

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 December 19, 2011 commencing at 6:30 p.m.

Council Members Present: Mayor Ted Adlem
Councillor Dave Hensman
Councillor Jeff Jewell
Councillor Tony Luck
Councillor Larry Nundal
Councillor Jenny Stevens
Councillor Nelson Tilbury

Staff Members Present: Paul Gipps, Deputy Chief Administrative Officer
Jennifer Russell, Legislative Assistant
Tina Mooney, Administrative Assistant

1. RESOLUTION TO ADD LATE ITEMS

RC11/603
DEC. 19/11

Moved by Councillor Nundal, seconded by Councillor Jewell, and

RESOLVED: That consideration of adoption of bylaws be added to the agenda after adoption of the Committee of the Whole report.

CARRIED

RC11/604
DEC. 19/11

Moved by Councillor Hensman, seconded by Councillor Luck, and

RESOLVED: That Mrs. Joyce Fehr be permitted to appear as a late delegation.

CARRIED

2. DELEGATIONS AND PRESENTATIONS

RC11/605
DEC. 19/11

John Pearson

Re: Development Variance Application DV11-016

Mr. John Pearson appeared before Council to speak to his development variance application for 32876 Tunbridge Avenue.

Mr. Pearson stated:

- a portion of his property was sold to the District for the relocation of Gaudin Creek, which is currently located in a ditch at the side of the road;
- Cedar Valley has changed a lot in the last 10 years, and will continue to change with new developments;
- he wants to build a home on his property that is allowed under the current zoning;
- building that home at the front of the property makes sense because,
 - (a) it will fit in well with how the surrounding area will likely be developed in the future,and

- (b) since the property is already designated as Townhouse in the Official Community Plan, it will facilitate future possible subdivision of the property;
- he has obtained an opinion from a qualified professional stating that locating the home as proposed is not likely to harm or destroy fish habitat, and this report has been accepted by the Department of Fisheries and Oceans;
 - he has complied with the legal requirement under the Floodplain Management Bylaw by obtaining a second professional opinion stating that the home can safely be built in that location;
 - once Gaudin Creek is relocated, the home will be located well beyond the 15 metre setback as required in the Floodplain Management Bylaw;
 - he is requesting a variance to the side yard setback to accommodate the widening of the existing driveway on the property, rather than tearing down the existing one and risking disruption to the fish habitat by relocating the entire driveway;
 - the requested variance to the front yard setback is only for the area of the covered porch, the rest of the house is within the setback allowed;
 - the requested variance to Section 108 of the Zoning Bylaw is more of a housekeeping matter in this instance because Gaudin Creek will be relocated from a roadside ditch into a protected environmentally sensitive area; and
 - he is asking Council to decide on the matter this evening, as the variances have been thoroughly reviewed by staff, he has complied with every legal requirement, and the issue does not affect the public as a whole.

The Mayor thanked Mr. Pearson for the information.

RC11/606
DEC. 19/11

Joyce Fehr

**Re: Adoption of Bylaws Related to Development at Cedar Street
and Sylvia Avenue**

Mrs. Joyce Fehr appeared before Council to ask that a steel fence be installed on the east and north sides of her property.

Mrs. Fehr expressed concern regarding her privacy when the development is built up, and the potential for dispute over property lines.

The Mayor thanked Mrs. Fehr for the information.

3. ADOPTION OF INFORMATIONAL ITEMS

RC11/607
DEC. 19/11

Moved by Councillor Stevens, seconded by Councillor Hensman, and

RESOLVED: That the following items be received as information:

- (a) correspondence from George Evens dated December 1, 2011 regarding the Elder Citizen Action Coalition;
- (b) minutes of the Abbotsford/Mission Water & Sewer Commission meeting held on November 10, 2011;

- (c) minutes of the Economic Development Select Committee meeting held on November 17, 2011;
- (d) minutes of the Emergency Planning Committee meeting held on November 24, 2011; and
- (e) minutes of the Mission Abbotsford Transit Committee meeting held on October 27, 2011.

CARRIED

4. RESOLUTION TO RESOLVE INTO COMMITTEE OF THE WHOLE

RC11/608
DEC. 19/11

Moved by Councillor Luck, seconded by Councillor Jewell, and

RESOLVED: That Council now resolve itself into Committee of the Whole.

CARRIED

Peter Bulla disrupted the meeting and was asked by the Mayor to control his outbursts.

5. PLANNING

Councillor Hensman assumed the Chair.

RC11/609
DEC. 19/11

Site-Specific Exemption to the Floodplain Management Bylaw 4027-2007 and Development Variance Permit – 32876 Tunbridge Avenue

Moved by Councillor Jewell, and

RECOMMENDED:

1. That a site-specific exemption to Floodplain Management Bylaw 4027-2007 be approved for a proposed single family residential development located at 32876 Tunbridge Avenue, to reduce the minimum required:
 - Floodplain setback for Gaudin Creek from 15.0 metres to 6.0 metres for the proposed home, as shown on Appendix 3 to the report from the Planner dated December 19, 2011,
 - Flood construction level above the natural boundary of Gaudin Creek for the proposed home from 1.5 metres to 0.6 metres above the natural ground elevation of the subject property or 0.6 metres above the crown of Tunbridge Avenue adjacent to the subject property; and
2. That Development Variance Permit Application DV11-016, in the name of John Pearson, to vary:
 - Section 108, Schedule B, of District of Mission Zoning Bylaw 5050-2009 by reducing the minimum required width of a Streamside Protection and Enhancement Area in Cedar Valley from 15.0 metres to 6.0 metres, as shown on Appendix 3 and 4 to the report from the Planner dated December 19, 2011,
 - Section 401.D.1. of District of Mission Zoning Bylaw 5050-2009 by reducing the minimum required Interior side yard setback from 3.0 metres to 1.5 metres, as shown on Appendix 4 to the report from the Planner dated December 19, 2011, and

- Section 401.D.1. of District of Mission Zoning Bylaw 5050-2009 by reducing the minimum required front yard setback from 7.5 metres to 6.0 metres, as shown on Appendix 4 to the report from the Planner dated December 19, 2011,
for a proposed single family residential development located at 32876 Tunbridge Avenue, be approved.

CARRIED

RC11/610
DEC. 19/11

Major Development Project Update – Current to December 13, 2011

A major development project update report from the Planning Technician dated December 19, 2011 was provided for the Committee's information.

RC11/611
DEC. 19/11

LATE ITEM – Excerpt from the Minutes of the Public Hearing held on December 13, 2010 and related Staff Reports dated November 15, 2010 and February 21, 2011 – Background for consideration of Adoption of Bylaws

An excerpt from the minutes of the Public Hearing held on December 13, 2010 and the related staff reports dated November 15, 2010 and February 21, 2011 were provided to the Committee as background information to assist in the the consideration of adoption of OCP Amending Bylaw 5181-2010-4052(12), Zoning Amending Bylaw 5177-2010-5050(28) and Street Naming Bylaw 5182-2010.

Moved by Mayor Adlem, and

RECOMMENDED: That staff work with Mrs. Fehr and the developer to find a mutually agreeable outcome to Mrs. Fehr's issues regarding the subdivision of the properties at 8566 Cedar Street and 32895 and 32911 Sylvia Avenue.

CARRIED

6. ENGINEERING AND PUBLIC WORKS

Councillor Jewell assumed the Chair.

RC11/612
DEC. 19/11

Cedar Street/Gaudin Creek Project Costs

Moved by Councillor Hensman, and

RECOMMENDED:

1. That an additional budget of \$416,805 be approved for the Cedar Street/Gaudin Creek capital project with funding coming from the Cedar Valley Roads Development Cost Charges (DCC), and that an internal loan of up to \$390,000.00 be provided to the Cedar Valley Roads DCC from the General Capital Reserve Fund with the loan being repaid as Cedar Valley Roads DCCs are collected; and
2. That when and where possible, further or new Cedar Valley Roads DCC projects not be undertaken until the internal loan has been repaid.

CARRIED

RC11/613
DEC. 19/11

Fraser Valley Regional District Funding of Mosquito Control Program

A report from the Manager of Environmental Services dated December 2, 2011 regarding the Fraser Valley Regional District's funding of their mosquito control program was provided for the Committee's information.

7. ADMINISTRATION AND FINANCE

Councillor Luck assumed the Chair.

RC11/614
DEC. 19/11

Amendment to PRO.7 – Municipal Property Sales

Moved by Councillor Hensman, and

RECOMMENDED: That Policy PRO.7 – Municipal Property Sales (through realtors) be amended by:

- (a) adding the "Checklist for Sale of Municipal Property";
- (b) adding the words "satisfactory inspection of the property," after the word "financing";
- (c) deleting the first paragraph in Section 14 in its entirety and replacing it with "The Property Manager will review all offers.";
- (d) deleting Section 18 in its entirety and replacing it with "Commission rates will be not more than 5% on the first \$100,000 and not more than 2 ½% on any amount thereafter, and shall be split equally between the listing and selling agents."

CARRIED

RC11/615
DEC. 19/11

Council Remuneration (Councillors Nundal and Jewell)

Moved by Councillor Hensman, and

RECOMMENDED: That Policy COU.14 – Council Remuneration be amended by:

- (a) deleting Section 7 in its entirety;
- (b) renumbering subsequent sections accordingly; and
- (c) deleting "2011" from the new Section 7 and replacing it with "2012".

CARRIED

RC11/616
DEC. 19/11

Development Application – Fraser River Water Lease (Proposed Floating Restaurant and Marina) Rezoning Application R10-012 and Development Permit Application DP10-003 (Howard Meakin)

Moved by Councillor Stevens, and

RECOMMENDED:

1. That staff present a report regarding Rezoning Application R10-012 and Development Permit Application DP10-003, including options for Council consideration, at the regular meeting of January 9, 2012; and

2. That a letter of support be provided for Mr. Meakin's application for a grant under the Brownfield Renewal Funding Program.

CARRIED

RC11/617
DEC. 19/11

2011 General Local Election

A report from the Deputy Director of Corporate Administration dated December 6, 2011 regarding the outcomes of the 2011 general local election was provided for the Committee's information.

RC11/618
DEC. 19/11

Section 57 Procedures

A report from the Deputy Director of Corporate Administration dated December 19, 2011 regarding municipal use of Section 57 Notices was provided for the Committee's information.

8. RESOLUTION TO RISE AND REPORT

Mayor Adlem resumed the Chair.

RC11/619
DEC. 19/11

Moved by Councillor Hensman, seconded by Councillor Jewell, and

RESOLVED: That the Committee of the Whole now rise and report.

CARRIED

9. ADOPTION OF COMMITTEE OF THE WHOLE REPORT

RC11/620
DEC. 19/11

Moved by Councillor Stevens, seconded by Councillor Luck, and

RESOLVED: That the recommendations of the Committee of the Whole, as contained in items RC11/609 to RC11/619, be adopted.

CARRIED

10. BYLAWS

RC11/621
DEC. 19/11

Moved by Councillor Nundal, seconded by Councillor Hensman, and

RESOLVED:

1. That District of Mission Official Community Plan Amending Bylaw 5181-2010-4052(12) be adopted;
2. That District of Mission Zoning Amending Bylaw 5177-2010-5050(28) be adopted; and
3. That District of Mission Street Naming Bylaw 5182-2010 be adopted.

CARRIED

11. MINUTES

RC11/622
DEC. 19/11

Moved by Councillor Stevens, seconded by Councillor Nundal, and

RESOLVED: That the following minutes be adopted:

- (a) Regular Council Meeting (Public Hearing) – August 22, 2011;
- (b) Regular Council Meeting (Public Hearing) – October 24, 2011;
- (c) Administration and Finance Committee Meeting – November 3, 2011;
- (d) Special Inaugural Council Meeting – December 5, 2011;
- (e) Regular Council Meeting – December 6, 2011; and
- (f) Special Council Meeting (for the purpose of going into a Closed meeting) – December 12, 2011.

CARRIED

12. OTHER BUSINESS

There was no other business.

13. CHIEF ADMINISTRATIVE OFFICER'S REPORT

The Deputy Chief Administrative Officer did not report.

14. MAYOR'S REPORT

The Mayor did not report.

15. COUNCILLOR'S REPORTS ON COMMITTEES, BOARDS AND ACTIVITIES

The Councillors did not report.

16. QUESTION PERIOD

Council and staff responded to questions from the following people:

Peter Bulla asked if the issues he has with 33370 – 6th Avenue would be addressed by the change Council just adopted in the Municipal Property Sales Policy.

Mayor Adlem invited Mr. Bulla to meet with him a week from Thursday to discuss all of the issues Mr. Bulla has with the District of Mission.

Shelly Clarkson asked if Howard Meakin now owned the property related to his waterfront development application and his request for a Brownfield grant.

Mayor Adlem responded that he did not.

Mike Scudder:

- (a) Was there any new or substantial information presented to Council by Mr. Meakin during the meeting last week regarding his application or from Planning department staff as to why it should be reconsidered?

The Deputy Chief Administrative Officer responded that there had not. He clarified that Mr. Meakin had asked that his application be brought forward to Council for them to consider whether or not they would allow it to proceed to a Public Hearing.

- (b) When the background information is brought to Council on January 9, could it also include information as to how this either is or is not a "reconsideration" under the Council Procedures Bylaw?

The Deputy Chief Administrative Officer responded that staff would address that.

Ron Taylor:

- (a) Does a reconsideration under the Council Procedure Bylaw only apply to a specific motion, and unless you are reconsidering that motion, then only in reconsidering that particular motion do all the rules around reconsideration apply?

The Deputy Chief Administrative Officer responded that is correct.

- (b) Would it be fair to say that Mr. Meakin has asked for this to come back on the possibility that this Council may make a different decision than the last one, as is his right?

The Mayor responded that is correct, and further that it was clearly stated during the election that they would allow this particular application to go forward to a Public Hearing.

- (c) Asking on behalf of Mr. Meakin, will Council confirm that he will receive an extension to his application beyond March 2012 without having to pay a penalty or fees under LAN.13?

The Deputy Director of Planning responded that the actual date of the original application would have to be looked up, however Council may extend an application by way of resolution.

The Deputy Chief Administrative Officer further stated that information as to the original date of the application, extensions, etc. can be included as part of the report to Council.

- (d) Are the amendments you made to the Council remuneration policy tonight consistent with your election promise that there would be no increases for the next three years?

Mayor Adlem responded that Council would accept no remuneration increase for three years, regardless of a date in the policy, however they will not shirk the responsibility to make a decision on remuneration increases for the council that comes in three years from now.

Councillor Stevens clarified that previous Council did resolve that there would be no increase in council remuneration in 2012 through 2014, but that remuneration for new council would be considered at the beginning of 2012.

Terry Mortimer:

- (a) Why do decisions on variances always seem to favour developers?

Councillor Hensman responded that the decision on variances before Council tonight was related to moving a stream to an area that is going to be forever protected, not for the benefit of the developer.

- (b) Will District staff consider using less bullets in their reports and more of an alpha/numeric format?

The Deputy Chief Administrative Officer responded that request would be passed along to staff.

- (c) Would the District consider using the 1% commission realtors in municipal land transactions, and what about realtors who "double end" the commission?

Councillor Nundal responded that the policy now specifically says that a commission of "up to" a certain percent would be paid.

Councillor Tilbury responded that paying one commission if there is only one realtor involved is standard practice.

- (d) Why have I not seen any realtors involved in land sales by the District over the years, and why don't we use District staff instead of realtors?

The Deputy Chief Administrative Officer responded that realtors have been involved in District land sales, and the District does not have any licensed real estate agents on staff.

- (e) Are realtors used for sales of rights-of-way or portions of District property?

The Deputy Chief Administrative Officer responded that if the property holds title, the District would likely use a licensed real estate agent, however if it is a right-of-way it would likely be dealt with in-house through lawyers and land surveyors.

- (f) Does Council meet prior to regular meetings to discuss agenda items?

Councillor Hensman responded that they did not.

The Deputy Chief Administrative Officer clarified that those kind of meetings are not permitted. When there is a quorum of Council, which is 4 members or more, it must be a duly constituted meeting.

- (g) Did any of the members of Council talk to each other about the bylaws over the phone or email?

Councillor Nundal responded that he may have called someone for general discussion. He further stated that all of Council are members of the Citizens for Responsible Municipal Government, and can meet in general terms, not specific terms.

Councillor Stevens stated that what is likely being observed is that as the majority of Council members are new, they are carefully researching the items on the agenda and asking their questions of staff ahead of time.

Mayor Adlem further clarified that Council is making an effort to do their homework ahead of time so as not to have overly long meetings.

Ron Taylor:

- (a) Was there a farewell dinner for the previous members of Council, and if so, where are the minutes of that meeting since there was a quorum?

Councillor Stevens responded that the previous Council did decide to have an informal get together at their own expense.

The Deputy Chief Administrative Officer responded that there were no minutes taken.

- (b) What is the statutory authority stating that when there is a quorum of council it is a Council meeting?

The Deputy Chief Administrative Officer responded that it is within the *Community Charter* and the *Local Government Act*, and invited Mr. Taylor to meet with him to go through it together. He further stated that it is tied to forwarding the business of council, and there are times when the group can be together and not forwarding the business of council, such as at a Christmas party. In those instances it is not necessary to post notice of the meeting or take minutes.

- (c) Are Council members allowed to call each other to ask what they think of a particular issue?

Councillor Luck responded that it was permitted, however the key word is "quorum".

Councillor Jewell stated that they were also told by legal counsel that subcommittees follow the same principle.

Mike Scudder asked if these questions were coming up because of a comment made at a recent budget meeting that all District departments would be required to reduce their budget by 10% of 2011 levels, except for the Engineering and Public Works Department.

Councillor Nundal responded that this particular comment was made because during the election campaign, the CRMG met with public works staff and promised them their budget would not be cut.

John Pearson asked if there could be a report from staff stating clearly what the legislation says about meetings of council members outside of duly constituted meetings.

Mayor Adlem responded that he would ask staff to prepare such a report.

Jeanette Smith asked if staff would ensure that the clock in the Council Chamber was accurate.

Diane McCulloch:

- (a) Is Council aware of the September 12th report written by the Director of Engineering and Public Works and the Director of Planning that recommended the OCP within the Cedar Valley phases 1 and 2 be revisited to better meet the market demands for housing?

The Deputy Chief Administrative Officer responded that Council will be attending a meeting with Planning Department staff to update them on key issues, and that will form part of this update.

- (b) If you allow Mr. Pearson's single family home yet the area is designated for townhouses, how will that be a good fit in the neighbourhood?

The Deputy Director of Planning responded that generally speaking, without having an application on the property for rezoning, it is very difficult to comment on anything related to site planning, density, or form and character of a building.

- (c) Given the fact that Mr. Pearson has 1.2 acres of land to build a home, why is Council allowing variances?

Councillor Hensman responded that Mr. Pearson brought forward the application so that the new home would match the other homes in the neighbourhood.

- (d) If the Planning staff report says part of the reason is to consider future townhome development, then why is a single family home being built?

The Deputy Director of Planning responded that the current zoning gives the land owner the right to build a single family dwelling, as it is a permitted use within the zone.

- (e) If it is permitted under the existing zone, then why not build it within the existing bylaws?

The Deputy Director of Planning responded that the owner acted on his right to ask for a variance, staff considered the application and made a recommendation, and Council voted on it.

- (f) Is it Council's intention to turn Mission into a municipality like Coquitlam where developers are allowed to clear all the trees in a neighbourhood?

Councillor Nundal responded that the Official Community Plan was in place and available to view when Ms. McCulloch moved to Mission.

- (g) How do we protect habitat and leave a legacy for our grandchildren if we destroy everything in sight and level all the trees?

The Deputy Director of Planning responded that the Official Community Plan adopted in 1996 showed that Gaudin Creek was planned for realignment post-development. The creek will be realigned to flow through an environmentally protected area, and there is also a greenbelt buffer behind Debrisay.

- (h) Why does your September 12th report say that the townhouse designation will be revisited because townhouses in that area are not a feasible option?

Councillor Tilbury responded that it may have more to do with Development Cost Charges and not as much to do with the OCP.

Luciano Dunoboli asked how much of a greenbelt buffer there would be when the creek is moved.

The Deputy Director of Planning responded that the original buffer area was 20 metres and the District purchased another 20, so it will be 40 metres wide in total.

Alan Palmer:

- (a) Is Council satisfied that the best public interests have been served by the process of the development variance application, specifically the mail-out and notice period?

The Deputy Chief Administrative Officer responded that all processes the District was required to do have been done.

The Deputy Director of Planning stated that the District sent out notifications by mail to property owners within a certain distance, received more information regarding the variances, then sent out a secondary information letter to the residents. Many times responses that come back form part of the staff report to Council. If it appears that there is enough community interest to proceed to a public input session, staff recommend to do that, as was done for this application. Staff do receive many queries about what the variances are for and what the specifics are and respond to each of them. Staff are satisfied that due diligence has been done and the requirements of the *Local Government Act* have been met in this instance.

- (b) How does the process of receiving a package with only the location and no copies of the pertinent reports serve the best public interest?

The Deputy Chief Administrative Officer responded that as part of the process, the District requests a report from a professional biologist, chosen and paid for by the proponent. District staff are not here to question whether or not those professionals are accurate, they

rely on their certification. The final decision is made by Council, not the public.

- (c) The information that was mailed out to the public does not contain the same detail as the staff report to Council, specifically the "Applicant's Rationale", so how is this in the best public interest?

The Deputy Chief Administrative Officer responded that the application meets the zoning requirements. The variance is to relocate a single family dwelling. The fact that the owners are planning in the future to leave the options open is not something that we have to advertise. The applicant can have several rationales as to why they are requesting a variance, and it is up to Council to decide. The requirements for public input, including the time period, have been met. The report to Council gives more background and information to assist them in making their decision.

- (d) Was thought given to where the walking path through Cedar Valley would be, considering that a map in the Cedar Valley Comprehensive Development Plan shows the path right next to Mr. Pearson's property, and the drawings presented by Mr. Pearson show the roof overhang on his side yard will be right over that walking path?

The Deputy Director of Planning responded that there have been many discussions regarding the walking trails in Cedar Valley, particularly around Gaudin Creek. The District will seek public input prior to deciding where any of the walking trails will go. The exact location of the trails have not been decided yet, so it would be presumptuous to assume that there would be a walking trail right there.

- (e) Why have the OCP or Cedar Valley Comprehensive Development Plan not been revised to show the status so the public can understand what is going on?

The Deputy Director of Planning responded that the OCP is a general guideline to show where we would like to put things like trails in the future.

Terry Mortimer:

- (a) When an independent biologist is retained to deal with riparian area regulations are they paid for by the developer but accountable to the District?

The Deputy Director of Planning responded that it is the applicant's choice who they hire, as long as it is a qualified professional.

- (b) Doesn't the District have a policy where the expert is paid for by the developer but accountable to the District?

The Deputy Director of Planning clarified that the situation Mr. Mortimer is referring to was for the environmental peer review done for the Genstar development, not a policy of the District.

Diane McCulloch asked if the OCP is just as a guide, then can we expect that townhouse designation to change to single family or cluster housing?

Councillor Stevens responded that there is no way to determine that because there are currently no applications before Council to change the designation.

The Deputy Director of Planning clarified that the OCP must be reviewed every five years, and the next scheduled review is 2013. The District will be reviewing all the designations within the OCP and taking input and comments from the entire community to ensure they are consistent with what the community wants. The OCP is a guide for development and for Council, and staff makes recommendations based on what it says.

17. ADJOURNMENT

Moved by Councillor Luck, seconded by Councillor Nundal, and

RESOLVED: That the meeting be adjourned.

CARRIED

The meeting was adjourned at 8:31 p.m.



TED ADLEM, MAYOR



PAUL GIPPS, DEPUTY CHIEF
ADMINISTRATIVE OFFICER