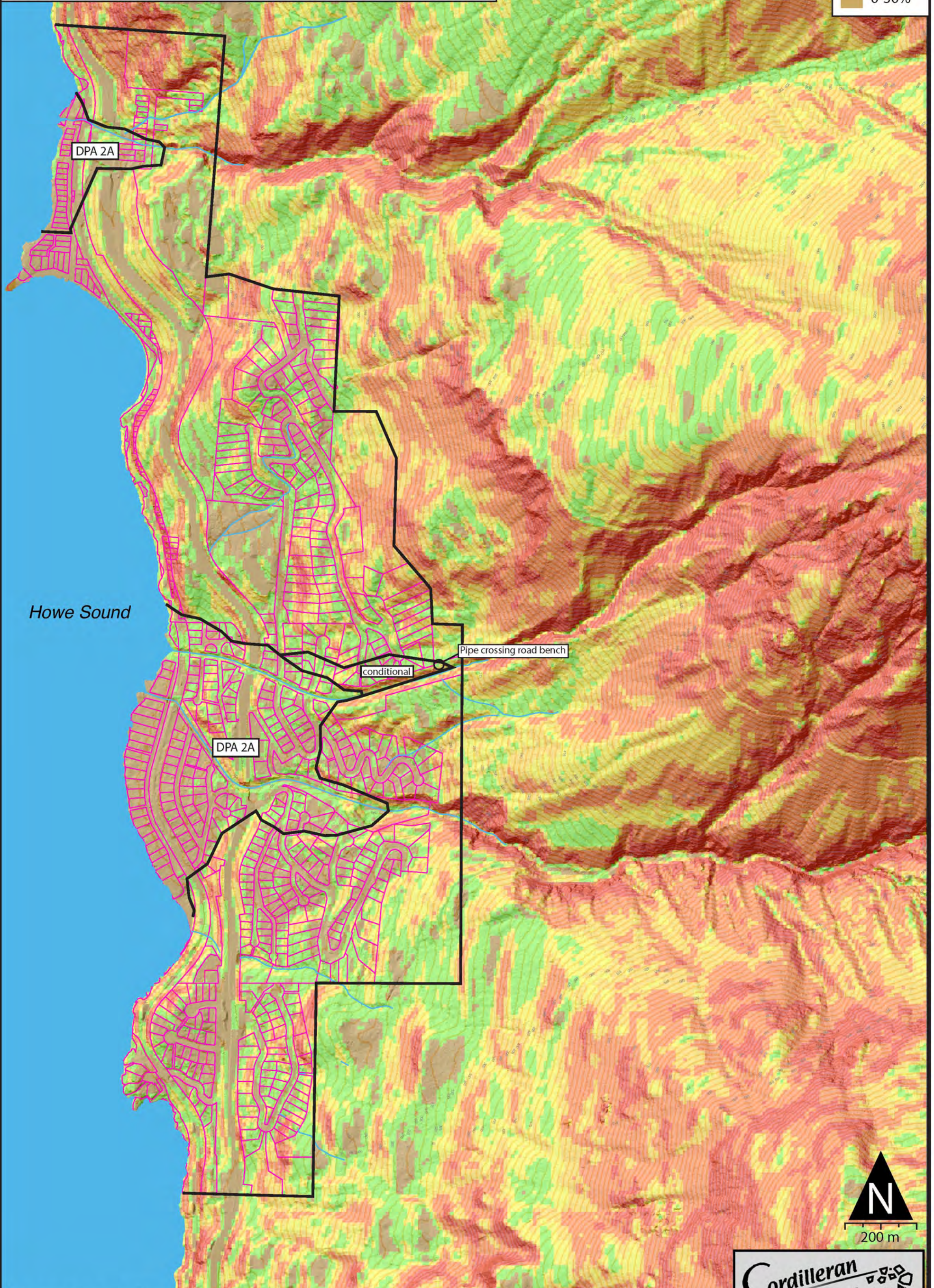
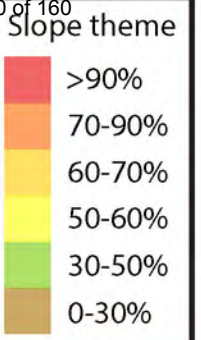
DPA 1, includes shore front terrain captured by the 8 m contour elevation above mean sea-level (CGD).



Map 3. Lions Bay DPA 1 Coastal hazards

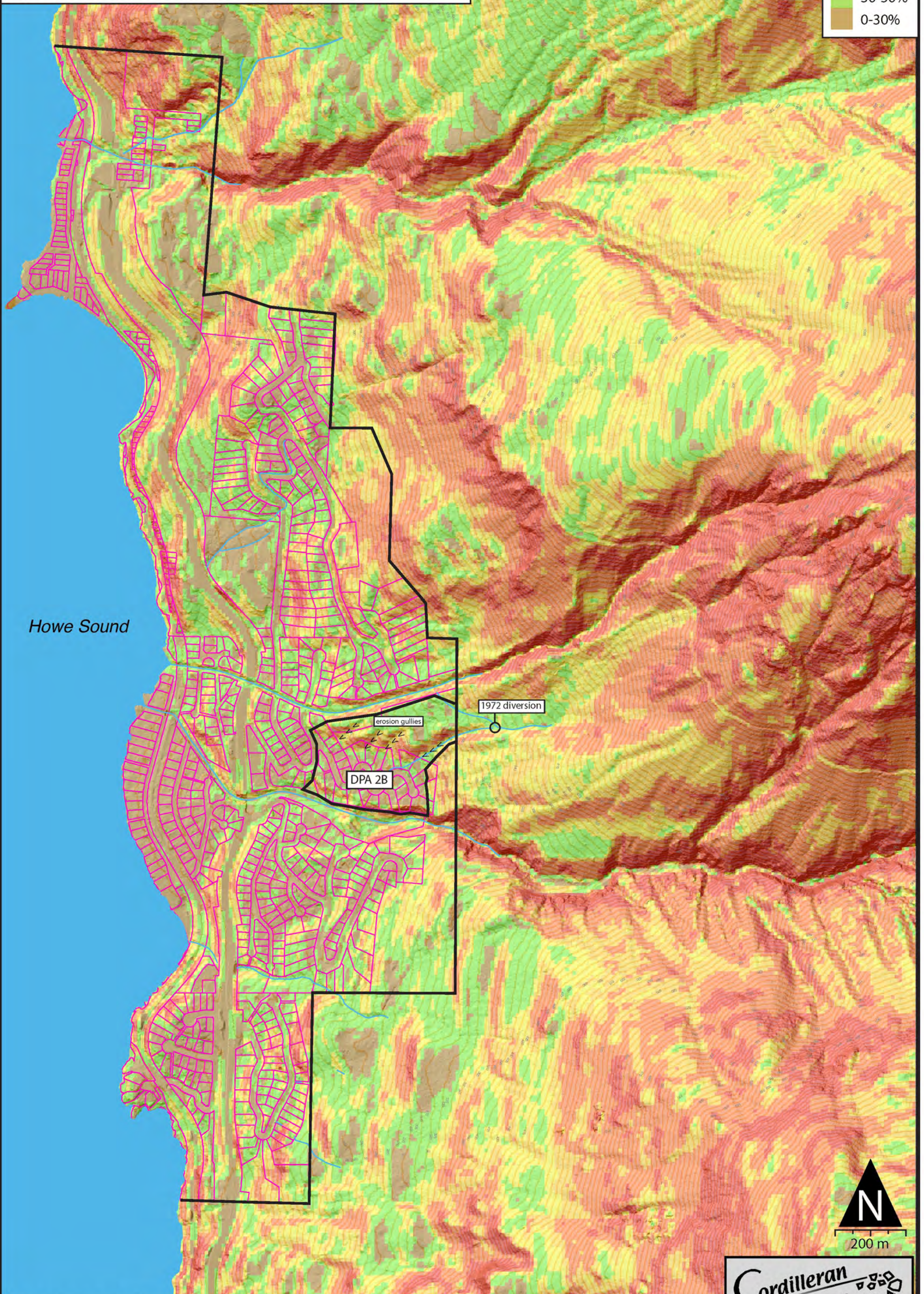
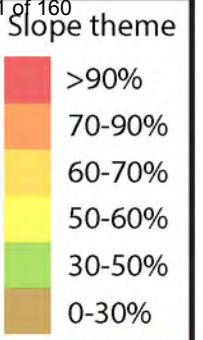


DPA 2A, includes debris fans formed by Magnesia, Alberta and Harvey Creeks. The area potentially affected reflects the fact that existing mitigation on these channels was not designed to a known return period standard, and engineered structures could be overwhelmed by rare events. Measures are required to mitigate residual risk. Conditional area may be removed once pipe crossing grade on left bank is assessed and mitigated.



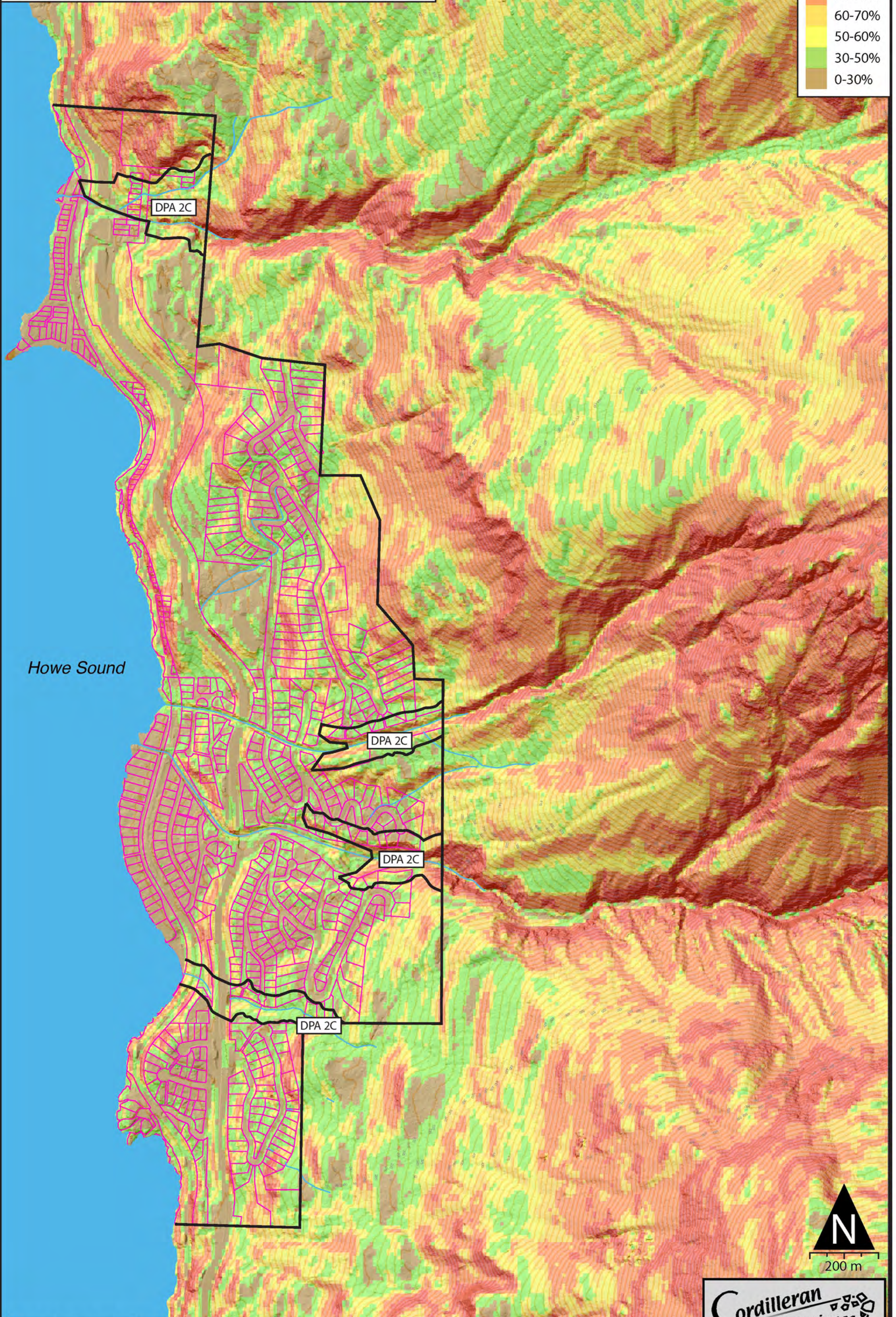
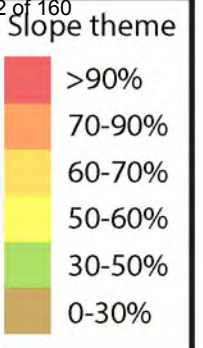
Map 4. Lions Bay DPA 2A Debris fans of mitigated channels

DPA 2B, includes the debris fan built by Upper Bayview Creek. Hazards affecting include debris flows and debris floods and floods caused by misaligned drainage. BGC 2013 recommended structural mitigation of hazards affecting the Upper Bayview Creek fan: to date no mitigation has occurred. Measures are required to reduce residual risk.



Map 5. Lions Bay DPA 2B Upper Bayview fan

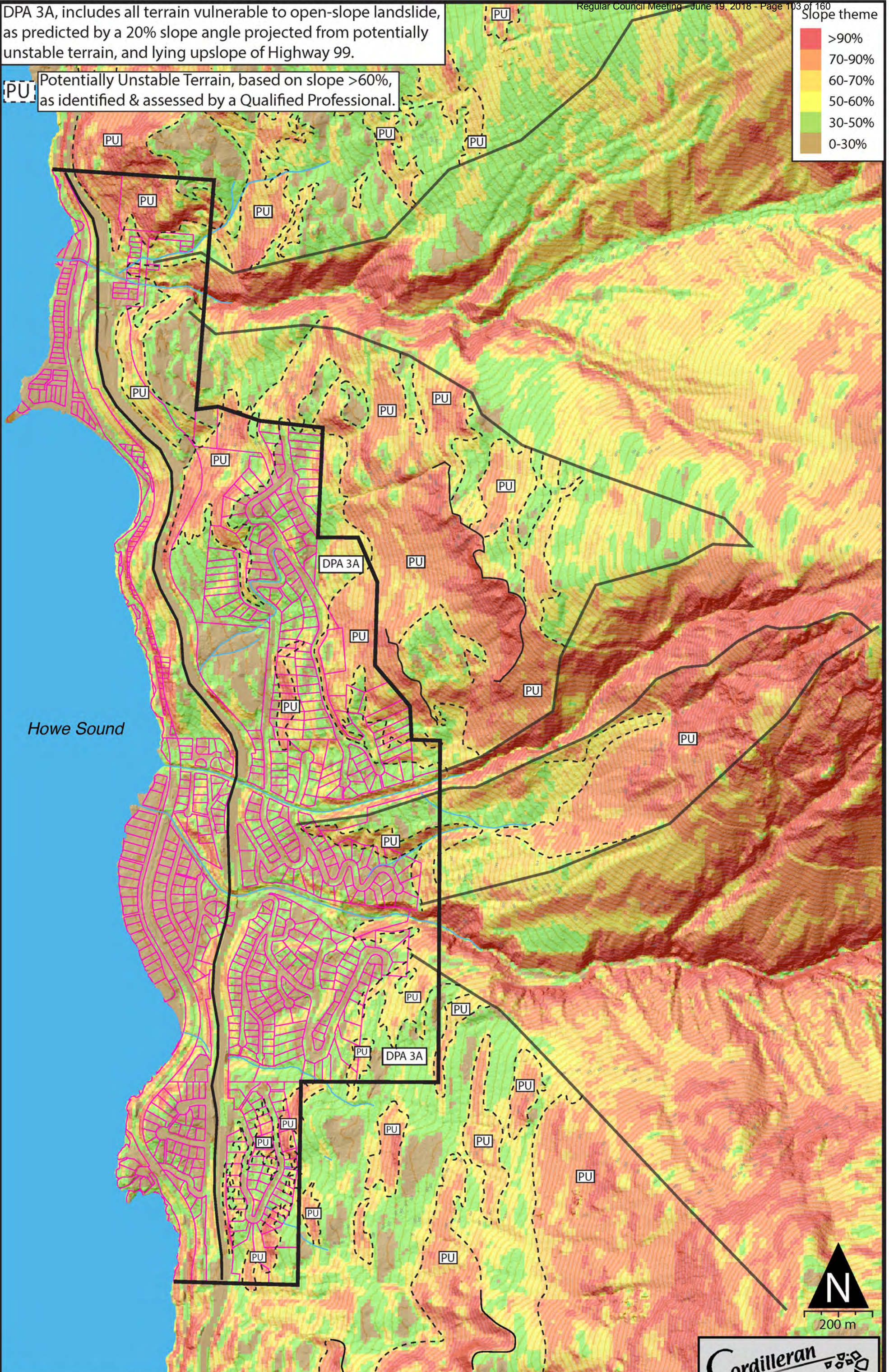
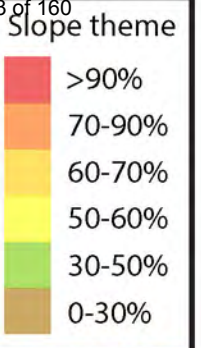
DPA 2C includes ravines and terrain within 30 m of the ravine crest. Ravine setbacks can be reduced on a site-specific basis following the advice of a Qualified Professional.



Map 6. Lions Bay DPA 2C Ravines

DPA 3A, includes all terrain vulnerable to open-slope landslide, as predicted by a 20% slope angle projected from potentially unstable terrain, and lying upslope of Highway 99.

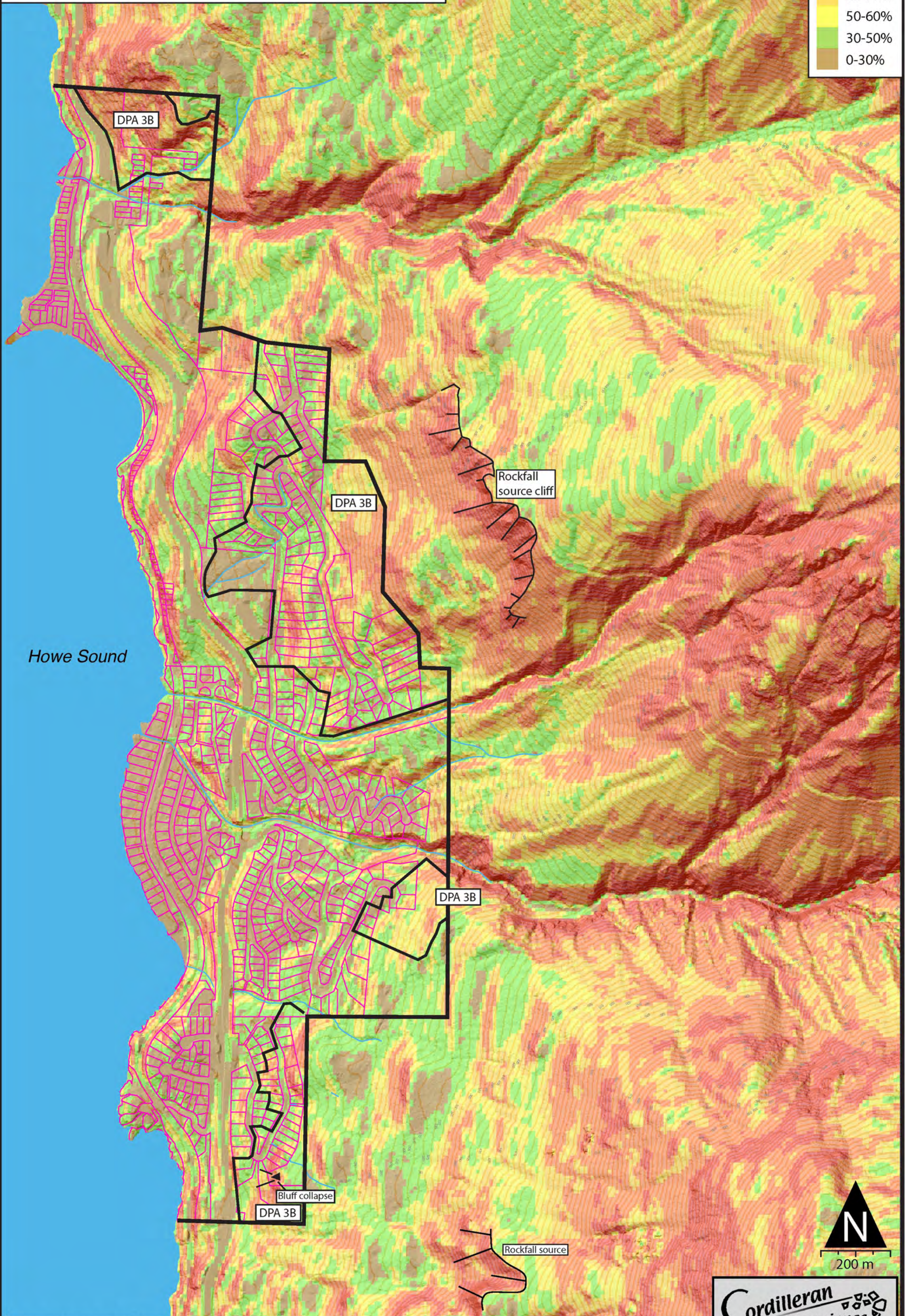
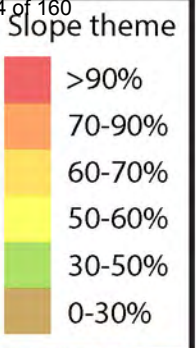
PU Potentially Unstable Terrain, based on slope >60%, as identified & assessed by a Qualified Professional.



Map 7. Lions Bay DPA 3A Areas affected by potential open-slope landslides



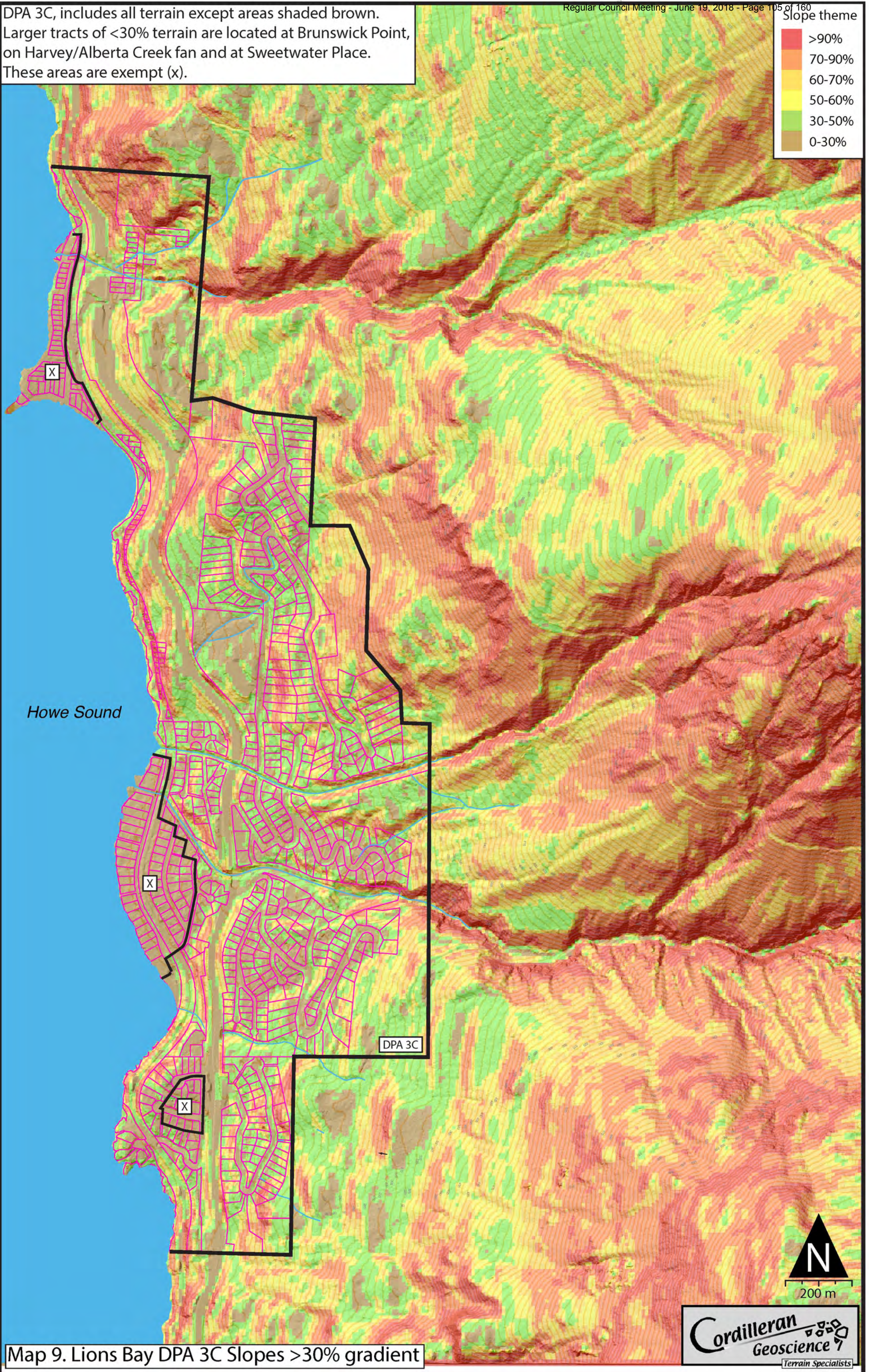
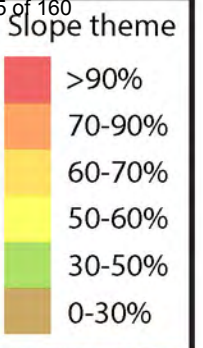
DPA 3B, includes all terrain vulnerable to rockfall, as predicted by a 50% slope angle projected from potentially unstable, steep (70-90% & >90%) rock terrain located upslope, as identified & assessed by a Qualified Professional.



Map 8. Lions Bay DPA 3B Areas affected by potential rockfall

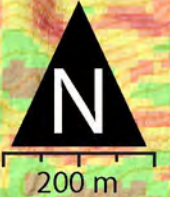


DPA 3C, includes all terrain except areas shaded brown. Larger tracts of <30% terrain are located at Brunswick Point, on Harvey/Alberta Creek fan and at Sweetwater Place. These areas are exempt (x).



Howe Sound

DPA 3C



Map 9. Lions Bay DPA 3C Slopes >30% gradient

Intentionally Blank



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

<b>Type</b>	<b>Request for Decision</b>		
<b>Title</b>	<b>Traffic and Parking Bylaw No. 413, 2009, Amendment Bylaw No. 546, 2018</b>		
<b>Author</b>	<b>Peter DeJong</b>	<b>Reviewed By:</b>	
<b>Date</b>	<b>June 13, 2018</b>	<b>Version</b>	<b>3</b>
<b>Issued for</b>	<b>June 19, 2018 Regular Council Meeting</b>		

### **Recommendation:**

THAT Traffic and Parking Bylaw No. 413, 2009, Amendment Bylaw No. 546, 2018 be adopted.

### **Attachments:**

- (1) Traffic and Parking Bylaw No. 413, 2009, Amendment Bylaw No. 546, 2018;
- (2) Draft Consolidation of Traffic and Parking Bylaw No. 413, 2009, as amended.

### **Key Information:**

The attached amendment bylaw addresses four items:

1. It amends the definition of traffic control device to include electronic online or digital devices.
2. It delegates authority to the Village Manager to set permissible parking hours and the types of vehicles or trailers that may use designated metered parking areas.
3. It makes the bylaw consistent with parking permit directions for display.
4. It prohibits trailers from being parked in a permit only zone, whether attached or not.

### **Options:**

- (1) Approve the recommendation above and adopt the bylaw;
- (2) Rescind third reading and amend the bylaw differently than as recommended, then give the bylaw third reading again;
- (3) Refer the bylaw back to staff for revisions;
- (4) Rescind the 3 readings that have been given; or
- (5) Table the bylaw indefinitely.

### **Preferred Option:**

- (1) Approve the recommendation above and adopt the bylaw.



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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**Follow Up Action:**

Upload the updated consolidated bylaw to the website.



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY



# **Traffic & Parking Bylaw No. 413, 2009, Amendment Bylaw No. 546, 2018**

Adopted: xxx

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

## **Traffic and Parking Bylaw No. 413, 2009, Amendment Bylaw No. 546, 2018**

### **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 Part 1**

- 1.1 This Bylaw may be cited as “Traffic and Parking Bylaw No. 413, 2009, Amendment Bylaw No. 546, 2018”
- 1.2 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.

#### **Amendments Part 2**

- 2.1 Traffic and Parking Bylaw No. 413, 2009 is amended by adding to the end of the definition of “Traffic Control Device”: “,which may include an electronic online or digital device;”
- 2.2 Traffic and Parking Bylaw No. 413, 2009 is further amended by adding section 9.1 under the heading called “Parking” which reads: “Council hereby delegates to the Village Manager the authority to designate permissible parking hours for metered parking at the Lions Bay Beach Park Parking Lot, the Kelvin Grove Beach Parking Lot, and the Sunset Trail Parking Lot, or such other parking areas as Council may direct that metered parking be implemented, as well as the types of vehicles or trailers which may use such parking areas.”
- 2.3 Traffic and Parking Bylaw No. 413, 2009 is further amended by deleting subsection 10 (h) and substituting the following in its place:  
  
“in an area signed for permit **parking** only, except if the appropriate permit for the **parking** is displayed in accordance with the directions on the permit. “
- 2.4 Traffic and Parking Bylaw No. 413, 2009 is further amended by adding the following words to section 11 (b): “and not within a permit parking zone.”

READ A FIRST TIME on	May 22, 2018
READ A SECOND TIME on	May 22, 2018
READ A THIRD TIME on	May 22, 2018
ADOPTED by the <b>Council</b> on	xxx, 2018

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer

Certified a true copy of Traffic and  
Parking Bylaw No. 413, 2009,  
Amendment Bylaw No. 546, 2018 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](mailto: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	2(a) 2(b) 2(c) 2(d)	Adds the year to the citation name Deletes the words "stand" and "standing" Deletes prohibition re. all tires on roadway Adds a 3 year limit for Council approvals of extraordinary vehicle or trailer permits under	July 4, 2017

	2(e) 2(f) 2(g)	section 11.3(i) Widens prohibition re. driving over fire hose Authorizes Council to allow for the sale or display of goods or services on a highway Deletes all references to Schedule A fees and substitutes reference to Fees Bylaw No. 497	
546	2.1 2.2 2.3 2.4	An addition to the definition of Traffic Control Device Adds a delegation authority to the Village Manager to adjust parking lot hours as required Deletes and re-adds subsection 10 (h) Amends section 11 (b)	June 19, 2018

## 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** of a vehicle, whether occupied or not, except when **stopping** 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"** means,

- (a) a complete cessation from movement, or
- (b) the **stopping** 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**, which may include an online or digital device;

[Amended by Bylaw No. 546]

**"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.
  - (a) 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.
  - (b) 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**.
  - (c) No person shall allow plant growth on the **boulevard** adjacent to the property where they reside to obstruct sightlines to a **traffic control device**.
  - (d) 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**.

- 9.1 Council hereby delegates to the Village Manager the authority to designate permissible parking hours for metered parking at the Lions Bay Beach Park Parking Lot, the Kelvin Grove Beach Parking Lot, and the Sunset Trail Parking Lot, or such other parking areas as Council may direct that metered parking be implemented, as well as the types of vehicles or trailers which may use such parking areas.

[Amended by Bylaw No. 546]

10. No person may **stop** or **park** a vehicle:

- (a) in contravention of a **traffic control device** which gives notice that **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 permit **parking** only, except if the appropriate permit for the **parking** is displayed in a in accordance with the directions on the permit.

[Amended by Bylaw No. 546]

- (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) on any **highway** for a period longer than 72 consecutive hours;
  - (k) on any **highway** for a period longer than 24 hours after the commencement of a fall of snow; or
  - (l) within an intersection or within 6 metres of any intersection.
11. (a) 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.

- (b) No person shall **park** any trailer on a **highway** unless it is attached to a vehicle and not within a permit parking zone.

[Amended by Bylaw No. 546]

- (c) 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, 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 in accordance with Fees Bylaw No. 497, 2016, as amended.
12. The driver of a vehicle shall not **stop** 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** 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** 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.

#### **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 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 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
25. No person may place or store any **chattel**, object, material, container or structure on any **highway**, except as permitted by bylaw.
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 in accordance with Fees Bylaw No. 497, 2016, as amended.
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.
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.
29. No person shall construct or maintain any doorstep, porch, railing or other projection or obstruction into or on any **highway**.
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.
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.
32. No person shall skateboard, rollerblade or operate a push scooter upon any **highway** unless wearing a helmet.

#### Violation Provisions

33. (a) 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**.
- (b) 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 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.
- (c) 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.

- (d) 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 Fees Bylaw No. 497, 2016, as amended.
- (e) 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 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.
- (f) 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

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]
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 <b>Council</b> on	July 21, 2009

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Mayor

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Village Manager

Certified a true copy of  
Bylaw 413, 2009 as adopted

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Village Manager

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## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

<b>Type</b>	<b>Request for Decision</b>		
<b>Title</b>	<b>Zoning Amendment Bylaw No. 548</b>		
<b>Author</b>	<b>CAO, Peter DeJong</b>	<b>Reviewed By:</b>	<b>Steve Olmstead, Planner</b>
<b>Date</b>	<b>June 13, 2018</b>	<b>Version</b>	
<b>Issued for</b>	<b>June 19, 2018 Council Meeting</b>		

### **Recommendation:**

- (1) THAT Zoning and Development Bylaw No.520, 2017, Amendment Bylaw No. 548, 2018 be introduced and read a first and second time; and
- (2) THAT a public hearing regarding Zoning and Development Bylaw No.520, 2017, Amendment Bylaw No. 548, 2018 be held at 6:30 p.m. on Tuesday, July 3, 2018 at Council Chambers, 400 Centre Road, Lions Bay.

### **Attachments:**

Draft Zoning and Development Bylaw No.520, 2017, Amendment Bylaw No. 548, 2018.

### **Key Information:**

While the current zoning expressly prohibits selling or providing cannabis, and production other than lawful production, it does not expressly prohibit other activities like packaging, storing, or other types of distribution, such as warehousing and selling via shipping or other delivery. This amendment bylaw broadens the definition of *cannabis retail store* to include such other uses in the prohibition.

### **Options:**

- (1) Approve the recommended resolutions;
- (2) Amend the bylaw prior to any readings;
- (3) Direct staff otherwise.



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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**Preferred Option:** Option 1, approve the recommended resolutions.

**Legal Considerations:** Public Hearing must be advertised in two consecutive editions of a local newspaper with the second ad appearing no less than 3 days and no more than 10 prior to the hearing, along with posting on official notice boards.

**Follow Up Action:** Staff to advertise and prepare for the public hearing.

**Communication Plan:** Advertisement of Public Hearing in 2 consecutive editions of a local newspaper and simultaneous publication in the Village Update and on the Municipal website.



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY



# **Zoning and Development Bylaw No. 520, 2017, Amendment Bylaw No. 548, 2018**

Adopted: xxx

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

## **Zoning and Development Bylaw No. 520, 2017, Amendment Bylaw No. 548, 2018**

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

### **General**

1. This Bylaw may be cited as “Zoning and Development Bylaw No.520, 2017, Amendment Bylaw No. 548, 2018”.
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.

### **Amendments**

3. Section 2.1 of Zoning and Development Bylaw No.520, 2017 is amended by deleting the existing definition of *retail store, cannabis*, which reads as follows:

*retail store, cannabis* means premises where *cannabis* is sold or otherwise provided to a person who attends at the premises, with or without a medical prescription;

and replacing the definition of *retail store, cannabis* with the following:

*retail store, cannabis* means premises at which *cannabis* is packaged, stored, dispensed, distributed, traded or sold, or otherwise provided to a person with or without a medical prescription, but excludes activity or conduct that is authorized and licenced pursuant to the *Access to Cannabis for Medical Purposes Regulations*;

READ A FIRST TIME on [June 19, 2018]

READ A SECOND TIME on [June 19, 2018]

PUBLIC HEARING held on [July 3, 2018]

READ A THIRD TIME on [July 17, 2018]

ADOPTED by Council on [July 17, 2018]

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer

Certified a true copy of Zoning and Development  
Bylaw No.520, 2017, Amendment Bylaw No. 548, 2018,  
as adopted

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Corporate Officer

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## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

<b>Type</b>	<b>Request for Decision</b>		
<b>Title</b>	<b>Zoning Bylaw Amendments</b>		
<b>Author</b>	<b>CAO, Peter DeJong</b>	<b>Reviewed By:</b>	<b>Steve Olmstead, Planner</b>
<b>Date</b>	<b>June 13, 2018</b>	<b>Version</b>	
<b>Issued for</b>	<b>June 19, 2018 Council Meeting</b>		

### **Recommendation:**

(1) THAT Zoning and Development Bylaw No.520, 2017, Amendment Bylaw No. 549, 2018 be introduced and read a first and second time; and

(2) THAT a public hearing regarding Zoning and Development Bylaw No.520, 2017, Amendment Bylaw No. 549, 2018 be held at 6:30 p.m. on Tuesday, July 3, 2018 at Council Chambers, 400 Centre Road, Lions Bay.

### **Attachments:**

Draft Zoning and Development Bylaw No.520, 2017, Amendment Bylaw No. 549, 2018.

### **Key Information:**

In anticipation of future road closure bylaws (i.e. to create a saleable lot), staff recommends amending the current zoning definition section 6.2 by adding default zoning for such situations.

### **Options:**

(1) Approve the recommended resolutions;

(2) Amend the bylaw prior to any readings;

(3) Direct staff otherwise.

**Preferred Option:** Option 1, approve the recommended resolutions.



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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**Legal Considerations:** Public Hearing must be advertised in two consecutive editions of a local newspaper with the second ad appearing no less than 3 days and no more than 10 prior to the hearing, along with posting on official notice boards.

**Follow Up Action:** Staff to advertise and prepare for the public hearing.

**Communication Plan:** Advertisement of Public Hearing in 2 consecutive editions of a local newspaper and simultaneous publication in the Village Update and on the Municipal website.



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY



**Zoning and Development Bylaw No. 520, 2017,  
Amendment Bylaw No. 549, 2018**

Adopted: xxx

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

## **Zoning and Development Bylaw No. 520, 2017, Amendment Bylaw No. 549, 2018**

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

### **General**

1. This Bylaw may be cited as “Zoning and Development Bylaw No.520, 2017, Amendment Bylaw No. 549, 2018”.
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.

### **Amendments**

3. Section 6.2 of Zoning and Development Bylaw No.520, 2017 is amended by adding the following subsection:
  - 6.2.3 Where a parcel is created by road closure bylaw, it shall be deemed to be zoned RS-1 unless and until such time as this bylaw is amended in respect of the new parcel.

READ A FIRST TIME on [June 19, 2018]

READ A SECOND TIME on [June 19, 2018]

PUBLIC HEARING held on [July 3, 2018]

READ A THIRD TIME on [July 17, 2018]

ADOPTED by Council on [July 17, 2018]

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer

Certified a true copy of Zoning and Development  
Bylaw No.520, 2017, Amendment Bylaw No. 549, 2018,  
as adopted

\_\_\_\_\_  
Corporate Officer

## VILLAGE OF LIONS BAY

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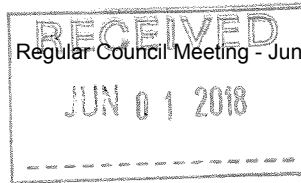
### Incoming Correspondence - June 19, 2018

*General Correspondence:*

- G-1: Letter from Pamela Goldsmith-Jones (Page 1)
- G-2: UBCM Resolution (Page 2)
- G-3: Changes to Strata Property Act (Page 4)
- G-4: Proposed Regional DCC for Transportation (Page 20)
- G-5: UBCM Letter from Minister Robinson (Page 22)
- G-6: UBCM Letter from Premier John Horgan (Page 23)

*Resident Correspondence:*

- R-1: Parking on Seaview Place (Page 24)



Pamela Goldsmith-Jones

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

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

May 28, 2018

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

Dear Mayor and Council,

On April 2, 2018, the governments of Canada and British Columbia announced the signing of a bilateral agreement to make \$3.9 billion in federal funding available over the next decade for infrastructure projects across British Columbia.

Today, British Columbia will start accepting applications from local governments and First Nations for the new Environmental Quality Program, which provides funding for improvements to community drinking water, waste water and storm water infrastructure. Applications for funding under the Environmental Quality Program can be submitted through the Investing in Canada Infrastructure Program-British Columbia (ICIP-BC) website at [www.gov.bc.ca/Investing-in-Canada-Infrastructure-Program](http://www.gov.bc.ca/Investing-in-Canada-Infrastructure-Program) as of May 31, 2018, and will be accepted until August 29, 2018. Approved projects will be made public in the spring of 2019.

Here are your contacts for further information or assistance:

In Ottawa, Morgan McCullough: [pam.goldsmith-jones.a2@parl.gc.ca](mailto:pam.goldsmith-jones.a2@parl.gc.ca)

For West Vancouver-Sea to Sky Corridor, Ravneet Minhas: [pam.goldsmith-jones.c1c@parl.gc.ca](mailto:pam.goldsmith-jones.c1c@parl.gc.ca)

For the Sunshine Coast, Lucie McKiernan: [pam.goldsmith-jones.c1b@parl.gc.ca](mailto:pam.goldsmith-jones.c1b@parl.gc.ca)

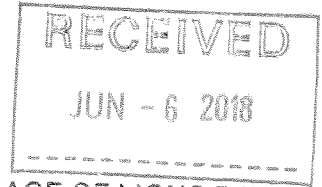
It is very helpful to us if you could please copy our office on your application submission.

Sincerely,

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

Confederation Building, Room 583 | 6367 Bruce Street  
Ottawa, ON K1A 0A6 | West Vancouver, BC V7W 2G5  
Tel: 613 947 4617 Fax: 613 947 4620 | Tel: 604 913 2660 Fax: 604 913 2664

[pam.goldsmith-jones@parl.gc.ca](mailto:pam.goldsmith-jones@parl.gc.ca)  
[www.pgoldsmithjones.ca](http://www.pgoldsmithjones.ca)



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

June 1, 2018

Mayor Karl Buhr  
Village of Lions Bay  
Box 141  
Lions Bay, BC V0N 2E0

Dear Mayor Buhr:

**Re: 2018 Resolutions**

UBCM is in receipt of the attached resolution(s) endorsed by your Council. Your resolution(s) received endorsement at the LMLGA Spring 2018 AGM.

The resolution(s) will be presented to the UBCM membership for their consideration at the 2018 UBCM Convention in September.

Please feel free to contact Jamee Justason, Information & Resolutions Coordinator, if you have any questions about this process.

Tel: 604.270.8226 ext. 100 Email: [jjustason@ubcm.ca](mailto:jjustason@ubcm.ca)

Sincerely,

Director Wendy Booth  
President

*Enclosure*

**Reducing Excessive Driving Speeds in Designated  
BC Road Safety Corridors, For All Drivers, All The  
Time**

**Lions Bay**

Whereas the correlation between excessive speed and road accidents is well accepted, and the high human and economic cost to British Columbia is well understood;

And whereas average-speed-over-distance or point-to-point technology has proven extremely effective in jurisdictions worldwide at controlling road speed for all drivers all the time in designated road safety corridors:

Therefore be it resolved that the provincial government be requested to pilot average-speed-over-distance technology at one or more suitable locations in BC, including but not limited to the Sea-to-Sky Highway 99 at Lions Bay, the Malahat Highway 1 or the Coquihalla Highway 5.

**Convention Decision:**



**Jonathan X. Côté**  
Mayor

June 7, 2018

Dear Mayor and Council,

VIA EMAIL

**Re: Changes to the Strata Property Act**

On July 28, 2016, changes were made by the Provincial Government to the Strata Property Act so that strata owners are now able to liquidate their strata corporation by an 80% vote of all eligible voters instead of the previous unanimous voting requirement.

The noted changes to the Strata Property Act may have negative impacts to residents including:

- Conflicts between owners who want to liquidate the strata corporation and sell the strata building and lands and those who do not want to liquidate.
- Situations where some owners may receive lower sales proceeds for their units than their assessed values.
- Developers pushing strata owners and strata councils to liquidate the strata corporation and sell the strata buildings and lands.
- Loss of rental units, a significant concern given the persistently low vacancy rates in the rental market (1.1% in New Westminster in October 2017) and the large number of renter households living in condominiums in New Westminster (3,109 in October 2017).
- Undue influence of investors who have purchased many units within a building.

There appears to be no studies conducted by the Provincial Government or other agencies on the potential positive and negative impacts on residents of the changes to the Strata Property Act.

For these reasons, at a meeting on Monday, May 28, 2018, New Westminster City Council passed the following for consideration at the UBCM Convention in September, 2018:

*Whereas the changes in the Strata Property Act that came into effect on July 28, 2016 can create conflicts among owners within a strata building who want to terminate the strata and sell the strata building and lands and those owners who do not want to terminate the strata and sell the strata building and lands; and*

*Whereas the changes in the Strata Property Act that came into effect on July 28, 2016 can also create situations where some owners may receive far less in sales proceeds for their units than their assessed values and force owners who do not want to sell their units to sell their units; and*

*Whereas the changes in the Strata Property Act that came into effect on July 28, 2016 may encourage developers to aggressively push strata owners and strata councils to terminate their strata corporations and sell the strata buildings and lands; and*

*Whereas, under some circumstances, terminating a strata corporation may be the best choice for strata owners. As some older strata buildings reach the end of their life cycle, the cost of repair may not make economic sense or owners may not have the financial ability to pay for the necessary repairs; and*

*Whereas municipalities are limited in their ability to address these issues;*

**THEREFORE, BE IT RESOLVED:**

*THAT the Union of BC Municipalities urge the Provincial Government of British Columbia to study the impacts related to the changes made in July 2016 to the Strata Property Act and consider increasing the percentage of registered owners required to terminate (wind up) a strata corporation depending on the results of the proposed study.*

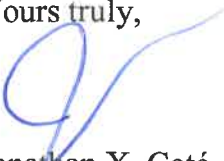
I am writing to ask for your support of this resolution at the convention in September.

A council report giving more background is attached.

If you have any questions or would like more information, please contact me at [jcote@newwestcity.ca](mailto:jcote@newwestcity.ca) or 604-527-4522.

Thank you for your attention to this matter.

Yours truly,



Jonathan X. Cote  
Mayor

Attach: Council Report "Changes to the Strata Property Act: UBCM Resolution"



## REPORT

### *Mayor's Task Force on Housing Affordability*

**To:** Mayor Coté and Members of Council      **Date:** 5/28/2018

**From:** Mayor's Task Force on Housing      **File:** 01.0020.40  
Affordability

**Item #:** 122/2018

**Subject:** Changes to the Strata Property Act: UBCM Resolution

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#### **RECOMMENDATION**

1. **THAT** Council endorse the recommended Union of BC Municipalities (UBCM) resolution related to changes to the Strata Property Act as contained in this report.
2. **THAT** the Council direct staff to forward the resolution and background documentation to UBCM and to actively seek municipal support for the resolution.
3. **THAT** Council direct staff to send a letter to the British Columbia Ministry of Municipal Affairs and Housing to study the impacts related to the changes made in July 2016 to the Strata Property Act and consider increasing the percentage of registered owners required to terminate (wind up) a strata corporation depending on the results of the proposed study.

---

#### **PURPOSE**

This report discusses the changes made to the Strata Property Act in July 2016 and their potential impacts on strata property owners. The purpose of this report is to seek Council endorsement of a resolution to the Union of British Columbia Municipalities (UBCM) to recommend further study of the impact of these recent changes and to request a possible modification of these recent changes if supported by further research results.

## **EXECUTIVE SUMMARY**

On July 28, 2016, changes were made by the Provincial Government to the Strata Property Act so that strata owners are now able to liquidate their strata corporation by an 80% vote of all eligible voters instead of the previous unanimous voting requirement.

The changes to the Strata Property Act were discussed by the City's Community and Social Issues Committee and the Seniors Advisory Committee, with both being supportive of a review and with most members suggesting a higher percentage.

## **BACKGROUND**

Effective July 28, 2016, strata owners are now able to liquidate their strata corporation by an 80% vote of all eligible voters instead of the previous unanimous voting requirement. As described on the Provincial Government's website, the changes include "court oversight to protect any minority dissenting owners and registered chargeholders (e.g. mortgage providers)."

Attachment 1 contains excerpts from the website describing Strata Termination (Winding Up) Legislation (July 2016) which describes these changes. Attachment 2 contains the article "How simple is liquidation of a strata corporation?" from the Condominium Homeowners' Association, as published in the Spring 2016 issue of CHOA Journal, which provides a detailed step by step process in the liquidation of a strata corporation, including timelines.

As of July 7, 2017, according to CHOA, there have been five strata buildings in British Columbia sold to developers since the legislation came into place. According to the Land Title and Survey Authority of BC, as of January 9, 2018, there were 31,100 filed strata plans in British Columbia. Therefore, the percentage of strata buildings sold to developers since the legislation changed is fairly small (less than one percent).

## **DISCUSSION**

### **Potential Impacts**

The noted changes to the Strata Property Act may have negative impacts to residents including:

- Conflicts between owners who want to liquidate the strata corporation and sell the strata building and lands and those who do not want to liquidate.
- Situations where some owners may receive lower sales proceeds for their units than their assessed values.

- Developers pushing strata owners and strata councils to liquidate the strata corporation and sell the strata buildings and lands.
- Loss of rental units, which is a significant concern given the persistently low vacancy rates in the rental market (1.1% in New Westminster in October 2017) and the large number of renter households living in condominiums in New Westminster (3,109 in October 2017).
- Undue influence of investors who have purchased many units within a building.

At the same time, terminating a strata corporation may be the best choice for strata owners when older strata buildings reach the end of their life cycle; the cost of repair may not make economic sense or owners may not have the financial ability to pay for the necessary repairs.” Having a 100% requirement may create financial hardship for the majority of owners who need to sell if a few owners do not want to sell.

There appears to be no studies conducted by the Provincial Government or other agencies on the potential positive and negative impacts on residents of the changes to the Strata Property Act.

## **CONSULTATION**

### ***Community and Social Issues Committee***

The Community and Social Issues Committee discussed the changes to the Strata Property Act on May 8, 2018. Based on the discussion, committee members expressed concern about real estate speculation, particularly related to older strata buildings located on frequent transit corridors, including SkyTrain; the potential conflicts which could occur in strata corporations; the possibility of block voting by investors who own multiple strata units; and the potential impacts on renters of strata units, who may lose their housing. There was general support of a review of the changes, with a view to considering a higher percentage.

### ***Seniors Advisory Committee***

The Seniors Advisory Committee discussed the changes to the Strata Property Act on May 10, 2018. Based on the discussion, committee members expressed concern about the apparent lack of research that went into the changes, particularly related to unintended consequences; the increasing number of purchasers that see their strata units as investments and not homes; and the potential for block voting. Several members spoke about the importance of aging in place and felt that the changes were counter to this goal. Several other members called for a higher percentage (e.g., 90%). There was general support for a review of the changes, with a view to considering a higher percentage.

**RECOMMENDED UBCM RESOLUTION**

Given the above, the following resolution is recommended to be forwarded to the Union of BC Municipalities for consideration at its Annual Conference in September 2018.

*Whereas the changes in the Strata Property Act that came into effect on July 28, 2016 can create conflicts among owners within a strata building who want to terminate the strata and sell the strata building and lands and those owners who do not want to terminate the strata and sell the strata building and lands.*

*Whereas the changes in the Strata Property Act that came into effect on July 28, 2016 can also create situations where some owners may receive far less in sales proceeds for their units than their assessed values and force owners who do not want to sell their units to sell their units.*

*Whereas the changes in the Strata Property Act that came into effect on July 28, 2016 may encourage developers to aggressively push strata owners and strata councils to terminate their strata corporations and sell the strata buildings and lands.*

*Whereas, under some circumstances, terminating a strata corporation may be the best choice for strata owners. As some older strata buildings reach the end of their life cycle, the cost of repair may not make economic sense or owners may not have the financial ability to pay for the necessary repairs.*

*Whereas municipalities are limited in their ability to address these issues*

**THEREFORE, BE IT RESOLVED:**

*THAT the Union of BC Municipalities urge the Provincial Government of British Columbia to study the impacts related to the changes made in July 2016 to the Strata Property Act and consider increasing the percentage of registered owners required to terminate (wind up) a strata corporation depending on the results of the proposed study.*

**NEXT STEPS**

Should Council endorse the proposed approach, staff would forward this motion to other BC municipalities for their endorsement. Staff would also forward this resolution to UBCM on or before June 30, 2018 for their consideration of this resolution at the UBCM annual general meeting in September 2018.

**OPTIONS**

There are four options for consideration:

1. That Council endorse the recommended Union of BC Municipalities (UBCM) resolution related to changes to the Strata Property Act as contained in this report.
2. That Council direct staff to forward the resolution and background documentation to UBCM and to actively seek municipal support for the resolution.
3. That Council direct staff to send a letter to the British Columbia Ministry of Municipal Affairs and Housing to study the impacts related to the changes made in July 2016 to the Strata Property Act and consider increasing the percentage of registered owners required to terminate (wind up) a strata corporation depending on the results of the proposed study.
4. That Council provides staff with other direction.

Staff recommends options 1, 2, and 3.

**ATTACHMENTS**

Attachment 1: Provincial Government of British Columbia - Termination (Winding Up) of Strata Corporations

Attachment 2: Article - "How simple is liquidation of a strata corporation?"

This report has been prepared by:  
Tristan Johnson, Planning Analyst

This report was reviewed by:  
John Stark, Acting Manager of Planning

Approved for Presentation to Council



---

Jackie Teed  
Acting Director of Development  
Services



---

Lisa Spitale  
Chief Administrative Officer



## Attachment 1

# Provincial Government of British Columbia – Termination (Winding Up) of Strata Corporations

## Termination (Winding Up) of Strata Corporations

Strata corporations can now terminate (wind up and cancel the strata plan) with an 80% vote of all owners, instead of the previous unanimous voting requirement.

It is strongly recommended that a strata corporation considering termination seek independent professional and legal advice well in advance of a vote to wind up (terminate). There are many steps in the termination process and not all of these are referenced in strata legislation.

Bare land strata corporations ("strata subdivisions") wishing to terminate must also notify the applicable local government 90 days in advance. A bare land strata corporation considering termination may wish to transfer responsibility for bare land strata services (e.g. sewer, roads, water) to local government. *The applicable local government does not have to accept responsibility for any bare land strata services. Prior to a vote on termination, the strata should clarify how services will be provided.*

This page provides a basic overview of the strata termination process; it is not a substitute for legal advice.

Learn more on this page:

[Why Would a Strata Corporation Choose to Terminate?](#)

[From Unanimous to 80%](#)

[Overview of the Termination Process](#)

[Exploring Termination](#)

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### Why Would a Strata Corporation Choose to Terminate?

Under some circumstances, terminating a strata corporation may be the best choice for strata lot owners. As some older strata corporations reach the end of their life cycle, the cost of repair may not make economic sense or owners may not have the financial ability to pay for the necessary repairs. Sometimes the land can be sold for redevelopment; for example, a low-rise building could be redeveloped into a building with many more units.

Bare land stratas ("strata subdivisions") may want to terminate as well; this is known as cancelling the bare land strata plan. For example, a bare land strata corporation may want to convert to a fee simple (non-strata titled) subdivision or, in certain circumstances, become a single parcel with "tenants-in-common".

### From Unanimous to 80%

Effective July 28, 2016, strata owners are now able to terminate (wind up) their strata corporation with an 80% vote instead of the previous difficult-to-achieve unanimous voting requirement. Many other jurisdictions, including Alberta and Ontario, do not require a unanimous vote to terminate.

The 80% vote means the termination resolution **must have 80% approval of all the registered owners**. It is not a quorum vote. Unlike majority and 3/4 votes, it is not an 80% vote of those owners present, or holding

proxies, at the meeting (learn more in [types of voting](#)). For strata corporations with fewer than 5 strata lots, the 80% voting threshold is effectively unanimous.

Given the significance of terminating a strata corporation, there is court oversight to protect any dissenting owners and registered charge holders (e.g. mortgage providers).

[These changes to the Strata Property Act](#) are based on the [BC Law Institute's recommendations](#). There was extensive public consultation and the changes are widely supported by the strata community.

## Overview of the Termination Process

Voluntary winding up from initial exploration to finalizing the sale (or liquidating) and owners moving out can take up to 18 months or even longer. This section provides a general overview of voluntary winding up but it does not list all the steps. Strata corporations are strongly advised to seek independent professional and [legal advice](#) from a knowledgeable strata lawyer as it is important to understand the full termination process and implications, well in advance of a vote to wind up a strata corporation. A lawyer can also advise on the pros and cons of voluntarily winding up with and without the services of a liquidator. (In addition to voluntary winding up, the *Strata Property Act* also continues to allow a court-ordered winding up, a rare occurrence).

Sometimes strata lot owners may be concerned about protecting their interests. The termination process has a number of safeguards built in including: advance notification to every owner; an 80% vote of approval from all owners (not a quorum vote from those present, or holding proxies, at a meeting); and court oversight. However, individual owners may also wish to consult a strata lawyer for independent advice.

Listed below are some other resources if termination is being considered:

- [Strata associations](#) have information about the new termination process and may offer consultation services for a fee.
- The [Civil Resolution Tribunal \(CRT\)](#) does not replace the court's role in the termination process. However the CRT can play a role to address certain unfair actions under sections 164 and 173 of the *Strata Property Act*. The CRT may make an order:
  - regarding an action or threatened action by the strata corporation, including the council, in relation to an owner or tenant
  - regarding a decision of the strata corporation, including the council, in relation to an owner or tenant
  - directed at the strata corporation, the council or a person who holds 50% or more of the votes, if the order is necessary to prevent or remedy a significantly unfair action, decision or exercise of voting rights.
- If there are concerns about professionals not acting in good faith, please check with their professional disciplinary bodies.
- Additional information on the termination process includes: CHOA's spring 2016 Journal Article "[How Simple is Liquidation of a Strata Corporation?](#)" and a [termination \(winding up\) infographic \(pdf\)](#) by Clark Wilson LLP.

### *Exploring Termination*

Often a termination process starts when a developer approaches a strata corporation wishing to buy all the strata lots for redevelopment. Or a strata corporation may be interested in winding up and selling for redevelopment because of excessive repair and maintenance costs.

Open and transparent communication with owners is essential. Information meetings should be held with owners from the very beginning to discuss options and collectively learn more about termination (winding up) including disbursement of funds to owners (if selling to a developer), costs and fees.

Owners will also want to understand how funds from selling would be disbursed. Disbursement to owners will be affected by when the strata plan was filed: before August 1974, unit entitlement; August 1974 to 2000, interest upon destruction; after 2000, relative assessed values.

If the majority of owners are interested in termination, usually a resolution is adopted to enable the strata council to move the process forward and hire legal counsel. Given the costs of the legal review and governance implications, the strata council should only proceed once the owners have formally given direction. The strata corporation is strongly advised to obtain independent legal and professional advice.

The strata council may also hire a real estate broker to market the property or negotiate an offer from a developer. When hiring a broker, the strata corporation's legal counsel should closely review: the terms and conditions of the agency agreement; the commission rates; and whether any type of limited dual agency (i.e. representing both buyer and seller) is permitted.

There is no set procedure but once an eligible offer has been received, a resolution to terminate can be drafted. The winding up resolution should be drafted by the strata's legal counsel and will usually be a detailed multi-paged document. The termination resolution will authorize termination of the strata plan, authorize the strata corporation to apply to the Supreme Court for termination orders and a vesting order authorizing the cancellations of the strata plan and winding up of the strata corporation; approve expenditures (funding for the lawyer, liquidator, liquidator's legal representation, fees and commissions); and may also address miscellaneous matters like move out timelines or rent-free periods.

### ***Giving Notice of a General Meeting for a Termination Vote***

A strata corporation is required to give at least two weeks' written notice of a general meeting. However if the agenda includes a resolution on termination, the strata must give at least four weeks' written notice. Four weeks actually means at least 32 days when also considering the notice requirements under the *Interpretation Act*. If the general meeting is called by petition, then eight weeks' written notice (at least 60 days when also considering the notice requirements under the *Interpretation Act*) is needed.

The notice of the general meeting to vote on termination must be given to all persons who are entitled to receive the meeting notice, regardless of whether a person previously waived the right to receive notification. Learn more about [notice requirements](#) and [preparing for a general meeting](#).

### ***Voters***

**Approving a strata termination resolution requires an 80% vote of approval from all the strata owners.** It is not a [quorum vote](#) of those owners present or holding proxies at a meeting.

Given the importance of a termination resolution, all [strata owners are eligible to vote](#) on the resolution, regardless of any provisions in the bylaws making a strata owner ineligible to vote if the owner has unpaid special levies or unpaid strata fees.

In some situations a mortgagee (the person, organization or financial institution holding the mortgage) of a strata lot may vote at a general meeting on matters relating to insurance, maintenance, finance or other

matters affecting the security for the mortgage. However, a mortgagee is not permitted to vote on a resolution to terminate a strata corporation.

### ***Court Oversight***

After passing a resolution to terminate, a strata corporation with five or more strata lots must apply to the BC Supreme Court for an order confirming termination.

For small strata corporations with fewer than five lots, the requirement for an 80% vote to terminate is effectively unanimous. These stratas may choose whether to apply for a court order or not. On the one hand, obtaining a court order has a cost. On the other hand, having a court order means small strata corporations do not have to get unanimous written consent of the registered chargeholders.

The *Strata Property Act* provides guidance to the court in how to consider the best interests of the owners, including any significant unfairness to any dissenting minority owners or registered charge holders (e.g. mortgage provider) and ensures all parties have a standing in court.

### ***Submitting an Application to the Land Title Office***

When the strata corporation is ready to submit an application to the [Land Title Office](#) to cancel a strata plan, the strata corporation in addition to other documents, must include the following:

If the strata has obtained a court order:

- a Certificate of Strata Corporation confirming:
  - the winding up (termination) resolution has passed, and
  - the strata corporation has no debts other than the debts held by holders of registered charges.
- a copy of the court order

If the strata has fewer than 5 strata lots (and does not obtain a court order):

- the written consent of all holders of registered charges
- a [Form E Certificate of Strata Corporation for Section 274](#) confirming:
  - the winding up (termination) resolution has passed, and
  - the strata corporation has no debts other than the debts held by persons who have consented in writing to the winding up of the strata corporation.



## Attachment 2

Article – “How simple is liquidation of a strata corporation?”



## How simple is liquidation of a strata corporation?

Tony Gioventu / CHOA

Liquidation is a dramatic step for a strata corporation and your community of owners, many of whom have probably lived there for 30+ years. The potential for errors, or the owners being at a disadvantage, is very high, so it is essential to follow some basic steps of decision making. There are two basic factors that affect a liquidation from the owners' perspective: value of the property and the condition of the property which can be assessed with the help of a depreciation report.

The information in the depreciation report could influence the owners decision to maintain versus liquidate; however, all strata corporations need to remember that until they have voted to liquidate, the strata corporation must still maintain and repair its property. Then consider the transaction costs associated with liquidation including brokerage fees, liquidation costs and legal fees, what's the right time and what's the right price

It differs for every project based on land use and value. A project that may yield only the current assessment value could be a prudent decision if each owner is facing a \$100,000 special levy for repairs, whereas a development in great condition may not consider a sale unless they can see a 200-300% increase in value. For real estate value it is still the same three conditions: location, location, location.

In the fall of 2015, the *Strata Property Act* was amended, lowering the voting requirement for liquidation from 100% to 80% of the schedule of voting rights.

Please note the amendments are not in force as the development of regulations are still required. Even though the change is significant, obtaining 80% of the total number of votes will be extremely difficult to achieve and will require an application to the Supreme Court of BC to approve the decision as part of the legislative amendment.

There are two methods of selling the property. Option 1: A developer or speculator purchases all of the units directly from each owner. The strata is not involved in the liquidation process and the deal is fairly clean. Option 2: a strata corporation votes for a liquidation which may be complicated. An advantage of this option is it gives the strata owners the collective ability to market their property for competitive bidding and obtain the best price.

Consumers want the best price and the best terms for their property before they will consider selling. To reach this objective, a logical process is helpful for the strata corporation to follow. They begin with a general meeting of the owners to determine if the owners want the council to investigate selling the property. The strata owners will vote by at least a majority vote to give council authority to start the process and to retain an independent lawyer who will act solely for the strata throughout the process. The strata council will also want to review proposals from a number of commercial brokers who will market the property, with negotiable fees generally from 1-2% of the total sale.

Once strata council has completed a legal review of the contract and retained

a broker, the broker proceeds with marketing the property. Developers and land speculators will be invited to assess the property, and submit offers.

The offers may take into consideration location, expanded development opportunity, transit and community access, neighbouring developments and amenities, plus the overall potential for the site. This phase usually takes 3-6 months.

When the broker finalizes a short list of generally 3-5 of the highest offers the strata council and their lawyer will meet to review the offers, perhaps counter offer and will consider the terms and conditions of the offer. When the details are clear the final offer is tentatively agreed upon subject to the approval of the owners at a general meeting.

Once the final offer is approved in principle the complicated work begins. Around months 6-12 the final negotiation of the purchase conditions and price are completed and the strata's lawyer will prepare the 80% vote resolution that authorizes the liquidation, authorizes the court application to ratify the decision, and to appoint a liquidator. The liquidator will be responsible for the receipt of the money from the developer, the cancellation of each of your titles into one parcel of land, and the payout to each owner, their share of the proceeds after any charges on their property.

The resolution that the owners will vote on and the sequencing of the events is the most critical part of the transaction. You can easily expect a resolution that is many pages in length because the resolution

must include all of the terms and conditions of the contracts, agreements, court applications, liquidation procedures and transfer of funds. One quirk of the liquidation process is owners who require their proceeds to make another purchase will have to wait until the job of the liquidator is complete before they can shop for a new home. Only when the liquidation process is complete do the owners receive their money, once any such as mortgages on their property are cleared. To provide

time for owners to move and relocate, the strata may want to negotiate 60-120 days of occupancy after the completion of the liquidation, as part of the contract.

If everything goes well, plan on 12-18 months. The success depends on a number of information meetings and constant communication with your owners to prepare them for the vote and the emotional liquidation of their community. If you hope to have any

success on your proposed liquidation, don't forget the owners have to find a new place to live once the deal is complete. Before you vote, an information meeting with the owners to help them understand what other property is available in the region is just as critical. ●

Tony Gioventu is the Executive Director of CHOA. For more information please visit the CHOA website at [www.choa.bc.ca](http://www.choa.bc.ca)

## Strata Corporation Liquidation: Step-by-Step

<b>Step 1</b>	<ul style="list-style-type: none"> <li>● The strata corporation is approached by a commercial agent, buyer or the strata council considers the option of investigating liquidation.</li> </ul>	<b>Month 1</b>	<b>Step 4 Con't</b>	<ul style="list-style-type: none"> <li>● Strata Council convenes a general meeting to present the offer(s) to owners.</li> <li>● Owners vote to:                             <ul style="list-style-type: none"> <li>○ Proceed with having a lawyer draft the liquidation resolution and approve the funding needed to move forward (lawyer fees, liquidator fees, etc.), or</li> <li>○ Reject the offer and direct council to either continue to negotiate a better offer or stop all discussions on liquidation.</li> </ul> </li> </ul>	<b>Month 4 – 8 Con't</b>
<b>Step 2</b>	<ul style="list-style-type: none"> <li>● The strata corporation is approached by a commercial agent, buyer or the strata council considers the option of investigating liquidation.</li> <li>● Strata council convenes an information meeting of owners to raise the idea of liquidating the strata corporation.</li> </ul>	<b>Month 2 – 3</b>	<b>Step 5</b>	<ul style="list-style-type: none"> <li>● Continue to negotiate (if required)</li> <li>● The strata corporations' lawyer will review the terms and conditions of the offer, including possible counter offers. Once there is a final offer the strata's lawyer will draft a resolution for owners to approve.</li> <li>● Strata council calls a general meeting to vote on the 80% resolution.</li> </ul>	<b>Month 8 – 10</b>
<b>Step 3</b>	<ul style="list-style-type: none"> <li>● This meeting helps council decide to move forward or not.</li> <li>● Strata council convenes a general meeting of the strata corporation to obtain:                             <ul style="list-style-type: none"> <li>○ Authorization for strata council to investigate liquidation options</li> <li>○ Approval for funding for legal representation including:                                     <ul style="list-style-type: none"> <li>● Reviewing terms and conditions of an offer</li> <li>● Listing agreements, and</li> <li>● Subsequent legal consultation</li> </ul> </li> </ul> </li> </ul>	<b>Month 4 – 5</b>	<b>Step 6</b>	<ul style="list-style-type: none"> <li>● Once the resolution is approved the strata corporations' lawyer will commence the court application for liquidation.</li> <li>● There may be conditions to meet before the appointment of a liquidator and vesting order granted/obtained/applied for?</li> </ul>	<b>Month 10 – 12</b>
<b>Step 4</b>	<ul style="list-style-type: none"> <li>● Strata council negotiates a listing agreement with a broker.</li> <li>● The broker creates a listing profile and markets property.</li> <li>● The broker presents offers to council.</li> <li>● Strata council with the strata's lawyer review offers and possibly makes counter offers.</li> </ul>	<b>Month 4 – 8</b>	<b>Step 7</b>	<ul style="list-style-type: none"> <li>● Liquidation process complete</li> <li>● Funds transferred to strata corporation</li> <li>● Vesting order is filed by the liquidator</li> <li>● Owners given 60 – 120 days to move</li> </ul>	<b>Month 12 – 18</b>



June 11, 2018

Mayor Karl Buhr  
**Village of Lions Bay**  
[mayor.buhr@lionsbay.ca](mailto:mayor.buhr@lionsbay.ca)

Dears Sirs & Madam:

**Re: Proposed Regional Development Cost Charges for Transportation (TransLink)**

I am writing you on behalf of the Village of Anmore to share our concerns and raise awareness about the proposed implementation of the regional Development Cost Charges (DCCs) by TransLink.

The Village is concerned about the imposition of these new DCCs and the implication it might have for our community. The Village is supportive of TransLink and sees the benefits of public transit in the region. The challenge the Village sees is one of equity in terms of balancing the benefits of who pays for the public transit and receives benefits.

My understanding about the implementation of the DCCs is that collected funds will go towards covering the capital costs of large scale infrastructure and will not be used towards the purchase and provision of buses, community shuttles or trolleys. Therefore, if this is accurate, neither the Village of Anmore nor your community will see any direct benefit from paying these DCCs through improved service or infrastructure for the region.

The Village was initially supportive of the imposition of DCCs when the understanding was that there would be an exemption for developments that involved the creation of three units or less. The current proposal is that the DCC will apply to all new units. This is a challenge for Anmore as we move forward in our community to promote infill development and more affordable housing options.

The Village of Anmore encourages you to consider the potential impacts on your communities and to join us in advocating for changes to the implementation of TransLink's proposed regional DCCs for transportation to ensure that communities without significant transit infrastructure still benefit from the program.

Sincerely,

A handwritten signature in blue ink, appearing to read 'John McEwen', with a long horizontal flourish extending to the right.

**Mayor John McEwen**  
Village of Anmore

cc: Mayor Murray Skeels, Village of Bowen Island  
Mayor Karl Buhr, Village of Lions Bay  
Mayor John Becker, City of Pitt Meadows  
Mayor Nicole Read, City of Maple Ridge  
Mayor Wayne Baldwin, City of White Rock



June 11, 2018

Dear Mayors and Regional District Chairs:

I am pleased to provide you with the following information regarding the process for requesting a meeting with me, or with provincial government, agency, commission and corporation staff, during the upcoming annual UBCM Convention taking place in Whistler, September 10 to 14, 2018.

You will also receive a letter from the Honourable John Horgan, Premier, containing information about the online process for requesting a meeting with Premier Horgan and other Cabinet Ministers.

If you would like to meet with me at the Convention, please complete the online request form at: [MAH Minister's Meeting](#) and submit it to the Ministry of Municipal Affairs and Housing before **July 13, 2018**. Meeting arrangements will be confirmed by mid -August. I will do my best to accommodate as many meeting requests as possible.

To get the most out of your delegation's meeting with me, it would be helpful if you would fill out the online form with detailed topic information. By providing this information in advance of the meeting, I will have a better understanding of your delegation's interests and it will allow for discussions that are more productive.

Ministry staff will email the Provincial Appointment Book (PAB). This PAB lists all government, agency, commission and corporation staff expected to be available to meet with delegates at the Convention, as well as details on how to request a meeting with staff online.

As I approach my second Convention as Minister responsible for local government, I look forward to hearing more about your communities, to identifying opportunities to work together with you in partnership, and to growing our relationships in the spirit of collaboration.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Robinson', enclosed in a light grey rectangular box.

Selina Robinson  
Minister

pc: Honourable John Horgan, Premier  
Wendy Booth, President, Union of British Columbia Municipalities



June 11, 2018

Dear Mayors and Regional District Chairs:

My caucus colleagues and I are looking forward to seeing you all again at this year's Union of British Columbia Municipalities (UBCM) Convention in Whistler from September 10-14.

*Communication, Collaboration, Cooperation*, the theme for the 2018 Convention, is indeed an appropriate focus as we engage in dialogue around local, provincial, federal, and First Nations governments working together to build strong and vibrant communities throughout our province. We all have a part to play in finding solutions and developing ideas that will ensure our communities thrive, and UBCM provides us with a wonderful opportunity to listen to one another, share ideas, and work together to build a better BC.

If you would like to request a meeting with a Cabinet Minister or with me during this year's convention, please register online at <https://UBCMreg.gov.bc.ca> (live, as of today). Please note that this year's invitation code is **MeetingRequest2018** and it is case sensitive. If you have any questions, please contact [UBCM.Meetings@gov.bc.ca](mailto:UBCM.Meetings@gov.bc.ca) or phone 250-213-3856.

I look forward to being part of your convention, meeting with many of you, and exploring ways that we can partner together to address common issues.

Sincerely,

A handwritten signature in blue ink that reads 'John J. Horgan'.

John Horgan  
Premier

**From:** [Shawna Gilroy](#)  
**To:** [Shawna Gilroy](#)  
**Subject:** FW: Parking on Seaview Place  
**Date:** Thursday, June 14, 2018 4:03:16 PM

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**From:** Elaine Dehoney [REDACTED]  
**Sent:** Monday, June 11, 2018 1:53 PM  
**To:** Ron McLaughlin  
**Subject:** Parking on Seaview Place

Hi Ron

Some time ago the residents on Seaview were canvassed to consider resident only parking. At the time, the response was so poor, the decision was to leave things alone. As time passed, more and more "resident only" signs appeared, I assume as a result of complaints as parking regulations on Lions Bay Avenue were being enforced. Now, with the plethora of "resident only" signs, visitors seem intimidated enough that non-resident parking is not really an issue and at the same time left a few parking spaces (at the north end, east side) not requiring a parking permit. Now, with the addition of a "residents only beyond this point" has been installed at Lions Bay Ave and Seaview intersection, even those spaces require permits - resident only and/or visitor as the case may be.

I happen to drive a truck part of the time and a car the rest of the year. I can and do transfer the car insurance and plates between the two but now, because of the non transferable parking permit I have to purchase a second parking permit.

A possible solution is to remove the "residents only beyond this point" sign or to have extra permits available in required. For sure, if the "beyond this point" stays, the other signs on the street are redundant and should be removed.

Thanks Ron at least for reading this far.

Jim

I must say Mexico looks better all the time.

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# **ON-TABLE ITEMS**

**ON TABLE**  
**Item 9B**

**Resolution for Annual Report Schedule**

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, 2018; and

THAT the Annual Meeting required under section 99 of the Community Charter be held in conjunction with the regular Council meeting on July 17, 2018; 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 29, July 6, and July 13, 2018, as being reasonably equivalent to notice that would be provided by newspaper publication if it were practicable.

**ON TABLE**  
**11A - R2**

**From:** Rose Dudley  
**Sent:** Sunday, June 17, 2018 11:43 AM  
**To:** Ron McLaughlin; Ron Mclaughlin  
**Subject:** Fwd: Parking issues Oceanview Road

Following our discussion about parking issues on upper Oceanview Road I am enclosing three pictures to illustrate what we are talking about.

Opposite our house at 380 Oceanview Road are 3 designated parking spots which have been used by hikers accessing Mount Unnecessary ever since the village was incorporated in 1971. This was the main access to the Lions until the Blinkert Trail was built off the logging road at the top of Sunset Drive and most hikers chose to use this access route.

Not many people use the Mount Unnecessary route anymore but it is written up in several books about hikes around the lower mainland.

On a busy weekend in summer the most cars we have ever seen using this trail head are 6-7.

The installation of the signs last week saying parking permits required May to September have now removed those spaces for hikers living out of the village since there is no explanation of how to obtain a permit on a weekend (or any other time. Hardly any residents use these spots except for the occasional dog walker early in the morning or late afternoon.

If you look at the right picture you can see an additional sign pointing down the road saying no parking which eliminates parking for about six cars between 375 and 385 Oceanview Road. This now leaves out of the village hikers in a situation where they have to drive further down Oceanview Road looking for another space where the chances are they will impede traffic since there is little opportunity to park off the road.

In our consultation this morning we thought it would make sense to remove the no parking sign shown in the right hand picture pointing down the road so that 6 parking spots could be freed up without affecting residents.

The first picture shows the permit parking area. The second one shows the area between 375 and 385 Oceanview Road..

These are suggestions for helping to alleviate parking problems in this part of the village.

John Dudley



P  
PERMIT  
REQUIRED  
MAY-SEP

No parking sign





P  
PERMIT  
REQUIRED  
MAY-SEP  
←

↯  
NO PARKING  
→