

MINUTES of the **REGULAR MEETING** of the **COUNCIL** of the **DISTRICT OF MISSION** held in the council chambers of the municipal hall, 8645 Stave Lake Street, Mission, British Columbia on Monday, August 24, 2009 commencing at 6:30 p.m.

Council Members Present: Mayor James Atebe
Councillor Terry Gidda
Councillor Danny Plecas
Councillor Jenny Stevens
Councillor Heather Stewart

Council Members Absent: Councillor Paul Horn
Councillor Mike Scudder

Staff Members Present: Glen Robertson, chief administrative officer
Dennis Clark, director of corporate administration
Christine Brough, administrative clerk

1. DELEGATION AND PRESENTATIONS

PH09/051
AUG 24, 2009

Remco Bergman
Re: Support of the Mission Soapbox Derby

Remco Bergman appeared before council on behalf of the Mission & District Soapbox Derby Association to express appreciation to the District of Mission for its support of this year's event. Mr. Bergman stated that the 2009 derby was a great success with over thirty children from Mission participating. He noted that, in order to encourage greater participation, this year the association loaned cars to those children who were unable to provide their own and added a number of different events for the whole family to enjoy.

The mayor thanked Mr. Bergman for the presentation and the Mission & District Soapbox Derby Association and its volunteers for their efforts on behalf of the community.

PH09/052
AUG 24, 2009

Shirley Walker
Re: Community-Based Preventative Health Program

Shirley Walker appeared before council to propose the creation of a community-based program in Mission for the early detection and diagnosis of conditions that lead to serious and costly health problems. She stated that the program would consist of selected basic tests for pathology on specific, targeted age groups and that it meets the objectives of a preventative program as described in the District of Mission Community Health Plan, written in 2008.

The mayor thanked Ms. Walker for the presentation. He noted that the proposal is timely and recommended that this information be forwarded to the Mission Community Health Planning Steering Committee for consideration.

Moved by Councillor Stevens, seconded by Councillor Gidda, and

RESOLVED: That Shirley Walker's proposal for a community-based preventative health program, as presented to council on August 24, 2009, be forwarded to the Mission Community Health Planning Steering Committee for consideration with a follow-up report to come back to council.

CARRIED

2. NEW BUSINESS

PH09/053
AUG 24, 2009

East Mission Heritage Greenway – Project Update

A report from Ray Herman, director of parks, recreation and culture, dated August 24, 2009 on the East Mission Heritage Greenway project was provided for council's information.

PH09/054
AUG 24, 2009

Minutes of the Regular Meeting of Council held on July 27, 2009

Moved by Councillor Plecas, seconded by Councillor Stewart, and

RESOLVED:

1. That the minutes of the regular meeting of council held on July 27, 2009 (public hearing) be amended on page 14 to read that "Mr. McPherson stated his opinion that "no parking" signs would not devalue the property"; and
2. That the minutes of the regular meeting of council held on July 27, 2009 (public hearing) be adopted as amended.

CARRIED

PH09/055
AUG 24, 2009

LATE ITEM – Amendment to Escrow Agreement

Moved by Councillor Stewart, seconded by Councillor Plecas, and

RESOLVED: That clause 3(a)(i) of the Escrow Agreement between the District, Genstar Titleco and Madison Development Corporation be amended to replace the word "and" with the word "or".

CARRIED

The director of corporate administration informed council that the law offices for the District of Mission have received the following documents, signed by Genstar Titleco and Madison Development Corporation: the phased development agreement, the escrow agreement and the no-build covenants. Mr. Clark stated that the documents will be sent to the District of Mission for execution on August 25, 2009 and that, as soon as the documents are signed, the no-build covenants will be registered against the properties.

3. BYLAWS

PH09/056
AUG 24, 2009

District of Mission Zoning Amending Bylaw 5039-2009-3143(328) (R09-004 – Toor/McPherson) – a bylaw to rezone property at 31509 and 31591 Israel Avenue from RU-1 Rural One zone to RS-2 One Unit Suburban Residential zone

Moved by Councillor Gidda, seconded by Councillor Plecas, and

RESOLVED: That District of Mission zoning amending bylaw 5039-2009-3143(328) (R09-004 – Toor/McPherson) be read a third time.

CARRIED

PH09/057
AUG 24, 2009

**District of Mission Zoning Amending Bylaw 5046-2009-3143(330)
(R09-008-Toor/McPherson) – a bylaw to rezone property at 32966,
32978, 32982 and 32988 Cherry Avenue from RS-1A One Unit Small
Lot Urban Residential zone to R1-A One Unit Small Lot Urban
Residential (Suite) zone**

Moved by Councillor Stewart, seconded by Councillor Stevens, and

RESOLVED: That District of Mission zoning amending bylaw 5046-2009-3143(330)
(R09-008-Toor/McPherson) be read a third time.
CARRIED

4. QUESTION PERIOD

Mayor Atebe opened the floor to the public to ask questions related only to the items listed under "New Business", and stated that any questions relating to the public hearing items should be asked during the public hearing portion of the meeting.

Tracy Lyster asked why there was no public consultation with regard to the escrow agreement to which Mayor Atebe replied that the escrow agreement is an administrative matter.

Dr. Lyster asked if the escrow agreement deals with any issues regarding the taxation of the Genstar/Madison properties. The director of corporate administration stated that it does not.

In response to a question from Tracey Lyster, the director of corporate administration said that a copy of the escrow agreement will be available once it has been signed by all parties.

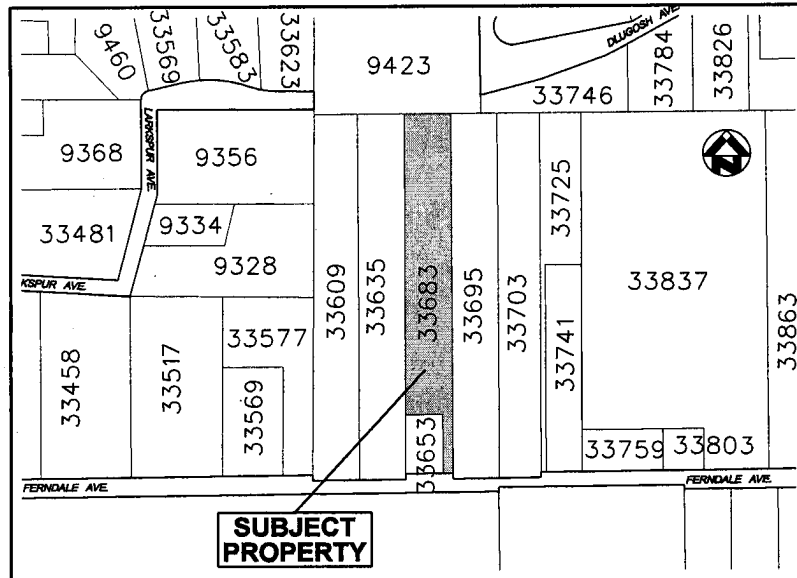
5. PUBLIC HEARING

The Mayor called the public hearing to order and outlined the procedures to be followed.

PH09/058
AUG 24, 2009

**District of Mission Zoning Amending Bylaw 5057-2009-3143(332)
(R09-009 – Elson) – a bylaw to rezone property located at 33683 Ferndale
Avenue from RU-1 Rural One zone to CD-21 Comprehensive Development zone**

Erik Wilhelm, planner, provided information regarding rezoning application R09-009, in the name of Brian Elson which proposes to rezone the property located at 33683 Ferndale Avenue and legally described as Parcel Identifier: 002-902-249 Lot 36 Section 34 Township 17 New Westminster District Plan 61818 (shown on the following map) from RU-1 Rural One zone to CD-21 Comprehensive Development zone.



The planner noted that the purpose of the proposed amendment is to accommodate the subsequent subdivision of the subject property into two lots of a minimum 0.8 hectares (1.98 acres) lot size while incorporating accessory secondary dwelling units on each lot. He also noted that there will be no tree removal on the site and that a 30 metre riparian area will be protected and covenanted on title.

Mr. Wilhelm stated that prior to adoption of the zone amending bylaw, the District of Mission community amenity contribution will need to be paid.

The director of corporate administration stated that there were no written submissions regarding this application.

In response to questions from council, the planner stated that the length of the panhandle will be a little over 230 metres and will be paved for its entire length. He also noted that, in order to avoid potential misunderstandings in the future, a cross-easement agreement will be signed to grant property owners access to travel on a portion of each other's lots.

The planner confirmed that the secondary dwellings could be used for rental purposes and that, in keeping with precedent, only two community amenity contributions will be required despite the presence of a secondary dwelling on each of the two properties.

Hearing no further questions or comments the mayor declared the public hearing on District of Mission zoning amending bylaw 5057-2009-3143(332) (R09-009 – Elson) closed.

6. DEVELOPMENT VARIANCE PERMIT

PH09/059
AUG 24, 2009

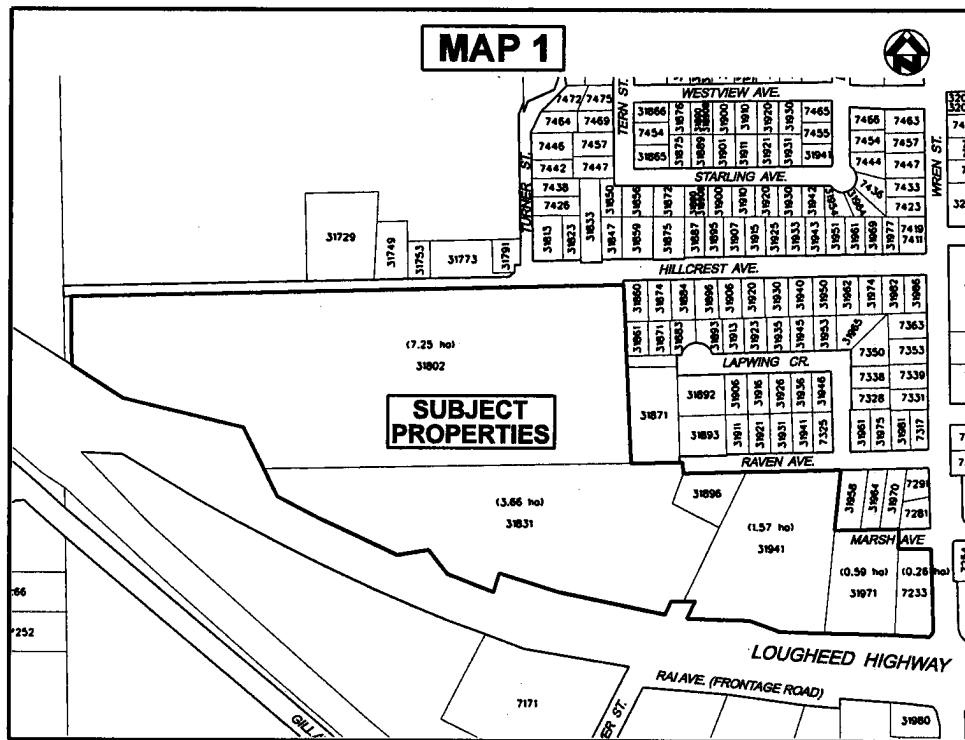
Development Variance Permit Application DV09-005 (Carhoun and Sons Enterprises Ltd.) – 31802 Hillcrest Avenue and 31831 Lougheed Highway

Barclay Pitkethly, deputy director of planning, provided information regarding development variance permit application DV09-005 in the name of Carhoun and Sons Enterprises Ltd. for the properties located at 31802 Hillcrest Avenue and 31831

Lougheed Highway (as shown on the following map) and legally described as:

- 31802 Hillcrest Avenue: Parcel identifier: 010-989-951; Lot N Section 19 Township 17 NWD Plan 3472; Except Firstly; Parcel A (Reference Plan 7996) Secondly; Part on Plan 4897 Thirdly; Part dedicated road on Plan BCP36914;
- 31831 Lougheed Highway: Parcel identifier: 013-373-480; Part Parcel D (Reference Plan 4896) South half of the south half of the south east quarter of Section 19 Township 17 Lying north east of highway shown on Plan 4897 New Westminster District Except Firstly; Part subdivided by Plan 12676 Secondly; Part subdivided by Plan 20304, Thirdly; Part dedicated road on Plan LMP26095

to vary Section 108 Environmental Protection of District of Mission zoning bylaw 3143-1998 by supporting the applicant to enter into discussions with Fisheries and Oceans Canada regarding an authorization to permit the harmful alteration, disruption and destruction of fish habitat under Section 35(2) of the Fisheries Act.



The deputy director of planning stated that the development variance permit application before council does not pre-suppose that the actual development will proceed. He clarified that the purpose of the proposal is to allow the proponent to enter into discussions with the Department of Fisheries and Oceans (DFO) and the Ministry of the Environment (MOE) regarding formal authorization to cause a harmful alteration, disturbance or destruction (H.A.D.D.) of fish habitat under the Fisheries Act. He further explained that the DFO and the MOE will either deny the proposal made by the applicant or enter into a process for determination of mitigation, compensation and impact assessment. Mr. Pitkethly stated that, should an application be submitted by the proponent after consultation with these two agencies, the District of Mission's normal development review process will still apply, which

includes the evaluation process conducted through zoning, subdivision, development permit and development variance permit applications.

The director of corporate administration stated that the following written submissions have been received regarding this application:

- letter dated August 21, 2009 from Sean Melia, Mission Regional Chamber of Commerce President, to Karel Carhoun stating that as long as the applicant meets the requirements set forth by the District of Mission, the Chamber of Commerce's policy is to support development applications;
- letter dated August 17, 2009 from William (Bill) and Virginia Mackintosh expressing concerns regarding land clearing, slope stability and the environmental impact of development in the area;
- letter dated August 17, 2009 from Judy Adie expressing concern about wildlife and environmental issues;
- letter dated August 24, 2009 from Cheri Smith and Janice Gardner expressing a number of concerns related primarily to wildlife and environmental issues.

In response to a question from Tracey Lyster, Mayor Atebe stated that a public inquiry rather than a public hearing is required for development variance permit applications. The deputy director of planning confirmed that, should an application for rezoning be submitted at a later date, a public hearing would then be held as part of the rezoning application process.

Dr. Lyster addressed council and stressed the importance of the streamside protection regulations, noting that they are necessary for slope stability and noise reduction in the area in question and that they protect critical riparian habitat which is necessary for the health of aquatic and terrestrial ecosystems. She also expressed the following concerns:

- that the proposed variance sets a undesirable precedent for the district;
- that should the DFO give formal authorization to cause a H.A.D.D. of fish habitat, it will undermine the District's ability to oppose future development in the area; and
- that this proposal fails to explore alternative options for more environmentally responsible development.

Dr. Lyster said that sustainable development requires a balance of environmental, social and economic interests and that the latter should not be achieved at the expense of the environment or the good of the community. Dr. Lyster also questioned the need for a commercial development at the proposed location and stated that meaningful environmental protection cannot occur unless Mission stands behind its bylaws.

Councillor Stevens questioned whether approval from the DFO and the MOE, should it be given, would in fact undermine the District's ability to oppose future development proposals on the site. The deputy director of planning explained this is not the case. He stated that should support be given by the DFO, a development application would then have to be made by the proponent which would then be subject to the District of Mission's normal development review process.

Bob Niven stated that there are many children and seniors in the area and expressed traffic safety, environmental and noise related concerns.

Geoff Dollinger expressed traffic flow concerns and noted that a development proposal for this site was rejected a number of years earlier in part due to concerns regarding property access by emergency vehicles and storm water run-off issues. He encouraged council to consider these same issues and stated that he would like to have the streams in the area protected as they feed Silverdale Creek which is a sensitive, protected area.

Cheri Smith noted that many of the properties in the area are zoned residential rather than commercial and asked why this area is being considered for commercial developments. The deputy director of planning explained that the properties in question were designated commercial in both the previous and the new official community plan (OCP).

Ms. Smith expressed concern about slope stability, as well as the environmental impact and aesthetics of any future development in the area.

Jim Taylor, director of the Stave Valley Salmonid Enhancement Society, stated that the society supports this proposal going through to the DFO and the MOE. He clarified that this does not mean that they are in support of the project but rather that they believe this to be a complicated issue which requires further study. Mr. Taylor stated that he believes that a well-planned, permanent usage needs to be established for this property and that the only way this can be achieved is through further study and assessment.

Ms. Klimczak expressed concern that a commercial development in the area would increase traffic and damage the environment. She stated her opposition to future commercial development on the site and said that she did not want the recommendation currently before council to be approved as, in her opinion, it would serve as encouragement to the applicant.

Don Mair stated that, should development ultimately occur, a great deal of fill would be required to close in the ravines and questioned how long it would take for the fill to be stable enough to support buildings.

The director of engineering and public works stated that, if the project were to advance to that point, extensive geotechnical studies would be required. In response to further questions from Mr. Mair, the director of engineering and public works stated that when engineered fill is used construction can generally begin without too much delay.

Mr. Mair expressed concern for the wildlife in the area and emphasized the negative environmental impact that development would have on the site.

Jennifer Barkman said that, as a teacher who has taken students to the area to study the wetlands and adjacent lands, she is concerned about the environmental impact of future commercial development on the site.

Jeanette Smith questioned why the property in the area was designated commercial in the OCP. Mayor Atebe stated that the OCP is a comprehensive document which

was developed after extensive public input.

Ms. Smith stated that streams should not be closed in or covered up and expressed concern that approval of this proposal would lead to other, similar requests.

Phyllis Young questioned why there is a development variance permit application before council prior to the submission of a development application. Mayor Atebe explained that the applicant in this case has acknowledged the complexity of the environmental issues in the area and is applying for permission to enter into discussions with the DFO and the MOE in order to gather the information that will ultimately be required in order for any future development proposals to be considered by council.

Mike Gildersleeve stated that this area is one of the community's natural treasures and expressed concern about the environment and for wildlife. He questioned the wisdom of relying on the DFO and the MOE to protect land within the District of Mission.

Ron Purvis stated that there are many areas within the District that can be developed without causing damage to the environment and said that he would like the District of Mission to buy the property and designate it parkland.

Judy Adie submitted a petition containing 110 signatures opposing development on the site.

Kelly Fesenmaier stated that her children play and deliver papers in the area and that she is concerned about traffic safety, wildlife protection, and the environment.

Jim Scott, Scott Resource Services, stated that he is an environmental consultant representing the developer in this issue and that his company is in the midst of doing a comprehensive environmental assessment of the site for fish, wildlife and vegetation. He acknowledged the environmental value of the land and stated that the riparian area is intact with a lot of trees and wildlife values there. He also clarified that there are actually no fish in the ravines, noting that the ravines are fed from undetained storm water and that there has been significant down-cutting at the top ends which has resulted in a lot of sediment deposit throughout. Mr. Scott stated that the developer acknowledges that a substantial area would be affected should development proceed and that they are looking at some very comprehensive compensation plans. He explained that what they are asking for is the opportunity to present their findings to the DFO and the MOE and begin a discussion with them about what might be possible. Mr. Scott also stated that any development that might eventually occur on the site would employ best-management practices for sediment and erosion controls, storm water management and geotechnical issues.

Tracy Lyster questioned why the District of Mission's streamside protection regulation bylaw differs from the provincial version. She said that the last line of the provincial bylaw states that governments must act to protect streams but that this line does not appear in the District's bylaw. Mayor Atebe asked staff to review this matter and provide comments to council.

Dr. Lyster also asked if the District of Mission could still enforce the streamside protection regulation even if the DFO approves a H.A.D.D. of fish habitat. The chief administrative officer stated that approval by the DFO does not change the District of

Mission's zoning bylaw and that even if the DFO agrees to some sort of compensation such a proposal would still have to come back to the municipal council for approval.

Cheri Smith expressed concerns about land clearing. In response to a question from Ms. Smith, the deputy director of planning stated that a one-to-one tree replacement policy would be in effect should development proceed on the site.

Ms. Smith also questioned why Scott Resource Services is studying the site during the summer rather than when the water levels are at their highest. Jim Scott stated that the current study is updating existing information and that his firm has observed the site in many different conditions over the years as they have been collecting data there since 1998.

Don Mair stated that many of the trees on the site are very large and expressed doubt that replacement trees would be of a similar size. He also stated his opinion that council should not proceed without first reading the study being done by Scott Resource Services.

Ms. Klimczak questioned the need for additional commercial space in Mission.

Bob Niven expressed concern about access to the property.

Mayor Atebe reminded the public that the issue before council is the development variance not future land use issues. He stated that should a development application be submitted in the future, council would welcome comments on the land use issue at that time.

Geoff Dollinger said that he thinks everything is happening too quickly and that the public is not getting a chance to consider and discuss the proposal.

Mayor Atebe stated that all that council is considering at present is whether or not to support the proponent entering into discussions with the DFO and the MOE regarding formal authorization to permit a H.A.D.D. of fish habitat, in effect whether or not to allow the applicant to seek more information. He further stated that should the proponent choose to submit a development application after consultation with the DFO and the MOE then the public would be given an opportunity to provide comments on the land use issue at that time.

Mike Gildersleeve stated that the real issue is the destruction of two streams. The chief administrative officer clarified that the issue currently before council is whether or not the developer should be allowed to enter into discussions with the DFO and the MOE with the results of those discussions to come back for council's consideration.

Hearing no further questions or comments, the mayor declared the public input session on District of Mission development variance permit application DV09-005 closed.

Councillor Gidda stated that he supports authorizing the developer to discuss the issues relevant to the site with the DFO and the MOE. He noted that should these agencies, after a comprehensive review, decide that it is appropriate to enter into a process for determination of mitigation, compensation and impact assessments, the

matter will then come back to council as part of the development application process for their consideration and for public input.

Councillor Stevens stated that while she understands the concerns expressed by members of the public, she supports the development variance permit application currently before council because it only approves allowing the developer to seek additional information.

Councillor Plecas stated that he has concerns about the environmental impact of development in the area and will therefore be supporting the proposal currently before council as he welcomes feedback from the DFO and the MOE.

Councillor Stewart noted that there has been confusion over the intent of the current proposal and that she believes that this public inquiry has resulted in greater clarity.

Mayor Atebe acknowledged that there are many land use and environmental issues related to this site but stated that the question presently before council is whether or not to allow the developer to speak to the DFO and the MOE. He said that, in his opinion, more information is required and that, for this reason, he will be supporting the proposal.

Moved by Councillor Gidda, seconded by Councillor Stewart, and

RESOLVED: That Development Variance Permit Application DV09-005, in the name of Carhoun and Sons Enterprises Ltd., for the properties located at 31802 Hillcrest Ave. and 31831 Lougheed Highway and legally described as:

- 31802 Hillcrest: Parcel identifier: 010-989-951; Lot N Section 19 Township 17 NWD Plan 3472; Except Firstly; Parcel A (Reference Plan 7996) Secondly; Part on Plan 4897 Thirdly; Part dedicated road on Plan BCP36914;
- 31831 Lougheed hwy: Parcel identifier: 013-373-480; Part Parcel D (Reference Plan 4896) South half of the south half of the south east quarter of Section 19 Township 17 Lying north east of highway shown on Plan 4897 New Westminster District Except Firstly; Part subdivided by Plan 12676 Secondly; Part subdivided by Plan 20304, Thirdly; Part dedicated road on Plan LMP26095

to vary Section 108 Environmental Protection of District of Mission Zoning Bylaw 3143-1998 by supporting the applicant to enter into discussions with Fisheries and Oceans Canada regarding an authorization to permit the harmful alteration, disruption and destruction of fish habitat under Section 35(2) of the Fisheries Act be approved.

CARRIED

PH09/060
AUG 24, 2009

LATE ITEM: Stage 3 Water Restrictions Lifted

The director of engineering and public works informed council that the stage 3 water restrictions will be lifted effective August 25, 2009 but that stage 2 water restrictions will remain in effect.

7. ADJOURNMENT

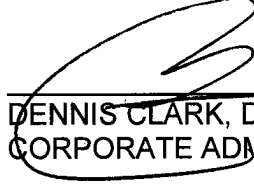
Moved by Councillor Plecas, seconded by Councillor Gidda, and

RESOLVED: That the meeting be adjourned.
CARRIED

The meeting was adjourned at 9:05 p.m.



JAMES ATEBE, MAYOR



DENNIS CLARK, DIRECTOR OF
CORPORATE ADMINISTRATION