1. CALL TO ORDER

2. RESOLUTION TO ALLOW ADDITIONAL DELEGATION
   (a) MOTION: That Bill Lasuta be permitted to appear as a late (five minute) delegation at the Regular Council meeting of October 20, 2014.

3. ADOPTION OF AGENDA

4. REMEMBRANCE DAY CEREMONY

5. PROCLAMATIONS
   (a) Veterans’ Week – November 5 to 11, 2014
       Royal Canadian Legion Branch 57

6. DELEGATIONS
   (a) Mission Downtown Business Association
       Re: Goodbye Graffiti

   (b) Mission Sports Council

7. PUBLIC HEARING
   (a) Public Hearing Notice for October 20, 2014

   (b) Zoning Amending Bylaw 5159-2010-2014-5050(18)
       R10-016 (DOM) – a text amendment to amend Section 201 and 202 of District of Mission Zoning Bylaw 5050-2009

   (c) Zoning Amending Bylaw 5457-2014-5050(150)
       R14-018 (Clifton) – a bylaw to rezone the property located at 33735 3rd Avenue from Urban Residential 558 Zone (R558) to Residential Compact 465 Secondary Dwelling Zone (RC465s)
(d) **Zoning Amending Bylaw 5456-2014-5050(149)**

R14-012 (Buttar) – a bylaw to rezone property at 7876 Taulbut Street from Urban Residential 558 Zone (R558) to Residential Compact 465 Secondary Dwelling Zone (RC465s)

8. **ADOPTION OF INFORMATIONAL ITEMS**

(a) Mission Institution Report – August 2014

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9. **RESOLUTION TO RESOLVE INTO COMMITTEE OF THE WHOLE**

10. **ENGINEERING AND PUBLIC WORKS**

(a) Engineering Public Works Project Update

Page 42

(b) Mission RCMP Detachment Parking Lot Expansion

Page 49

11. **CORPORATE SERVICES**

(a) 2014 Annual Tax Sale

Page 55

(b) Council’s District Supplied iPads

Page 57

(c) Investment Holdings Quarterly Report – September 30, 2014

Page 59

12. **DEVELOPMENT SERVICE**

(a) Minister of Agriculture’s Draft Bylaw Standard on Medical Marihuana Production Facilities

Page 61

(b) Temporary Use Permit TUP14-003 (Interior Heavy Equipment Operator) to allow for a Heavy Equipment Operator School to Operate at the Property Located at 11750 Dewdney Trunk Road

Page 63

(c) Third Reading Report for Rezoning Application R14-009 (Ledcor Resources and Transportation Ltd.) for the Property Located at 29960 Lougheed Highway

Page 90

(d) Proposed Rezoning from Rural to Comprehensive Development (CD36) Zone 36 to permit a commercial marihuana production facility use licensed under the federal Marihuana for Medical Purposes Regulations

Page 98

(e) Excerpt from the Minutes of the Public Hearing held on August 22, 2011 related Staff Report dated July 18, 2011 (R11-013 – Dundas) Background for consideration of adoption of Zoning Amending Bylaw 5225-2011-5050(45), [see Section 15(b)]

Page 115

(f) Excerpt from the Minutes of the Public Hearing held on April 07, 2014 related Staff Reports dated March 17, 2014 and April 7, 2014 (R13-033 – 410374 BC Ltd/McPherson)

Page 137
Background for consideration of adoption of Zoning Amending Bylaw 5424-2014-5050(136), [see Section 15(c)]

13. RESOLUTION TO RISE AND REPORT

14. ADOPTION OF COMMITTEE OF THE WHOLE REPORT

(a) Adoption of the recommendations from the October 20, 2014 Committee of the Whole Meeting:

15. BYLAWS FOR CONSIDERATION

(a) Zoning Amending Bylaw 5159-2010-2014-5050(18)
   R10-016 (DOM) – a text amendment to amend Section 201 and 202 of District of Mission Zoning Bylaw 5050-2009

(b) Zoning Amending Bylaw 5225-2011-5050(45) (R11-013 – Dundas) – a bylaw to rezone property at 30489 Nikula Avenue from Rural 16 Zone (RU16) to Rural Residential 7 Zone (RR7)

(c) Zoning Amending Bylaw 5424-2014-5050(136)
   (R13-033 – Analytical Consulting) – a bylaw to rezone property at 33644 Cherry Avenue from the Suburban 36 (S36) Zone to the Residential Compact 465 (RC465) Zone

(d) Highway Closing and Undedication (Cherry Avenue) Bylaw 5450-2014 – a bylaw to close an unconstructed road right-of-way

(e) Zoning Amending Bylaw 5453-2014-5050(147) R14-009 (Ledcor) – a bylaw to rezone property at 29960 Lougheed Highway from the Industrial General Zone (ING) to the Industrial General Two Zone (ING2)

(f) Permissive Tax Exemption 5455-2014 – a bylaw to exempt certain properties from municipal taxation for the 2015 taxation year

(g) Zoning Amending Bylaw 5456-2014-5050(149)
   R14-012 (Buttar) – a bylaw to rezone property at 7876 Taulbut Street from Urban Residential 558 Zone (R558) to Residential Compact 465 Secondary Dwelling Zone (RC465s)

(h) Zoning Amending Bylaw 5457-2014-5050(150)
   R14-018 (Clifton) – a bylaw to rezone the property located at 33735 3rd Avenue from Urban Residential 558 Zone (R558) to Residential Compact 465 Secondary Dwelling Zone (RC465s)
(i) **Zoning Amending Bylaw 5463-2014-5050(156)** – a bylaw to amend the text of District of Mission Zoning Bylaw 5050-2009 by adding Comprehensive Development 36 (CD-36) zone into Section 1201 “CD Zones” and to rezone the property located at 33420 Cardinal Street from Rural 36 (RU36) Zone to the Comprehensive Development 36 (CD36) Zone

16. **MINUTES**

   (a) Regular Council Meeting (for the purpose of going into a Closed meeting) – October 6, 2014

   (b) Regular Council Meeting – October 6, 2014

17. **NEW/OTHER BUSINESS**

   (a) Development Variance Permit Application DV14-005 – 33644 Cherry Avenue

   For consideration of approval.

18. **NOTICE OF MOTION**

19. **MAYOR’S REPORT**

20. **MEMBERS’ REPORTS ON COMMITTEES, BOARDS, AND ACTIVITIES**

21. **QUESTION PERIOD**

22. **ADJOURNMENT**
REQUEST TO APPEAR AS A DELEGATION

Date: September 26, 2014

To: Manager of Corporate Administration

I hereby request permission to appear as a delegation before District of Mission Mayor and Council with reference to the following topic:

I, Jamie Hayes, Executive Director of the Mission Downtown Business Association, and Jason Boynes, CEO of Goodbye Graffiti, wish to request financial aid from mayor and council in the removal of graffiti in the DBA area.

I understand that the deadline for submission of the request, including any presentation or supporting material, is 4:30 p.m. on the Monday preceding the date of the meeting and that once my appearance has been confirmed, I will be allotted a maximum of 10 minutes to make my presentation.

Name: Jamie Hayes, Executive Director of the Mission Downtown Business Association

THIS INFORMATION COLLECTED FOR INTERNAL OFFICE USE ONLY:

Address: ____________________________
City/Province: _______________________
Postal Code: ________________ Telephone:_________________
Email: ______________________________

Delegation Confirmed to Appear on: __________________
Date Confirmed: __________ Confirmed by: ________
REQUEST TO APPEAR AS A DELEGATION

Date: Monday October 20, 2014
To: Manager of Corporate Administration

I hereby request permission to appear as a delegation before District of Mission Mayor and Council with reference to the following topic:

To introduce the Mission Sports Council; the purpose, who we are, benefits, goals and progress to date.

I understand that the deadline for submission of the request, including any presentation or supporting material, is 4:30 p.m. on the Monday preceding the date of the meeting and that once my appearance has been confirmed, I will be allotted a maximum of 10 minutes to make my presentation.

Name: Dan Williams/John Kapty

THIS INFORMATION COLLECTED FOR INTERNAL OFFICE USE ONLY:
Address: c/o Mission Parks, Recreation & Culture
City/Province: 
Postal Code: Telephone: 
Email: ivories88@shaw.ca / kapty19@yahoo.com

Delegation Confirmed to Appear on: 
Date Confirmed: Confirmed by: 

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REQUEST TO APPEAR AS A DELEGATION

Date:   October 13, 2014

To:  Manager of Corporate Administration

I hereby request permission to appear as a delegation before District of Mission Mayor and Council with reference to the following topic:

Burning of wood waste debris within the District of Mission for Flatiron Graham Joint Venture this Fall 2014.

I understand that the deadline for submission of the request, including any presentation or supporting material, is 4:30 p.m. on the Monday preceding the date of the meeting and that once my appearance has been confirmed, I will be allotted a maximum of 10 minutes to make my presentation.

Name:  Bill Lasuta

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Delegation Confirmed to Appear on:  

Date Confirmed:  Confirmed by:  

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NOTICE OF PUBLIC HEARING

Pursuant to the provisions of Sections 850 and 892 of the Local Government Act, a Public Hearing will take place in the Council Chambers of the Municipal Hall, 8645 Stave Lake Street, Mission, BC at 6:00 p.m. on Monday, October 20, 2014 to consider the following proposed bylaws:

1. DISTRICT OF MISSION ZONING AMENDING BYLAW 5159-2010-5050(18) (R10-016 – District of Mission)

The purpose of the proposed amendment is to address a building and bylaw impracticality by allowing for increased lot coverage, impervious surfaces and decreased setbacks on existing undersized rural zoned properties within the District of Mission.

This bylaw proposes to amend the text of the District of Mission Zoning Bylaw 5050-2009 by adding to:

a) Section 201, Part D. Setbacks; the following provision:

"1. b. Notwithstanding Section 201, Part D. 1. a., where a lot existed prior to October 2009 and has a Lot Area less than 1860 sq. m (20,020 sq. ft.), all Buildings and Structures for non-agricultural uses shall be sited in accordance with the following minimum setbacks:

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b) Section 201, Part E. Lot Coverage; the following provision:

"2. Notwithstanding Section 201, Part E. 1. where a lot existed prior to October 2009 and has a Lot Area less than 1860 sq. m (20,020 sq. ft.), the Lot Coverage may be increased to 30%." 

c) Section 201, Part G. Impervious Surfaces; the following provision:

"2. Notwithstanding Section 201, Part G. 1. where a lot existed prior to October 2009 and has a Lot Area less than 1860 sq. m (20,020 sq. ft.), the Impervious Surfaces may be increased to 45%.

d) Section 202, Part D. Setbacks; the following provision:

"1. b. Notwithstanding Section 202, Part D. 1. a., where a lot existed prior to October 2009 and has a Lot Area less than 1860 sq. m (20,020 sq. ft.), all Buildings and Structures for non-agricultural uses shall be sited in accordance with the following minimum setbacks:

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e) Section 202, Part E. Lot Coverage; the following provision:

"2. Notwithstanding Section 202, Part E. 1. where a lot existed prior to October 2009 and has a Lot Area less than 1860 sq. m (20,020 sq. ft.), the Lot Coverage may be increased to 35%; and

f) Section 202, Part G. Impervious Surfaces; the following provision:

"2. Notwithstanding Section 202, Part G. 1. where a lot existed prior to October 2009 and has a Lot Area less than 1860 sq. m (20,020 sq. ft.), the Impervious Surfaces may be increased to 50%.

2. DISTRICT OF MISSION ZONING AMENDING BYLAW 5457-2014-5050(150) (R14-018 – Clifton)

The purpose of the proposed amendment is to accommodate a secondary dwelling in the form of a secondary suite.

This bylaw proposes to amend District of Mission Zoning Bylaw 5050-2009 by amending the zoning of the following legally described property:

Parcel Identifier: 002-251-582 Lot 8 District Lot 1 Group 3 New Westminster District Plan 6518

From the Urban Residential 558 (R558) Zone to the Residential Compact 465 Secondary Dwelling (RC465s) Zone.

The location of the subject property is 33735 3rd Avenue and is shown on the following maps:

3. DISTRICT OF MISSION ZONING AMENDING BYLAW 5458-2014-5050(149) (R14-012-Butter)

The purpose of the proposed amendment is to accommodate a secondary dwelling in the form of a secondary suite.

This bylaw proposes to amend District of Mission Zoning Bylaw 5050-2009 by amending the zoning of the following legally described property:

Parcel Identifier: 018-595-090 Lot 2 Section 21 Township 17 New Westminster District Plan LMP14061

From the Urban Residential 558 (R558) Zone to the Residential Compact 465 Secondary Dwelling (RC465s) Zone.

The location of the subject property is 7876 Taulbut Street and is shown on the following maps:

Copies of the proposed bylaws and reports relevant to these bylaws may be inspected at the Municipal Hall, 8645 Stave Lake Street, Mission, BC, Monday to Friday, excluding statutory holidays, from 8:00 a.m. to 4:30 p.m., from October 10, 2014 to October 20, 2014. The information is also available on our website at www.mission.ca by searching “Public Meeting Information”. For further information regarding any of these bylaws, please contact the Development Services Department at (604) 820-3748. 

At the Public Hearing, persons who believe that their interest in property is affected by these proposed bylaws will have the opportunity to be heard.

Should you have any comments or concerns you wish to convey to Council and you cannot attend the meeting, please submit in writing to the Acting Corporate Officer by 4:30 p.m. on Friday, October 17, 2014. You may forward your submission by:

- Mailing or delivering to the Acting Corporate Officer’s Office, P.O. Box 20, 8645 Stave Lake Street, Mission, BC, V2V 4L9
- Faxing: 604-826-1363 (Attn: Acting Corporate Officer)
- E-mail: info@mission.ca with PUBLIC HEARING COMMENTS as the subject line

Please note: Submissions that are subject of a public hearing, public meeting or other public processes will be included, in their entirety, in the public information package and will form part of the public record. Council shall not receive further information or submissions after the conclusion of the Public Hearing.

Following the Public Hearing portion of the meeting, council may consider advancing bylaws forward for additional readings.

Tina Penney
Acting Corporate Officer

Dated at Mission, BC this 10th day of October, 2014.
DATE: October 6, 2014
TO: Mayor and Council
FROM: Parissa Shafizadeh, Planner
SUBJECT: Zoning Bylaw Text Amendment to allow increased lot coverage for existing undersized lots with rural zoning
ATTACHMENTS: Appendix 1 – Draft Zoning Amending Bylaw 5159-2010-2014-5050(18)
Appendix 2 – Location Map (Hatzic Lake area)
Appendix 3 – Location Map (Silvermere Lake area)

RECOMMENDATIONS: Council consider and resolve:

1. That notwithstanding Council resolution RC10/650 dated December 6, 2010, Zoning Amending Bylaw 5159-2010-2014-5050(18) be considered for 1st and 2nd readings at the Regular Council meeting on September 15, 2014, the result of which would be to add the following to the noted sections to Zoning Bylaw 5050-2009:

   a) Section 201, Part D. Setbacks; the following provision:

      “1. b. Notwithstanding Section 201, Part D. 1. a., where a lot existed prior to October 2009 and has a Lot Area less than 1860 sq. m (20,020 sq. ft.), all Buildings and Structures for non-agricultural uses shall be sited in accordance with the following minimum setbacks:

      |                | Front       | Rear       | Interior Side | Exterior Side |
      |----------------|-------------|------------|---------------|---------------|
      | Principal Building | 7.5 m (24.6 ft.) | 7.5 m (24.6 ft.) | 1.5 m (4.9 ft.) | 3.0 m (9.8 ft.) |
      | Accessory Building/Structure | 7.5 m (24.6 ft.) | 1.5 m (4.9 ft.) | 1.5 m (4.9 ft.) | 3.0 (9.8 ft.) |

   b) Section 201, Part E. Lot Coverage; the following provision:

      “2. Notwithstanding Section 201, Part E. 1, where a lot existed prior to October 2009 and has a Lot Area less than 1860 sq. m (20,020 sq. ft.), the Lot Coverage may be increased to 30%.”

   c) Section 201, Part G. Impervious Surfaces; the following provision:

      “2. Notwithstanding Section 201, Part G. 1, where a lot existed prior to October 2009 and has a Lot Area less than 1860 sq. m (20,020 sq. ft.), the Impervious Surfaces may be increased to 45%.”
d) Section 202, Part D. Setbacks; the following provision:

“1. b. Notwithstanding Section 202, Part D. 1. a., where a lot existed prior to October 2009 and has a Lot Area less than 1860 sq. m (20,020 sq. ft.), all Buildings and Structures for non-agricultural uses shall be sited in accordance with the following minimum setbacks:

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“2. Notwithstanding Section 202, Part E. 1, where a lot existed prior to October 2009 and has a Lot Area less than 1860 sq. m (20,020 sq. ft.), the Lot Coverage may be increased to 35%.”

f) Section 202, Part G. Impervious Surfaces; the following provision:

“2. Notwithstanding Section 202, Part G. 1, where a lot existed prior to October 2009 and has a Lot Area less than 1860 sq. m (20,020 sq. ft.), the Impervious Surfaces may be increased to 50%.”

2. That following these readings, the bylaw be forwarded to a Public Hearing on October 20, 2014.

SUMMARY

This report provides Council with background information and rationale for a proposed text amendment to the Zoning Bylaw 5050-2009 that aims to address a building and bylaw impracticality by allowing for increased lot coverage on existing undersized rural zoned properties within the District of Mission (refer to Zoning Amending Bylaw 5159-2010-2014-5050(18) attached as Appendix 1). The recommendation put forward in this report builds on a previous resolution of Council (RC10/650) that would have staff amend the Official Community Plan (OCP) and create a new comprehensive development (CD) zone.

Following the adoption of the District’s current Zoning Bylaw in 2009, various housekeeping amendments were needed to address inconsistencies, restrictions and impracticalities that were inadvertently created by the new Bylaw. One such restriction resulted when the lot coverage allowance for rural zoned properties was lowered from 40% to 15% thereby rendering numerous dwellings on undersized rural zoned properties as legally non-conforming with respect to their lot coverage. The result of this change was that the building envelopes on these properties were significantly restricted where, in some instances, applications for renovations, additions or new home construction could not be accepted by the Inspection Services Division. While this change impacted properties throughout the municipality, the effect was most evident in the historic lakefront areas of Hatzic Lake and Silvermere Lake (Appendices 2 and 3).

The recommendation in this report builds on a previous resolution of Council to remedy this situation. However, as the focus at the time was on addressing lot coverage issues raised by
property owners in the Hatzic Lake area, it did not offer a solution to those property owners in the Silvermere Lake and other areas of Mission who were also impacted by the bylaw change and who faced similar challenges with their lot coverage allowance. For this reason, staff are recommending that Council reconsider the previous Council resolution (RC10/650) of December 6, 2010 that would have had staff amend the OCP and create a new zone for Hatzic and now move forward with an updated recommendation for a text-amendment that would apply to all undersized rural zoned properties within the municipality.

BACKGROUND

With the adoption of a new zoning bylaw, it is common for a local government to inadvertently create unwanted restrictions, inconsistencies and impracticalities. These problems are typically identified during the bylaw’s initial application and subsequently addressed through a series of housekeeping amendments.

One such impracticality resulted when the maximum lot coverage allowance for rural zoned properties in Mission was reduced from 40% to 15% with the adoption of the District’s current Zoning Bylaw in 2009. The figure below illustrates how the reduction in lot coverage allowance in 2009 rendered a number of existing dwellings in the Hatzic and Silvermere as legally non-conforming with respect to their lot coverage (i.e., dwellings identified above the 15% maximum lot coverage (blue) line became non-conforming as a result of the bylaw change). The rural properties most affected by the bylaw change were those that were undersized (< 22,000 sq. ft.) to their zone and already considered legally non-conforming in lot area.

The reasoning behind the change to lot coverage in the 2009 Zoning Bylaw was based on the notion that an allowance of 40% coverage on an acreage lot was excessive and likely never to occur. While this change had little to no effect on larger acreage properties typically associated
with a rural zone (e.g., parcels greater than 4 acres or 174,240 sq. ft.), it did however render many dwellings on historically smaller (less than ½ acre or 22,000 sq. ft.) rural lots legally non-conforming with respect to their lot coverage. In particular, the effect was most evident in the Benbow Street/Shook Avenue area of Hatzic Lake and the properties along Hayward Street near Silvermere Lake, most of which have historically smaller lots.

The average area of a rural zoned lot in the Benbow Street/Shook Avenue neighbourhood in Hatzic is approximately 885 square metres (9,526 sq. ft.) and in Silvermere Lake area is 2,671 square metres (28,750 sq. ft.), which is well below the minimum area requirements of the smallest rural zone (e.g., parcels 4 acres / 174,240 sq. ft. or more). While having 15% of a lot this size set aside for buildings could allow for a reasonable building footprint, many of these properties faced further encumbrances, including flood construction requirements and lakeshore setbacks. It is noted that similar sized "urban zoned" properties are currently afforded a lot coverage allowance of 30%.

The result of reducing lot coverage was that these property owners wishing to apply for building permits for new homes or additions that already exceeded the 15% lot coverage allowance were advised that they could not be issued a permit under their current zoning. Moreover, as “lot coverage” is defined as a unit measure of “density” in the District's Zoning Bylaw, staff could not support a variance to alleviate this restriction. Also, rezoning the property to a zone with a greater lot coverage allowance (typically an urban zone) was not viable due to servicing limitations.

**Options Explored**

A number of options to remedy this situation have been considered by the previous Council. In November of 2010, staff prepared a report for council’s consideration proposing a zoning bylaw text amendment to increase the lot coverage on existing undersized Rural 80 (RU80) zoned lots to specifically address the lot coverage issue in the Benbow Street/Shook Avenue area of Hatzic. However, Council resolved to defer the proposed text amendment pending receipt of a subsequent report that would explore a “new zone” for the “Benbow properties”. This decision to defer was largely due to the complexity and lack of clarity with the proposed text amendment at the time and the simplicity and directness of creating a new zone.

A subsequent report was then forwarded to Council on December 6, 2010 to which Council then resolved that staff proceed with a re-designation of the Benbow properties from Rural to Suburban and a rezoning from Rural 80 (RU80) Zone to a new comprehensive development (CD) Zone (Council resolution RC10/650). The CD Zone would allow staff to define the appropriate lot coverage and setbacks specifically for these properties under a new zone. Since these properties have access to municipal water but not sanitary service, a re-designation to Suburban was required.

Due to shifting priorities, the matter was deferred as a housekeeping change to be dealt with at a later time or as part of an upcoming comprehensive review of the Zoning Bylaw. In 2014, staff again began to receive complaints about limited building envelopes on the existing undersized rural zoned lots, but this time in the Silvermere Lake area. Further investigation revealed that there are many undersized rural zoned lots within the District of Mission that may not have adequate building envelopes due to the 15% maximum lot coverage requirement of the Bylaw. Since creating a new CD zone specific to Hatzic does not address the issue with all undersized rural zoned properties throughout Mission, staff are now recommending a broader approach (i.e., zoning bylaw text amendment) to resolve this issue.
PLANNING ANALYSIS

Problem overview

The Zoning Bylaw allows a maximum lot coverage of 15% in all rural zones, where the minimum lot areas for the various rural zones range from 1.6 hectares (4.0 ac) through to 8.0 hectares (19.8 ac). The minimum building setbacks for these zones are 7.5 metres (24.6 ft.) from the front and rear lot line and 4.5 metres (14.8 ft.) from side yard lot lines.

While a 15% lot coverage provisions in the rural zones and greater building setbacks can still provide for a sufficient building envelope on a larger lot, it does significantly restrict building envelopes on the undersized rural lots in the Hatzic and Silvermere Lake neighbourhood areas. For example, the average lot area in Benbow Street/Shook Avenue neighbourhood is approximately 885 square metres (9,526 sq. ft.) and 2,671 square metres (28,750 sq. ft.) along Hayward Street in Silvermere Lake. It is noted that these rural zoned properties are similar in lot size to a larger urban zoned lot (e.g., Urban Residential 930 Zone); however, these urban lots have a maximum permitted lot coverage of 30% (twice that of a rural zone) including narrower side yard setback requirements.

Since lot coverage is considered one aspect of unit density within the District’s Zoning Bylaw, a development variance permit to allow increased lot coverage is not possible. While another option would be to increase the lot coverage by rezoning these properties to a suburban or urban residential zone to allow for a larger lot coverage, this option is not practical since a rezoning would not be in conformance with the Official Community Plan (OCP) designations in these areas of Hatzic and Silvermere Lake and any redesignation to Urban would require complete municipal servicing which is not currently available to these areas.

In addition to smaller lot coverage, these undersized rural properties (namely those in the Benbow Street/Shook Avenue area) have further restrictions to their buildable areas in that side yard setbacks are greater than what is applied in an urban zone. Siting restrictions such as steep slopes and floodplain setbacks typical to these areas can also restrict the buildable area. Although a setback may be reduced through a development variance permit on a case by case basis, the text amendment presented in this report includes some relaxation in this regard.

While there are many undersized rural zoned properties in Mission, the Benbow and Silvermere Lake properties are used in the following examples to explain the intended outcome of the recommended bylaw change.

Lot coverage (Hatzic area)

The subject properties in Benbow area are zoned Rural 80 (RU80) and are designated Rural in the OCP (Appendix 2). While the RU80 requires a minimum lot area of 8.0 hectares (19.8 ac) with a maximum 15% lot coverage, the average lot area of these non-conforming properties is approximately 885 square metres (9,526 sq. ft.) and their average total lot coverage of the existing dwellings and accessory buildings is 25%.

These properties were created in 1959 and developed well before the adoption of the current and the previous zoning bylaws. These properties have been historically zoned agricultural/ rural. Review of the previous zoning bylaws reveals that the maximum lot coverage allowance on these lots has changed from 30% in 1983, to 40% in 1989, and 15% in 2009. These changes suggest why the properties’ average lot coverage is around 25%, well above the current 15% lot coverage allowance. While existing buildings on these properties are considered legally non-conforming with regards to lot coverage, any new construction or addition exceeding 15% lot coverage is not permitted.
Lot coverage (Silvermere Lake area)

The subject properties in the Silvermere Lake area are zoned either Rural 16 (RU16) or Rural 80 (RU80) and are designated either Suburban or Rural in the OCP (Appendix 3). The lot areas range from 810 square metres (8,719 sq. ft.) to 9,105 square metres (98,005 sq. ft.) with an average lot coverage of 16%. Again, a maximum 15% lot coverage is applied to the RU16 and RU 80 Zones. Usually, properties with these rural zones would have a minimum lot area of 1.6 hectares (4.0 ac) or 8.0 hectares (19.8 ac) depending on the rural zone.

These Silvermere Lake properties were created in 1958 and developed well before the adoption of the current and previous zoning bylaws. These properties have been historically zoned agricultural/rural. Similar to the Hatzic properties, the maximum permitted lot coverage of all buildings and structures has fluctuated between 30% in 1983, 40% in 1989, and now 15% since 2009. Unlike the Hatzic neighbourhood area, the average lot coverage on these properties is just at or slightly above the 15% lot coverage allowance. This is likely due to their relatively larger size. Nonetheless, any application for new construction or building additions exceeding the 15% lot coverage is not permitted.

Recommended text change

While Council previously directed staff to proceed with a re-designation of the Benbow Street properties from Rural to Suburban and a corresponding rezoning from Rural 80 (RU80) Zone to a new comprehensive development (CD) Zone, the approach did not offer a solution to those property owners in the Silvermere Lake and other areas of Mission who were also impacted by the bylaw change. As such, staff are recommending a revised text amendment.

To address the potential for confusion with the proposed amending bylaw, which was brought up in a previous text amendment attempt, staff are only recommending changes to the text of the Zoning Bylaw governing lot coverage, building setbacks, and impervious surface in both the rural zones (section 201) and rural secondary dwellings zones (section 202) and specifically to undersized rural lots. Changes proposed in 2010 included additional requirements on setbacks to cul-de-sac lots, setbacks from undevelopable area, off-street parking requirements, etc., which added to the complexity of the bylaw text amendment. Since these additional provisions do not affect all undersized properties and can be addressed on a case-by-case basis through a variance permit process if needed, they are not included with this text amendment.

Lot coverage

As previously noted, lot sizes of rural properties in Hatzic, Silvermere Lake and the other areas in Mission can differ where some are likely considered legally non-conforming. Due to the wide range of lot sizes of these undersized rural zoned properties (i.e., any lot smaller than 1.6 hectares (4.0 ac) in RU16 Zone, and any lot smaller than 8.0 hectares (19.7 ac) in RU80 Zone), it is recommended that the bylaw change to increase lot coverage is limited to those rural properties that are similar in size to that of a larger urban lot.

Since the subject properties are similar in size to the R930 zoned lots (i.e., 930 square metres (10,010 sq. ft.)), the same lot coverage, impervious surface and setback allowances of this Zone are proposed with this text amendment. The Zoning Bylaw allows a maximum 30% lot coverage in the R930 Zone. On a 930 square metre (10,010 sq. ft.) lot, the lot coverage amounts to 279 square metres (3,003 sq. ft.) thus providing an adequate building envelope for construction of a house and accessory buildings. To provide the same building envelope allowance on an undersized rural zoned lot with a 15% lot coverage restriction, the lot area would have to be
twice that of the R930 Zoned lot, which means a minimum lot area of 1,860 square metres or 20,020 square feet is needed.

On this basis, a maximum 1,860 square metres (20,020 sq. ft.) lot area has been used to determine the appropriate size to which flexibility on lot coverage, impervious surface and setbacks will be applied to these legally non-conforming lots. The undersized and conforming rural zoned properties larger than 1,860 square metres appear to have adequate building envelopes thus suggesting that the 15% lot coverage allowance should be maintained for rural lots with areas greater than 1,860 square metres (20,020 sq. ft.)

To allow for increased lot coverage on the rural zoned lots smaller than 1,860 square metres a number of possible options have been explored with respect to how the flexibility should be applied and worded in the Zoning Bylaw. The figure below illustrates how the recommended bylaw text change will apply to all undersized rural properties in Mission. The (red) dashed line represents a lot coverage of 30% for lots less than 1,860 square metres where all other lots will be restricted to a 15% lot coverage allowance.

While every effort has been made to address the specific challenges faced each of the legally non-conforming rural properties in Mission, flexibility to building envelope allowances could not exceed those currently applied to similar sized urban lots in Mission. The figure above shows that not only that the majority of non-conforming properties in both the Hatzic and Silvermere Lake areas have been captured within the proposed text change, it also indicates that many properties still have the potential to expand their current building envelopes and improve their properties through renovations and additions to existing dwellings and buildings or to apply for new home construction.

Building setbacks

Applying rural zone building setback requirements (which are slightly larger) to undersized lots particularly in Benbow area further limits the buildable area on the properties. Although the
required setbacks can be reduced on a case by case basis by way a variance permit, introducing appropriate setbacks as part of this text amendment will resolve most properties’ setback issue without the need for additional permits. Due to the similarity in area of these undersized rural zoned lots to their urban counterparts, urban setbacks are recommended for undersized rural properties. It is also noted that as many of the buildings on these properties already have reduced setbacks through grandfathering, any new construction or addition thereto should not impose a further contravention to the Bylaw.

*Impervious surface*

Since the impervious surface is directly related to the lot coverage allowances, the maximum impervious surface on undersized rural zoned lots should be increased relative to the lot coverage increase. The Zoning Bylaw currently allows 25% impervious surfaces with 15% lot coverage in rural zones. Should the lot coverage on the undersized rural zoned lots increase to 30%, it’s recommended that the impervious surface increase to 45% in keeping with the maximum allowable in the Urban 930 (R930) Zone.

*Secondary dwellings*

The OCP supports rezoning to allow a secondary dwelling provided they meet all applicable servicing requirements. As it is with applications for new construction or building additions on these undersized properties, rezoning applications to accommodate a secondary dwelling on an undersized lot are also not possible given the limited lot coverage and wider building setbacks. Therefore, it is recommended that a 35% lot coverage and 50% impervious surface provision along with smaller setbacks are applied to the undersized rural lots under Section 202 of the Zoning Bylaw. These requirements are in line with the lot coverage, impervious surface and setbacks seen with similar sized lots with the urban secondary dwelling residential zone (e.g., Urban 930 Secondary Dwelling Zone (R930s)).

**FINANCIAL IMPLICATIONS**

There are no financial implications to the District of Mission apart from the staff time needed to prepare this report and implement the proposed Zoning Bylaw text amendment. It is anticipated that some property owners in the Hatzic and Silvermere Lake neighbourhood, who were previously restricted in lot coverage, will apply to improve their properties thus resulting in some additional building permit activity and revenue.

**COMMUNICATION**

Following the 1st and 2nd readings of the proposed zoning amending bylaw, the established communication process will be initiated. In accordance with District’s Land Use Application Procedures and Fees Bylaw 3612-2003, notification to the owners and occupiers is not required if 10 or more parcels owned by 10 or more persons, are the subject of the bylaw amendment.

**SIGN-OFFS:**

Parissa Shafizadeh

Dan Sommer

Reviewed by:
Manager of Planning

Comment from Chief Administrative Officer
Reviewed.
WHEREAS, under the provisions of 903 of the *Local Government Act*, a Council may, by bylaw, divide the municipality into zones and regulate the use of land, buildings and structures within such zones;

AND WHEREAS the Council of the District of Mission has adopted "District of Mission Zoning Bylaw 5050-2009" and amended same from time to time;

AND WHEREAS the Council of the District of Mission deems it advisable and in the public interest to amend the Zoning Bylaw;

NOW THEREFORE the Council of the District of Mission, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as "District of Mission Zoning Amending Bylaw 5159-2010-2014-5050(18)".

2. "District of Mission Zoning Bylaw 5050-2009" as amended, is hereby further amended by adding the following to the noted sections:

   a) Section 201, Part D. Setbacks; the following provision:

      “1. b. Notwithstanding Section 201, Part D. 1. a , where a lot existed prior to October 2009 and has a Lot Area less than 1860 sq. m (20,020 sq. ft.), all Buildings and Structures for non-agricultural uses shall be sited in accordance with the following minimum setbacks:

      **Front** | **Rear** | **Interior Side** | **Exterior Side**
      ------- | ------- | -------------- | -------------
      Principal Building | 7.5 m (24.6 ft.) | 7.5 m (24.6 ft.) | 1.5 m (4.9 ft.) | 3.0 m (9.8 ft.)
      Accessory Building/Structure | 7.5 m (24.6 ft.) | 1.5 m (4.9 ft.) | 1.5 m (4.9 ft.) | 3.0 m (9.8 ft.)

   b) Section 201, Part E. Lot Coverage; the following provision:

      “2. Notwithstanding Section 201, Part E. 1, where a lot existed prior to October 2009 and has a Lot Area less than 1860 sq. m (20,020 sq. ft.), the Lot Coverage may be increased to 30%.”

   c) Section 201, Part G. Impervious Surfaces; the following provision:

      “2. Notwithstanding Section 201, Part G. 1, where a lot existed prior to October 2009 and has a Lot Area less than 1860 sq. m (20,020 sq. ft.), the Impervious Surfaces may be increased to 45%.”

   d) Section 202, Part D. Setbacks; the following provision:

      “1. b. Notwithstanding Section 202, Part D. 1. a , where a lot existed prior to October 2009 and has a Lot Area less than 1860 sq. m (20,020 sq. ft.), all Buildings and Structures for non-agricultural uses shall be sited in accordance with the following minimum setbacks:
<table>
<thead>
<tr>
<th>Principal Building</th>
<th>Front Side</th>
<th>Rear Side</th>
<th>Interior Side</th>
<th>Exterior Side</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.5 m (24.6 ft.)</td>
<td>7.5 m (24.6 ft.)</td>
<td>1.5 m (4.9 ft.)</td>
<td>3.0 m (9.8 ft.)</td>
<td></td>
</tr>
<tr>
<td>Accessory Building/Structure</td>
<td>7.5 m (24.6 ft.)</td>
<td>1.5 m (4.9 ft.)</td>
<td>1.5 m (4.9 ft.)</td>
<td>3.0 m (9.8 ft.)</td>
</tr>
</tbody>
</table>

e) Section 202, Part E. Lot Coverage; the following provision:

“2. Notwithstanding Section 202, Part E. 1, where a lot existed prior to October 2009 and has a Lot Area less than 1860 sq. m (20,020 sq. ft.), the Lot Coverage may be increased to 35%.”

f) Section 202, Part G. Impervious Surfaces; the following provision:

“2. Notwithstanding Section 202, Part G. 1, where a lot existed prior to October 2009 and has a Lot Area less than 1860 sq. m (20,020 sq. ft.), the Impervious Surfaces may be increased to 50%.”

READ A FIRST TIME this day of , 2014

READ A SECOND TIME this day of , 2014

ADVERTISED this day of October, 2014

PUBLIC HEARING held this day of , 2014

READ A THIRD TIME this day of , 2014

APPROVED BY THE MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE this ___ day of _______________, 2014

ADOPTED this day of , 2014

WALTER (TED) ADLEM, MAYOR

KEN BJORGAARD, CHIEF ADMINISTRATIVE OFFICER (Interim Corporate Officer)
Appendix 2
Hatzic Lake area (rural zoned properties outlined in bold)
Appendix 3
Silvermere Lake area (rural zoned properties outlined in bold)
DATE: October 6, 2014
TO: Mayor and Council
FROM: Parissa Shafizadeh, Planner
SUBJECT: Rezoning application (R14-018) to allow a secondary dwelling use in the form of a secondary suite
ATTACHMENT(S): Appendix 1 – Draft Zoning Amending Bylaw 5457-2014-5050(150)
Appendix 2 – Aerial Photo 2012
Appendix 3 – Secondary Suite Floor Plan
Appendix 4 – Inspection Services Comments
Appendix 5 – Engineering Comments
CIVIC ADDRESS: 33735 3rd Avenue
APPLICANT: Ryan Clifton
OCP: This application is in conformance with the current OCP designation of Urban Compact – Multiple Family
DATE APPLICATION COMPLETE: August 25, 2014
LOCATION:
LAND USE RECOMMENDATION(S):

Council consider and resolve:

1. That District of Mission Zoning Amending Bylaw 5457-2014-5050(150) to rezone the property located at 33735 3rd Avenue from Urban Residential 558 Zone (R558) to Residential Compact 465 Secondary Dwelling Zone (RC465s) be considered for 1st and 2nd readings at the Regular Council meeting on October 6, 2014; and

2. That following these readings, the bylaw be forwarded to a Public Hearing on October 20, 2014.

SUMMARY

An application has been received from Ryan Clifton seeking authorization to build a secondary suite within an owner occupied single-family dwelling located at 33735 3rd Avenue. To allow the secondary suite, a rezoning from Urban Residential 558 Zone (R558) to Residential Compact 465 Secondary Dwelling Zone (RC465s) is required. The draft Zoning Amending Bylaw is attached as Appendix 1. No subdivision application is associated with this rezoning application.

SITE CHARACTERISTICS

The subject property is 910 square metres (9,800 sq. ft.) in size and is fronted by 3rd Avenue at the north and Erskine Avenue at the south (Appendix 2). The property accommodates a single-family dwelling (comprised of an original one-storey rancher with an abutting two-storey newer addition (Appendix 3) and an accessory building. The applicant proposes to convert a section of the new addition into a secondary suite.

PLANNING ANALYSIS

Zoning Bylaw Compliance (Bylaw 5050-2009)

The subject property is currently zoned Urban Residential 558 (R558) and designated Residential Compact-Multiple Family in the OCP. The applicant is requesting to rezone the property to allow a secondary suite within an owner occupied single family dwelling.

Since the property is designated Residential Compact, a rezoning to a compact residential secondary dwelling zone is required. There are two compact secondary dwelling zones offered in the Zoning Bylaw (i.e., RC465s and RC372s), each with differing minimum lot size requirements. As the application is not for subdivision purposes and although the existing lot would be oversized for a compact lot, staff are recommending that the property be rezoned to RC465s which is nearest to the subject property with regards to the lot area. Any future development to create new residential compact or multiple family zoned lots will be reviewed as part of a subsequent rezoning application.

It should be noted that the applicant has not been requested to volunteer a community amenity contribution, since the rezoning is only to allow a secondary dwelling and not to facilitate a subdivision of land.

The proposed secondary suite has two separate entrances at the front and back yard (Appendix 3) and one off-street parking which is separate and unencumbered by the principal
residence’s off-street parking. The suite will be entirely enclosed within the building and will have adequate fire separation from the principal residence. The proposed suite meets all requirements of the Zoning Bylaw for a secondary suite including the maximum permitted floor space of 90 square metres (968.8 sq. ft.) and one off-street parking and a separate entrance.

OFFICIAL COMMUNITY PLAN COMPLIANCE (Bylaw 4052-2008)

A secondary suite use within a principal residential building is supported by a number of OCP policies including Policy 2.4.4, 2.5.1 and 2.5.3.

NEIGHBOURHOOD CHARACTER

The subject property is located within an established urban residential area of Mission and in a neighbourhood which is largely comprised of single-family dwellings on urban residential zoned lots with a number of urban compact and multiple-family residential developments. The area is designated Urban Compact-Multiple Family in the OCP with the potential for higher density development in the future. The property is located within walking distance to Heritage Park.

As part of this formal rezoning process that would allow the secondary suite, many of the complaints that typically arise when a new suite is introduced into an established neighbourhood area will be mitigated, including the provision of adequate off-street parking and private outdoor space. Therefore, it is anticipated that a rezoning the property to allow a secondary suite will have minimal impacts on the surrounding neighbourhood character and abutting roads.

COMMUNICATION

In accordance with Land Use Application Procedures and Fees Bylaw 3612-2003, the applicant has posted one (1) notification sign on the site summarizing the proposed rezoning application. Provided that a public hearing date is determined by Council:

i. The development notification sign will be modified to advertise the public hearing details (i.e., date, time and place) and a notice will be mailed to the owners and to occupiers of all properties within a distance of 152 metres (500 ft.) of the development site notifying them of the public hearing details;

ii. A notice of Public Hearing will be prepared in accordance with Bylaw 3612-2003 and the Local Government Act; and

iii. A pre-public hearing information package will be prepared to include copies of all pertinent documents and will be made available online or at municipal hall for public viewing (in accordance with Policy LAN. 50 - Pre-Public Hearing Information Packages).

REFERRALS

Inspection Services Division

The applicant is required to meet the BC Building Code requirements for secondary suites to the satisfaction of the Building Inspector (Appendix 4).

Engineering

The Engineering Department has no objection to the application subject to completion of engineering servicing requirements as outlined in Appendix 5.
INFORMATIONAL NOTES
That the Final Reading of the amending bylaw be held until such time the following outstanding requirements have been satisfied:

1. The BC Building Code requirements for secondary suites are addressed to the satisfaction of the District’s Building Inspector;
2. The applicant pays for and installs a residential water meter.

SIGN-OFFS:

Parissa Shafizadeh, Planner

Reviewed by:
Dan Sommer
Manager of Planning

Comment from Chief Administrative Officer
Reviewed.
WHEREAS, under the provisions of 903 of the Local Government Act, a Council may, by bylaw, divide the municipality into zones and regulate the use of land, buildings and structures within such zones;

AND WHEREAS the Council of the District of Mission has adopted "District of Mission Zoning Bylaw 5050-2009" and amended same from time to time;

AND WHEREAS the Council of the District of Mission deems it advisable and in the public interest to amend the Zoning Bylaw;

NOW THEREFORE the Council of the District of Mission, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as "District of Mission Zoning Amending Bylaw 5457-2014-5050(150)".

2. "District of Mission Zoning Bylaw 5050-2009" as amended, is hereby further amended by:
   a) rezoning the property located at 33735 3rd Avenue and legally described as:
      Parcel Identifier: 002-251-582
      Lot 8 District Lot 1 Group 3 New Westminster District Plan 6518
      from Urban Residential 558 Zone (R558) to Residential Compact 465 Secondary Dwelling Zone (RC465s); and
   b) amending the zoning maps accordingly.
Appendix 2
Arial Photo 2012

Subject property to be rezoned from R558 to RC465s to allow a secondary suite within an existing dwelling.
Appendix 3
Secondary Suite Floor Plan

Portion of new addition to be converted to a secondary suite
Appendix 4
Inspection Services Comments

From: Mike Rohde
Sent: September-08-14 4:26 PM
To: Planning Department
Subject: RE: Request for building inspector comments for R14-018 (Clifton) - 33735 3rd Avenue - Secondary Suite

The existing permit is only for an addition. As such see my comments below.

New permit required for secondary suite.
Plans are to verify proposed suite size and fire separation thereof.
Existing construction may have to be altered to allow for the suite to be the maximum size, and maintain the required fire separation of both units.

Mike Rohde
Senior Building Inspector – Development Services
Appendix 5
Engineering Comments

ENGINEERING DEPARTMENT REZONING COMMENTS

September 22, 2014

CIVIC ADDRESS: 33735 3rd Avenue

CURRENT ZONING: R558

PROPOSED ZONING: RC465s

1. DOMESTIC WATER REQUIREMENTS:
   Municipal water is available on 3rd Avenue and Erskine Avenue. The existing water service connection is to be fitted with a water meter.

2. SANITARY SEWER REQUIREMENTS:
   Municipal sanitary sewer is available on 3rd Avenue and Erskine Avenue. No further upgrading is required.

3. STORM SEWER REQUIREMENTS:
   Municipal storm sewer is available on 3rd Avenue and Erskine Avenue. No further upgrading is required.

4. ROAD WORK REQUIREMENTS:
   3rd Avenue and Erskine Avenue provide paved access to the site, no further upgrading required.

RECOMMENDATION

From an engineering point of view the rezoning application may proceed to final adoption once the water requirements have been met.

Prepared by

Sterling Chan
Engineering Technologist

Reviewed by

Tracy Kyle
Director of Engineering
FILE: LGMA 3360
P2014-035 R14-018

October 8, 2014

Dear Owner/Occupant:

Re: Public Hearing Notification for Rezoning Application R14-018 (Clifton) – 33735 3rd Avenue

As a property owner or neighboring resident to the subject property located at 33735 3rd Avenue, you are invited to attend a Public Hearing at 6:00 p.m. on Monday, October 20, 2014 and make known any comments that you may have.

The Public Hearing will be held in the Council Chambers of the Municipal Hall, 8645 Stave Lake Street, Mission, BC.

The following is an excerpt from the Public Hearing Notice:

- The purpose of the proposed amendment is to accommodate a secondary dwelling in the form of a secondary suite.

This bylaw proposes to amend District of Mission Zoning Bylaw 5050-2009 by amending the zoning of the following legally described property:

Parcel Identifier: 002-251-582 Lot 8 District Lot 1 Group 3 New Westminster District Plan 6518

From the Urban Residential 558 (R558) Zone to the Residential Compact 465 Secondary Dwelling (RC465s) Zone.

The location of the subject property is 33735 3rd Avenue and is shown on the following maps:
A copy of the proposed bylaws and reports relevant to this bylaw may be inspected at the Municipal Hall, Monday to Friday, excluding statutory holidays, from 8:00 a.m. to 4:30 p.m., from October 10, 2014 to October 20, 2014. The information is also available on our website at www.mission.ca by searching “upcoming public hearing”.

If you are unable to attend the Public Hearing, you may send a written submission, including your name and address, to the attention of Tina Penney, Acting Manager of Corporate Administration or email info@mission.ca by 4:00 p.m. on the Friday preceding the date of the Public Hearing. All submissions will form part of the record of the Hearing.

If you require additional information, please contact the Development Services Department at (604) 820-3748 or email planning@mission.ca.

Yours truly

(for)

Dan Sommer
MANAGER OF PLANNING
DATE: October 6, 2014
TO: Mayor and Council
FROM: Parissa Shafizadeh, Planner
SUBJECT: Rezoning application (R14-012) to allow a secondary dwelling use in the form of a secondary suite
ATTACHMENT(S):

- Appendix 1 – Draft Zoning Amending Bylaw 5456-2014-5050(149)
- Appendix 2 – Aerial Photo 2012
- Appendix 3 – Secondary Suite Floor Plan
- Appendix 4 – Inspection Services Comments
- Appendix 5 – Engineering Comments

CIVIC ADDRESS: 7876 Taulbut Street

APPLICANT: Evan Buttar

OCP: This application is in conformance with the current OCP designation: Urban Compact – Multiple Family

DATE APPLICATION COMPLETE: July 9, 2014

LOCATION:
LAND USE RECOMMENDATION(S):

Council consider and resolve:

1. That District of Mission Zoning Amending Bylaw 5456-2014-5050(149) to rezone the property located at 7876 Taubut Street from Urban Residential 558 Zone (R558) to Residential Compact 465 Secondary Dwelling Zone (RC465s) be considered for 1st and 2nd readings at the Regular Council meeting on October 6, 2014; and

2. That following these readings, the bylaw be forwarded to a Public Hearing on October 20, 2014.

SUMMARY

An application has been received from Mr. Buttar seeking to legalize the existing secondary suite within an owner occupied single family dwelling located at 7876 Taubut Street. To authorize the existing secondary suite use, a rezoning from Urban Residential 558 Zone (R558) to Residential Compact 465 Secondary Dwelling Zone (RC465s) is required. The draft Zoning Amending Bylaw is attached as Appendix 1. No subdivision application is associated with this rezoning application.

SITE CHARACTERISTICS

The subject property is 614 square metres (6,609 sq. ft.) in size and is located northeast of the intersection of Taubut Street and Ito Place (Appendix 2). The property contains a two-storey single family dwelling. Following a fire incident on the first floor of the dwelling, the applicant applied for a building permit to repair the damaged area. Further investigation revealed that there were two unauthorized secondary suites within the house.

Since the Zoning Bylaw does not allow a secondary suite in the R558 Zone, the applicant was required to rezone the property to a suite zone in order to legalize one of the existing suites. As the Zoning Bylaw does not allow more than one secondary dwelling unit in any zone; the applicant was required to remove the second unauthorized suite.

PLANNING ANALYSIS

Zoning Bylaw Compliance (Bylaw 5050-2009)

The property is currently zoned Urban Residential 558 (R558) and designated Residential Compact-Multiple Family in the Official Community Plan (OCP). The applicant is requesting to rezone the property to legalize one of the existing secondary suites located on the first floor of this owner occupied single family dwelling; the second suite is not permitted and has since been removed.

Since the property is designated Residential Compact, a rezoning to a compact residential secondary dwelling zone is required. There are two compact secondary dwelling zones offered in the Zoning Bylaw (i.e., RC465s and RC372s), each with differing minimum lot size requirements. As the application is not for subdivision purposes and although the existing lot would be oversized for a compact lot, staff are recommending that the property be rezoned to RC465s which is nearest to the subject property with regards to the lot area. Any future development to create new residential compact or multiple family zoned lots will be reviewed as part of a subsequent rezoning application.

It should be noted that the voluntary contribution of the Community Amenity is not applicable to this
application since the rezoning is to allow a secondary dwelling and not to facilitate a further subdivision.

According to the Zoning Bylaw, the existing secondary suite should have an entrance which is separate and unencumbered from the principal residence. The applicant is required to provide a revised plan showing that the existing suite has a separate entrance and meets all requirements of the BC Building Code including fire separation. The proposed area set aside for the secondary suite is approximately 61 square metres (656 sq. ft.) and falls within the floor space allowance of the Zoning Bylaw (i.e., 40% of the principal residence’s floor space to a maximum 90 square metres (968.8 sq. ft.)). Appendix 3 shows the floor plan of the proposed secondary suite.

The applicant is also required to provide at least one off-street parking space and a minimum 20 square metres (215.3 sq. ft.) of private outdoor space for the exclusive use of the secondary suite.

Although the applicant has removed the second unauthorized suite prior to the rezoning application, the District’s recently updated Ticket Information Bylaw (2646-1993) would be employed if the second suite were reinstated in the future. The Bylaw allows staff to issue a $1,000 fine for each day the illegal use is operating.

OFFICIAL COMMUNITY PLAN COMPLIANCE (Bylaw 4052-2008)

A secondary suite use within a principal residential building is supported by a number of OCP policies including Policy 2.4.4, 2.5.1 and 2.5.3.

NEIGHBOURHOOD CHARACTER

The subject property is located within an urban neighbourhood area comprised of single family dwellings on urban residential zoned lots. The area is designated Urban Compact-Multiple Family in the OCP with a potential for higher density development in the future. The property is located within walking distance to Centennial Park.

A formal rezoning process to allow the secondary suite would address many of the complaints that typically arise when a new suite is introduced into an established neighbourhood area, including the adequate provision of off-street parking and private outdoor space. Therefore, rezoning the property to allow a secondary suite will have minimal impacts on the surrounding neighbourhood character and abutting road streetscape and may improve any previous issues related to the two unauthorized suites at this location.

COMMUNICATION

In accordance with Land Use Application Procedures and Fees Bylaw 3612-2003, the applicant has posted one (1) notification sign on the site summarizing the proposed rezoning application. Provided that a public hearing date is determined by Council:

i. The development notification sign will be modified to advertise the public hearing details (i.e., date, time and place) and a notice will be mailed to the owners and to occupiers of all properties within a distance of 152 metres (500 ft.) of the development site notifying them of the public hearing details;

ii. A notice of Public Hearing will be prepared in accordance with Bylaw 3612-2003 and the Local Government Act; and

iii. A pre-public hearing information package will be prepared to include copies of all pertinent documents and will be made available online or at municipal hall for public viewing (in accordance with Policy LAN. 50 - Pre-Public hearing Information Packages).
**REFERRALS**

**Inspection Services Division**

The applicant is required to meet the BC Building Code requirements for secondary suites to the satisfaction of the Building Inspector (*Appendix 4*).

**Engineering**

The Engineering Department has no objection to the rezoning application subject to completion of engineering servicing requirement as outlined in *Appendix 5*.

**INFORMATIONAL NOTE**

That the Final Reading of the amending bylaw be held until the following has been satisfied:

1. The BC Building Code requirements for secondary suites are addressed to the satisfaction of the District’s Building Inspector;
2. The applicant pays for and installs a residential water meter.

**SIGN-OFFS:**

Parissa Shafizadeh, Planner

Reviewed by:
Dan Sommer  
Manager of Planning

Comment from Chief Administrative Officer
Reviewed.
Appendix 2  
Ariel Photo 2012
Appendix 3
Secondary Suite Floor Plan

Portion of the first floor designated as a secondary suite use
Appendix 4
Inspection Services Comments

Erika Duplissie

From: Mike Rohde
Sent: September-09-14 3:53 PM
To: Erika Duplissie; Parissa Shafizadeh
Subject: RE: Referral (R14-012 Buttar)

Hi Parissa,
I am forwarding my comments for the proposed suite.
The existing building did not contain any suites at the time of construction. The building had 2 suites located in the building at the time of the fire. One suite has been removed to the best of my knowledge. Pat Northup was dealing with that part of it.
There are many upgrades that need to be done as part of the suite installation. Please get a layout to confirm size and possible issues that may arise with fire separation due to construction as it is. This needs to be reviewed by us and discussed with you and the applicant prior to doing the report to Council for the rezoning.

Mike Rohde
Senior Building Inspector – Development Services

District of Mission
8645 Stave Lake Street, PO Box 20, Mission, BC, V2V 4L9
Phone: 604-820-3728 | Fax: 604-826-7951
Email: mrohde@mission.ca
Website: www.mission.ca

PLEASE NOTE: This message is intended solely for the use of the individual or organization to whom it is addressed and may contain information that is privileged, confidential and prohibited from disclosure under the Freedom of Information and Protection of Privacy Act and other applicable laws. Any other reproduction, distribution or disclosure is strictly prohibited.

~ please consider the environment before printing this e-mail

From: Erika Duplissie
Sent: September-09-14 3:12 PM
To: Mike Rohde; Al Hooge; Nelson Wall; Darrell Johnson
Subject: Referral (R14-012 Buttar)

I have been asked to send you this referral regarding a rezoning application at 7876 Taulbut Street (R14-012). The purpose of the rezoning is to allow for a secondary suite. If you have any comments to provide, please forward them to Parissa. Rezoning application is attached for your reference.

Thank you,

Erika Duplissie
Administrative Clerk – Land Use
Development Services – Planning Division
Appendix 5
Engineering Comments

ENGINEERING DEPARTMENT REZONING COMMENTS

September 22, 2014

CIVIC ADDRESS: 7876 Taulbut Street
CURRENT ZONING: R558
PROPOSED ZONING: RC465s

1. DOMESTIC WATER REQUIREMENTS:

Municipal water is available on Taulbut Street and Ito Place. The existing water service connection is to be fitted with a water meter.

2. SANITARY SEWER REQUIREMENTS:

Municipal sanitary sewer is available on Taulbut Street and Ito Place. No further upgrading is required.

3. STORM SEWER REQUIREMENTS:

Municipal storm sewer is available on Taulbut Street and Ito Place. No further upgrading is required.

4. ROAD WORK REQUIREMENTS:

Taulbut Street provides paved access to the site, no further upgrading required.

RECOMMENDATION

From an engineering point of view the rezoning application may proceed to final adoption once the water requirements have been met.

Prepared by
Sterling Chan
Engineering Technologist

Reviewed by
Tracy Kyle
Director of Engineering
Dear Owner/Occupant:

Re: Public Hearing Notification for Rezoning Application R14-012 (Buttar) – 7876 Taulbut Street

As a property owner or neighboring resident to the subject property located at 7876 Taulbut Street, you are invited to attend a Public Hearing at 6:00 p.m. on Monday, October 20, 2014 and make known any comments that you may have.

The Public Hearing will be held in the Council Chambers of the Municipal Hall, 8645 Stave Lake Street, Mission, BC.

The following is an excerpt from the Public Hearing Notice:

The purpose of the proposed amendment is to accommodate a secondary dwelling in the form of a secondary suite.

This bylaw proposes to amend District of Mission Zoning Bylaw 5050-2009 by amending the zoning of the following legally described property:

Parcel Identifier: 018-595-090 Lot 2 Section 21 Township 17 New Westminster District Plan LMP14061

From the Urban Residential 558 (R558) Zone to the Residential Compact 465 Secondary Dwelling (RC465s) Zone.

The location of the subject property is 7876 Taulbut Street and is shown on the following maps:
A copy of the proposed bylaws and reports relevant to this bylaw may be inspected at the Municipal Hall, Monday to Friday, excluding statutory holidays, from 8:00 a.m. to 4:30 p.m., from October 10, 2014 to October 20, 2014. The information is also available on our website at www.mission.ca by searching “upcoming public hearing”.

If you are unable to attend the Public Hearing, you may send a written submission, including your name and address, to the attention of Tina Penney, Acting Manager of Corporate Administration or email info@mission.ca by 4:00 p.m. on the Friday preceding the date of the Public Hearing. All submissions will form part of the record of the Hearing.

If you require additional information, please contact the Development Services Department at (604) 820-3748 or email planning@mission.ca.

Yours truly

(for)

Dan Sommer
MANAGER OF PLANNING
## NUMBER OF INMATES AT MISSION INSTITUTION

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<tr>
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## TRANSFERS FOR THE MONTH

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## RELEASES FOR THE MONTH

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## NUMBER COMPLETED OR ON-GOING FOR THE MONTH

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*Figure does not include Medical Temporary Absences
Major Offence Profile

Offenders profile at the specified site and proportion for each major offence

MISSION INSTITUTION

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<td>FAIL TO ATTEND COURT - UNDER/RECOG (003640)</td>
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<td>RAPE (004120)</td>
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<td>ASSAULT CAUSING BODILY HARM (008060)</td>
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<td>1.41%</td>
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<tr>
<td>BREAK ENTER AND COMMIT (009980)</td>
<td>16</td>
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</tr>
<tr>
<td>POSS PROP OBT BY CRIME-OVER (010180)</td>
<td>3</td>
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</tr>
<tr>
<td>POSS PROPERTY OBTAINED BY CRIME - UNDER (010190)</td>
<td>1</td>
<td>0.20%</td>
</tr>
<tr>
<td>FRAUD OVER (010820)</td>
<td>3</td>
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</tr>
<tr>
<td>FRAUD UNDER (010850)</td>
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</tr>
<tr>
<td>MISCHIEF IN RELATION TO OTHER PROP (012520)</td>
<td>3</td>
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</tr>
<tr>
<td>ARSON - DISREGARD FOR HUMAN LIFE (012580)</td>
<td>2</td>
<td>0.40%</td>
</tr>
<tr>
<td>ATTEMPT IND OFFENCE (013280)</td>
<td>2</td>
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</tr>
<tr>
<td>ATTEMPT ALL OTHER INDICTABLE OFFENCES (013320)</td>
<td>1</td>
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</tr>
<tr>
<td>COUNSELLING IND OFFENCE NOT COMMITTED (013340)</td>
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<tr>
<td>CONSPIRE TO COMMIT MURDER (013360)</td>
<td>4</td>
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</tr>
<tr>
<td>CONSPIRE TO COMMIT IND OFF (013380)</td>
<td>4</td>
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</tr>
<tr>
<td>DANGEROUS SEXUAL OFFENDER (013640)</td>
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</tr>
<tr>
<td>OFFENCE UNDER PROV STATUTES OF B.C. (013750)</td>
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<tr>
<td>OFFENCE UNDER THE INCOME TAX ACT (013900)</td>
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</tr>
<tr>
<td>Offence Description</td>
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<td>Percentage</td>
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<tr>
<td>----------------------------------------------------------</td>
<td>-----------</td>
<td>------------</td>
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<tr>
<td>OFFENCE UNDER THE YOUNG OFFENDERS ACT (014190)</td>
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<tr>
<td>PRINT/PUBLISH CHILD PORNOGRAPHY (014220)</td>
<td>3</td>
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<tr>
<td>POSSESS CHILD PORNOGRAPHY (014260)</td>
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<tr>
<td>USE IMIT FIREARM WHILE COMMITTING (014690)</td>
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</tr>
<tr>
<td>CAUSE DEATH BY CRIM NEGL - ALL OTHERS (014730)</td>
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<td>0.20%</td>
</tr>
<tr>
<td>MANSLAUGHTER - USE FIREARM (014740)</td>
<td>2</td>
<td>0.40%</td>
</tr>
<tr>
<td>MANSLAUGHTER - ALL OTHERS (014750)</td>
<td>14</td>
<td>2.81%</td>
</tr>
<tr>
<td>ATT MURDER - USE FIREARM (014760)</td>
<td>2</td>
<td>0.40%</td>
</tr>
<tr>
<td>ATT MURDER - ALL OTHERS (014770)</td>
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<tr>
<td>CBH W/INT TO WOUND - DISCH FIREARM (014780)</td>
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<td>0.20%</td>
</tr>
<tr>
<td>SEXUAL ASSAULT W/WEAPON - ALL OTHERS (014850)</td>
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</tr>
<tr>
<td>AGG. SEXUAL ASSAULT - ALL OTHERS (014930)</td>
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<tr>
<td>KIDNAP - UNLAWFULLY CONFINE - FIREARM (014940)</td>
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</tr>
<tr>
<td>KIDNAP - UNLAWFULLY CONFINE - ALL OTHERS (014970)</td>
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<tr>
<td>KIDNAP - HOLD FOR RANSOM - ALL OTHERS (014990)</td>
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<tr>
<td>ROBBERY - ALL OTHERS (015050)</td>
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<tr>
<td>EXTORTION - ALL OTHERS (015070)</td>
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</tr>
<tr>
<td>FAIL TO COMPLY W/ PROBATION ORDER (015080)</td>
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<tr>
<td>FAIL TO COMPLY W/ PROBATION ORDER (015090)</td>
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<tr>
<td>POS. SCHEDULE I SUBSTANCE (015170)</td>
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<tr>
<td>POSS SCHEDULE II SUBSTANCE (015180)</td>
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<tr>
<td>POSS SCHEDULE II SUBSTANCE (015190)</td>
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<tr>
<td>POSS SCHEDULE II SUBSTANCE (015200)</td>
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<td>TRAFFIC IN SCHEDULE I/II SUBSTANCE (015280)</td>
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</tr>
<tr>
<td>POSS SCHEDULE I/II SUBST FOR PURP TRAFF (015340)</td>
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</tr>
<tr>
<td>IMPORT/EXPORT SCHED I/II SUBST (015400)</td>
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<tr>
<td>PRODUCTION OF SCHED I/II SUBST (015500)</td>
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<tr>
<td>FTC W/ COND. OF UNDER. (015640)</td>
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<tr>
<td>POSSESS WEAPON/DANG PURPOSE (015900)</td>
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<tr>
<td>CARRY CONCEALED WEAPON (015940)</td>
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<tr>
<td>UNAUTHORIZED POSSESSION/FIREARM (015950)</td>
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<tr>
<td>POSS FIREARM KNOWING UNAUTH (015990)</td>
<td>1</td>
<td>0.20%</td>
</tr>
<tr>
<td>POSS PROH/RESTR F/ARM W/AMMUN (016050)</td>
<td>4</td>
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</tr>
<tr>
<td>B E &amp; COMMIT - NOT DWELLING HOUSE (016490)</td>
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<tr>
<td>DISTRIBUTION OF CHILD PORNOGRAPHY (017040)</td>
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<tr>
<td>ACCESSING CHILD PORNOGRAPHY (017060)</td>
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<tr>
<td>CRIMINAL HARASSMENT (017120)</td>
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<tr>
<td>RAPE (017150)</td>
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<tr>
<th>Offense Description</th>
<th>Count</th>
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<tr>
<td>Break Enter to Steal Firearm (017300)</td>
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<tr>
<td>Robbery to Steal Firearm (017330)</td>
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</tr>
<tr>
<td>Discharge Rest/Proh Firearm W/Intent (017600)</td>
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<td>0.20%</td>
</tr>
<tr>
<td>Sex Assault W/Weapon- Firearm All Other (017670)</td>
<td>1</td>
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</tr>
<tr>
<td>Robbery - Use Rest/Proh Firearm (017820)</td>
<td>3</td>
<td>0.60%</td>
</tr>
<tr>
<td>Robbery - Use Firearm All Other (017830)</td>
<td>4</td>
<td>0.80%</td>
</tr>
<tr>
<td>Disch Firearm Reckless Life / Safety (018080)</td>
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<td>0.20%</td>
</tr>
<tr>
<td>Identity Fraud W/Int to Gain Advantage (018410)</td>
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</tr>
<tr>
<td>Motor Vehicle Theft (018490)</td>
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<td>0.20%</td>
</tr>
<tr>
<td>Sexual Assault (018760)</td>
<td>4</td>
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<tr>
<td>Production of Cannabis (019130)</td>
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<tr>
<td>Utter Threat to Cause Death/Harm (7925)</td>
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</tbody>
</table>

**Total Number of Offenders:** 498
District of Mission Report Enclosures:

- District of Mission Public Safety Committee Report
- Definitions
- Major Offence Profile
- Institutional Programming and Community Involvement
TEMPORARY ABSENCES AND DAY PAROLE

Temporary Absences (TAs) and Day Paroles allow the temporary release of offenders from institutions in order to access programs and services available in the community. All provinces/territories operate TA programs, and TAs may be granted for personal development, medical, compassionate, employment, administrative, parental or family-related reasons. In most cases, TAs are utilized for pre-parole preparation and planning.

TA's are either escorted (ETAs) or unescorted (UTAs). Typically, ETAs are not longer than eight hours and UTAs may run from 8 hours to 60 days. The type of offence and sentence length determines whether the Correctional Service of Canada or the National Parole Board has authority to issue TAs. In simplistic form, the National Parole Board determines all TAs for offenders serving Life sentences and for other violent offences that resulted in serious harm to the victims. The Warden, as the head of the releasing institution, retains complete responsibility for the final clearance of offenders being released on TAs and provides a written recommendation to the N.P.B. when they possess the legal authority.

As a general rule, all offenders are eligible for E.T.A.s the moment they commence their federal sentences. In practice however, very few offenders will receive authorization for TAs early within their sentence, with the exception of TAs for medical and compassionate purposes. As a general rule, medical and compassionate TAs are escorted by what is determined as a security escort (two officers who possess and utilize restraint equipment). However, for other types of ETAs, the offender is usually escorted by one officer only. Variations in the level of security exist and is determined by assessing the level of risk the offender poses to the public.

In terms of offender's eligibility for UTAs, this is determined by legal calculations of eligibility and varies from one offender to another depending on their sentence length. In the case of offenders serving a Life sentence, UTA eligibility is calculated as three years before their full parole eligibility date.

Federal offenders may qualify to participate in work release programs outside of the correctional institution for a specified period of time. These type of releases could see a single offender going out to work as well as groups of offenders. However, they are usually escorted by at least one officer. In addition, UTAs may be granted to allow offenders to participate in personal development programs or community service projects. UTAs are generally granted for a maximum period of 15 days, although if the UTA is for participation in a personal development program, it may be extended to 60 days, renewable.

Day Parole is a flexible form of release that provides an opportunity for correctional officials to employ gradual release, preparing the inmate for release on full parole and allowing the inmate the opportunity to participate in community-based programs and become readjusted to life outside the institution.

Federal offenders, with the exception of those inmates in preventive detention or serving indeterminate sentences, are eligible for day parole six months prior to their parole eligibility date or after having served six months of their sentence, whichever is longer. The majority of the inmates on day parole reside in community-based facilities operated by the provincial and federal corrections services or by private agencies on contract with the Correctional Service.

FULL PAROLE

Full Parole is a program of conditional release that allows inmates to serve a portion of their sentence in the community under supervision. Inmates are generally eligible for full parole after serving one-third of their sentence or seven years, whichever is shorter. Under the Corrections and Conditional Release Act enacted in 1992, however, sentencing judges have the authority to set the parole eligibility for offenders convicted of violent and serious drug offences at one-half rather than one-third of the sentence. In such cases, the period until parole eligibility cannot exceed ten years. Federal inmates serving Life sentences are eligible for parole consideration after seven years in confinement, dated from the day the offender was arrested and taken into custody. The exception to this are situations in which an offender is serving a Life sentence with a mandatory minimum sentence. For example, a First Degree Murder conviction carries a mandatory 25 years confinement before parole eligibility.

STATUTORY RELEASE

Statutory Release has its origins in an amendment to the Parole Act in 1970, which created a mechanism to provide assistance and control during the offender's readjustment to life in the community for inmates who had been denied parole. In contrast to parole, statutory release involves the release of offenders from the institution after serving two-thirds of their sentence, with the remaining one-third being served under supervision of the National Parole Board in the community.

Inmates released under statutory release are supervised by parole officers and must abide by mandatory and any additional conditions set by the NPB that are deemed necessary to successfully manage the offender's risk in the community. A violation of the conditions can result in suspension and revocation and return to the institution where the offender may have to serve the remainder of his sentence.

Inmates can be Detained by the NPB and thus not released on statutory release. However, it has been determined in law that offenders have the right to be released after serving two thirds of their sentences and thus, to detain an offender, there must be significant grounds to establish that the offender would constitute a grievous threat to the community, or any member thereof, if released. Following completion of their sentence, (Warrant Expiry Date), these inmates are released into the community without any supervision or assistance. However, recent changes in the Corrections and Conditional Release Act have made provisions to allow for the supervision of some offenders beyond their Warrant Expiry dates. However, the changes in this law are not retroactive to offenders currently serving sentences and will likely involve a very small group of offenders determined to be extremely dangerous.
DATE: October 20, 2014
TO: Mayor and Council
FROM: Tracy Kyle, Director of Engineering & Public Works
SUBJECT: Engineering & Public Works Project Updates
ATTACHMENT(S): Spreadsheet Outlining Status of Projects

This report is provided for information purposes only. No staff recommendation accompanies this report and Council action is not required.

PURPOSE:
The purpose of this report is to update Council on the 2014 Engineering & Public Works capital projects.

BACKGROUND:
Staff reported to Council on May 20, 2014 with a 2014 capital project update. This report provides Council with up-to-date information on the 2014 capital projects.

DISCUSSION AND ANALYSIS:
There are 52 capital projects within 7 areas of buildings, roads, drainage, public works, waste management, water and sewer. A few of the larger value, priority projects are listed below. Attached (Attachment 1) is a spreadsheet listing all capital projects with descriptions, budgets and remarks for each.

Municipal Buildings:
- Energy efficient upgrades to facilities – Budget $1,370,125
  - Project work is complete. Documentation for funding partners to secure grants is now being finalized.
- RCMP Building Critical Safety Works – Budget $760,000
  - Project underway with detailed design work complete.
  - Site works scheduled to start mid-October with completion in early 2015.

Roads:
- Paving Program - Budget $1,200,000
  - Paving on Cherry Avenue, Cedar Street, Seventh Avenue, Richards Avenue, Hawthorne Avenue, Waxberry Avenue, Dewdney Trunk Road, Ferguson Avenue and Ihles Avenue will be complete in October.
• Master Transportation Plan – Budget $100,000
  o Contract awarded and work is underway.
  o Project expected to take 8 to 12 months to complete.

• Cedar Street and & Seventh Avenue Intersection Design – Budget $76,000
  o Consultant selected through RFP process.
  o Work is underway with completion in October.

Drainage:

• Drainage condition assessment and repairs – Budget $90,000
  o CCTV work is complete.
  o Contract for trenchless repairs awarded and works to be complete by end of the year.

• Culverts at Seventh Avenue/Murray Street and Seventh Avenue/Horne Street – Budget $172,000
  o Initial assessments complete and have revealed structural integrity issues.
  o Further investigations scheduled for October during Fisheries window.
  o Resolution to structural problems will be developed after investigations complete.
  o Work likely need to be delayed to next Fisheries window in 2015.

Waste Management:

• Washrooms and Safety Upgrades at Landfill – Budget $66,000
  o Work near completion with a few deficiencies.

• Compost Building – Budget $210,000
  o Work underway and scheduled to be complete in October.

Water:

• Water Condition Assessment/Replacement – Budget $1,000,000
  o The Hawthorne Avenue, Waxbury Street and Rosetta Avenue projects are well underway or complete.
  o Lougheed Highway watermain replacement is scheduled for completion by the end of the year.

Sewer:

• Sewer Condition Assessment/Replacement – Budget $359,000
  o Assessments in many areas are complete.
  o Trenchless point repair contract awarded and work to be complete by end of year.

FINANCIAL IMPLICATIONS:
No financial implications are associated with this report.

COMMUNICATION:
No communication action is required.
SUMMARY AND CONCLUSION:

The majority of projects slated for completion in 2014 are on track and it is expected that most will be completed within the year.

SIGN-OFFS:

Tracy Kyle, Director of Engineering & Public Works

Comment from Chief Administrative Officer
Reviewed.
## 2014 Capital Project Status List

<table>
<thead>
<tr>
<th>Item #</th>
<th>Project Name</th>
<th>Funding Source</th>
<th>Project Description</th>
<th>Budget</th>
<th>Project Status</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Municipal Building</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Energy Efficient Upgrades Facilities - CFwd</td>
<td>GCR Gas Tax</td>
<td>Phase 1 retrofits the mechanical and control systems at the Leisure Centre (Pool, Arena and HVAC). Phase 2 retrofits the lighting systems at the Leisure Centre, City Hall, Fire Hall No 1 and the RCMP buildings.</td>
<td>$ 709,285</td>
<td>Complete</td>
<td>Project is complete.</td>
</tr>
<tr>
<td>2</td>
<td>Library - Misc. Building Capital (ongoing)</td>
<td>GCR</td>
<td>Miscellaneous building capital (ongoing)</td>
<td>$ 1,114</td>
<td>Complete</td>
<td>Dishwasher installation complete.</td>
</tr>
<tr>
<td>3</td>
<td>Municipal Hall - Upper Level Flooring</td>
<td>GCR</td>
<td>Upper level flooring</td>
<td>$ 9,560</td>
<td>Deferred</td>
<td>Deferred pending other physical improvements to City Hall.</td>
</tr>
<tr>
<td>4</td>
<td>RCMP Building Issues - CFwd</td>
<td></td>
<td>Critical safety issues being addressed this year.</td>
<td>$ 761,366</td>
<td>In Progress</td>
<td>Initial design work well underway. Refined cost estimate expected early October. Works will progress into beginning of 2015.</td>
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<tr>
<td>5</td>
<td>Roof Asset Management Program for District Facilities</td>
<td>GCR</td>
<td>Review of municipal hall roof.</td>
<td>$ 188,000</td>
<td>In Progress</td>
<td>Funding secured at COJW on September 15, 2014. Tender closed on October 7. Works to be complete by end of year (weather permitting).</td>
</tr>
<tr>
<td><strong>Roads</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>6</td>
<td>Design for Future Widening of Cedar Street &amp; 7th Avenue Intersection</td>
<td>RDSDCC&quot;A&quot;*</td>
<td>Design for widening the intersection and approaches. Physical works to be completed when DCC funds available and growth warrants.</td>
<td>$ 76,010</td>
<td>In Progress</td>
<td>Preliminary design work completed. Staff are reviewing and then the consultant will start detailed design.</td>
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<td>7</td>
<td>Improvements Next to Subdivisions (ongoing)</td>
<td>GCR</td>
<td>As needed basis.</td>
<td>$ 34,624</td>
<td>As Needed</td>
<td>Annual budget</td>
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<td>8</td>
<td>Intersection Signals - Slave Lake Street &amp; Cherry Avenue - CFwd</td>
<td>DCC</td>
<td>Developer has paid for the intersection light.</td>
<td>$ 188,000</td>
<td>In Progress</td>
<td>Design work underway. Construction/installation will proceed when traffic volumes warrant it.</td>
</tr>
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<td>9</td>
<td>Paving Program (ongoing)</td>
<td>RDSD</td>
<td>Annual asphalt rehabilitation program.</td>
<td>$ 761,573</td>
<td>In Progress</td>
<td>Contract awarded and the work is underway.</td>
</tr>
<tr>
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<td>Paving Program (ongoing)</td>
<td>SURP</td>
<td>Annual asphalt rehabilitation program.</td>
<td>$ 100,000</td>
<td>In Progress</td>
<td>Contract awarded and the work is underway.</td>
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<td>11</td>
<td>Paving Program (ongoing)</td>
<td>MAJOR</td>
<td>Annual asphalt rehabilitation program.</td>
<td>$ 100,000</td>
<td>In Progress</td>
<td>Contract awarded and the work is underway.</td>
</tr>
<tr>
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<td>Paving Program (ongoing)</td>
<td>GCR</td>
<td>Annual asphalt rehabilitation program.</td>
<td>$ 225,000</td>
<td>In Progress</td>
<td>Contract awarded and the work is underway.</td>
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<tr>
<td>13</td>
<td>Transportation Study - CFwd</td>
<td>RDSDCC&quot;A&quot;*</td>
<td>Master Transportation Plan.</td>
<td>$ 100,000</td>
<td>In Progress</td>
<td>Work underway and will progress into 2015.</td>
</tr>
<tr>
<td>14</td>
<td>Upgrade Intersections with Audible Pedestrian Crossing Devices - Traffic Safety Monitoring &amp; Improvement</td>
<td>GCR</td>
<td>Upgrade intersections with audible pedestrian crossing devices.</td>
<td>$ 7,210</td>
<td>Complete</td>
<td>Completed (Lougheed Highway at Park street)</td>
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<tr>
<td>15</td>
<td>Walkways &amp; Sidewalks (ongoing)</td>
<td>GCR</td>
<td>Annual sidewalk installations.</td>
<td>$ 72,525</td>
<td>As Needed</td>
<td>Annual budget</td>
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<tr>
<td><strong>Drainage</strong></td>
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<td></td>
<td></td>
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<tr>
<td>16</td>
<td>Culvert Lining - 7th Avenue &amp; Home Street</td>
<td>GCR</td>
<td>Assess and repair cross culvert.</td>
<td>$ 86,284</td>
<td>In Progress</td>
<td>Final structural review completed during the Fisheries window. Secondary inspection required early October. Final report due shortly after.</td>
</tr>
<tr>
<td>17</td>
<td>Culvert Lining - 7th Avenue &amp; Murray Street</td>
<td>GCR</td>
<td>Assess and repair cross culvert.</td>
<td>$ 86,467</td>
<td>In Progress</td>
<td>Final structural review completed during the Fisheries window. Report due early October.</td>
</tr>
<tr>
<td>18</td>
<td>DCC Program Review &amp; Update - CFwd</td>
<td>GCR</td>
<td>DCC program review &amp; update.</td>
<td>$ 21,000</td>
<td>Deferred</td>
<td>A DCC review is pending several factors, including Development Bylaw draft approval, Cedar Valley Development Comprehensive Plan, agreement on a project related to future water supply within the regional water capital plan, and a full picture of sanitary and storm utility structural conditions. Deferred to 2015.</td>
</tr>
<tr>
<td>Item #</td>
<td>Project Name</td>
<td>Funding Source</td>
<td>Project Description</td>
<td>Budget</td>
<td>Project Status</td>
<td>Remarks</td>
</tr>
<tr>
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<td>---------------------</td>
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<td>----------------</td>
<td>---------</td>
</tr>
<tr>
<td>19</td>
<td>Drainage Condition Assessment - CFwd</td>
<td>GCR</td>
<td>Eye testing downtown, survey and possibly CCTVing. Also trenchless spot repairs throughout District.</td>
<td>$ 89,322</td>
<td>In Progress</td>
<td>Contract for works awarded late September. Works scheduled to be complete in December.</td>
</tr>
<tr>
<td>20</td>
<td>Gaudin Creek Relocation - CFwd</td>
<td>GCR &amp; Cedar Valley DCC</td>
<td>Includes a study on the effect of narrowing the corridor from 40m to 20m and whether the downstream culverts are good enough for this change.</td>
<td>$ 21,443</td>
<td>Deferred</td>
<td>Project is contingent on development along Tunbridge Avenue.</td>
</tr>
<tr>
<td>21</td>
<td>General Drainage</td>
<td>GCR</td>
<td>Annual drainage installations.</td>
<td>$ 75,000</td>
<td>As Needed</td>
<td>A part of this budget is to be used for the storm sewer pipe rehab/ replacement at Cade Barr Street and 14th Avenue. The rest of the budget will be used annually per needed basis.</td>
</tr>
<tr>
<td>22</td>
<td>McFall Creek - Drainage issue</td>
<td>Unfunded</td>
<td>Development above the creek has caused excess of runoff which has caused slope failure and siltation in the creek.</td>
<td>-</td>
<td>Deferred</td>
<td>Initial works done to mitigate situation. Staff will report back in 2016, recommending if further actions is required.</td>
</tr>
</tbody>
</table>

**Public Works**

<table>
<thead>
<tr>
<th>Item #</th>
<th>Project Name</th>
<th>Funding Source</th>
<th>Project Description</th>
<th>Budget</th>
<th>Project Status</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>23</td>
<td>Electronic Ice Detection - Dewdney Trunk Road at Stave Lake Street</td>
<td>GCR</td>
<td>Electronic ice detection - Dewdney Trunk Road at Stave Lake Street.</td>
<td>$ 30,858</td>
<td>In Progress</td>
<td>Options are being reviewed.</td>
</tr>
<tr>
<td>24</td>
<td>Electronic Ice Detection - Stave Lake North</td>
<td>GCR</td>
<td>Road weather information stations - new installations or upgrades to existing equipment.</td>
<td>$ 7,004</td>
<td>In Progress</td>
<td>Options are being reviewed.</td>
</tr>
<tr>
<td>25</td>
<td>LED Replacement</td>
<td>GCR</td>
<td>Signal upgrades.</td>
<td>$ 31,935</td>
<td>In Progress</td>
<td>Work is underway.</td>
</tr>
</tbody>
</table>

**Waste Management**

<table>
<thead>
<tr>
<th>Item #</th>
<th>Project Name</th>
<th>Funding Source</th>
<th>Project Description</th>
<th>Budget</th>
<th>Project Status</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>26</td>
<td>Bobcat Equipment Purchase (Recycling Depot) - CFwd</td>
<td>Refuse Reserve</td>
<td>AMRD operating equipment replacement.</td>
<td>$ 12,000</td>
<td>Deferred</td>
<td>Deferral is due to uncertainty from MMBC Stewardship plan regarding continued existence of AMRD as a processing facility.</td>
</tr>
<tr>
<td>27</td>
<td>Cell C Surface Water Management (Landfill) - CFwd</td>
<td>Refuse Reserve</td>
<td>Placement of intermediate cover on finished parts of Cell C and relocation of clean surface runoff swale to keep leachate generation to a minimum.</td>
<td>$ 50,000</td>
<td>Deferred</td>
<td>Cell C is not filling as fast as we anticipated so changes to the Cell C clean surface water diversion system will not be necessary until 2016, possibly even later.</td>
</tr>
<tr>
<td>28</td>
<td>Compost Receiving Building (Landfill) - CFwd</td>
<td>Refuse Reserve</td>
<td>Steel and fabric storage structure for keeping compost dry and minimize leachate at the Mission Landfill. budget has been confirmed.</td>
<td>$ 209,765</td>
<td>In Progress</td>
<td>Project is progressing well and should complete in October 2014.</td>
</tr>
<tr>
<td>29</td>
<td>Design and Operating Plan (Landfill) - CFwd</td>
<td>Refuse Reserve</td>
<td>Update of 2008 D&amp;O Plan to reflect operational changes; changes in water/leachate handling &amp; treatment; disposal rates and landfill lifespan.</td>
<td>$ 40,000</td>
<td>In Progress</td>
<td>Funding secured at COW. CRA has been engaged to complete the plan.</td>
</tr>
<tr>
<td>30</td>
<td>Forklift Equipment Purchase (Recycling Depot) - CFwd</td>
<td>Refuse Reserve</td>
<td>AMRD operating equipment replacement.</td>
<td>$ 10,000</td>
<td>Deferred</td>
<td>Deferral is due to uncertainty from MMBC Stewardship plan regarding continued existence of AMRD as a processing facility.</td>
</tr>
<tr>
<td>31</td>
<td>Minor Capital</td>
<td>Refuse Reserve</td>
<td>Small, capital expenses, such as railing maintenance, pump replacements, signage, etc.</td>
<td>$ 69,924</td>
<td>As Needed</td>
<td>Annual budget.</td>
</tr>
<tr>
<td>32</td>
<td>Quonset: Prefab Steel Structure (Recycling Depot) - CFwd</td>
<td>Refuse Reserve</td>
<td>Steel and fabric storage structure for keeping recyclables dry at the AMRD.</td>
<td>$ 34,244</td>
<td>Deferred</td>
<td>Deferral is due to uncertainty from MMBC Stewardship plan regarding continued existence of AMRD as a processing facility.</td>
</tr>
<tr>
<td>33</td>
<td>Recycling Depot Sort Line Realignment (Recycling Depot) - CFwd</td>
<td>Refuse Reserve</td>
<td>Realignment to expand sorting capacity at AMRD.</td>
<td>$ 16,000</td>
<td>Complete</td>
<td>Project complete.</td>
</tr>
<tr>
<td>34</td>
<td>Storage Bunkers and Classroom Raising (Recycling Depot) - CFwd</td>
<td>Refuse Reserve</td>
<td>Class room to be raised because AMRD site is subject to flooding. Additional lock block storage bunkers required to contain unsorted recyclables.</td>
<td>$ 11,869</td>
<td>Deferred</td>
<td>Deferral is due to uncertainty from MMBC Stewardship plan regarding continued existence of AMRD as a processing facility.</td>
</tr>
<tr>
<td>35</td>
<td>Washroom Building and Safety Upgrades (Landfill) - CFwd</td>
<td>Refuse Reserve</td>
<td>Two staircases remain to be replaced as part of safety upgrades.</td>
<td>$ 65,695</td>
<td>Complete</td>
<td>Washroom is operational with a number of outstanding deficiencies.</td>
</tr>
<tr>
<td>Item #</td>
<td>Project Name</td>
<td>Funding Source</td>
<td>Project Description</td>
<td>Budget</td>
<td>Project Status</td>
<td>Remarks</td>
</tr>
<tr>
<td>-------</td>
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<td>---------------------------------------------------------</td>
<td>---------</td>
<td>-------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>36</td>
<td>Watermain Condition Assessment / Replacement</td>
<td>WCRF</td>
<td>2014 watermain replacement.</td>
<td>$1,000,000</td>
<td>In Progress 2014 Projects - 2 projects completed (Waxberry &amp; Hawthorne), 1 project almost complete (Rosetta). Ready to start on final project (Lougheed Highway).</td>
<td></td>
</tr>
<tr>
<td>37</td>
<td>Watermain Condition Assessment / Replacement - CFvd</td>
<td>WCRF</td>
<td>2013 watermain replacement.</td>
<td>$759,118</td>
<td>Complete 2013 Projects are completed.</td>
<td></td>
</tr>
<tr>
<td>38</td>
<td>Blowoff program</td>
<td>WCRF</td>
<td>Blowoff program.</td>
<td>$11,698</td>
<td>In Progress Work in progress for Hammond Street and Diamond Avenue.</td>
<td></td>
</tr>
<tr>
<td>39</td>
<td>DCC Review (see also #43077 &amp; #98663) - CFvd</td>
<td>WCRF</td>
<td>DCC review &amp; update.</td>
<td>$14,000</td>
<td>Deferred A DCC review is pending several factors, including Development Bylaw draft approval, Cedar Valley Development Comprehensive Plan, agreement on a project related to future water supply within the regional water capital plan, and a full picture of sanitary and storm utility structural conditions. Deferred to 2015.</td>
<td></td>
</tr>
<tr>
<td>40</td>
<td>Equipment - misc.</td>
<td>WCRF</td>
<td>Equipment as needed.</td>
<td>$4,094</td>
<td>As Needed Annual budget - (70% spent)</td>
<td></td>
</tr>
<tr>
<td>41</td>
<td>In-line Valve Program</td>
<td>WCRF</td>
<td>In-line valve program.</td>
<td>$5,732</td>
<td>As Needed Annual budget - (locations identified and work underway)</td>
<td></td>
</tr>
<tr>
<td>42</td>
<td>Residential Water Meter Pilot Project</td>
<td>WCRF</td>
<td>Installation of 500 Meters in existing (older) residential units.</td>
<td>$245,000</td>
<td>In Progress Meters were back-ordered for several months. Installation now underway. Approximately 50% complete.</td>
<td></td>
</tr>
<tr>
<td>43</td>
<td>Telemetry</td>
<td>WCRF</td>
<td>Review of existing SCADA system (update the software, the communications, screens, etc.)</td>
<td>$18,599</td>
<td>In Progress Initial review of systems complete. Individual consultations with stakeholders complete. Preliminary report due early October.</td>
<td></td>
</tr>
<tr>
<td>44</td>
<td>Third Party Work Orders</td>
<td>REC</td>
<td>Third party work orders.</td>
<td>$100,000</td>
<td>As Needed Annual budget</td>
<td></td>
</tr>
<tr>
<td>45</td>
<td>Upgrading PRV</td>
<td>WCRF</td>
<td>Upgrading PRV.</td>
<td>$5,849</td>
<td>As Needed Addressing Robin station issues</td>
<td></td>
</tr>
<tr>
<td>46</td>
<td>Water Contingency</td>
<td>WCRF</td>
<td>As-needed basis to fix unforeseeable problems.</td>
<td>$50,000</td>
<td>As Needed Nothing expected to date</td>
<td></td>
</tr>
<tr>
<td>47</td>
<td>DCC Review (see also #43077 &amp; #93005) - CFvd</td>
<td>SCRF</td>
<td>DCC review &amp; update.</td>
<td>$14,000</td>
<td>Deferred A DCC review is pending several factors, including Development Bylaw draft approval. Cedar Valley Development Comprehensive Plan, agreement on a project related to future water supply within the regional water capital plan, and a full picture of sanitary and storm utility structural conditions. Deferred to 2015.</td>
<td></td>
</tr>
<tr>
<td>48</td>
<td>Equipment - misc.</td>
<td>SCRF</td>
<td>Equipment as needed.</td>
<td>$5,615</td>
<td>As Needed Annual budget</td>
<td></td>
</tr>
<tr>
<td>49</td>
<td>Lift Station Upgrading</td>
<td>SCRF</td>
<td>Lift station upgrading.</td>
<td>$5,849</td>
<td>As Needed Annual budget</td>
<td></td>
</tr>
<tr>
<td>50</td>
<td>Sanitary Sewer Contingency</td>
<td>SCRF</td>
<td>As-needed basis to fix unforeseeable problems.</td>
<td>$50,000</td>
<td>As Needed Nothing expected to date</td>
<td></td>
</tr>
<tr>
<td>51</td>
<td>SCADA Monitoring</td>
<td>SCRF</td>
<td>SCADA monitoring.</td>
<td>$18,131</td>
<td>In Progress Every 2 years - Continue replacing MOTOROLA with ACE</td>
<td></td>
</tr>
<tr>
<td>52</td>
<td>Sewer Condition Assessment / Replacement</td>
<td>SCRF</td>
<td>Sewer condition assessment / replacement.</td>
<td>$358,722</td>
<td>In Progress Contact for works awarded early October. Works scheduled to be complete in December.</td>
<td></td>
</tr>
</tbody>
</table>

**Total 2014 Capital Budget** $6,969,484
DATE: October 20, 2014
TO: Mayor and Council
FROM: Sean McGinn, Acting Projects Engineer
SUBJECT: Mission RCMP Detachment Parking Lot Expansion

RECOMMENDATION(S): Council consider and resolve:
1. That the parking lot expansion at the Mission RCMP detachment be advanced from the 2015 budget to the 2014 budget, with funding from the Community Amenity Reserve Fund in the amount of $50,000, and;
2. That the District’s 2014 and 2015 financial plan be amended accordingly.

PURPOSE:
The purpose of this report is to recommend expanding the parking area at the RCMP building on Oliver Street immediately rather than constructing the expansion as previously scheduled in 2015, and adjusting the 2014 and 2015 capital budgets accordingly.

BACKGROUND:
The need for expanded parking space at the Mission RCMP detachment has been communicated and recognized for some time. The parking area of the facility has been outgrown by the needs of the employees and the public. There are currently 67 parking spaces at the building. Under current normal peak operating conditions, there are 25 RCMP members on site (with space required for 25 operational vehicles and 25 personal vehicles) and 25 municipal staff. There is also a requirement of 7 spaces for visitors. Therefore, a total of 82 spaces is a minimum functional level.

Additional parking, beyond 82 spaces, is necessary when additional personnel are on site for special events and for specialized investigation teams such as the Integrated Homicide Investigation Team or the Combined Forces Special Enforcement Unit. Taking into account the provision of minimal additional parking for activity at the building slightly above normal levels, 90 spaces is considered to be a practical number for the present time with additional space required as the community and its policing needs grows.

Council recently approved an expenditure of $50,000 for the construction of a parking lot extension in 2015.

DISCUSSION AND ANALYSIS:
Cell retro–fit works will commence at the detachment in the up-coming weeks and it has become very apparent that even with the extra spots already created on Oliver Street, the construction traffic will create an immediate shortage of parking at the facility that could interfere with both RCMP operations and the efficiency of the contractors conducting the retro-fit work. As a result, it is recommended that the parking expansion originally planned for 2015 be moved forward to 2014, with the addition of the
parking area to the north of the existing parking (there will be a total of 12 spaces created). The repainting of and addition of signage on the street front has clearly marked 8 parking spots on the street as well. The parking expansion work would be carried out by District Public Works crews.

FINANCIAL IMPLICATIONS:
Council previously approved a budget of $50,000 for the RCMP parking lot expansion in the 2015 Capital Budget, funded from the Community Amenity Reserve Fund. This report requests advancing that budget from 2015 to 2014. The Community Amenity Reserve Fund has adequate funds on hand to support advancing the budget, with a current uncommitted balance in excess of $1.2 million.

COMMUNICATION:
No communication action is required.

SUMMARY AND CONCLUSION:
There has been a shortage of parking spaces at the Mission RCMP detachment for some time. The District is currently working on some renovations for the building and parking lot expansion is scheduled for 2015. Staff are recommending that the parking lot expansion be moved to 2014.

SIGN-OFFS:

Sean McGinn, Acting Projects Engineer
Reviewed by:
Kris Boland, Manager of Finance

Tracy Kyle, Director of Engineering & Public Works
Reviewed by:
Comment from Chief Administrative Officer
Reviewed.
DATE: October 20, 2014
TO: Mayor and Council
FROM: Kerri Onken, Deputy Treasurer/Collector
SUBJECT: 2014 Annual Tax Sale

No staff recommendation accompanies this report and no Council action is required.

PURPOSE:
The purpose of this report is to provide an update to Council on the 2014 annual tax sale.

BACKGROUND:
Pursuant to Section 403 of the Local Government Act (LGA), the annual tax sale was held Monday, September 29, 2014 in the Council Chamber commencing at 10:00 am.

DISCUSSION AND ANALYSIS:
This year, five properties, which had delinquent taxes owing, were offered for sale by public auction. When the first newspaper advertisement was placed on September 12, 2014, there were 81 properties with delinquent taxes.

There were six people in attendance and of the five properties offered for sale, all were sold to individuals.

The one-year redemption period for these five properties will expire September 29, 2015. The current interest rate on tax sale refunds, as set by the Province, is 6%. The rate is subject to change and is set every four months, January 1st, May 1st and September 1st each year.

For your information, all ten properties sold at the September 30, 2013 annual tax sale have been redeemed.

FINANCIAL IMPLICATIONS:
There are no financial implications associated with this report.

COMMUNICATION:
No communication action is required.
SUMMARY AND CONCLUSION:

This year, five properties were offered for sale by public auction. Six people were in attendance with all five properties sold to individuals. The one-year redemption period for these five properties will expire September 29, 2015. The current interest rate on tax sale refunds is 6%.

The ten properties sold at the September 30, 2014 annual tax sale have been redeemed.

SIGN-OFFS:

Kerri Onken, Deputy Treasurer/Collector
Reviewed by:
Debi Decker, Administrative Assistant

Comments from Chief Administrative Officer:
Reviewed.
DATE: October 20, 2014
TO: Mayor and Council
FROM: Kris Boland, Manager of Finance, and Ken Bjorgaard, Chief Administrative Officer
SUBJECT: Council’s District Supplied iPads

Direction from Council is needed as to the future of their District supplied iPads.

PURPOSE:
The purpose of this report is to seek direction from Council as to the future of the District issued Council member iPads.

BACKGROUND:
At the beginning of Council’s term, each Council member was supplied with a laptop by the District, in order to conduct Council business. There was a decision to replace the laptops with iPads so that Council members could better perform their duties.

DISCUSSION AND ANALYSIS:
As the upcoming municipal election approaches, a question as to the fate of the District supplied Council member iPads has arisen, and whether there is an option for Council members to purchase their particular iPad.

In terms of policy guidance, District policy FIN.24 – Procurement, Stores, and Disposition states the following about disposing of municipal equipment:

“5.3 Disposal of Goods or Equipment: the Manager of Purchasing and Stores is responsible for the sale/disposal of surplus/obsolete goods and services. Items may not be sold or given to District employees.”

While the policy language is directed at employees specifically, staff suggests that the policy could be interpreted to apply equally to Council members in terms of District supplied equipment.

There are a number of options for Council to consider regarding the future of their District supplied iPads, including:

1. Dispose of them in accordance with policy FIN.24, which would result in them being sold at auction. Should the equipment be sold at auction, Council could be advised of the auction date and location, so they have an equal opportunity to bid on an item at the same time as the public;
2. Notwithstanding policy FIN.24,
   a. Give them away to the current Council members;
   b. Offer them for sale to the current Council members;
   c. Donate them to a local non-profit community group.

3. Pass them on to the newly elected Council following the municipal election, and allow
   Information Services staff to decide the appropriate time to replace the devices based on
   operational best practices, rather than timing the replacement to coincide with the municipal
   election; or,

4. Pass them on to senior staff members for use in conducting their duties.

FINANCIAL IMPLICATIONS:

The financial implications depend on the option chosen by Council. The original purchase price of
each individual iPad in 2012 was $745, not including taxes. The estimated current resale value varies
widely, but is approximately $200 per unit depending on the condition (i.e. scratches and dings),
based on similar models recently sold on eBay.

COMMUNICATION:

No communication action is required.

SIGN-OFFS:

Kris Boland, Manager of Finance

Ken Bjorgaard, Chief Administrative Officer
DATE: October 20, 2014
TO: Mayor and Council
FROM: Scott Ross, Manager of Accounting Services
SUBJECT: Investment Holdings Quarterly Report – September 30, 2014

This report is provided for information purposes only. No staff recommendation accompanies this report and Council action is not required.

PURPOSE:
The purpose of this report is to provide Council with a quarterly update of the District’s cash and portfolio investment holdings.

BACKGROUND:
In accordance with the District’s Investment Policy FIN.20, staff report to Council on the District’s investment holdings on a quarterly basis.

DISCUSSION AND ANALYSIS:
The following table summarizes the District’s cash and portfolio investment holdings as at September 30, 2014:

<table>
<thead>
<tr>
<th>Amount</th>
<th>Return</th>
</tr>
</thead>
<tbody>
<tr>
<td>MFA Bond Fund</td>
<td>$16,103,752</td>
</tr>
<tr>
<td>Cashable Term Deposits</td>
<td>27,286,653</td>
</tr>
<tr>
<td>Non-cashable Term Deposits</td>
<td>25,239,605</td>
</tr>
<tr>
<td>General Bank Account</td>
<td>5,027,896</td>
</tr>
<tr>
<td><strong>Total Cash and Portfolio Investments</strong></td>
<td><strong>$73,657,906</strong></td>
</tr>
</tbody>
</table>

Note A - returns for the MFA Bond Fund are based on actual performance over the immediately preceding 12 month period.

Excluding general bank interest earnings, the District’s investment portfolio has yielded an average annualized return of approximately 2.24% for the nine months ended September 30, 2014.

All investment decisions made are in compliance with Section 183 of the Community Charter and ensuring the primary objective is the preservation of capital as per the District’s Investment Policy FIN.20.
FINANCIAL IMPLICATIONS:
There are no financial implications directly associated with this report.

COMMUNICATION:
No communication action is required.

SUMMARY AND CONCLUSION:
The District’s total cash and portfolio investment balance is $73,657,906 as at September 30, 2014.

SIGN-OFFS:

Scott Ross, Manager of Accounting Services

Reviewed by:

Kris Boland, Manager of Finance

Comments from the Chief Administrative Officer
Reviewed.
DATE: October 20, 2014
TO: Mayor and Council
FROM: Mike Younie, Director of Development Services
SUBJECT: Minister of Agriculture’s Draft Bylaw Standard on Medical Marihuana Production Facilities
ATTACHMENTS: Attachment 1: Discussion Paper and Proposed Minister’s Bylaw Standards

This report is provided for information purposes only. No staff recommendation accompanies this report and Council action is not required.

PURPOSE:
The purpose of this report is to inform Council of the provincial Ministry of Agriculture’s (Ministry) discussion paper regarding regulation of medical marihuana production facilities in the Agriculture Land Reserve (ALR) (Appendix 1).

BACKGROUND:
The provincial government recently announced that medical marihuana production facilities, licensed under the new Marihuana for Medical Purposes Regulations (MMPR), would be considered a farm use and could therefore locate within the ALR. In addition, the province also announced that these facilities could be classed as industrial operations for the purposes of taxation. The Ministry is concerned about the wide variety of approaches taken to date by local governments to regulate these facilities using zoning bylaws. In response, the Ministry has prepared a discussion paper clarifying their position as well as their intent to produce bylaw criteria that should be included within any bylaw being considered by a local government to regulate these facilities within the ALR. The province has used this approach previously with other contentious issues such as residential uses within the ALR.

The District amended its zoning bylaw to expressly prohibit these facilities within the District unless otherwise permitted under the zoning bylaw. At the same time, the District developed a policy (LAN 59. Medical Marihuana Grow Operation Siting Requirements) that could guide applicants who might want to bring forward a rezoning application. The approach taken by the District was to have the facilities considered on a one-off basis and to effectively limit the number of potential locations within the District to ALR or industrial lands of certain sizes.

DISCUSSION AND ANALYSIS:
The province is cautioning local governments that any attempt to prohibit or overly restrict the location of these facilities within the ALR could give rise to a constitutional challenge as frustrating a lawful
initiative of the federal government. The District is in possession of legal opinions that refute this and suggest that the approach the District has taken may survive a challenge. The concern about a constitutional challenge may be somewhat exaggerated, as the owners of these facilities would prefer to locate in areas where they are clearly supported by the local government. In addition, the federal government has stated that it will respect local government zoning when determining whether or not to issue a license under the MMPR. Staff do recognize that this statement is complicated by the fact that British Columbia has the ALR which other provinces do not.

The discussion paper sets out proposed restrictions on the facilities that would be included in the Ministry’s bylaw criteria. These are outlined on page 20 of Appendix 1. Table 1 below compares the Ministry’s proposed siting criteria with the ones set out in the District’s policy.

Table 1: Comparison of Ministry’s and District’s Siting Criteria

<table>
<thead>
<tr>
<th>Siting Criteria</th>
<th>Ministry’s Criteria</th>
<th>District of Mission’s Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>None</td>
<td>8 ha in ALR; 4 ha in industrial</td>
</tr>
<tr>
<td>Lot Coverage</td>
<td>35% maximum lot coverage</td>
<td>Not specified</td>
</tr>
<tr>
<td>Stormwater and Agricultural Liquid Waste Management Plans</td>
<td>Required if buildings exceed 3700m² or 10% lot coverage</td>
<td>Not specified</td>
</tr>
<tr>
<td>Height Limitations</td>
<td>15 metres</td>
<td>Not specified</td>
</tr>
<tr>
<td>Building Setbacks</td>
<td>15-30 metres from lot lines</td>
<td>30 metres from lot lines in ALR; 7.5 metres from industrial lot lines; 30 metres from residential lot lines</td>
</tr>
<tr>
<td>Watercourse Setbacks</td>
<td>30 metres</td>
<td>Riparian Areas Regulation</td>
</tr>
<tr>
<td>Business License</td>
<td>Required</td>
<td>Required</td>
</tr>
<tr>
<td>Setback from Urban/ALR Boundary</td>
<td>100 metres</td>
<td>150 metres from park, school, childcare centre, residential or commercial</td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td>3 metre wide vegetated buffer</td>
</tr>
</tbody>
</table>

The Ministry’s siting criteria are somewhat consistent with those included in the District’s policy (Table 1). One exception is the District’s Medical Marihuana Grow Operation Siting Requirements policy requires facilities to be located a minimum of 150 metres from a park, school, childcare centre, commercial or residential area versus 100 metres proposed by the province. Another exception is the setback from a watercourse, proposed to be 30 metres by the province but determined using the Riparian Areas Regulation within Mission. The Ministry believes that a minimum lot size is not required as the other siting criteria serve the same purpose in terms of preventing impacts on neighbouring properties. The inclusion of minimum lot size in the District’s policy was done to limit the
number of available parcels as opposed to manage the operation of the facilities. Use of minimum lot size to regulate locations is considered by the Ministry to be inconsistent with ALR policy.

At this time, the province is requesting comments on the discussion paper be provided by October 26, 2014. Staff intend on providing the following high level comments:

- Request that the Ministry provide further evaluation of whether these facilities can be prohibited from the ALR given the dissenting legal opinions.
- Is the spot zoning approach taken by the District considered as a prohibition by the Ministry and open to constitutional challenge?
- Include 150 metre setbacks from schools, parks, childcare centres, residential and commercial areas.
- Use established local government watercourse setback methodologies to establish setbacks from watercourses.
- Clarification of the tax implications should be included within the discussion paper – specifically, clarification that the industrial tax rate applies only to the portion of the land and the improvements used by the facilities.

At this time, staff will continue to follow the progress of the Ministry’s initiative and report back to Council when and if there is a need to revisit the approach currently being used by Mission to regulate these facilities. Should Council receive and approve applications for these facilities within the ALR or outside the ALR in residential, industrial or commercial areas, staff recommends that the policy be re-evaluated in the context of the approved rezonings and any bylaw criteria that are formally established by the Ministry.

FINANCIAL IMPLICATIONS:
There are no financial implications associated with this report.

COMMUNICATION:
Staff will send the comments to the Ministry by October 26, 2014

SUMMARY AND CONCLUSION:

The Ministry of Agriculture is concerned with the diverse set of approaches being taken by local governments to regulate licensed facilities under the Marihuana for Medical Purposes Regulations. In particular, the Ministry believes that local governments do not have the authority to prohibit these facilities within the Agriculture Land Reserve (ALR) especially after the province has confirmed that these facilities can locate within the ALR. In response, the Ministry has developed a discussion paper that sets out the criteria that local governments should be incorporating into any zoning bylaws that seek to regulate these facilities within the ALR. The Ministry has requested comments by October 26, 2014. Given staff are in possession of differing legal opinions, staff’s comments to the Ministry at this time will reiterate the need for more work to be done to address the differing legal opinions. With respect to the siting criteria, staff will include some comments to request greater consistency between the Ministry’s and the District’s siting criteria.
SIGN-OFFS:

Mike Younie, Director of Development Services

Reviewed by:
Gina Mackay, Manager of Long Range Planning and Special Projects

Chief Administrative Officer’s Comment
Reviewed.
Regulating MEDICAL MARIHUANA PRODUCTION FACILITIES in the ALR

DISCUSSION PAPER AND PROPOSED MINISTER’S BYLAW STANDARDS

September 15, 2014

Prepared by:
Strengthening Farming Program
Innovation and Adaptation Services Branch
Executive Summary

Canadian courts have determined that individuals who have demonstrated a medical need for marihuana must have reasonable access to a legal source of marihuana for medical purposes. In-line with this, the Federal Government has introduced the “Marihuana for Medical Purposes Regulations” (MMPR) in June 2013, to update the system in which patients access medical marihuana and how medical marihuana is produced to address issues with the previous system.

The province has considered medical marihuana and decided that it is a farm use and should not be prohibited by local governments in the Agricultural Land Reserve (ALR). This discussion paper was prepared by the BC Ministry of Agriculture (AGRI) to seek input on the establishment of a Minister’s Bylaw Standard to guide local government bylaw development regarding medical marihuana production facilities in the ALR.

The discussion paper describes the process to develop the bylaw criteria, background information, current policies and regulation, and proposed set of criteria. The draft criteria are in Part 4.3. The consultation period closes on October 26, 2014. The feedback will be compiled and analyzed and the discussion paper and criteria will be updated. The Minister of Agriculture may consider establishing the updated criteria as a Bylaw Standard and incorporating the criteria into the Ministry’s “Guide for Bylaw Development in Farming Areas”.

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Introduction
This discussion paper outlines a set of criteria for regulating Medical Marihuana Production Facilities (MMPFs) in the Agricultural Land Reserve (ALR) and serves as a basis for further discussion with local governments and the agricultural industry to ensure the criteria effectively deal with the issue of MMPFs from a land use regulation perspective. The criteria that have been developed reflect analysis undertaken by Ministry of Agriculture (AGRI) staff as well as current approaches being used by local governments to accommodate MMPFs. The criteria can also be modified by local governments to be made less restrictive to meet local agricultural needs.
1.0 Part one – The Criteria Development Process

The intent of this process is to develop criteria that can be used by local governments to establish land use policy or regulations to address MMPFs in the ALR. Following consultation with stakeholders, these criteria, if approved by the Minister of Agriculture, may become standards and be incorporated into the “Guide for Bylaw Development in Farming Areas” (Bylaw Guide).

Purpose and Goals

The purpose of establishing the criteria is to address local government concerns regarding MMPFs while recognizing that MMPFs are considered a permitted use within the ALR. These criteria will:

1. Meet the needs of the agriculture industry;
2. Minimize the impact of MMPFs in the agricultural area; and
3. Minimize the risk of MMPFs being used for non-farm purposes

Scope

The land use regulation criteria considered in this Discussion Paper were developed by considering MMPFs as being similar to other types of agricultural buildings in the ALR and by identifying other potential issues pertaining to MMPFs that should also be addressed. While consideration of the health, safety and welfare of the general public are acknowledged, the proposed set of criteria is not intended to replicate Health Canada regulations, policing authority, and the BC Building Code.

Stakeholders

It is anticipated that the medical marihuana stakeholders involved in developing these bylaw standards will include:

a) Local governments and their Agricultural Advisory Committees;
b) The BC Agriculture Council;
c) Agricultural Land Commission staff;
d) The Canadian National Medical Marijuana Association;
e) The Canadian Medical Cannabis Industry Association;
f) Health Canada;
g) Community, Sport and Cultural Development Ministry staff; and
h) Ministry of Health

Objectives of the Process

The objectives of the development process are to:

1. Create a set of criteria for review by stakeholders;
2. Consult with stakeholders; and
3. Develop standards that local governments can adapt and apply as policy or regulation.

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1 Under the Local Government Act (Part 26, Division 8, Section 916), the Minister responsible for the Farm Practices Protection (Right to Farm) Act can develop bylaw standards to guide the development of zoning and farm bylaws. Development of provincial standards is intended to promote consistency in the regulation of, and planning for, farming. However, provision has been made under Section 916(3) to allow the standards to differ, if necessary, to respond to BC’s diverse farming industry and land base.
**Key Steps**
There are five key steps in creating the Minister’s bylaw standards. AGRI staff will:

1. develop draft criteria;
2. consult with internal and external stakeholders and receive feedback on the draft criteria;
3. revise criteria for consideration by the Minister;
4. seek Minister’s approval; and
5. encourage local governments to adopt and apply criteria.

**Process to Date**
AGRI staff reviewed the Health Canada regulations, BC policy and regulations applying to the ALR and BC local government land use bylaws relating to MMPFs. The literature was also reviewed on the regulation of medical marihuana production in other Canadian jurisdictions and the American States of Colorado and Washington. The existing criteria in the Bylaw Guide were assessed as to how they could apply to MMPFs. A committee of AGRI staff prepared a draft set of criteria for review by AGRI, Agricultural Land Commission and BC Farm Industry Review Board staff.

The Discussion Paper is now ready for public consultation.

**Context**
AGRI has taken the initiative to establish bylaw standards for two significant agricultural topics in recent years. Both have been approved by the Minister and staff encourage local governments to adopt them. The two subjects are “Combined Heat and Power Generation at Greenhouses in the ALR” (2013) and “Residential Uses in the ALR” (2011). Both can be found in the Ministry’s Bylaw Guide with additional information at [http://www.al.gov.bc.ca/resmgmt/sf/index.htm](http://www.al.gov.bc.ca/resmgmt/sf/index.htm)
2.0 Part two – Background information

**Context**

Canadian courts have determined that individuals who have demonstrated a medical need for marihuana must have reasonable access to a legal source of marihuana for medical purposes. In-line with this, the Federal Government in 2001 introduced the “Marihuana Medical Access Regulations” (MMAR), authorized under the Controlled Drugs and Substances Act, establishing a framework to implement access to this product. Due to subsequent court challenges and a number of other concerns, a second set of regulations, “Marihuana for Medical Purposes Regulations” (MMPR), were created which came into force on June 7, 2013 and ran concurrently with the MMAR until it was repealed on March 31, 2014. These new regulations changed the manner in which patients could access medical marihuana and how medical marihuana can be produced.

As a result of ongoing litigation and uncertainty arising from court decisions, Health Canada will treat the Authorizations to Possess, Personal-Use Production Licences, and Designated-Person Production Licences issued under MMAR as extending beyond March 31, 2014 until a decision is made. There are certain criteria to be met for these extensions.

> “Dried marijuana is not an approved drug or medicine in Canada. The Government of Canada does not endorse the use of marijuana, but the courts have required reasonable access to a legal source of marijuana when authorized by a physician.” – Health Canada

**Medical Marihuana Production Regulations**

The MMPR change the parameters for medical marihuana production in Canada from a system of home-based or other location production licenses for personal use, which have been associated with various law enforcement and public safety concerns, to a system of more tightly regulated, commercial scale production licenses supplying authorized medical marihuana patients. MMPR require applicants for a commercial license to notify the local government, fire and police officials of the location of their facilities, and to comply with all federal, provincial and local government laws and bylaws, including zoning bylaws. As of April 22, 2014, five licenses have been issued in BC; in Saanich, Maple Ridge, Whistler, Nanaimo, and the Okanagan. Thirteen licenses have been issued in Canada. As of September 1, 2014 there have been no revisions since April.

The MMPR define a site as follows:

> “Site” means (a) a building or a place in a building used by a licensed producer; or (b) an area occupied exclusively by buildings used by a licensed producer. - MMPR

For clarity and ease of use, this Discussion Paper will also refer to “Medical Marihuana Production Facilities” (MMPF) as the de facto meaning of “site”.

The MMPR construction requirements for MMPFs focus almost exclusively on security for both production and storage. The technical details on how to comply are outlined in Health Canada’s “Guidance Document: Building and Production Security Requirements for Marihuana for Medical
Purposes”. This document provides assistance to producers but is not a one-size fits all prescription. Producers submit a security proposal to Health Canada as part of their licensing application.

- The production, packaging, labeling and storage of the product can only occur indoors at the site with restricted access to areas within the site. MMPFs must provide both site perimeter security and security for areas where marihuana is present. A physical barrier, like a fence, is expected to be part of the site security. The site perimeter must also be visually monitored by recording devices at all times. The Guidance Document also provides guidance on specific wall, roof, and glass construction details, back-up mechanisms and power supply.

- Areas where marihuana is present also require a system that filters the air to prevent the escape of odours and pollen. The Guidance Document cites a high efficiency particle air filter such as a H13 HEPA filter as an example.

- MMPFs appear to fall into a range of different licensee categories depending on their production level. Associated with this are related security levels for product storage, with specific minimum electrical detection requirements, safe requirements, ventilation security, secure environs construction specifications, and door specifications.

Security requirements for the storage of dried marihuana are established in Health Canada’s “Directive on Physical Security Requirements for Controlled Substances”. Minimum security standards for the storage of a variety of controlled substances, including marihuana, are included. These standards are intended to allow for flexibility as technology and materials change over time.

Other elements of MMPR that may be of note include provisions to import and export medical marihuana with other countries where appropriate agreements are in place. Sales of medical marihuana must be handled through bonded couriers and not directly to the consumers at the production facility. The MMPR also requires testing of the product to verify that it meets the specifications of the product and product quality. These requirements may distinguish medical marihuana from some other agricultural crops.

**Medical Marihuana Production**
Scientific information on medical marihuana production is limited. Indoor marihuana production can be assumed to use energy, water and nutrients intensively. According to one research paper, energy use includes lighting, dehumidification, ventilation, air conditioning, heating, irrigation and generation of CO2. From another, nearly one-third of medical marihuana production costs can be energy costs. This crop, just like any other commercially produced indoor crop, is susceptible to plant pests such as insects or diseases.

Indoor production of medical marihuana is generally similar to greenhouse production of plants. In both cases the growing environment can be highly controlled. Production concerns regarding irrigation water, waste water and pesticide use for medical marihuana will also be similar to greenhouse production of other plants. Water and nutrients are generally conserved through recirculation. Also, there are very few pesticides registered for use with medical marihuana in Canada. Pesticides are considered registered for use on medical marihuana when medical marihuana is clearly listed on each pesticide label which always has a registration number on the main panel as well as pests controlled and how to use the product. Pesticide labels are considered legal documents.
From a production area perspective, the production of medical marihuana takes place on a relatively small acreage when compared to other agricultural crops produced indoors (e.g. greenhouse vegetables, nursery stock, landscaping plants) in Canada or in British Columbia. Currently a very small portion of the Canadian population (0.166%) consumes medical marihuana. The average consumption is estimated at 2 grams per day. Assuming that 75 grams of marihuana is produced per square foot of building space (excluding storage and distribution), then the combined production area required for medical marihuana in British Columbia is estimated at 0.7 ha (1.7 acres) and for Canada is 5.2 ha (12.9 acres). Even if the consumption of medical marihuana were to increase ten-fold, the production area requirements are small for this very high value crop relative to greenhouse agricultural crops.

**The Regulations in BC**

Many local and regional governments in BC are responding to Canada’s MMPR by introducing bylaw amendments to regulate medical marihuana production in their communities. Many local governments sought direction from the province regarding whether medical marihuana production would receive “farm class” status under the *Assessment Act* and whether it could be prohibited in the ALR.

On June 24 2014, the Provincial Government issued a media release\(^2\) providing further clarity on its position with regards to federally licensed medical marihuana production. The statement supports the ALC’s position that medical marihuana production that is in compliance with Health Canada’s MMPR is an allowable farm use within the ALR. In addition, the Province states that this production “...should not be prohibited by local government bylaws”.

> Local governments looking to propose a bylaw prohibiting medical marijuana [sic] may wish to seek legal counsel as enacting such a bylaw may give rise to a constitutional challenge as frustrating a lawful initiative of the federal government. – BC Government

The BC Government’s June 24, 2014 statement also clarifies that amendments to the *BC Assessment Act*\(^3\) which regulates which farm uses qualify for farm classification, will exclude medical marihuana production as a farm use for property tax purposes. These changes are expected to be in effect for 2015 property taxes.

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\(^3\) The BC Assessment Authority has a factsheet webpage with more information on medical marihuana production and farm class here: [http://www.bcassessment.ca/public/Fact%20Sheets/Medical%20Marihuana%20Property%20Class.aspx](http://www.bcassessment.ca/public/Fact%20Sheets/Medical%20Marihuana%20Property%20Class.aspx)
3.0 Part three – Current policies and regulations

This section reviews current medical marihuana production policies and regulations and how they relate specifically to agricultural land. This review includes: Health Canada’s MMPR; local and regional government bylaws from across the Province; and relevant Ministry of Agriculture’s local government Bylaw Standards already approved from its Bylaw Guide. Policies and regulations from other jurisdictions are included to provide further context for discussion.

3.1 Marihuana for Medical Purposes Regulations

Health Canada’s MMPR are the primary source for current Canadian policy on medical marihuana. The most recent amendments to the regulations came into force on June 7, 2013 and ran concurrently with the MMAR until March 31, 2014 when the MMAR were rescinded. Court challenges have resulted in an extension of some of the licenses under MMAR.

The MMPR are intended to address the entire process for commercial production of medical marihuana. This discussion paper focuses on how these provisions could affect local government land use authority as provided in the Local Government Act, how they will interrelate with provisions found in the Agricultural Land Commission Act and provisions in the Farm Practices Protection (Right to Farm) Act. Specific MMPR requirements of interest include:

- Medical marihuana can only be produced indoors in commercial facilities by licensed operators with no residential accommodation;
- Facilities will mail the product, not dispense it from the site; and
- Notification by the licensed operator to local governments, fire and police authorities before submitting an application to Health Canada is required.

### Applicable provisions in the MMPR

<table>
<thead>
<tr>
<th>Provision</th>
<th>Local Government Bylaw significance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Interpretation</strong></td>
<td></td>
</tr>
<tr>
<td>“site’ means (a) a building or place in a building used by a licensed producer; or (b) an area occupied exclusively by buildings used by a licensed producer.</td>
<td>This allows for more than one building on the property. Some local governments restrict the number of buildings allowed to one (1).</td>
</tr>
<tr>
<td><strong>PART 1.Division 1</strong></td>
<td></td>
</tr>
<tr>
<td>12. (1) Subject to subsections (2) to (7) and to the other provisions of these Regulations, a licensed producer may</td>
<td>This requires in vitro testing as part of the production process. The producer must be growing the plant in order for the in vitro testing to be an accessory farm use. If it is strictly a lab, it is a non-farm use and can take place outside the ALR or apply to the ALC for non-farm use in the ALR.</td>
</tr>
<tr>
<td>• possess, produce, sell, provide, ship, deliver, transport and destroy marihuana;</td>
<td></td>
</tr>
<tr>
<td>• (b) possess and produce cannabis, other than marihuana, solely for the purpose of conducting in vitro testing that is necessary to determine the percentages of cannabinoids in dried marihuana; and</td>
<td></td>
</tr>
<tr>
<td>• (c) sell, provide, ship, deliver, transport and destroy cannabis, other than marihuana, that was obtained or produced solely for the purpose of conducting the in vitro testing referred to in paragraph (b). (p.9-10)</td>
<td></td>
</tr>
<tr>
<td>12. (6) A licensed producer may import marihuana if they do so in accordance with an import permit issued under section 75. (p.11)</td>
<td>This provides for importing of marihuana into Canada by licensed producers. The ALC USP Regulations limits the amount of selling non-farm products to 50%.</td>
</tr>
<tr>
<td>13. A licensed producer must not conduct any activity referred to in section 12 at a dwelling place. (p.11)</td>
<td>MMPFs are not allowed in a dwelling place.</td>
</tr>
<tr>
<td>14. A licensed producer must produce, package or label marihuana only indoors and</td>
<td>MMPFs must be indoors. Can they</td>
</tr>
</tbody>
</table>
at the producer’s site. (p.11) process crop from another producer? The ALC USP Regulations have a provision that limits the percentage of selling non-farm products to 50%.

<table>
<thead>
<tr>
<th>PART 1. Division 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>23 (4) An application for a producer’s license must be accompanied by... (h) a document signed a dated by the a quality assurance person referred to in section 60 that includes (ii) a report establishing that the buildings, equipment and a sanitation program to be used in conducting the proposed activities referred to in Division 4 comply with the requirement of that Division; and (f) floor plans for the proposed site.</td>
</tr>
<tr>
<td>MMPF floor plans are required.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PART 1. Division 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>43(1). The perimeter of the licensed producer’s site must be visually monitored at all times by visual recording devices to detect any attempted or actual unauthorized access. (p.33-34)</td>
</tr>
<tr>
<td>This might affect local government provisions on vegetative buffering.</td>
</tr>
<tr>
<td>44. The perimeter of the licensed producers’ site must be secured by an intrusion detection system that operates at all times and that allows for the detection of any attempted or actual unauthorized access to or movement in the site or tampering with the system. (p.34)</td>
</tr>
<tr>
<td>50. Those areas [where cannabis is present] must be equipped with a system that filters air to prevent the escape of odours and, if present, pollen. (p.35)</td>
</tr>
<tr>
<td>MMPFs are required to have odour control.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PART 1. Division 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>54. Marihuana must not be treated — before, during or after the drying process — with a pest control product unless the product is registered for use on marihuana under the Pest Control Products Act or is otherwise authorized for use under that Act. (p. 35)</td>
</tr>
</tbody>
</table>

3.2 BC Agricultural Land Commission Act (ALCA)
Legislation guiding the activities that can take place on agricultural land in BC includes the Agricultural Land Commission Act (ALC Act) and the Agricultural Land Reserve Use, Subdivision and Procedure Regulation. The Agricultural Land Reserve (ALR) and its associated Agricultural Land Commission (ALC) are established by this legislative authority with regulations defining the types of uses and activities allowed within the Reserve. The mandate of the Commission is to preserve BC’s limited agricultural land resource and encourage farm use on those lands.

In January 2014, the ALC provided a bulletin in response to questions concerning medical marihuana production in the ALR. The ALC notes that while the regulation is silent on this land use, the production of licensed medical marihuana is consistent with the definition of “farm use” in the ALCA. Uses that do not involve the growing of the plant however, may require an application to the ALC for non-farm use.

“farm use “ means an occupation or use of land for farm purposes, including farming of land, plants and animals and any other similar activity designated as farm use by regulations, and includes a farm operation as defined in the Farm Practices Protection (Right to Farm) Act – ALC Act

3.3 BC Farm Practices Protection (Right to Farm) Act
Under BC’s Farm Practices Protection (Right to Farm) Act (FPPA), farmers are provided certain legal protections related to nuisance providing they meet the following criteria:

- engaging in a farm operation conducted as part of a farm business as defined by the FPPA, AND
• using a “normal farm practice” as defined by the FPPA, AND
• operating on protected land (Agricultural Land Reserve, or land on which the local government allows farm use, or Crown land designated as a farming area), AND
• the farm practice is not in contravention of the Health Act, Integrated Pest Management Act, or Environmental Management Act or their regulations, AND
• is not in contravention of any land use regulation.

Under the FPPA, the BC Farm Industry Review Board (BCFIRB) hears nuisance complaints to determine “normal farm practice”. The complaint must relate to a farm operation conducted as part of a farm business that is in the ALR or on land on which farm use is allowed by a local government. The growing of marihuana could be considered a farm operation (growing of plants) and in some situations under the new federal regulations could be considered a farm business. BCFIRB has not received a farm practice complaint related to a medical marihuana production facility to date. Whether a complaint falls under the FPPA is situation dependent and would be determined by BCFIRB when a complaint is received. Even if BCFIRB determined a complaint related to a particular marihuana business did fall under the FPPA and subsequently determined that the farm business’s operations were following “normal farm practice”, the business must still meet all the FPPA criteria to be protected.

3.4 BC Ministry of Agriculture (AGRI)

While the AGRI is currently soliciting input for specific standards on medical marihuana production through this Discussion Paper, the Bylaw Guide addresses the following elements that are relevant to medical marihuana production in BC. Part 2 of the Bylaw Guide presents Minister’s Bylaw Standards that are already approved and which local governments are encouraged to adopt. Part 3 of the Bylaw Guide presents existing ‘Farm Bylaw’ standards for local governments that have had the ‘Right to Farm Regulation’ under the Local Government Act applied (they are ‘regulated’).

Many of the standards that already exist in the Bylaw Guide can be applied to MMPFs. The following table presents a list of bylaw standards and addresses their relevance to MMPFs.

<table>
<thead>
<tr>
<th>Section</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Part 2 – Minister’s Bylaw Standards</td>
<td></td>
</tr>
<tr>
<td>2.4.2 Permitted Uses</td>
<td>The Province’s policy is that medical marihuana production should not be prohibited in the ALR.</td>
</tr>
<tr>
<td>2.4.3 Off-Street Loading and Parking</td>
<td>MMPR requires that medical marihuana be distributed to patients only by mail. Section 2.4.3 applies for direct farm marketing sales only.</td>
</tr>
<tr>
<td>2.4.4.2 Minimum Lot Size for Specific Commodity Use</td>
<td>Minimum lot size requirements for specific commodities (such as medical marihuana) are discouraged. Nuisance concerns can be addressed through minimum lot line setbacks, maximum lot coverage, and normal farm practices.</td>
</tr>
<tr>
<td>2.4.5 Lot Coverage</td>
<td>The Bylaw Guide states that ‘Bylaws should not restrict the area of a lot which may be covered by buildings and structures for farm use, to an area less than 35% or less than 75% for greenhouses.</td>
</tr>
<tr>
<td>2.4.5.2 Stormwater and Agricultural Liquid Waste management Plans</td>
<td>A plan is required if the total impervious area of farm buildings and structures exceed 3700 m2 or covers more than 10% of lot a required plan.</td>
</tr>
<tr>
<td>2.4.7 Height Limitations</td>
<td>A 15 metre maximum building height for most agricultural buildings.</td>
</tr>
<tr>
<td>2.4.8 Setbacks</td>
<td>“Appropriate setback distances can help prevent nuisance conflicts, protect natural resources, and safeguard human health. On the other hand, excessive setbacks can present serious challenges to farming operations.” (p. 18) The Bylaw Guide restricts minimum lot line setbacks to a maximum of 15 to 30 metres for buildings with significant</td>
</tr>
</tbody>
</table>
nuisance potential such as livestock barns.

2.4.8.4 Setbacks from Watercourses

The Bylaw Guide provides for setbacks from watercourses that vary depending on the type of building. The maximum setback requirement is 30 m for Category 1 type buildings or facilities.

<table>
<thead>
<tr>
<th>Part 3 – Farm Bylaw Standards and Bylaw Approval for Regulated Local Governments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>‘Right to Farm’ regulated Local Governments</strong></td>
</tr>
<tr>
<td>Part 3 of the Bylaw Guide is available only to local governments where the “Right to Farm Regulation” under the Local Government Act has been applied.</td>
</tr>
<tr>
<td><strong>3.5.2 Mushroom Farms and On-Farm Composting</strong></td>
</tr>
<tr>
<td>Odour is addressed in the MMPR. This Farm Bylaw Standard addresses odour from on-farm mushroom composting. A similar standard could be developed for medical marihuana if required.</td>
</tr>
<tr>
<td><strong>3.5.3 Farm-side Edge Planning</strong></td>
</tr>
<tr>
<td>This Farm Bylaw Standard provides for setbacks to urban/ALR boundaries of up to 100m when urban-side edge planning is also employed.</td>
</tr>
</tbody>
</table>

3.5 BC’s Local Governments

In an effort to provide bylaw requirements by April 1, 2014 when the MMPR came into effect, many local governments began drafting or adopted, zoning bylaw amendments to direct land use decisions concerning MMPFs in their communities. A wide range of provisions have now been enacted across the province, many of which are inconsistent with the Province’s position. The following table summarizes existing local governments’ regulations.

**Existing MMPF provisions in Local Government bylaws**

<table>
<thead>
<tr>
<th>Provision</th>
<th>Example (either adopted or in draft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum parcel size</td>
<td>• A range including 2 to 40 hectare (ha) minimum parcel sizes</td>
</tr>
<tr>
<td></td>
<td>• 1ha minimum parcel size in a smallholding zone in the ALR and 2ha minimum parcel size in a country residential zone in the ALR</td>
</tr>
<tr>
<td></td>
<td>• 259ha (640 acres) minimum parcel size for a MMPF in the ALR</td>
</tr>
<tr>
<td>Minimum MMPF building setbacks from property lines</td>
<td>• A range including 40, 50, or 100 metre (m) setbacks to any lot line</td>
</tr>
<tr>
<td></td>
<td>• 60m setback to exterior lot line</td>
</tr>
<tr>
<td></td>
<td>• 90m setback to front lot line, 30 m to other lot lines</td>
</tr>
<tr>
<td>Minimum MMPF building setbacks from other land uses</td>
<td>• 60m setback from residential zones</td>
</tr>
<tr>
<td></td>
<td>• 300m setback from residential or mixed use zones</td>
</tr>
<tr>
<td></td>
<td>• 100, 200m setback from schools</td>
</tr>
<tr>
<td></td>
<td>• 150m setback from a residential zone, daycare, playground, or school</td>
</tr>
<tr>
<td>Minimum MMPF building setbacks from other MMPF</td>
<td>• 1000m setback from nearest medical marihuana facility</td>
</tr>
<tr>
<td>Minimum MMPF building setbacks from watercourses</td>
<td>• 50m setback from all watercourses</td>
</tr>
<tr>
<td>Maximum building heights</td>
<td>• 10m maximum building height</td>
</tr>
<tr>
<td>Maximum building size</td>
<td>• 2000m2 in industrial and resource management zones &amp; 1000m2 in agricultural zones</td>
</tr>
<tr>
<td>Number of buildings per parcel</td>
<td>• Some local governments have provisions limiting the production facility to one (1) building</td>
</tr>
<tr>
<td>Odour control</td>
<td>• A ventilation plan must be filed with the City and must include how the system prevents any offensive odour from leaving the building;</td>
</tr>
<tr>
<td>Vegetative buffers for screening</td>
<td>Development Permit Area: Medical Marihuana Operation. “Landscaping and Buffering: a) Buffering of medical marihuana operations is important in order to ensure that these uses are not at odds with adjacent uses. b) Any federally required metal fencing shall be buffered with native planting. c) Top soil deep enough to allow for well-rooted planting and reduce irrigation requirements should be utilized. d) Use native species of trees or shrubs and utilize the planting of conifers to block winter winds and deciduous trees to create shade in the summer. e) Utilize cisterns to store water and provide irrigation.”</td>
</tr>
<tr>
<td>Form and character guidelines for buildings</td>
<td>Development Permit Area: Medical Marihuana Operation. “This Development Permit Area controls the construction on all property in the Upper Bridge River Valley for the purposes of ensuring that medical marihuana operations are developed in a way that is in keeping with the form and character of the Upper Bridge River Valley. See policies 1.4 to 1.12 in the</td>
</tr>
</tbody>
</table>
Light emission controls

Development Permit Area: Medical Marijuana Operation. “Lighting and Signage: a) Minimize the amount of lighting on signs. Installation of video, reader board, and neon or LED signs is discouraged. Signs should be non-illuminated from within. b) Exterior lighting, including within a parking area, should be low intensity and not cause excessive night-time glow or glare. c) Use energy efficient exterior lighting systems with timers and sensors to provide light only when required. Ambient lighting should be minimized. d) Signage should be pedestrian oriented in scale. Large vehicular-based signage should be avoided. Appropriate forms of signage include: i) Signs mounted flush with building facades; ii) Wood carved and/or hand painted hanging signs above pathways.”

Waste water controls

- MMPFs are required to provide a description of all discharges to air, sanitary sewer, storm sewer, streams, or groundwater

Waste management controls

- The practice of diverting building-generated CO2 gas or otherwise provided CO2 gas to feed plants is prohibited.

Permitted zoning

- Permitted only in the ALR or in some rural use zones.
- Permitted in some industrial zones, only in industrial zones, light industrial zones, heavy industrial zones, light and heavy industrial zones, general and heavy industrial zones, a special industrial zone or specific industrial zones.
- Permitted through spot zoning, spot zoning only in ALR, spot zoning only in industrial zones, or spot zoning only in ALR and industrial zones.
- Prohibited everywhere, everywhere except 1 parcel, or everywhere except 1 parcel that is City owned.

Health and welfare

- MMPFs will not be detrimental to the health or general welfare of the people living or working in the surrounding area or negatively affect other properties or potential development in the surrounding area.

Building Permits

- MMPFs will require a Building Permit, pursuant to a Building Bylaw.

Outdoor storage

- No outdoor storage.

Examples

Three existing Local Government zoning bylaws are provided below as examples for review. They include the City of Kamloops, District of Maple Ridge and the City of Armstrong.

City of Kamloops Zoning Bylaw (Bylaw No. 5-2001 Section 311A)

- Medical Marijuana Grow Operations (MMGOs) will not be detrimental to the health or general welfare of the people living or working in the surrounding area or negatively affect other properties or potential development in the surrounding area;
- MMGOs shall be permitted in I-2 (General Industrial) and I-3 (Heavy Industrial) zones subject to the following regulations:
- MMGOs are required to provide a description of all discharges to air, sanitary sewer, storm sewer, streams, or groundwater;
- MMGOs will require a Building Permit, pursuant to City of Kamloops Building Bylaw, as amended;
- MMGOs will meet all other applicable municipal, provincial, and federal regulations;
- A ventilation plan must be filed with the City and must include how the system prevents any offensive odour from leaving the building;
- MMGOs shall be permitted in stand-alone buildings only;
- No ancillary uses shall be permitted in a building containing a MMGO.
- MMGOs shall be located no closer than 150 m from any residential zone, daycare facility, playground, community centre, school, public park, or any use catering to individuals under the age of 18;
- The practice of diverting building-generated CO2 gas or otherwise provided CO2 gas to feed plants is prohibited.
- Licensed MMGOs shall be decommissioned if inactive for more than one year and the structure/site remediated in accordance with City of Kamloops Controlled Substances Property Remediation Bylaw, as amended.
- Formerly-licensed MMGOs under the Marihuana Medical Access Program (MMAP) shall be decommissioned by the current property owner and the structure/site remediated in accordance with City of Kamloops Controlled Substances Property Remediation Bylaw, as amended.
- MMGOs will require a municipal Business Licence before operation may begin.
District of Maple Ridge Zoning Bylaw (No. 3510-1985)

- MMPF are only permitted in Agricultural, Intensive Greenhouse District, Residential, and Agriculture-Only Zones
- Buildings and structures for Medical Marihuana, Commercial Production as authorized under Federal legislation shall be sited not less than:
  - 60 metres from front and exterior side lot lines;
  - 30 metres from rear and interior side lot lines;
  - 30 metres from all wells and streams;
  - 30 metres from all buildings used for one family residential use, accessory employee residential use or temporary residential use.
- Shall be located not less than 200 metres from an elementary or secondary school, measured from the nearest point of the lot line of the Medical Marihuana, Commercial Production use to the nearest point of the lot line of the elementary or secondary school.
- Shall be located not less than 1000 metres from the nearest point of any lot on which another Medical Marihuana, Commercial Production use is occurring, or on which such a use has been authorized under Federal legislation.

City of Armstrong Zoning Bylaw (No. 1268)

- Medical Marihuana Production Facilities shall be located only on properties with a minimum parcel size of one (1) hectare, within the Agricultural Land Reserve.
- Buildings used for the production of Medical Marihuana shall be sited not less than:
  - 60 metres from lot lines abutting a residential zone;
  - 30 metres from lot lines abutting a zone other than residential;
  - 15 metres from all wells and streams;
- All activities associated with Medical Marihuana Production Facilities shall be housed completely within an enclosed building and there shall be no outdoor storage or display.
- Nothing shall be done which is or will become an annoyance or nuisance to the surrounding areas by reason of unsightliness, the emission of odours, liquid effluence, dust, fumes, smoke, vibration, noise or glare, nor shall anything be done which creates or causes a health, fire, or explosion hazard, electrical interference or undue traffic congestion.
- The height of buildings and structures shall not exceed the lesser of 12 metres (39.37 feet) or three (3) storeys for Medical Marihuana Production Facilities.
- Lot coverage shall be not greater than thirty five percent (35%) for all other uses including Medical Marihuana Production Facilities.

3.6 Regulations in other jurisdictions

BC is different from many other Canadian provinces in its regulatory landscape for farmland due to its ALR. Other Provinces and their local governments however are also experiencing medical marihuana regulatory adjustments as a result of Health Canada’s new MMPR framework. The Province of Ontario appears to hold the majority of licensed operators; however regulatory changes in Manitoba, Saskatchewan, Alberta and New Brunswick have initiated regulatory changes. In the United States, Colorado and Washington are also involved in recent medical marihuana regulatory changes. The following provides a summary to provide context for BC and assist in the discussion.

Canada

Currently there are eight licensed MMPFs in the rest of Canada outside of BC. They include five in Ontario, one each in Saskatchewan, Manitoba, and New Brunswick. Local governments in other Provinces have also introduced regulations. Most bylaw amendments adopted or discussed are related to distance setbacks for the production facilities from residential areas, schools, parks and/or restrict operations to industrial zones. The following provides several local government examples for review. Details from the City of Toronto and Alberta are provided.

The City of Toronto, Ontario

Requirements for medical marihuana operations include that they:
• take place within an enclosed building;
• require a 70m setback from residential, commercial, institutional and open space zones; and
• require a 70m setback as well as from schools, day nurseries, and places of worship.

Willow Creek Municipal District, Alberta
• Medical Marihuana Production Facilities are a discretionary use within Rural Commercial Zones.
• Development Permit conditions for MM facilities are:
  o ... The development...must be done in a manner where all of the processes and functions are fully enclosed within a stand-alone building including all loading stalls and docks, and garbage containers and waste material
  o The development shall not operate in conjunction with another approved use
  o The development shall not include an outdoor area for storage of goods, materials or supplies
  o The development must include equipment designed and intended to remove odours from the air where it is discharged from the building as part of a ventilation system
  o The development must not be within 246 feet (75.0 m) of a residential or a public institutional district, measured from the building foundation containing the use to the nearest property line of a parcel designated as a residential or a public institutional district
• The Municipal Planning Commission may require, as a condition of a development permit, a public utility waste management plan, completed by a qualified professional, that includes detail on:
  o the incineration of waste products and airborne emissions, including smell;
  o the quantity and characteristics of liquid and waste material discharged by the facility; and
  o the method and location of collection and disposal of liquid and waste material.
• The minimum number of motor vehicle parking stalls shall be based on the parking requirements found in Schedule 9.

Washington State
U.S. Federal and State medical marihuana laws differ significantly from Canada, but can provide context. Under the U.S. Controlled Substances Act (CSA), with certain exceptions, manufacturing, distributing, dispensing or possessing a ‘controlled substance’ including marihuana is unlawful. Among other things, the Act establishes penalties for distributing or manufacturing controlled substances within 1,000 feet of areas where there are young people.

In 2013, Washington State passed a law called Initiative 502 (I-502) which directs responsibility to the Washington State Liquor Control Board (WSLCB) for the licensure and regulation of producing, distributing and possessing medical and recreational marihuana. The law removes certain criminal and civil penalties and incorporates the CSA 1,000 foot setback distance.

_Marijuana production must take place within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors. Outdoor production may take place in nonrigid greenhouses, other structures, or an expanse of open or cleared ground fully enclosed by a physical barrier. To obscure public view of the premises, outdoor production must be enclosed by a sight obscure wall or fence at least eight feet high._ – Washington State Legislature

For local governments in Washington, the regulatory landscape for medical marihuana production can be described as evolving. Options for communities appear to include: ignoring the activity; allowing it under their existing bylaws; attempting to delay it; adopting temporary amendments; and, adopting amendments to permit it or prohibit it.
Colorado State
In 2000, Colorado State passed a law allowing people access to small amounts of medical marihuana. In 2010, the Colorado Medical Marijuana Code was passed to direct the State Licensing Authority and the State’s Department of Revenue to regulate Medical Marijuana production. Medical marihuana production requires both State and local government approval.

The State Licensing Authority references local licensing authority regulations for medical marihuana production. A number of local governments have initiated regulations including both the County and City of Boulder.

City of Boulder
Requirements for medical marihuana operations include that the business:

- is permitted only in a specific zone
- operate inside of an enclosed building
- not be located in a building with residences or in a residential zone
- have a lighting plan
- have a plan for ventilation
- have a statement on the anticipated electric load and certification from the landlord and utility provider
- have a zoning confirmation form from the city regarding the proximity of the property to any school or state licensed child care centers, to any other medical marijuana business, or to any residential zone district within a radius of one-quarter mile
- A description of all toxic, flammable, or other materials regulated by a federal, state, or local government that would have authority over the business if it was not a marijuana business
- not have retail sales in cultivation facilities or manufacturing of medical marijuana-infused products
4.0 Part four – Proposed Set of Criteria
This section of the discussion paper introduces a number of topics for consideration regarding local government bylaw standards for medical marihuana production in the ALR, provides a rationale for why certain provisions should be introduced as criteria, and summarizes a proposed list of criteria and definitions.

4.1 Discussion
The following questions are intended to provoke further discussion:

- Should additional bylaw criteria that do not already exist in the Bylaw Guide be required?
- Would a local government want to enforce elements of MMPR themselves? What are the risks and benefits? Which ones should they consider including in their bylaws?
- More specifically, what are the risks and benefits of proposing bylaw standards that reflect the security and construction expectations that are within Federal jurisdiction? Should the set of criteria refer to specific Federal documentation or particular regulations within the MMPR? What are the consequences of repeating Federal information verbatim and potentially interpreting it incorrectly? Could this potentially generate confusion among producers and possibly incur liability?
- If a licensed operator follows the MMPR, there should be no odour or dust escaping from the MMPF. This may be the first farm use in BC where no level of odour is acceptable. Should the proposed set of criteria include provisions to require minimal odour or dust escape as well? This is a Federal requirement, not a Provincial one.
- What are the risks and benefits of proposing criteria for vegetative buffers around an MMPF? What consequences would arise in this subsequent interaction with the required Federal security regulations?
- Some local governments have specified setback distances from particular land uses, such as schools, or places of worship, or other MMPFs. What are the risks and benefits of proposing criteria that include these types of setbacks?

4.2 Rationale for Bylaw Guide criteria

Existing Bylaw Standard criteria
There are five criteria identified in the Ministry’s current Bylaw Guide that align with medical marihuana production. These include minimum lot size, lot coverage, stormwater and agricultural liquid waste management plans, height limitations, and setbacks. Applying these five criteria to medical marihuana production will assist in bringing this type of farm use into a well established framework of existing standards.

Minimum Lot Size – Bylaw Guide Section 2.4.4.2 Minimum Lot Size for Specific Commodity Use emphasizes that a minimum lot size should not be required as concerns regarding specific commodities as they “…can be addressed by the existing lot size and by meeting criteria such as adequate setbacks,
maximum lot overage, and adherence to normal farm practices and environmental standards established through legislation such as the Environmental Management Act, Integrated Pest Management Act, and Public Health Act.” As a specific commodity use, minimum lot sizes should not be applied to medical marihuana production.

Lot Coverage and Stormwater and Agricultural Liquid Waste Management Plans – similar to Minimum Lot Size, Bylaw Guide Section 2.4.5 Lot Coverage provides existing guidance that aligns in accordance with medical marihuana production. Providing a maximum 35% lot coverage for buildings involved in medical marihuana production positions this use with already existing farm uses. Furthermore, including the related criteria found in Section 2.4.5.2 requiring Stormwater and Agricultural Liquid Waste Management Plans can also address important environmental and public infrastructure concerns.

Height Limitations and Setbacks – Bylaw Guide Section 2.4.7 Height Limitations recommends a maximum height of 15 metres for all agricultural buildings other than grain bins, silos, combination silo and grain storages and principal livestock buildings. Adding medical marihuana production facilities to this list will help provide consistency and standardization for local government integrating this new farm use with other agricultural activities. Similarly, maximum building setbacks from property lines and minimum watercourse setbacks (Section 2.4.8) can do the same.

New Bylaw Standard criteria
Local government business licenses – Municipalities have historically not required business licences for traditional farming operations in BC. As agricultural activity on ALR land continues to develop, with on-farm processing, product preparation, and cidery and winery operations becoming more prominent, local government involvement through authority provided under the Community Charter can be expected. Given the relatively atypical history and hesitancy by many communities to embrace this sector, establishing a municipal business license requirement bylaw standard for medical marihuana production could assist in easing these concerns and provide greater confidence for local governments in accepting them into their communities.

Existing Farm Bylaw Standard criteria
Farm-Side Edge Planning – BC’s Local Government Act provides the ability for local governments to make special bylaws, or Farm Bylaws, in relation to farming areas with the Minister of Agriculture’s approval. The Act also allows for the Minister to establish Farm Bylaw standards for the guidance of local governments. One of these Farm Bylaws standards can be found in the publication “Guide to Edge Planning” and recommends setback distances for buildings on the farm-side of the ALR/urban boundary. Farm uses currently identified in the 100 metre setback distance with comparable nuisance concerns to medical marihuana production include manure storage, incinerators, and composting storage. Adding medical marihuana production facility to this list makes available another option for communities looking to implement greater restrictive authority regarding this use.

4.3 Proposed provisions and definitions
Local government zoning bylaws should permit medical marihuana production facilities in the ALR. The proposed provisions and definitions listed below include nine provisions already found in the Ministry’s Bylaw Guide and one new one. These provisions form the basis for further discussion, and as the process

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4 Part 2 Division 1 Section 8(6)
continues, they will potentially become, with Minister’s approval, the bylaw standard provisions and be integrated into the Bylaw Guide. Initially, the proposed criteria could include:

**Proposed provisions for MMPFs on ALR land**

<table>
<thead>
<tr>
<th>Subject</th>
<th>Proposed provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Government Bylaw Standard</td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Size</td>
<td>No minimum lot size</td>
</tr>
<tr>
<td>Lot Coverage</td>
<td>35% lot coverage maximum</td>
</tr>
<tr>
<td>Stormwater and Agricultural Liquid Waste management Plans</td>
<td>If the total impervious area of farm buildings and structures exceed 3700 m2 (appr. 40,000 ft) or covers more than 10% of lot a plan is required</td>
</tr>
<tr>
<td>Height Limitations</td>
<td>15 metre maximum building height</td>
</tr>
<tr>
<td>Building Setbacks</td>
<td>15 to 30 metre maximum building setbacks from property lot lines for MMPFs</td>
</tr>
<tr>
<td>Setbacks from Watercourses</td>
<td>30 metre setback from any watercourse</td>
</tr>
<tr>
<td>Business license</td>
<td>Required to operate</td>
</tr>
<tr>
<td>“Farm Bylaw” Standard</td>
<td></td>
</tr>
<tr>
<td>Farm-side ‘Edge Planning’</td>
<td>100 metre maximum building setback from urban/ALR boundary</td>
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</table>

**Proposed definitions**

<table>
<thead>
<tr>
<th>Subject</th>
<th>Proposed definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marihuana for Medical Purposes Regulations</td>
<td>Means the same as found in the MMPR.</td>
</tr>
<tr>
<td>Medical Marihuana Production Facilities</td>
<td>Means “Site” as defined in the MMPR.</td>
</tr>
</tbody>
</table>

**5.0 References**


Campbell, Phillip. Analysis of production area required to produce marihuana. Self published, 2013.


Note: Consumption is estimated between 1—3 grams per day, thus 2 grams was taken to be the average.


City of Nanaimo. Zoning Bylaw. Last retrieved July 9 from http://www.nanaimo.ca/UploadedFilesPath/Bylaws/BylawNo4500.pdf#nameddest=Agri


DATE: October 20, 2014
TO: Mayor and Council
FROM: Mike Younie, Director of Development Services
SUBJECT: Temporary Use Permit TUP14-003 (Interior Heavy Equipment Operator) to allow for a Heavy Equipment Operator School to Operate at the Property Located at 11750 Dewdney Trunk Road
ATTACHMENTS: Appendix 1: Information for Corporate Officer
Appendix 2: Temporary Use Permit
Appendix 3: Location Map

LOCATION:
RECOMMENDATION: Council consider and resolve:

That Temporary Use Permit, TUP 14-003 (Interior Heavy Equipment Operator School) for the property located at 11750 Dewdney Trunk Road be approved for a three year term as shown in Appendix 2 of the Director of Development Services’ report dated October 20, 2014.

PURPOSE:

The purpose of this report is to have Council consider issuing a Temporary Use Permit (TUP) for a three year term to Interior Heavy Equipment Operator School (IHE) to locate a heavy equipment operator school at 11750 Dewdney Trunk Road.

BACKGROUND:

Interior Heavy Equipment Operator School currently operates two schools – one in Winfield, British Columbia and one in Innisfail, Alberta. They offer various length (three week to ten week) programs consisting of classroom and on heavy equipment training. Given the high demand for these types of jobs in Alberta and northern British Columbia, IHE wishes to set up an operation in the lower mainland and has identified 11750 Dewdney Trunk Road (Appendix 3) as a suitable location in Mission. A condition of sale is that the proposed use be permitted through a TUP or rezoning.

SITE CHARACTERISTICS

The subject property is 8.05 hectares (19.89 acres) in size. As the site has been used for gravel extraction in the past the site has been heavily disturbed. There are no watercourses on the property and no significant vegetation.

OFFICIAL COMMUNITY PLAN

The subject property is designated as Industrial in the Official Community Plan.

ZONING BYLAW

The proposed heavy equipment operator school is not a permitted use in the Industrial Resource Extract (INR) Zone. Currently, a trade school is a permitted use but only within some of the commercial zones, the industrial business park zone, the parks and recreation zone and the Silverdale Neighbourhood One zone. Staff believe a trade school is an appropriate accessory use for the more industrial zones such as INR and will be assessing the value in bringing a text amendment forward at some point in the future for Council consideration.

As per SECTION 106, USE REGULATIONS, PART E. Temporary Commercial and Industrial Permits, of District of Mission Zoning Bylaw 5050-2009, Council may, by resolution, on application by an owner of land, issue a Temporary Use Permit which may permit a temporary use where the proposed use is currently not permitted within the zoning bylaw.

As time is of the essence in this case, a TUP application was made as it can be considered quicker than a rezoning. The TUP will allow for a heavy equipment operator school (i.e. trade school) for a period of three years. The TUP may be renewed for another three year term.
DISCUSSION AND ANALYSIS:
IHE is proposing to erect a fabric covered building on the site for use as a maintenance shop and four 12’ by 40’ mobile trailers will serve as a lunch room, first aid room and class room. A typical school day consists of two hours of class time followed by five hours of equipment operating time.

The mobile trailers will be located close to Dewdney Trunk Road while the pieces of heavy equipment will operate further from the road in the areas that have seen gravel extraction in the past. Given the past gravel extraction operations on this property, the operation of heavy equipment from Monday to Friday during normal business hours would be considered a normal operation for this property. As such, staff do not anticipate any conflicts with surrounding neighbours. No removal of gravel from the property or processing of gravel is planned.

IHE is hoping the proposal will grow in time from three full time employees initially to about ten within five years. Students who attend the courses will likely stay in local area hotels and will do their shopping locally. As such, there will be some positive economic spin off effects as a result of establishing the heavy equipment operator school.

Staff have spoken with municipal staff in Winfield and they have confirmed that there have been no issues associated with IHE in that community. Staff recommend that the proposed Temporary Use Permit (Appendix 2) be approved for a three year term.

COUNCIL GOALS/OBJECTIVES:
This proposal is consistent with Council’s economic development objective of promoting and stimulating economic development and business activity.

FINANCIAL IMPLICATIONS:
There are no financial implications associated with this proposal other than there could be some small increases in taxation associated with the expanded use on the property and spin off benefits to various community businesses.

COMMUNICATION:
In some instances, staff recommend a public information session be held prior to issuing a TUP; that recommendation is not being made here given the school is carrying out similar activities that have been carried out on the property for many years.

As required by the Local Government Act, the process for approving Temporary Use Permits has specific notification requirements. Upon receipt of a TUP application, an advertisement (notice) is forwarded to the local newspaper stating:

1. The purpose of the proposed permit;
2. The lands on which the permit is proposed;
3. The place, times and dates where the proposed permit may be reviewed, and;
4. The date, time and place where the resolution will be considered by Council.

The notice must be published in a newspaper at least three and not more than fourteen days before the adoption of the resolution to issue the permit.

In addition, as per the District of Mission Land Use Application Fees and Procedures Bylaw 3612-2003, all owners and tenants in occupation of land that is within 10 metres (30 feet) of the land that is
the subject of the application, including those properties across dedicated rights of way and highways, have received a notice in the mail with the above 4 points mentioned.

A copy of the permit has been made available for public viewing at the District of Mission Planning Department and on the District of Mission website.

An advertisement has been placed in the October 17, 2014 copy of the Mission City Record. Staff will provide verbal comments to Council if any comments are received as a result of the notification process.

Staff will communicate Council’s decision to IHE.

REFERRALS

Engineering Department
The Engineering Department has no objection to the application.

Inspection Services Division
The Inspection Services Division has no objection to the application. Building permits will be required for the placement of the proposed fabric covered building and mobile trailers.

SUMMARY AND CONCLUSION:

Interior Heavy Equipment Operator School (IHE) wishes to set up an operation at 11750 Dewdney Trunk Road – a historic gravel pit. The school will consist of classroom and heavy equipment training. As a trade school is not a permitted use within the Industrial Resource Extraction (INR) Zone, IHE is applying for a Temporary Use Permit to permit the school. Staff will assess the value in bringing forward a text amendment to the Zoning Bylaw to authorize this type of use.

INFORMATIONAL NOTES

- A copy of the Temporary Use Permit is attached as Appendix 2.

  The permit is valid for three years with the potential for a one time only renewal upon receipt of written request and approved by Council.

SIGN-OFFS:

Mike Younie, Director of Development Services

Reviewed by:
Marcy Bond, Senior Planner

Comment from Chief Administrative Officer
Reviewed.
Appendix 1
Information for the Corporate Officer

Civic Address: 11750 Dewdney Trunk Road
PID: 011-383-591
Legal: South West Half Legal Subdivision 12, Section 16, Township 18, Being All that is portion Lying South West of a Straight Line Joining The North West and South East Corners Except: Firstly: A Strip of Land One Chain in Width as Shown on Plan Filed with Department of Interior Under Number 21264 Secondly: Part Subdivided by Plan 49075, New Westminster District.
Appendix 2
DISTRICT OF MISSION
TEMPORARY USE PERMIT TP14-003

Issued to: Interior Heavy Equipment Operator School
Address: #2-10058 Highway 97 North
Winfield, BC, V4V 1P8

1. This Temporary Use Permit is issued subject to compliance with all Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this permit.

This Temporary Use Permit applies to and only to those lands within the Municipality legally described below:

Parcel identifier: 013-383-591
South West Half Legal Subdivision 12, Section 16, Township 18, Being All that is portion Lying South West of a Straight Line Joining The North West and South East Corners Except: Firstly:
A Strip of Land One Chain in Width as Shown on Plan Filed with Department of Interior Under Number 21264 Secondly: Part Subdivided by Plan 49075, New Westminster District.

2. The said lands are zoned Industrial Resource Extraction (INR) Zone pursuant to “District of Mission Zoning Bylaw 5050-2009” as amended from time to time.

3. “District of Mission Zoning Bylaw” as amended is hereby supplemented in respect of the said lands as follows:

   a. This permit allows for the addition of the following principal use and no others (as defined by “District of Mission Zoning Bylaw 5050-2009” as amended from time to time):
      
      i. Trade School

   b. The allowable use, outlined in this permit, shall be permitted to be conducted on the said lands for a maximum of three (3) years from the date of issuance of the permit and the use of the property for those purposes is subject to the following conditions:

      i. Upon expiry of this permit, the owner may apply for a renewal.

      ii. All business licences issued to the occupant of the property will have expiry dates that will not exceed the term of this permit;

      iii. All proposed signage on the site must be in accordance with the District of Mission Sign Bylaw 1662-1987 and approved by the Development Services Department.

   c. This permit shall lapse three (3) years after the date of issuance or upon breach of its terms and conditions.

   d. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this permit and any plans and specifications attached to this permit shall form a part hereof.

   e. The terms of this permit or any amendment to it, are binding on all persons who acquire an interest in the land affected by this permit.
f. This permit is not a building permit. Building permits must be obtained for all buildings to be located on the site associated with this permit.

AUTHORIZING RESOLUTION NO. XXXXXX passed by the Council on the XX day of XX, 2014.

IN WITNESS WHEREOF this Temporary Use Permit is hereby issued by the Municipality signed by the Mayor and Chief Administrative Officer this XX day of XX, 2014.

______________________________________
Walter (Ted) Adlem
MAYOR

_______________________________________
Ken Bjorgaard
CHIEF ADMINISTRATIVE OFFICER
Temporary Use Permit TP14-003
Appendix 3
Location Map
DATE: October 20, 2014
TO: Mayor and Council
FROM: Marcy Bond, Senior Planner
SUBJECT: Third Reading Report for Rezoning Application R14-009 (Ledcor Resources and Transportation Ltd.) for the Property Located at 29960 Lougheed Highway

ATTACHMENTS:
Appendix 1 - Information for Corporate Officer
Appendix 2 - Letter from Ledcor Resources & Transportation LP.
Appendix 3 - Advisory Letter from Ministry of Environment Addressing Unauthorized Water and Air Discharge
Appendix 4 - Letter from Wildstone Construction and Engineering Addressing Unauthorized Water and Air Discharge
Appendix 5 - Letter from Wildstone Construction and Engineering Addressing Noise

CIVIC ADDRESS: 29960 Lougheed Highway

APPLICANT: Ledcor Resources and Transportation LP.

OCP: This application is in conformance with the current OCP designation: Industrial

DATE APPLICATION COMPLETE: June 20, 2014

LOCATION:
PURPOSE

The purpose of this report is to provide Council with follow up information from the September 15, 2014 Public Hearing.

BACKGROUND

Due to the concerns raised by residents regarding the noise and dust generated at the existing barge loading facility operated by Ledcor Resources and Transportation (LR&T), Council wanted to ensure that the concerns raised by residents would not be exacerbated by the expansion of LR&T’s barge loading operation for the property at 29920 Lougheed Highway.

Therefore, Council requested staff provide additional information prior to proceeding with consideration of third reading of the zoning amending bylaw. Specifically, Council requested additional information relating to the following issues:

1. Letter from the Ministry of Environment dated August 5, 2014 regarding the unauthorized discharge to water and air;
2. Noise concerns on the site; and
3. Ledcor’s lack of communication with and response to residents’ concerns.

DISCUSSION AND ANALYSIS

The applicant has provided a letter, attached as Appendix 2, that details the steps and processes they have initiated at the existing barge loading facility, located at 29920 Lougheed Highway, to control dust and reduce noise generated from the site. As well, the applicant have initiated steps to improve communication with area residents to ensure they are apprised of developments and/or changes at the existing barge loading facility as well as the proposed expansion of the barge loading facility at 29960 Lougheed Highway.

1. Dust Control Measures

The applicant has hired Wildstone Construction and Engineering to address resident’s concerns regarding noise and dust and the issues with the advisory letter from the Ministry of Environment (Appendix 3) regarding the unauthorized discharge to water and air at the existing barge loading facility located at 29920 Lougheed Highway. Wildstone has prepared a letter to the Ministry of Environment, attached as Appendix 4 outlining recommendations to improve dust control on the site.

2. Noise Control Measures

The applicant has introduced the following measures to address noise at the site and, in particular, the noise from the bashing of trailer tippers at night.

- Wildstone Construction and Engineering have provided a letter attached as Appendix 5 outlining the recommendations for noise reduction at the existing barge loading facility.
- Advisory has been issued to all carriers delivering biomass (hog fuel) stating a zero-tolerance for banging of trailer tippers between 10:00 pm – 6:00 am;
- All carriers of wood chips loads have been ordered not to bang the trailer tippers;
• Dedicated trailers have been established that are custom lined to hall ("sticker") biomass material and a slip coat lining will be applied to the inside walls of trailers;
• Quotes are being obtained for having all trailers hauling biomass installed with slip coat lining.
• Site operator will be hired during winter months to shovel out trailers;
• Designing rubber cushions to serve as a contact barrier between metal deck of trailer tippers and trailer landing gear.

Residents have provided written confirmation to the applicant that recently there is a noticeable decrease in the level of noise generated at the existing barge loading facility.

3. Communication Improvements
The applicant has introduced or is planning to implement the following steps in order to improve communications with area residents including:
• establishing a contact list with residents;
• Soliciting feedback from residents on changes in tipper banging in the past several weeks;
• establishing an email address: Silverdale.Info@ledcor.com for residents to contact Ledcor directly and;
• mailing of information packages to residents;
• the development of a website to keep residents informed of what is happening on the site.

FINANCIAL IMPLICATIONS
There are no financial implications associated with this report.

COMMUNICATION
No Communication action is required.

INFORMATIONAL NOTES
1. Zoning Amending Bylaw 5453-2014-5050(147) must be signed by the Ministry of Transportation and Infrastructure prior to adoption of the zoning amending bylaw.
2. A covenant restricting land use on the proposed expanded barge loading facility at 29960 Lougheed Highway is required prior to adoption of the zoning amending bylaw.
3. Bonding for mitigation works in the amount of $114,880.00 as recommended in the Scott Resources report dated August 13, 2014 must be submitted to the District prior to the adoption of the zoning amending bylaw.

SIGN OFFS:

Marcy Bond, Senior Planner

Reviewed by:
Mike Younie, Director of Development Services
Comment from Chief Administrative Officer
Reviewed
Appendix 1

Information for Corporate Officer

Civic Address: 29960 Lougheed Highway

PID: 014-842-386

Legal: Parcel “C” (Reference Plan 4578) District Lot 436 Group 1 Except:
Appendix 2

October 3, 2014
District of Mission – Planning Department
8645 Stave Lake Street, Box 20
Mission, BC
V2V 4L9
Attention: Marcy Bond, Mike Younie

Re: Silverdale Reload Expansion and Rezoning Application PID 014-842-386

In order to move forward with our rezoning application for 29960 Lougheed Highway (PID 014-842-386), Ledcor Resources & Transportation LP has been making a significant effort and is driving for positive results to take care of the existing barge loading facility issues that have been a public concern. The existing facility and proposed expansion is a key hub for several business units within Ledcor. We have all been working together to make adjustments and the necessary changes operationally to permanently solve the problems raised by the public. Moving forward, both the existing operation and proposed expansion will adhere to these changes and protocols in order for our industrial activity to happily coexist with the surrounding residents.

Public Communications:

Unfortunately, over the past few years the public felt that their concerns were not being taken seriously and these issues were brought forward during our rezoning application process. We have recently made management changes on site and we are confident that with the efforts we are making that the local residents will be able to adequately communicate with us and be informed with the changes we are making to improve.

The following actions have either taken place or are in progress:

- Those residents who have signed up on our contact list have all been directly contacted for follow up and we have requested feedback.
- Some residents have responded, stating that the noise has been reduced to an acceptable level (Emails attached)
- An email address has been created that residents can direct their comments and concerns to – Silverdale.Info@ledcor.com. This will allow them to communicate directly with Ledcor management.
- Letters and information packages will be mailed to all residents within close proximity to the site.
- A website is being developed that will be regularly updated with information about what is happening on site and how our progress is coming along, this is expected to be complete in the next two months.
Noise and Dust Control:

Wildstone Group of Companies was hired as a third party consultant to work with Ledcor to develop solutions for the dust and noise control.

Due to raised public concern and complaints, the Ministry of Environment (MOE) issued an order letter to mitigate the dust released from the site (letter attached).

- A formal response from Wildstone has been submitted to the MOE outlining what our upgrades will include and how long it will take to implement (report attached).
- Oversized material that enters our loading conveyor can generate blockages and spillage at certain points, causing woody material to fall onto the ground below. An advisory has been sent to all suppliers of biomass, outlining our product specification rules and that the suppliers will be responsible for the environmental clean-up if the out-of-specification material is traced to their facility (Advisory attached).
- The MCE found the primary point of dust generation to be the loading conveyor. An extendable chute is being considered for installation to prevent fine wood dust from being airborne as it falls into the barge during loading.

In order to address the noise problems on site, during the night in particular, a number of changes have taken place and we are continuing work on solutions to permanently reduce the noise moving forward. Working with Wildstone and the District of Mission, we focused on reducing the noise in accordance with the bylaw in effect and what the public concerns are. We investigated performing a formal noise study initially, however we found that the nature and duration of the noise was the primary issue; as such, we decided to take action during the evening hours to reduce the noise at the source altogether.

- Wildstone was consulted with during this noise mitigation process, a letter addressed to the District of Mission from Wildstone (attached) will be submitted, outlining the efforts and changes made in regards to the noise.
- We have distributed a noise advisory to all carriers delivering biomass loads into the barge loading facility stating a zero-tolerance for banging of the trailer tippers between 10:00PM-6:00AM (Advisory attached).
- All carriers with wood chip loads have been ordered to not bang the trailer tippers at all times because it is unnecessary.
- We have dedicated all of our custom lined trailers to haul only the “stickier” biomass material, the lined trailers allow for easy unloading, mitigating product from getting stuck in the trailers. This will be coupled with a slip coat lining we will be applying to the inside walls of the trailers for easy unloading.
- We are receiving quotes for lining all of our trailers that haul this material to further prevent any future banging of the trailer tippers. The retrofitting will be taking place over the coming months.
• A site operator will be hired during the winter months to shovel out trailers when material becomes stuck. The proper safe work procedures will be developed to ensure the safety of our workers.

• We are also working on designing rubber cushions to serve as a contact barrier between the metal deck of the trailer tippers and the trailer landing gear, stopping the metal contact and elevated noise.

Ledcor is confident that the action plans in place will satisfy the Public's requests and that we can successfully operate in Mission over the long term.

Sincerely,

Ryan Finch
Project Manager
Appendix 3

August 5, 2014

REGISTERED MAIL \ RN 020 475 411 CA

Ledcor Resources & Transportation Limited Partnership
44580 Yale Road West
Chilliwack, BC V2R 4H1

Dear Mr. Shawn Hermus:

Re: Advisory, Unauthorized Discharge to Water and Air at 29920 Lougheed Highway, Mission, BC

On July 31, 2014, your facility was inspected by staff from Ministry of Environment, Environmental Protection Division based on a complaint. During the inspection, a number of issues were identified and discussed with you. They included:

- The generation of particulate matter/dust during the loading of the biomass on to the barge; and
- Woodwaste entering the Fraser River during the loading of the biomass on to the barge;

Section 6(2) of the Environmental Management Act (EMA) states that, “a person must not cause or allow waste to be introduced into the environment in the course of conducting a prescribed industry trade or business”. A person who fails to comply with a provision of EMA may be found guilty of an offence and could be liable, on summary conviction, to a penalty. For your reference, EMA and all related and pertinent British Columbia Laws can be found at http://www.bclaws.ca/.

In order to comply with the Environmental Management Act, Ledcor Resources & Transportation Limited Partnership (Ledcor) must stop the introduction of woodwaste into the Fraser River along with reducing the generation of particulate matter during the loading of the barge. Ledcor must provide evidence to the Ministry that they have hired a qualified professional to assess the situation, determine the most appropriate action to remedy the situation and implement an action plan. Please provide the Ministry an action plan with a timeline to complete by September 30, 2014.

Ministry of Environment
Monitoring, Compliance and Stewardship
Environmental Protection Division

Mailing Address:
200 – 10470 152nd Street
Surrey BC V3R 0Y3

Telephone: 604 582-5200
Facsimile: 604 584-9751
Website: www.gov.bc.ca/env

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This Advisory, the alleged violations and the circumstances to which it refers will form part of the compliance history of Ledcor and its responsible officials and will be taken into account in the event of future non-compliance.

If you have any questions with regard to this advisory, please contact Ashley Smith or David Hebert at 604-582-5200.

Yours truly,

Ashley Smith
Environmental Protection Officer

cc:     Shawn Hermus, 29920 Lougheed Highway, Mission, BC, V4S 1H3
        Mike Younie, District of Mission
        Stacey Barker, Fraser Valley Regional District

AS/
Appendix 4

Wildstone
Construction and Engineering Ltd
1-1101 Main Street, Penticton, B.C. V2A 5E6
Tel (250) 493-3947, Fax (250) 493-9238
www.wildstone.com

Civil • Environmental • Municipal • Geotechnical • Forestry • Fish and Wildlife

September 29, 2014

Lcedor Resources & Transportation Limited
44580 Yale Road, West
Chilliwack, BC V2R 4H1
Attn: Ryan Finch, Project Manager

Ministry of Environment
Environmental Protection Division
200-10470 152nd Street
Surrey, BC V3R 0Y3
Attn: Ashley Smith, Environmental Protection Officer

RE: Unauthorized Discharges at 29920 Lougheed Highway, Mission (CVIS file: 18046)

General
Lcedor Resources & Transportation Limited (Lcedor) was retained by Lcedor Resources & Transportation Limited Partnership (Lcedor) to address the unauthorized discharges at the Silverdale Reload Facility (located at 29920 Lougheed Highway, Mission) as described in an Advisory issued by the Ministry of Environment (MoE) on August 5, 2014.

Facility Description
The Silverdale Reload Facility is a 1.7 ha industrial site located along the north shore of the Fraser River in the southwest corner of the District of Mission, BC. Wood-chips and hog-fuel (collectively referred to as biomass) are imported by truck, temporarily stockpiled, and then reloaded onto barges.

Note: “Hog-fuel” is defined as an unrefined mix of coarse chips of bark and wood fiber. Hog-fuel is any type of wood byproduct or waste that can be burned for fuel but can’t be categorized as “wood-chips”.

To load the barges, biomass is put into a hooper at the base of a conveyor; the conveyor then drops the biomass into a vertical chute with the barge positioned below. The conveyor is equipped with dust covers, and the chute is extendable / retractable to accommodate different river elevations (seasonal and tidal). See photographs at the end of this report.

Unauthorized Discharges
The issues identified in the Advisory are as follows:

• The generation of particulate matter/dust during the loading of the biomass on to the barge; and
• Woodwaste entering the Fraser River during the loading of the biomass on to the barge.

For this site, “particulate matter/dust” is understood to be the lightest and smallest fractions of the biomass; and “woodwaste” is understood to be all fractions of the biomass other than particulate matter/dust.

Site Visit
A site visit was carried out by Chris Harp, P.Eng. on September 5, 2014 with Lcedor employees Ryan Finch, Project Manager, and Shawn Hermus, Site Supervisor in attendance.
Discussion
The unauthorized discharges are primarily related to the range of the vertical chute and oversized materials.

*Chute Length* – The elevation of the river (and therefore the barge) varies greatly by season and tidal phase. The elevation difference between high water in the spring with a high tide, and low water in fall with a low tide can often exceed 5 meters.

A chute that can be extended or retracted minimizes the distance between the end of the chute and the barge pile below, thereby minimizing the generation of particulate matter and risk of biomass blowing into the river.

In its fully retracted state, the chute is currently set to be just high enough to accommodate most high water events in the spring. However, due to its limited range it is currently 3 meters shorter than it would ideally be during the periods when the water is low. Accordingly, this 3 meter “gap” significantly raises the potential for dust to be generated and biomass to be blown into the river.

*Oversized Material* – The biomass coming on to the site comes from several sources. Ledcor has a policy that all biomass coming from these sources must have no dimension greater than 4” (i.e. “4”-minus”). However, Ledcor has not been enforcing this policy. Accordingly, the occurrence of oversized materials has been steadily increasing.

It is not uncommon for oversized materials to become lodged in the conveyer, causing biomass to back-up. When a back-up occurs, the biomass will break the dust covers open and discharge into the river environment below. Currently, the dust cover closest to the top of the conveyer has been left off due to this problem, creating an additional mechanism for dust discharges.

*Conclusion and Recommendations*
The objective is to reduce the amount of particulate matter being generated, and the amount of woodwaste entering the river, during the loading of the barge. To achieve that objective, the most important issue to address is the limited range of the vertical chute.

Wildstone recommends installing a new nesting chute as illustrated in the picture shown here. The chute should have a range of at least 5 meters. An example design based on rough initial/estimated dimensions is appended. For the example shown, the length of the chute in the fully retracted position is 1.9m; while in the fully extended position the length of the chute is be 7.4m. The range is therefore 5.5m. *As illustrated in the annotated photograph at the end of this report, bottom sections of the existing chute should be removed such that while in the fully retracted position, the chute can still accommodate the high water events in the spring.*

Wildstone also recommends that the length of the chute be actively adjusted during the barge loading process to minimize the drop-distance beyond the chute. *An automatic sensor to maintain a defined gap is available from the chute supplier.*
To address the issue of oversized materials, Ledcor has issued an Advisory to all suppliers reminding them of the existing “4”-minus” policy and warning them that they will be responsible for any costs associated with problems caused by oversized materials. A copy of this Advisory is appended to this report. Wildstone recommends that the top dust cover on the conveyor be re-installed; back-ups caused by oversized materials should now be greatly reduced. If problems with oversized materials persist, a limit switch that automatically shuts off the conveyor should be considered.

Action Plan and Timelines
It is anticipated that detailed engineering/design of the new chute system will require 2 weeks, manufacturing 4-6 weeks, and installation 3-4 weeks. Accordingly, the entire work plan should be completed by December 31, 2014 at which time the Ministry of Environment will be given an update. The update will include details regarding enforcement of the oversized materials policy which will take place concurrently.

Closure
This report has been prepared for the exclusive use of Ledcor and the Ministry of Environment. The information and findings presented in this report should not be relied upon by others without the expressed written consent of Wildstone. The work was completed in accordance with generally accepted environmental and engineering practices. No other warranty, expressed or implied, is made.

Prepared by,

[Signature]

Chris Harp, P.Eng
Project Manager
Wildstone Construction and Engineering Limited
Appendix 5

Wildstone Construction and Engineering Ltd
1-1101 Main Street, Penticton, B.C. V2A 5E6
Tel: (250) 403-2047, Fax: (250) 403-0238
www.wildstone.com

Civil ● Environmental ● Municipal ● Geotechnical ● Forestry ● Fish and Wildlife

October 6, 2014

File: WCE 3749

District of Mission
8545 Stave Lake Street, PO Box 20, Mission, BC, V2Y 4L9
Attn: Michael Younie, Director of Development Services
Marcy Bond, Senior Planner - Development Services

Ledcor Resources & Transportation Limited
44660 Yale Road, West, Chilliwack, BC V2R 4H1
Attn: Ryan Finch, Project Manager

RE: Noise Reduction Efforts at 29920 Lougheed Highway, Mission

General
Wildstone Construction and Engineering Limited (Wildstone) was retained by Ledcor Resources & Transportation Limited Partnership (Ledcor) to provide consultations related to noise reduction efforts at the Silverdale Reload Facility (located at 29920 Lougheed Highway, Mission) to address noise complaints by area residents.

Facility Description
The Silverdale Reload Facility is a 1.7 ha industrial site located along the north shore of the Fraser River in the southwest corner of the District of Mission, BC. Wood-chips and hog-fuel (collectively referred to as biomass) are imported by truck, temporarily stockpiled, and then reloaded onto barges. This facility operates six days a week, 24 hours a day.

Some of the biomass is brought to the facility in trailers that are positioned on tilting platforms (i.e. “tippers”), that can be raised to an angle such that the biomass falls out of the trailer.

Noise Complaints
Due to high moisture content, trailers carrying hog-fuel are sometimes not completely emptied by tipping (i.e. the hog-fuel becomes stuck/lodged in the trailer). In this situation, operators will often raise and lower the platform rapidly to dislodge the hog-fuel; this is referred to as “bouncing”. The noise complaints are understood to be primarily based on the sound generated by the bouncing as the metal of the platform comes in direct contact with the metal of the trailer.

Site Visit
A site visit was carried out by Chris Harp, P.Eng, on September 5, 2014 with Ledcor employees Ryan Finch, Project Manager, and Shawn Hemus, Site Supervisor in attendance.

Discussion
Noise, as a nuisance/pollution, is experienced by everyone differently. Accordingly, it is often difficult to meaningfully quantify. The current noise by-law provides no guidelines on acceptable limits. A noise study, involving the measurement of sound levels (i.e. decibel recordings) was considered, but it was concluded that the results would be of questionable value. For example, a railway line runs 24 hours a day runs between the facility and residents. The train noise would presumably be louder, and certainly last longer, than the noise generated by the bouncing. It was therefore inferred that the residents object more to
the nature of the noise being generated (i.e. intermittent/irregular metal “banging”) than the absolutely noise level or duration (both of which would presumably be less than a train).

The most meaningful improvements for the residents will be realised by focusing on making operational changes to ban bouncing during critical hours, making equipment modifications to minimize the need for bouncing in general, and making operational changes to deal with stuck biomass in such a way that does not involve bouncing.

Conclusions and Recommendations
Wildstone has worked collaboratively with Ledcor to develop the following strategies to significantly reduce the noise caused by bouncing:

1) Issue a noise advisory to all carriers delivering biomass loads into the facility stating a zero-tolerance for bouncing between 10:00PM-6:00AM.
2) All carriers of wood chip (versus hog-fuel) loads to be ordered to not bounce the trailer at all times as it is unnecessary for wood chip loads.
3) Dedicate all custom lined trailers to haul only the “stickier” material's (hog-fuel). These lined trailers result in less material becoming stuck/lodged in the trailer.
4) Obtain quotes for lining all trailers that haul hog-fuel to further prevent any future need for bouncing.
5) Hire a site operator during the winter months to shovel out trailers when material becomes stuck. Proper safety procedures to be developed.
6) Design rubber cushions to serve as a contact barrier between the metal deck of the trailer tippers and the trailer landing gear.
7) Investigate the use of a slip coat that would be applied to the inside of the trailers to reduce sticking.

Action Plan and Timelines
Ledcor has already issued the advisories associated with items 1 and 2 (see attached). The operational change associated with item 3 has also been completed. Items 4, 5, 6, and 7 are already being worked on and should be completed over the coming months.

Closure
This report has been prepared for the exclusive use of Ledcor and the District of Mission. The information and findings presented in this report should not be relied upon by others without the expressed written consent of Wildstone. The work was completed in accordance with generally accepted environmental and engineering practices. No other warranty, expressed or implied, is made.

Prepared by,

Chris Harp, P.Eng
Project Manager
Wildstone Construction and Engineering Limited

Attachments: Noise Advisories, Ledcor (Internal, and Third-party Drivers)
SILVERDALE RELOAD ADVISORY – EFFECTIVE IMMEDIATELY

Re: Bouncing Tippers

Mandatory Updated Tipping Procedures - All Carriers

- All carriers that deliver woodchips to Silverdale must comply with a zero tolerance for bouncing the trailer dumps.
- Bouncing not only pre-maturely wears vital components on the units, but also causes intolerable noise pollution to neighbouring houses.
  * The ONLY exception to this rule is in extreme winter conditions when high moisture chip material is combined with a snow layer in a B-train.

  - Hog fuel carriers are restricted from bouncing loads between the hours of 10:00PM – 6:00AM all days of the week.
  - Hog fuel carriers during unrestricted hours must request equipment operator's approval (temporarily through visual/verbal contact) before performing any bouncing action through two-way radio mounted at the tipper control panel.

- Failure to abide by the new procedures set forward will result in immediate progressive discipline and potentially suspended site access

Cant Mill Hog Loadings

- From the hours of 10:00PM – 6:00AM where bouncing of the trailer dumps is restricted, it is highly recommended that all Hog Fuel material that has a history of sticking in trailers, is to be loaded into dedicated lined wall Super-B sets.

  - If lined sets must be utilized elsewhere it is recommended that 53’ chain floor or equivalent self-unload trailer is supplied for the haul.
  - When and where it is necessary, anti-freeze trailer spray may be applied to the inside of units prior to loading, this should help reduce the chance of material freezing to the trailers walls.

Please forward any questions to the Silverdale Reload site operators and thank you for your consideration.

- LRTLP Management
September 26, 2014

SILVERDALE RELOAD ADVISORY – EFFECTIVE IMMEDIATELY

Re: Bouncing Tippers

Mandatory Updated Tipping Procedures - All Carriers

- All carriers that deliver woodchips to Silverdale must comply with a zero tolerance for bouncing the trailer dumps.
- Bouncing not only pre-maturely wears vital components on the units, but also causes intolerable noise pollution to neighbouring houses.
  * In extreme winter conditions when high moisture chip material is combined with a snow layer in a B-train, prior authorization by a Ledcor Silverdale site operator is required.

  - Hog fuel carriers are restricted from bouncing loads between the hours of 10:00PM – 6:00AM all days of the week.
  - Hog fuel carriers during unrestricted hours must request equipment operator’s approval (temporarily through visual/verbal contact) before performing any bouncing action through two-way radio mounted at the tipper control panel.

- Failure to abide by the new procedures set forward will result in a warning and potentially suspended site access

Please forward any questions to the Silverdale Reload site operators and thank you for your consideration.

- LRTLP Management
DATE: October 20, 2014  
TO: MAYOR AND COUNCIL  
FROM: Mike Younie, Director of Development Services  
SUBJECT: Proposed Rezoning from Rural to Comprehensive Development (CD36) Zone 36 to permit a commercial marihuana production facility use licensed under the federal Marihuana for Medical Purposes Regulations  
ATTACHMENTS:  
Appendix 1: Information for the Corporate Officer  
Appendix 2: Supporting Maps for 33420 Cardinal Street  
Appendix 3: LAN. 59 – Medical Marihuana Grow Operation Siting Requirements  
Appendix 4: Comprehensive Development 36 (CD36) Zone and Bylaw  
CIVIC ADDRESS: 33420 Cardinal Street  
APPLICANT: World of Marihuana Productions Ltd.  
OCP: The application is in conformance with the current OCP designation of Rural  
LOCATION
RECOMMENDATION: Council consider and resolve:

1. That notwithstanding Policy LAN.59 – Medical Marihuana Grow Operation Siting Requirements, amending Bylaw 5463-2014-5050(156) to amend the District of Mission Zoning Bylaw 5050-2009 (attached as Appendix 4 to the report from the Director of Development Services dated October 20, 2014), as follows:

   a) by adding Comprehensive Development 36 (CD36) Zone to District of Mission Zoning Bylaw 5050-2009; and

   b) by rezoning the property located at 33420 Cardinal Street from the Rural 36 (RU36) Zone to the Comprehensive Development 36 (CD36) Zone;

be considered for 1st and 2nd Readings at the Regular Council meeting on October 20, 2014.

2. That following 1st and 2nd Readings, the Bylaws be forwarded to a Public Hearing on November 3, 2014.

PURPOSE

This report is recommending that Council consider granting first and second readings to a rezoning application that seeks to establish a commercial marihuana production facility (Licensed Producer), licensed under the federal Marihuana for Medical Purposes Regulations (MMPR) for a property located at 33420 Cardinal Street, in the Steelhead community of Mission. The recommendation builds on a previous resolution of Council to consider legal Licensed Producer operations on industrial lands or lands within the Agricultural Land Reserve (ALR).

BACKGROUND

Approximately 600 personal production and designated production licences under the federal government’s previous Marihuana Medical Access Regulations (MMAR) exist within the District of Mission. These regulations were set to expire on April 1, 2014 as the federal government has changed the way in which people are able to access medical marihuana. A coalition of MMAR license holders appealed the replacement of MMAR with MMPR and the matter is currently before the courts. In the interim, the existing licences remain valid. A decision as to whether the MMAR licences will terminate or be grandfathered is expected within the next year.

Individuals and companies are still able to pursue Licensed Producer status under the MMPR. This particular aspect of licensing forms the basis for this rezoning application and is much different from the licensed operations that currently exist within Mission. Operations under a Licensed Producer status are larger operations that are to supply the end user with medical marihuana through mail or courier services. Staff have been advised that the MMPR have extremely strict requirements for security, odour and pollen control, record control and quality control of the finished product. It is a very different regulatory system from the current MMAR regime and was developed to address the challenges faced by local governments as a result of the MMAR regime. To date, approximately twelve licences have been issued across Canada and the federal government has indicated that the market will drive the number of licences.

In anticipation of such applications, Council adopted Policy LAN. 59 – Medical Marihuana Grow Operation Siting Requirements (Appendix 3). At the same time, the District amended the Zoning Bylaw to prohibit Licensed Producers unless otherwise permitted by the Zoning Bylaw. The effect of this change was to require any applicants under the MMPR to submit an
application for a rezoning on a case by case basis by way of a site specific comprehensive development (CD) zone approach. The purpose of the policy was to allow the establishment of these operations to be completely controlled by Council as existing operations have been the subject of many complaints from the public. The complaints typically revolve around noxious odours, perspectives on public safety and the potential impact on neighbouring properties.

The policy stipulates several requirements including the following:

- Applications would only be considered for lands with an Industrial or Agricultural Land Reserve designation
- No Medical Marihuana Grow Operation shall be sited within 150 metres (492 ft.) of a Public Park, School (public or private), Child Care Centre, a commercial use, or a residential use.
- For properties located within the Agricultural Land Reserve (ALR), a minimum lot size of 8 ha (19 ac.) is required to establish a Medical Marijuana Grow Operation; and
  - Buildings must be sited a minimum of 30 metres from all property lines. All uses associated with the Medical Marihuana Grow Operation must take place entirely within a building.
  - Servicing of the property shall be in accordance with all applicable regulations and permitting; on-site servicing may permitted.
  - A 3-metre landscape berm and buffer must be provided on-site for all adjacent non-ALR or Industrial land use designations.

The policy also requires applicants to demonstrate a community benefit in terms of:

- Projected tax implications
- Projected Full Time Equivalent (FTE) jobs provided;
- Where contractors will be obtained from i.e.: Mission?
- Projected average salaries of each FTE;
- Prove, that the proposal benefits the taxpayers of Mission.

The following considerations can be requested as part of the rezoning process:

- Fire Safety Plan for all new and existing buildings planned to be used in the operation; buildings may be required to be sprinklered;
- Waste Management Plan that identifies how all waste (solid and liquid) will be dealt with;
- Hydrology report identifying quantity and quality of water required for the proposed operation;
- Traffic Management Plan and/or Traffic Impact Analysis identifying on-site truck movements and traffic generation analysis;
- Odour/Ventilation Plan to mitigate noxious odours being released into the atmosphere that may cause discomfort for neighbouring residents;
- Lighting Analysis that shows any and all proposed security lighting does not injuriously affect neighbouring properties; and
- Crime Prevention Through Environmental Design (CPTED) analysis.

The property currently is being used to produce approximately 600 plants as per a licences issued under the MMAR. This type of licence is different from the MMPR Licensed Producer licence that the applicant is currently applying to Health Canada for. In addition, about 50 mother plants and 300 seedlings are being grown to replace harvested plants. To date, staff are not aware of any complaints being received regarding the existing licensed operation.
SITE CHARACTERISTICS AND HISTORY

The property (Appendix 2) is designated Rural and is currently zoned Rural RU36 and is 7.3 hectares in size. There is one principal dwelling on the site as well as one outbuilding where the existing licensed operation is located. The majority of the property is cleared of vegetation and slopes gently to the south. There are mature stands of trees along all edges of the larger portion of the property to the south. Two small watercourses exist on the edges of the property and stem from two small ponds on the property. The surrounding properties are all of a similar size and characteristic.

OFFICIAL COMMUNITY PLAN

The subject property is designated as Rural in the Official Community Plan. It is noted that Council Policy LAN. 59 stipulates that applications for these operations would only be considered for lands with an Industrial or Agricultural Land Reserve designation.

PLANNING ANALYSIS

It is important for Council to note that this application is not consistent with the District’s Policy LAN. 59 – Medical Marihuana Grow Operation Siting Requirements (Appendix 2) in several regards. The RU36 zone, as with all rural zones, permits general agriculture as a principal use. In this regard and since most ALR properties in Mission are zoned rural and because Licensed Producers are viewed as an agricultural use by the province and permitted within the ALR, the proposed use is not entirely inconsistent with the District’s policy. For this reason, staff are recommending that the CD36 Bylaw be considered despite Council Policy. In terms of area, the subject property is approximately 0.7 hectares shy of the recommended 8 hectare threshold identified in the Policy. The application seeks to rezone the subject property from RU36 to Comprehensive Development Zone 36 (CD36). The CD36 Bylaw is attached as Appendix 4. The CD36 zone is based on the RU36 zone but allows for the principal agricultural use of a commercial marihuana facility licensed under the federal government’s MMPR. The only additional change being proposed to the RU36 zone to accommodate this use is larger setbacks for associated agricultural buildings.

The proposed building that would house the Licensed Facility would have a footprint of 1,858 square metres (20,000 square feet) and would look very similar to the mushroom or chicken barns that are common in the Fraser Valley. The building would be located in the middle of the property southeast of the existing residence. At this time, the building is envisioned to have two floors although growing of plants would likely only occur on the lower floor. Processing, storage and laboratory space would be located on the upper floor. At any given time, approximately 4,600 plants would be growing with another 2,400 seedlings being grown to replace those harvested.

The District’s LAN.59 Policy requires a 30 metre (98.4 feet) buffer from property lines. This provision will be met with the new building and enforced as a provision within the proposed comprehensive development zone. A 3.0 metre (9.8 feet) buffer basically exists now around the property and will be augmented where required and consistent with the security protocols required under the MMPR.
Community Benefit
According to the federal government, the MMPR regime is a definite improvement over the current licensed operations that exist within residential areas of Mission. The establishment of these Licensed Facilities are subject to much stricter controls for security and odour control are requirements of the MMPR and is seen by many as a significant improvement over the current situation. If the growing of marihuana remains a legal activity within Canada and one that will be authorized in Mission, the act of growing is far better done under the MMPR regime than the MMAR regime. Supporting these MMPR facilities could help to reduce the number of existing licences under the MMAR in residential areas and all of their associated problems.

As suggested by the policy, the proponent has committed to staff that local contractors will be used as much as possible. The finished facility should employ upwards of thirty people with an average wage of $15 to $20 per hour. The most specialized jobs related to the technical aspects of the production would likely receive over $100,000 in compensation. In addition, given that the company is a publically traded one, employees would be able to receive compensation as stock options as well.

Additional Issues
As per the LAN. 59 policy (Appendix 3), a fire safety plan, a hydrology report, a waste management plan, a traffic management plan, an odour/ventilation plan, a lighting analysis and a CPTED analysis would need to be completed. It is noted that these studies are operational in nature and not directly related to the land use question in front of Council at this time. These plans would be completed prior to adoption. Staff will only list the application for adoption once these studies have been reviewed and accepted by staff. It is expected that operational measures associated with these plans should not be insurmountable. Primary issues will be around the need to ensure that the increased groundwater use will not negatively impact neighbouring wells, that any waste products are properly managed and disposed of and that the odour controls are in place to prevent odours crossing the property line.

Mission Fire Rescue Service Comments
Given the remote nature of the site and the size of the proposed structure, Mission Fire/Rescue Services will not have the capacity to provide the expected firefighting services. Mission Fire/Rescue Service will require that the proponent installs advanced fire detection and suppression systems and includes measures to have required water available on site to extinguish a large fire. The proponent must also work with the Mission Fire/Rescue Service in development of a wildfire urban interface management plan for the proposed site as part of their Fire Safety Plan.

Royal Canadian Mounted Police (RCMP) Comments
The RCMP do not have a great deal of experience with these large operations given they are new to Canada, are concerned about the negative impacts they could pose to the community and do not support deviating from the policy for the first proposed operation in Mission. While the MMPR has specific requirements for maintaining security at these operations, there is still the possibility that criminal elements will infiltrate the operations and/or subdue operators and steal crops. The RCMP suggest that the applicant acknowledges this possibility by offering $50,000 to offset the unique burden of increased fire and policing costs. The RCMP remain unsure that this amount will cover their costs in the long term. At this time, the RCMP would prefer to wait until these operations have been established in other municipalities and their impact on policing resources can be adequately predicted before seeing a facility established in Mission.
Engineering Department Comments
The Engineering Department does not have any concerns associated with this proposal other than care should be taken to ensure that an adequate buffer and screening is in place along the south edge of the property as the neighbouring property was the subject of a recent rezoning application that was denied. It is possible that a future application could be submitted and the proposed facility should not impact any future homeowners on that property.

FINANCIAL IMPLICATIONS

Cash Contribution
The proponent recognizes there may be additional burden placed on Mission Fire Rescue Service as well as the RCMP. In recognition of this, the proponent is offering a one time non-refundable contribution of $50,000. The only way that these funds can be accepted by the District is through negotiation and adoption of a Phased Development Agreement (PDA) bylaw. The PDA also provides the District with the benefit of expunging the CD36 zone should a commercial licence not be issued by the federal government. A separate public hearing would need to be held regarding the PDA bylaw and could take place prior to adoption of the CD36 zone although the adoption of the PDA bylaw would not be a prerequisite of adopting the CD36 zone but would be seen rather as a benefit to the District.

The $50,000 contribution would be receivable at the time of signing of the PDA. Using a PDA would allow time (five years) for the applicant to receive a licence from Health Canada. Five years is suggested as it allows the developer some certainty of zoning to allow significant investments to be made to support their application to Health Canada and certainty is also required by Health Canada in order to issue a licence. Should a licence not be obtained within five years, the zoning would revert back to the existing RU36 zone.

Taxation
Recently, the province has recognized that Licensed Producers shall be taxed as an industrial business. Rather than the entire property being taxed at the industrial rate, it is only the portion of land covered by the footprint of the building that would be charged the industrial rate as well as the improvement directly involved with the operation. Actual assessed values and taxes are shown for 2014 and estimated assessed values and taxes are shown for 2015 in Table 1. The effect of locating a Licensed Producer operation on the property almost doubles the taxes paid to the District from $8,110.74 to $14,600.

<table>
<thead>
<tr>
<th></th>
<th>2014</th>
<th>2015 Estimated</th>
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<tr>
<td>Land – Residential</td>
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<td>Land – Industrial</td>
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<tr>
<td>Total Tax</td>
<td>$8,110.74</td>
<td>$14,600</td>
</tr>
</tbody>
</table>

Although the subject application is not entirely consistent with the District’s Policy, the intent in terms of potential for impact to neighbouring properties is met. Staff do not feel that any sort of precedent is being set should this application be approved as any future applications must be considered on their own merits under the CD zone approach. Although staff are recommending first and second reading on October 20, 2014, given that this is a new land use within Mission
and the municipal election is upcoming, Council may want to consider delaying the consideration of this application to a time when the new Council can be certain to consider all the readings. The proposed timeline could see adoption on November 17, 2014 by the existing Council but any delay for a third reading report for example, would force third reading and/or adoption to be considered by the new Council.

COMMUNICATION
Staff recommends that the Steelhead Community Association be notified directly should a public hearing be scheduled and that the District’s normal communication practices be used including using rezoning notification signage at the site and sending letters to nearby property owners.

SUMMARY AND CONCLUSION
An application has been received from World of Marihuana Productions Ltd. to rezone the property at 33420 Cardinal Street to a new Comprehensive Development zone that would allow the establishment of a licensed commercial marihuana production facility, regulated under the new Marihuana for Medical Purposes Regulations. The application is not consistent with the District’s policy LAN. 59 - Medical Marihuana Grow Operation Siting Requirements in that the property is not designated ALR or industrial and the property is 7.3 hectares in area - slightly smaller than the 8 hectares for ALR properties in the policy. The RCMP object to the application moving forward as it is not consistent with the policy and these new operations and their potential impacts are not well understood at the current time. Notwithstanding the policy and the RCMP’s comments and given the intent of the policy is generally met by the application, staff are recommending that first and second reading be granted with a public hearing set for November 3, 2014.

SIGN-OFFS

Mike Younie, Director of Development Services

Reviewed by:
Dan Sommer, Manager of Planning

Comment from Chief Administrative Officer
Reviewed
Civic Address: 11750 Dewdney Trunk Road
PID: 011-383-591
Legal: South West Half Legal Subdivision 12, Section 16, Township 18, Being All that is portion Lying South West of a Straight Line Joining The North West and South East Corners Except: Firstly: A Strip of Land One Chain in Width as Shown on Plan Filed with Department of Interior Under Number 21264 Secondly: Part Subdivided by Plan 49075, New Westminster District.
BACKGROUND:

In 2001, Health Canada introduced a program which allowed those individuals with a demonstrated medical need to cultivate and possess marihuana for medical purposes - Marihuana Medical Access Regulation Program (MMAR). The MMAR program “has grown exponentially, from under 500 authorized persons to over 30,000 today. This rapid increase has had unintended consequences for public health, safety and security as a result of allowing individuals to produce marihuana in their homes.” (Health Canada, June 2013).

Accordingly, Health Canada released the new Marihuana for Medical Purposes Regulations (MMPR) in December 2012 for public review and comment. The new regulations have subsequently been adopted on June 6, 2013 and published on June 19, 2013. The newly adopted MMPR change the way Canadians are able to access marihuana for medical purposes by eliminating the production of marihuana in homes as is allowed under the current MMAR, which will be repealed on March 31, 2014.

The newly adopted MMPR allows a transition period during which new operators are able to establish their operation prior to the March 31, 2014 deadline after which all existing licences issued under the MMAR will no longer be valid. As existing MMAR licences expire, any person continuing to operate a medical grow operation will be an illegal activity and subject to criminal charges; no existing operation may be deemed as ‘legally non-conforming’ as the use will simply be illegal and criminal. The District of Mission will be considering applications for Medical Marihuana Grow Operations on a case by case basis and only when certain criteria can be met.

PURPOSE:

This purpose of this policy is to provide the District and Council with general guidelines to assist in consideration of applications to rezone a property in order to accommodate a Medical Marihuana Grow Operation licenced under the MMPR.
POLICY:

OFFICIAL COMMUNITY PLAN DESIGNATIONS

Medical Marijuana Grow Operations are often associated with odorous or unpleasant emissions, noise and require a large amount of indoor space for growing, cultivating, drying, packaging and distributing the marihuana for medical purposes. Additionally, requirements to provide a secure environment for not only the producers, but for neighbouring properties necessitate the need for additional siting conditions. As such, the location of licenced Medical Marihuana Grow Operations licenced by the MMPR may be considered by Council on a case-by-case basis on lands within the District of Mission that are either Industrial or Agricultural Land Reserve designations within the Official Community Plan. Additional considerations are listed below.

AREA REGULATIONS

In consideration of neighbouring properties, specific regulations regarding siting, building setbacks and screening will need to be addressed.

GENERAL SITING CONDITIONS

No Medical Marihuana Grow Operation shall be sited within 150 metres (492 ft.) of a Public Park, School (public or private), Child Care Centre, a commercial use, or a residential use.

AGRICULTURAL LAND RESERVE

1. For properties located within the Agricultural Land Reserve, a minimum lot size of 8 ha (19 ac.) is required to establish a Medical Marijuana Grow Operation.

2. Buildings must be sited a minimum of 30 metres from all property lines. All uses associated with the Medical Marihuana Grow Operation must take place entirely within a building.

3. Servicing of the property shall be in accordance with all applicable regulations and permitting; on-site servicing may permitted.

4. A 3-metre landscape berm and buffer must be provided on-site for all adjacent non-ALR or Industrial land use designations.

INDUSTRIAL

1. For properties located on lands designated Industrial within the Official Community Plan, the minimum lot size for a Medical Marihuana Grow Operation shall be a minimum lot size of 4.0 ha (9.8 ac.).

2. Buildings must be sited a minimum of 7.5 metres from all property lines and, where the property is adjacent to a residential use, buildings must be sited a minimum of 30 metres from the property line.

3. All uses must take place entirely within a building.

4. A Medical Marijuana Grow Operation shall be a mutually exclusive use to the property; no other use shall be permitted on a property where a Medical Marijuana Grow Operation is sited.

5. Servicing of the property shall be in accordance with all applicable regulations and permitting; on-site servicing may permitted.

6. A 3-metre landscape berm and buffer must be provided on-site for all adjacent non- ALR or Industrial land use designations.
COMMUNITY BENEFIT CRITERIA

Applicants must provide Council with a community benefit analysis. Such an analysis must, at a minimum, address the following:

1. Projected tax implications assuming farm status is granted for the property;
2. Projected Full Time Equivalent (FTE) jobs provided;
3. Where contractors will be obtained from ie: Mission?
4. Projected average salaries of each FTE;
5. Prove, that in accordance to Council resolution No. RC13/515, that the proposal “benefits the District of Mission taxpayer”.

CONSIDERATIONS IN DEVELOPING THE CD ZONE

When an application is made to rezone a property to a Comprehensive Development zone, the following considerations may be requested as part of the application:

1. Fire Safety Plan will be required for all new and existing buildings planned to be used in the operation; buildings may be required to be sprinklered;
2. Waste Management Plan that identifies how all waste (solid and liquid) will be dealt with;
3. Hydrology report identifying quantity and quality of water required for the proposed operation;
4. Traffic Management Plan and/or Traffic Impact Analysis identifying on-site truck movements and traffic generation analysis;
5. Odour/Ventilation Plan to mitigate noxious odours being released into the atmosphere that may cause discomfort for neighbouring properties;
6. Lighting Analysis that shows any and all proposed security lighting does not injuriously affect neighbouring properties; and

BUILDING INSPECTION/BUSINESS LICENCE

All buildings shall be considered as an Industrial building and shall be subject to regular fire inspections as performed by the Fire Department from time to time.

All businesses shall be subject to acquiring a District of Mission Business Licence in accordance with Business Licence Bylaw 3964-2007.

*** END OF POLICY ***

RECORD OF AMENDMENTS/REVIEW

<table>
<thead>
<tr>
<th>Policy #</th>
<th>Date Adopted</th>
<th>Date Reviewed</th>
<th>Amended (Y/N)</th>
<th>Date Reissued</th>
<th>Authority (Resolution #)</th>
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DISTRICT OF MISSION

BYLAW 5463-2014-5050(156)

A Bylaw to amend "District of Mission Zoning Bylaw 5050-2009"

WHEREAS, under the provisions of 903 of the Local Government Act, a Council may, by bylaw, divide the municipality into zones and regulate the use of land, buildings and structures within such zones;

AND WHEREAS the Council of the District of Mission has adopted "District of Mission Zoning Bylaw 5050-2009" and amended same from time to time;

AND WHEREAS the Council of the District of Mission deems it advisable and in the public interest to amend the Zoning Bylaw;

NOW THEREFORE the Council of the District of Mission, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as "District of Mission Zoning Amending Bylaw 5463-2014-5050(156)

2. "District of Mission Zoning Bylaw 5050-2009" as amended, is hereby further amended by:

   a) Adding the Comprehensive Development 36 (CD36) Zone as Section 1236 “CD36 Zone”, as set out in Schedule “A” attached to and forming part of this Bylaw;

   b) rezoning the property located at 33420 Cardinal Street and legally described as:

      Parcel Identifier: 011-383-591

      South West Half Legal Subdivision 12, Section 16, Township 18, Being All that is portion Lying South West of a Straight Line Joining The North West and South East Corners Except: Firstly: A Strip of Land One Chain in Width as Shown on Plan Filed with Department of Interior Under Number 21264 Secondly: Part Subdivided by Plan 49075, New Westminster District

      from the Rural 36 (RU36) Zone to the Comprehensive Development Zone 36 (CD36); and

   c) amending the zoning maps accordingly.

READ A FIRST TIME this day of , 2014

READ A SECOND TIME this day of , 2014

ADVERTISED this day of , 2014

PUBLIC HEARING held this day of , 2014
READ A THIRD TIME this day of 2014
APPROVED by the Ministry of Transportation and Infrastructure this day of, 2014
ADOPTED this day of 2014

WALTER (TED) ADLEM, MAYOR
KEN BJORGAARD, CHIEF ADMINISTRATIVE OFFICER (Interim Corporate Officer)
Schedule A

SECTION 1236  CD36 Zone

A. Zone Intent

1. The intent of this zone is to accommodate a range of uses based on the uses permitted within the RU36 zone with the addition of commercial marihuana facilities use licensed under the federal government’s Marihuana for Medical Purposes Regulations.

B. Permitted Uses

1. The following Principal Uses and no others shall be permitted in the CD36 Zone:

   a. Agriculture limited to:

      i. General Agriculture.
      ii. Commercial Marihuana Facilities licensed under the federal government’s Marihuana for Medical Purposes Regulations

   b. Residential limited to:

      i. One Single Family Dwelling, or
      ii. One Mobile Home.

2. The following Accessory Uses and no others shall be permitted in the CD36 zone:

   a. Agricultural limited to:

      i. Greenhouse, and
      ii. Hobby Greenhouse.

   b. Residential limited to:

      One of,

      i. Bed and Breakfast, or
      ii. Boarding Use, or
      iii. Secondary Dwelling Unit (Section106 Part F.) limited to:
      iv. Secondary Family Dwelling by covenant – provided the minimum Lot size is 1.6 ha (4.0 ac) and the Principal Use is not a Duplex or a Mobile Home,

      And,

      v. Detached Garage,
      vi. Home Occupation.

   c. Retail limited to:

      i. Produce Sales.
d. Storage limited to:

i. Enclosed Storage.

C. Lot Area

1. Except where such a Lot existed at the date of adoption of this Bylaw or Lots created under Section 104, Part D, each Lot shall have a minimum area as shown on the following table:

| CD36 | 7.3 ha (18.0 ac) |

D. Setbacks

1. Residential Buildings and Structures:

a. All Buildings and Structures for non-agricultural uses shall be sited in accordance with the following minimum Setbacks:

<table>
<thead>
<tr>
<th>Principal and/or Accessory Building/Structure</th>
<th>Front (m)</th>
<th>Rear (m)</th>
<th>Interior Side (m)</th>
<th>Exterior Side (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal and/or Accessory Building/Structure</td>
<td>7.5 m</td>
<td>7.5 m</td>
<td>4.5 m</td>
<td>4.5 m</td>
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<tr>
<td></td>
<td>(24.6 ft)</td>
<td>(24.6 ft)</td>
<td>(14.8 ft)</td>
<td>(14.8 ft)</td>
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</table>

2. Agriculture Buildings and Structures:

a. A Building or Structure for Agriculture, except as provided for in Part D Subsections 2b, 2c, 2d and 2e hereof, shall be sited in accordance with the following minimum Setbacks:

<table>
<thead>
<tr>
<th>Agriculture Building/Structure</th>
<th>Front (m)</th>
<th>Rear (m)</th>
<th>Interior Side (m)</th>
<th>Exterior Side (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture Building/Structure</td>
<td>7.5 m</td>
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<td>7.5 m</td>
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<tr>
<td></td>
<td>(24.6 ft)</td>
<td>(24.6 ft)</td>
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<td>(24.6 ft)</td>
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b. A Building or Structure exceeding 30 sq m (322.9 sq ft) for the keeping of cattle, poultry, rabbits, cage birds and other livestock not specified in Part D Subsection 2c hereof, and silos, shall be sited in accordance with the following minimum Setbacks:

<table>
<thead>
<tr>
<th>Agriculture Building/Structure</th>
<th>Front (m)</th>
<th>Rear (m)</th>
<th>Interior Side (m)</th>
<th>Exterior Side (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture Building/Structure</td>
<td>15.0 m</td>
<td>15.0 m</td>
<td>15.0 m</td>
<td>15.0 m</td>
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<tr>
<td></td>
<td>(49.2 ft)</td>
<td>(49.2 ft)</td>
<td>(49.2 ft)</td>
<td>(49.2 ft)</td>
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</tbody>
</table>
c. A Building or Structure exceeding 30.0 sq m (322.9 sq ft) for the keeping of swine, poultry or fur bearing animals shall be sited in accordance with the following minimum Setbacks:

<table>
<thead>
<tr>
<th></th>
<th>Front</th>
<th>Rear</th>
<th>Interior Side</th>
<th>Exterior Side</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture Building/Structure</td>
<td>105.0 m (344.5 ft)</td>
<td>60.0 m (196.9 ft)</td>
<td>60.0 m (196.9 ft)</td>
<td>105.0 m (344.5 ft)</td>
</tr>
</tbody>
</table>

d. A Building or Structure for the storage of manure including manure pits or tanks shall be sited in accordance with the following minimum Setbacks:

<table>
<thead>
<tr>
<th></th>
<th>Front</th>
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<th>Interior Side</th>
<th>Exterior Side</th>
</tr>
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<tr>
<td>Agriculture Building/Structure</td>
<td>105.0 m (344.5 ft)</td>
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<td>60.0 m (196.9 ft)</td>
<td>105.0 m (344.5 ft)</td>
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e. A Building or Structure used in the production and storage of marihuana as part of a commercial marihuana facility licensed under the federal government’s Marihuana for Medical Purposes Regulations shall be sited in accordance with the following minimum Setbacks:

<table>
<thead>
<tr>
<th></th>
<th>Front</th>
<th>Rear</th>
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<th>Exterior Side</th>
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E. Lot Coverage

1. Buildings shall together cover not more than 15% of the Lot Area.

F. Floor Space

1. A Floor Space Ratio is not applicable in these zones.

G. Impervious Surfaces

1. Impervious Surfaces shall together cover not more than 25% of the Lot Area.

H. Number of Residential Buildings

1. Buildings for a Residential Use shall be limited to one per Lot except where a Secondary Dwelling Unit is located within a Secondary Family Dwelling.

I. Height of Buildings

1. The Height of the Principal Building shall not exceed 11.0 m (36.1 ft).
2. *The Height of an Accessory Building shall not exceed one storey to a maximum of 6.0 m (19.7 ft).*

3. *The Height of a Building or Structure for Agriculture shall not exceed 15.0 m (49.2 ft).*

J. Off Street Parking

1. *Off Street Parking* shall be in accordance with the provisions of Section 109.

K. Greenhouse Use

1. Shall be limited to a maximum of two *Buildings* not exceeding a total area of 150 sq m (1,614.6 sq ft).

2. Where *Greenhouse* use is artificially illuminated, light spillage shall not extend beyond the subject property boundary.

3. A solid landscape buffer of a minimum of 2.0 m (6.5 ft) in height is required.
Excerpt from the Public Hearing Minutes of August 22, 2011

District of Mission Zoning Amending Bylaw 5225-2011-5050(45) (R11-013 – Dundas) – a bylaw to rezone property at 30489 Nikula Avenue from Rural 16 Zone (RU16) to Rural Residential 7 Zone (RR7)

Erik Wilhelm, Planner, provided information regarding District of Mission Zoning Amending Bylaw 5225-2011-5050(45) (R11-013 – Dundas), which proposes to amend District of Mission 5050-2009 by redesignating the following legally described property:

Parcel Identifier: 009-930-540, Lot 4, Section 26, Township 15, New Westminster District Plan 77000

from RU16 (Rural 16) zone to RR7 (Rural Residential 7) zone.

The location of the subject property is 30489 Nikula Avenue and is shown on the following maps:

Mr. Wilhelm explained that the purpose of the proposed amendment is to accommodate the subsequent subdivision of the subject property into four (4) lots of a minimum 0.7 hectare (1.73 ac.) lot size.

The Planner stated that the following requirements would need to be met prior to adoption of the bylaw:

- receipt of the Community Amenity Contribution in the amount of $2,680; and
- any other items that Council may require resulting from the Public Hearing or Council consideration of the application.

The Deputy Chief Administrative Officer stated that no written submissions were received.

Hearing no questions or comments, the mayor declared the public hearing on District of Mission Zoning Amending Bylaw 522-2011-5050(45) (R11-018 – Goertz) closed.
Planning Department Memorandum

FILE: PRO.DEV.ZON
R11-013

To: Chief Administrative Officer
From: Planner
Date: July 18, 2011
Subject: Rezoning Application R11-013 (Dundas) – 30489 Nikula Avenue

Recommendation

That, in accordance with Rezoning Application R11-013 (Barry and Shane Dundas), the Corporate Officer prepare a bylaw to amend District of Mission Zoning Bylaw 5050-2009 by rezoning the property located at 30489 Nikula Avenue and legally described as:

Parcel Identifier: 009-930-540 Lot 4, Section 26, Township 15, New Westminster District Plan 77000
from Rural 16 (RU16) to Rural Residential 7 (RR7);
that the bylaw be considered for 1st and 2nd readings at the Regular Council meeting on July 18, 2011; and
that following such readings, the bylaw be forwarded to a Public Hearing on August 22, 2011.

Summary of Proposal

An application has been received from Barry and Shane Dundas to rezone the property located at 30489 Nikula Avenue (Map 1) from Rural 16 (RU 16) to Rural Residential 7 (RR7) to facilitate a two (2) lot subdivision. The draft site plan is attached as (Plan 1).

Site Description and Neighbourhood Context

The subject property is 2.0 hectares (4.94 acres) in area and slopes gently from the northern reaches of the property towards the southeast corner of the property. District of Mission mapping indicates a large wetland north of the property and roadside ditches along Bell Street and Nikula Avenue (Watercourse/Topographic Map). An existing residence is located on the western portion of the property that is accessed by a gravel driveway accessed off Nikula Avenue.

The overall residential neighbourhood character along Bell Street in Stave Falls is comprised of larger properties which are moderately treed with single family residences. The majority of surrounding properties are considered rural with a small number of properties further developed to Rural Residential densities within the last five to ten years.

Zoning

The subject property is zoned Rural 16 (RU16) which permits a minimum lot size of 1.6 hectares (3.95 acres). This application proposes to rezone the property to Rural Residential 7 (RR7) which permits a minimum lot size of 0.7 hectares (1.72 acres). The intent of the RR7 zone is to provide for one unit residential dwellings outside the urban development area.
Official Community Plan (OCP) Designation

The proposed zone (Rural Residential 7) is permitted within the Rural Residential OCP designation. The proposed Rural Residential development does not require an OCP amendment and is in keeping with the future densities envisioned within the OCP.

Development Abstract

The area of proposed Lot 1 is 1.01 hectares (2.49 acres) while proposed Lot 2 is 0.989 hectares (2.44 acres). Both these lots are ‘oversized’ within the proposed RR7 zoning; however, neither lot have further subdivision potential under the Rural Residential OCP designation.

The existing residence is sited on the western portion of the property and will remain within proposed Lot 1 (Plan 1). The applicant wishes to provide access to Lot 2 from Bell Street and plans to locate the new residence on the northern quadrant of proposed Lot 2.

Given the area of both lots, there is ample space to accommodate a building envelope and all other requirements such as access, septic disposal area and a well site. A Statutory Right-of-Way is registered on the northern 33 metres of the property to provide for the BC Hydro Power Lines that run east-west through the northern portion of the property. The proposed development and possible building envelope will not affected by the power lines (OCP Map).

Community Amenity Contribution

It is recognized that residential development imposes a unique financial burden on the community by creating a need or demand for new/upgraded public facilities or amenities. In order to address this unique financial burden, rezoning applicants are requested to make a contribution to the District’s Community Amenity Reserve Fund for new/upgraded public facilities or amenities. The applicant has agreed to contribute $2,680.00 as part of this rezoning application.

Tree Retention and Replanting

The subject property was cleared years earlier to provide for the existing residence. Although the property exhibits numerous trees throughout the property; none of the trees are considered significant (i.e. tree trunks are less than 20 centimetres in diameter). As the District of Mission Tree Retention Policy requires two (2) trees for each lot created by subdivision, the applicant is required to plant a total of four (4) trees.

Environmental Protection

Given that there are three watercourses on the perimeter of the property, the applicant has provided an environmental report that outlines protection measures for the watercourses. Specifically, the roadside ditch along Nikula Avenue will be protected with a 15 metre covenant while the ditch along Bell Street will be protected with a 30 metre covenant. All watercourses will be protected in accordance with Section 108 of the Zoning Bylaw and all environmental protection measures will be ensured through the subdivision process.

Both the existing driveway and eventual driveway for lot 2 will encroach within the environmentally sensitive area (ESA). Once the driveway access for lot 2 is determined, a professional biologist will determine the amount of compensation needed as part of the subdivision process (i.e. no net loss of environmental values). The compensation will be provided in the form of additional covenant area on the perimeter of the ESA boundary within the subdivision (Plan 1).
Parkland

Rolley Lake Park and recreational opportunities along the western shore of Stave and Hayward Lake are within the general vicinity of Stave Falls. Moreover, as only one (1) additional lot will be created by subdivision, there is no parkland dedication requirement.

Internal Comments

Engineering Department

The application was forwarded the District of Mission Engineering Department. The Engineering Department has reviewed the proposal has stated that “from an engineering point of view the rezoning application may proceed to final adoption” (Appendix I).

External Referrals

Utility Agencies (B.C. Hydro, Fortis BC, Telus)

The development proposal has been sent to all utility agencies as part of the subdivision process.

Public Hearing Information Package

In accordance with Council Policy LAN.50 – PRE-PUBLIC HEARING INFORMATION PACKAGES, a package will be produced containing material related to the development application.

Requirements Prior to Adoption of the Zone Amending Bylaw

• Receipt of the Community Amenity contribution in the amount of $2,680.00;

• Any other items that Council may require resulting from the Public Hearing or Council consideration of the application.

Development Summary

In summary, staff recommend that Council provide 1st and 2nd reading to the bylaw amendment to rezone the subject property from Rural 16 (RU16) to Rural Residential 7 (RR7) and forward the rezoning proposal to Public Hearing on August 22, 2011.

Erik Wilhelm
PLANNER

G:\COMDEV\ERIK\Working Development Planning Staff Reports\Nikula Avenue_R11-013.docx
Likely location of compensation area for driveway encroachment within ESA

Plan 1
Draft Plan of Subdivision

Lot 1
1.01 Hectares

Lot 2
0.989 Hectares

Man-made pond with no outfall

Existing Residence to remain

Existing driveway to be retained

Likely location of new residence and appurtenances
Appendix I

ENGINEERING DEPARTMENT REZONING COMMENTS

FILE: R11-013

CIVIC ADDRESS: 30489 Nikula Avenue

DOMESTIC WATER REQUIREMENTS:

No municipal water available. Developer will be required to provide potable water for each parcel and a hydrogeology report to confirm that the well/s meet the requirements of the Subdivision Control Bylaw.

SANITARY SEWER REQUIREMENTS:

No municipal sanitary sewer available.

STORM SEWER REQUIREMENTS:

Municipal open ditch storm sewer is available on Nikula Avenue, no further upgrading required.

RECOMMENDATION

From an engineering point of view the rezoning application may proceed to final adoption.

Salem Abushawashi
Deputy Director of Engineering

Tony Miniaci
Engineering Technologist
Zoning Amending Bylaw 5424-2014-5050(136)
(R13-033 – Analytical Consulting) – a bylaw to rezone property at 33644 Cherry Avenue from the Suburban 36 (S36) Zone to the Residential Compact 465 (RC465) Zone

The purpose of the proposed Zoning Bylaw amendment is to rezone the property at 33644 Cherry Avenue and legally described as:

Parcel Identifier: 009-322-051
Lot 10 Section 27 Township17 New Westminster District Plan 24265

from the Suburban 36 (S36) Zone to the Residential Compact 465 (RC465) Zone to create four (4) residential compact lots.

Gina MacKay, Planner, showed a PowerPoint presentation that provided the following information:

1. purpose and outline of the proposal;
2. subject property map and site photos;
3. surrounding area designation and lot size;
4. proposed site plan;
5. development and servicing requirements;
6. development variance permit; and
7. land use question.

The Acting Manager of Corporate Administration stated that the following correspondence pertaining to the subject application had been received:

Shannon Jones, dated March 31, 2014, in opposition to the proposed development and stating various concerns.
Mike and Jaana Critchley, dated April 2, 2014 requesting that the Public Hearing be rescheduled, with a response dated April 3, 2014 from the Acting Manager of Corporate Administration.
Mike and Jaana Critchley, dated April 2, 2014, in opposition to the proposed development and stating various concerns.
Julie Tatla, dated April 4, 2014, in support of the proposed development.
Sherry Johnson, dated April 4, 2014, in support of the proposed development.
Harjinder Gill, dated April 4, 2014, in support of the proposed development.
Chip Gill, dated April 4, 2014, in support of the proposed development.
John G. Tait (and Carol Tait), dated April 1, 2014, in support of the proposed development with comments regarding tree removal. The Taits own the neighbouring property to the east.
It was noted that full copies of all comments received were available for public viewing at the Public Hearing, and had been previously distributed to Council.

Peter Bulla, Mission, stated he supports the application as it fits in with other developments along Cherry Avenue.

In response to Mr. Bulla’s question regarding storm drainage, the Director of Development Services responded that typically storm run-off is directed through rock pits, however in this case the geotechnical engineer has recommended against that practice for this proposal.

Dan McNabb, Mission, stated that he is in favour of the proposal and in favour of the tree removal. Mr. McNabb is the owner of the adjacent property to the west.

Harry Gill, Mission, stated that he is in favour of the application.

Bolvinder Gill, Mission, stated that he is in favour of the application.

Jamie Hayes, Mission, asked if the four new houses would be detached homes, and whether the intention was to sell or rent them out.

Gary Toor, the applicant, replied that the houses would be detached and that they would be listed for sale.

In response to questions from Council regarding lot sizes in the immediately surrounding area, the Planner stated that approximately 50% of surrounding lots are the same size or smaller, and the other 50% same size or larger.

At the request of Council, the Acting Manager of Corporate Administration read out in their entirety the letters from Shannon Jones, Jaana Critchley and John Tait.

In response to questions from Council, the Director of Development Services and the Planner responded as follows:

- Additional storm water runoff from the proposed development to the storm sewer system would be negligible.
- Another option for storm water drainage is for the developer to acquire an easement from the owner of the downslope property on Blueberry Drive, or to possibly use amended soil to try to get the water back into the land.
- A covenant that includes geotechnical requirements will be required as part of the subdivision approval for each proposed lot, and will be registered on title to the land.
- There is no tree retention bylaw outside of the Silverdale area.

A point of order regarding process and the timing of Council questions was raised by Councillor Nundal. The Chair allowed the questions from Council to continue.
In response to further questions from Council, the Director of Development Services, the Engineering Technologist and the applicant’s geotechnical engineer responded as follows:

- The Planning Department can send letters to the surrounding neighbours that explains the tree retention/replanting requirements.
- There is a clause in the District’s Soil Removal Bylaw that states a permit is not required if the amount of soil removed from any one parcel of land does not exceed 100 cubic metres in one year.
- Geotechnical engineers have insurance in the amount of $1 million per single incident and $2 million aggregate, which is the industry standard.

Tony Miniaci, Mission, stated that the only soil removed from the subject property was limited to the demolition of the pre-existing house.

The Chief Administrative Officer stated that the District of Mission carries municipal liability insurance, and that if and when claims against the District are commenced, the insurer makes certain that the appropriate parties are held responsible.

Hearing no further questions or comments, the Mayor declared the Public Hearing for District of Mission Zoning Amending Bylaw 5423-2014-5050(135) (R13-029 – Schell), closed.
DATE: March 17, 2014
TO: Mayor and Council
FROM: Gina MacKay, Planner
SUBJECT: Proposed zoning amendment to create 4 infill residential lots in an established residential neighbourhood
ATTACHMENTS: Appendix 1 – Information for Corporate Officer
Appendix 2 – Engineering Referral Comments
Appendix 3 – Location Map
Appendix 4 – Draft Plan of Subdivision
Appendix 5 – Official Community Plan
Appendix 6 – Site Topography

CIVIC ADDRESS: 33644 Cherry Avenue

APPLICANT: Analytical Consulting on behalf of BC Limited Company #410374

OCP: This application is in conformance with the current OCP designation of Urban Residential

DATE APPLICATION COMPLETE: January 30, 2014

LOCATION:
LAND USE RECOMMENDATION(S):

Council consider and resolve:

1. That a bylaw be prepared to amend District of Mission Zoning Bylaw 5050-2009 by rezoning the property located at 33644 Cherry Avenue from the Suburban 36 (S36) Zone to the Residential Compact 465 (RC465) Zone;
2. That the bylaw be considered for 1st and 2nd readings at the Regular Council meeting on March 17, 2014;
3. That following these readings, the bylaw be forwarded to a Public Hearing on April 7th, 2014; and
4. That in accordance with Section 941 of the Local Government Act and Council Land Use Policy LAN. 26 Subdivision for Parkland, parkland dedication of five per cent is applied as cash-in-lieu to Subdivision Application File S13-022.

DEVELOPMENT VARIANCE PERMIT RECOMMENDATIONS:

Council consider and resolve:

5. That the requirements of Schedule ‘C’ – Part 1, Design Criteria Manual, Section 5 Drainage, subsection 2.5 Stormwater Management of the District of Mission Subdivision Control Bylaw 1500-1995 be varied by waiving the requirement that storm water management measures are to maintain drainage from the subdivision at the pre-developement level after the development is built-out by allowing all storm water to be discharged to the storm sewer main on Cherry Avenue.

REQUIREMENTS PRIOR TO FINAL READING:

Council consider and resolve:

6. That the Final Reading of the amending bylaw(s) be held until the following have been satisfied:
   a. The community amenity contribution in the amount of $8,445 ($2,815 per new lot) is received;
   b. The servicing requirements, as outlined in Appendix 2, have been addressed to the satisfaction of the District’s Engineer; and
   c. Any other items that Council may require resulting from the Public Hearing or Council consideration of the application.
SUMMARY

The application is an urban infill development proposal that seeks to subdivide the property located at 33644 Cherry Avenue (Appendix 3) into four (4) residential compact lots as shown on Appendix 4. Although the property is not designated for compact residential development in the Official Community Plan (OCP), a rezoning to the Residential Compact (RC465) Zone can be considered within the Urban Residential designation for urban infill residential development proposals. As such, the application is considered consistent with the OCP objectives for the area (Appendix 5).

In order to accommodate the subdivision of this property, which is subject to considerable steep slopes, additional flexibility in terms of storm water management and grading is required. Overall, the purpose of the accompanying development variance application is to allow the developer to satisfy the specific recommendations contained within the geotechnical report that was submitted as part of the subdivision application.

SITE CHARACTERISTICS

The site is located at 33644 Cherry Avenue and is 2700 m² (29,060 ft²) in size. The property is bounded by Cherry Avenue to the north and residential properties to the east, west and south. This site is one of the last remaining larger parcels in the established residential neighbourhood south of Cherry Avenue. A relatively level bench extends about 15 to 30 metres (50 to 100 feet) into the property. Thereafter, the site drops off to the southwest at estimated gradients of 45% to 55% (refer to Appendix 6). The site was vegetated with mature coniferous trees; however the slope area has since been logged with the intent of maintaining the existing underbrush. Replanting of this slope is discussed later in this report.

ZONING BYLAW COMPLIANCE (Bylaw 5050-2009)

The proposal is to rezone the subject site from Suburban (S36) Zone to Residential Compact 465 Zone (RC465) to facilitate a four 4 lot subdivision; a draft plan of subdivision is attached (Appendix 4). Although the property is not designated for compact residential development in the OCP, the rezoning to the Residential Compact (RC465) Zone can be considered within the Urban Residential designation for urban infill residential development proposals.

Each of the proposed lots meets the minimum area requirements (465 sq. m. (5,005 sq. ft.)) of the target Zone. The District’s Subdivision Approving Officer granted some flexibility to the lot width requirement by allowing a 10% reduction to each of the four lots to facilitate the four lot subdivision. The lot widths proposed with this development are in keeping with some of the existing lots in this neighbourhood area. Pursuant to Land Use Policy LAN.8, the Approving Officer is granted the authority to approve lots that have a minimum lot frontage ten percent (10%) less than the minimum requirement in the Zoning Bylaw. All other requests for minimum lot frontage variances are to be reviewed by way of the Development Variance Permit process.

PLANNING ANALYSIS

Neighbourhood Character

This neighbourhood has been developing slowly over the past 20 years or so, and consists primarily of single family homes on lots which vary in size from 480m² (5,160 ft²) to 850 m² (9,150 ft²). There is a children’s tot park playground located at Edwin S Richards Elementary School which is within 500 metres of the subject property (easy walking distance of the subject property. The neighbourhood is serviced with public transit along Cherry Avenue and is 1.6 km (1 mile) from the College Heights commercial node at 11th Avenue and Stave Lake Street.
Environmental Protection, Tree Replacement & Steep Slope issues

As noted above, the site was vegetated with five (5) significant coniferous trees and a mix of various native and non-native plants understory vegetation. The site was cleared of trees and all significant vegetation prior to an application for development being submitted to the District. Tree removal is subject to Council Policy LAN.32, Tree Retention and Replanting. Where there is documented evidence that tree removal has occurred prior to submission of a development application and prior to approval of a Tree Retention/Replanting Plan, the development proposal must entail replacement of all removed trees at a ratio of 3:1 (for every significant tree removed). The developer has agreed to replace the significant trees as per conditions of the Policy.

In consideration of the visual impact that the tree removal has had on the neighbouring properties to the south, the developer has agreed to “green up” the retaining structure needed for this development by planting along the lower sloped area of the property.

DEVELOPMENT PERMIT – Geotechnical Hazards Lands Development Permit Area

Due to the steep slopes on the property, a Geotechnical Hazards Lands Development Permit is required for the development of these lands. As per the Development Permit Guidelines, geotechnical reports dated November 18, 2013 and December 16, 2013 were submitted by Landtec Consultants Ltd. The reports prescribed specific design criteria for each of the proposed future homes, specifically the setback from the existing slope surface and the minimum depth the footings should be imbedded into dense native till. The reports concluded that if the design recommendations are adhered to, the site is considered suitable for residential development and is safe for the proposed use intended.

Prior to final subdivision approval, Landtec Consultants Ltd. shall provide the Approving Officer with additional information and assurances on the mitigation works necessary to ensure the property is safe for the use intended in accordance with District of Mission Hazard Acceptability thresholds. Furthermore, a covenant will be required as part of subdivision approval for each proposed lot as well as a corresponding documentation. The covenant will include geotechnical requirements that will dictate necessary building and foundation works at time of building permit application.

The Developer has also indicated that they intend on installing further retaining in the form of a ‘green wall’ to the south of the proposed building envelopes. The purpose of this wall is to provide each lot with some level outdoor amenity space and is to be built for aesthetic purposes and is not intended to address the issue of slope stability. This wall shall be installed prior to final subdivision approval.

DEVELOPMENT VARIANCE PERMIT

In order to accommodate the subdivision of this property, which is subject to considerable steep slopes, flexibility in terms of storm water management and grading are required. The applicant has applied for a Development Variance Permit to allow for rainwater collected from the roof leaders and impermeable surfaces to be discharged directly into the Municipal storm sewer system on Cherry Avenue. Normally this rainwater is first directed to a rock pit located on site, with an overflow being connected to the Municipal storm sewer, however, in this case the geotechnical engineer has advised against the use of rock pits at the top of this slope. The purpose of the variance request is to allow the developer to satisfy the specific recommendations contained within the geotechnical report that was submitted as part of the subdivision application.

COMMUNITY AMENITY CONTRIBUTION (LAN. 40 – Financial Contribution for Community Amenities)

In accordance with Council Policy LAN.40, the applicant has volunteered to contribute $8,445 ($2,815 per new lot) to offset the unique financial burden that residential development incurs on the District to fund new facilities and/or amenities.
COMMUNICATION

The developer has posted a development notification sign on the site and provided a public hearing date is determined by Council, the sign will be modified to advertise the public hearing details (i.e. date, time and place). In addition, a notice will be mailed to the owners and to the occupiers of all properties within a distance of 152 metres (500 ft.) of the development site notifying them of the public hearing details.

Bylaw 3612-2003 Land Use Application Procedures and Fees

A notice of Public Hearing will be prepared in accordance with Bylaw 3612-2003 Land Use Application Procedures and fees and relevant regulations of the Local Government Act.

A notice of Development Permit and Development Variance Permit shall be mailed or otherwise delivered in accordance with Bylaw 3612-2003 and the Local Government Act.

REFERRALS

Engineering

The Engineering Department has no objection to the development as proposed provided the road works the developer has volunteered to install are completed to the satisfaction of the engineering Department and applicable bylaw standards. The Department’s requirements are outlined in Appendix 2. Additional Engineering requirements will be identified and completed as part of the subdivision approval process.

Mission Fire/Rescue Service

The Mission Fire/Rescue Service has no objection to the project.

Economic Development

The Economic Development Officer has no objection to the project.

Parks, Recreation and Culture

The Parks, Recreation and Culture Department has no objection to the project.

INFORMATIONAL NOTES

Approval of Development Variance Permit DV13-025 will be considered as part of the same Council agenda as the Zone Amending Bylaw is considered.

SIGN-OFFS:

Gina MacKay, Planner

Reviewed by:
Dan Sommer, Manager of Planning

Comment from Chief Administrative Officer
Reviewed
Appendix 1
Information for Corporate Officer

Civic Address: 33644 Cherry Avenue

PID: 009-322-051

Legal: Lot 10, Section 27, Township 17, New Westminster
District Plan 24265
Appendix 2
Engineering Referral Comments

ENGINEERING DEPARTMENT REZONING COMMENTS

February 18, 2014

CIVIC ADDRESS: 33644 Cherry Avenue
CURRENT ZONING: S36
PROPOSED ZONING: RC465

1. DOMESTIC WATER REQUIREMENTS:
Municipal water is available on Cherry Avenue. No further upgrading is required.

2. SANITARY SEWER REQUIREMENTS:
Municipal sanitary sewer is available on Cherry Avenue. No further upgrading required.

3. STORM SEWER REQUIREMENTS:
Municipal storm sewer is available on Cherry Avenue. Due to the site's topography, the perimeter drains of future houses and part of the site's surface area will be unable to drain to the storm sewer on Cherry Avenue. To address this issue, the developer is required to either acquire an easement from the owner of the downslope property on Blueberry Drive for the purposes of a storm sewer connection or provide an engineered design for onsite stormwater management (subject to acceptance by the Municipal Engineer). Design must be completed prior to rezoning adoption, however, implemented to take place at building permit stage.

4. ROAD WORK REQUIREMENTS:
Cherry Avenue provides paved access to the site. The Developer has volunteered to install curb, gutter and sidewalk on the portion of Cherry Avenue adjacent to the site.

5. OTHER COMMENTS:
The site's topography presents significant challenges to development. As part of the subdivision process, the Developer will be required to install the required retaining elements.

RECOMMENDATION
From an engineering point of view the rezoning application may proceed to final adoption once the storm sewer and roadwork requirements have been met.

Prepared by

Reviewed by

Sterling Chan
Engineering Technologist

Rick Bomhof
Director of Engineering
Appendix 4

Draft Plan of Subdivision

CHERRY AVENUE

PLAN 13048

#23659

1 687 m²

2 687 m²

3 687 m²

4 667 m²

PLAN 29118

13

15.24 15.24 15.24 15.24
Appendix 5

Official Community Plan

SUBJECT PROPERTY

S

COPPER PL.

FORBES ST.

MAHONIA ST.

BOWIE DR.

DOUGLAS

VERES TERR.

CHERRY (22nd) AVE.

BLUEBERRY

PEARL CT.

DRIVE

CLERIGNE

CT.

WYATT

BEST AVE.

APP.

CASSELMAN CRES.
Appendix 6

Site Topography

CHERRY (22nd) AVE.
DATE: April 7, 2014  
TO: Mayor and Council  
FROM: Sterling Chan, Engineering Technologist  
SUBJECT: Clarification of Roadwork Requirements of the Subdivision Control Bylaw  
ATTACHMENT(S): Appendix 1: Staff Report Dated March 17, 2014  
Appendix 2: Schedule B1 of Subdivision Control Bylaw 1500-1958  

No staff recommendation accompanies this report and Council action is not required.

PURPOSE:
The purpose of this report is to provide Council with clarification of the applicability of road works requirements of the District of Mission Subdivision Control Bylaw.

BACKGROUND:
At the regular meeting on March 17, 2014, Council directed staff to provide a report clarifying the roadwork requirements for Rezoning Application R13-033 (Analytical Consulting) – 33644 Cherry Avenue (RC14/210 MAR17/14). Specifically, the concern was over Schedule “B-1” of the Subdivision Control Bylaw, which dictates the requirements to install curb, gutter and sidewalk on roads adjacent to developments.

DISCUSSION AND ANALYSIS:

Schedule “B-1” of the Subdivision Control Bylaw dictates the works that must be installed by developers on the highway adjacent to their subdivision. Within the urban area, the developer is required to install curb/gutter and sidewalk only for subdivisions where there are more than 3 new lots created or the potential for more than three new lots to be created. In the case of the Analytical Consulting development, the application was for an urban infill development that sought to subdivide the property onto four (4) residential compact lots. As only three new lots were to be created (and the fourth lot is considered a portion of the parent lot and not a new lot), this provision of the Bylaw was not applicable.

The rationale for not requiring the installation of curb/gutter and sidewalk for urban subdivisions of three new lots or less is that these subdivisions are deemed as infill development and are typically within areas with little other development potential. Installing these works (i.e., curb/gutter and sidewalk) in infill areas would, more often than not, result in the construction of small disjointed sections of road with curb/gutter and sidewalk with no potential for future connectivity. Additionally, these works represent additional costs to developers and will require maintenance by the municipality. It should be noted that all urban development within Cedar Valley is required to install curb/gutter and sidewalk. Development within Cedar Valley is not considered infill development in an established...
neighbourhood, but rather a planned area for future urban growth, which in due time, the vast majority of properties will be developed.

As noted, Analytical Consulting proposed the development of only three new lots through subdivision. Therefore, the Subdivision Control Bylaw does not require the installation of curb, gutter and sidewalk. Currently, the curb, gutter and sidewalk on Cherry Avenue terminate at the west property line of the site. Staff and the Developer are in agreement that despite the fact that these works are not a requirement of subdivision, it makes sense to have the curb, gutter and sidewalk installed. In this regard, the developer has agreed to volunteer the construction of these works as part of the rezoning process.

As part of the review process for the upcoming Development Bylaw, staff will be investigating the various options available to satisfy this servicing requirement. One possibility being considered is the establishment of a cash-in-lieu program that offers staff the flexibility to accept a cash contribution for works that do not make sense to construct at the time of development.

FINANCIAL IMPLICATIONS:
There are no financial implications associated with this report.

COMMUNICATION:
No communication action is required.

SUMMARY:
Council directed staff to provide a report clarifying the road work requirements for Rezoning Application R13-033 (Analytical Consulting) – 33644 Cherry Avenue. The Subdivision Control Bylaw does not require the installation of curb/gutter and sidewalk, however, as it made sense to include these works as part of the development, the Developer volunteered to complete these works as part of rezoning the property.

SIGN-OFFS:

Sterling Chan, Engineering Technologist 1

Reviewed by:
Dan Sommer, Manager of Planning

Comment from Chief Administrative Officer
Reviewed.
DATE: March 17, 2014  
TO: Mayor and Council  
FROM: Gina MacKay, Planner  
SUBJECT: Proposed zoning amendment to create 4 infill residential lots in an established residential neighbourhood  
ATTACHMENTS: Appendix 1 – Information for Corporate Officer  
Appendix 2 – Engineering Referral Comments  
Appendix 3 – Location Map  
Appendix 4 – Draft Plan of Subdivision  
Appendix 5 – Official Community Plan  
Appendix 6 – Site Topography  

CIVIC ADDRESS: 33644 Cherry Avenue  
APPLICANT: Analytical Consulting on behalf of BC Limited Company #410374  
OCP: This application is in conformance with the current OCP designation of Urban Residential  
DATE APPLICATION COMPLETE: January 30, 2014  
LOCATION: 

[Map of the area showing the subject property]
LAND USE RECOMMENDATION(S):

Council consider and resolve:

1. That a bylaw be prepared to amend District of Mission Zoning Bylaw 5050-2009 by rezoning the property located at 33644 Cherry Avenue from the Suburban 36 (S36) Zone to the Residential Compact 465 (RC465) Zone;
2. That the bylaw be considered for 1st and 2nd readings at the Regular Council meeting on March 17, 2014;
3. That following these readings, the bylaw be forwarded to a Public Hearing on April 7th, 2014; and
4. That in accordance with Section 941 of the Local Government Act and Council Land Use Policy LAN. 26 Subdivision for Parkland, parkland dedication of five per cent is applied as cash-in-lieu to Subdivision Application File S13-022.

DEVELOPMENT VARIANCE PERMIT RECOMMENDATIONS:

Council consider and resolve:

5. That the requirements of Schedule ‘C’ – Part 1, Design Criteria Manual, Section 5 Drainage, subsection 2.5 Stormwater Management of the District of Mission Subdivision Control Bylaw 1500-1995 be varied by waiving the requirement that storm water management measures are to maintain drainage from the subdivision at the pre-development level after the development is built-out by allowing all storm water to be discharged to the storm sewer main on Cherry Avenue.

REQUIREMENTS PRIOR TO FINAL READING:

Council consider and resolve:

6. That the Final Reading of the amending bylaw(s) be held until the following have been satisfied:
   a. The community amenity contribution in the amount of $8,445 ($2,815 per new lot) is received;
   b. The servicing requirements, as outlined in Appendix 2, have been addressed to the satisfaction of the District’s Engineer; and
   c. Any other items that Council may require resulting from the Public Hearing or Council consideration of the application.
SUMMARY

The application is an urban infill development proposal that seeks to subdivide the property located at 33644 Cherry Avenue (Appendix 3) into four (4) residential compact lots as shown on Appendix 4. Although the property is not designated for compact residential development in the Official Community Plan (OCP), a rezoning to the Residential Compact (RC465) Zone can be considered within the Urban Residential designation for urban infill residential development proposals. As such, the application is considered consistent with the OCP objectives for the area (Appendix 5).

In order to accommodate the subdivision of this property, which is subject to considerable steep slopes, additional flexibility in terms of storm water management and grading is required. Overall, the purpose of the accompanying development variance application is to allow the developer to satisfy the specific recommendations contained within the geotechnical report that was submitted as part of the subdivision application.

SITE CHARACTERISTICS

The site is located at 33644 Cherry Avenue and is 2700 m² (29,060 ft²) in size. The property is bounded by Cherry Avenue to the north and residential properties to the east, west and south. This site is one of the last remaining larger parcels in the established residential neighbourhood south of Cherry Avenue. A relatively level bench extends about 15 to 30 metres (50 to 100 feet) into the property. Thereafter, the site drops off to the southwest at estimated gradients of 45% to 55% (refer to Appendix 6). The site was vegetated with mature coniferous trees; however the slope area has since been logged with the intent of maintaining the existing underbrush. Replanting of this slope is discussed later in this report.

ZONING BYLAW COMPLIANCE (Bylaw 5050-2009)

The proposal is to rezone the subject site from Suburban (S36) Zone to Residential Compact 465 Zone (RC465) to facilitate a four 4 lot subdivision; a draft plan of subdivision is attached (Appendix 4). Although the property is not designated for compact residential development in the OCP, the rezoning to the Residential Compact (RC465) Zone can be considered within the Urban Residential designation for urban infill residential development proposals.

Each of the proposed lots meets the minimum area requirements (465 sq. m. (5,005 sq. ft.)) of the target Zone. The District’s Subdivision Approving Officer granted some flexibility to the lot width requirement by allowing a 10% reduction to each of the four lots to facilitate the four lot subdivision. The lot widths proposed with this development are in keeping with some of the existing lots in this neighbourhood area. Pursuant to Land Use Policy LAN.8, the Approving Officer is granted the authority to approve lots that have a minimum lot frontage ten percent (10%) less than the minimum requirement in the Zoning Bylaw. All other requests for minimum lot frontage variances are to be reviewed by way of the Development Variance Permit process.

PLANNING ANALYSIS

Neighbourhood Character

This neighbourhood has been developing slowly over the past 20 years or so, and consists primarily of single family homes on lots which vary in size from 480m² (5,160 ft²) to 850 m² (9,150 ft²). There is a children’s tot park playground located at Edwin S Richards Elementary School which is within 500 metres of the subject property (easy walking distance of the subject property. The neighbourhood is serviced with public transit along Cherry Avenue and is 1.6 km (1 mile) from the College Heights commercial node at 11th Avenue and Stave Lake Street.
Environmental Protection, Tree Replacement & Steep Slope issues

As noted above, the site was vegetated with five (5) significant coniferous trees and a mix of various native and non-native plants understory vegetation. The site was cleared of trees and all significant vegetation prior to an application for development being submitted to the District. Tree removal is subject to Council Policy LAN.32, Tree Retention and Replanting. Where there is documented evidence that tree removal has occurred prior to submission of a development application and prior to approval of a Tree Retention/Replanting Plan, the development proposal must entail replacement of all removed trees at a ratio of 3:1 (for every significant tree removed). The developer has agreed to replace the significant trees as per conditions of the Policy.

In consideration of the visual impact that the tree removal has had on the neighbouring properties to the south, the developer has agreed to “green up” the retaining structure needed for this development by planting along the lower sloped area of the property.

DEVELOPMENT PERMIT – Geotechnical Hazards Lands Development Permit Area

Due to the steep slopes on the property, a Geotechnical Hazards Lands Development Permit is required for the development of these lands. As per the Development Permit Guidelines, geotechnical reports dated November 18, 2013 and December 16, 2013 were submitted by Landtec Consultants Ltd. The reports prescribed specific design criteria for each of the proposed future homes, specifically the setback from the existing slope surface and the minimum depth the footings should be imbedded into dense native till. The reports concluded that if the design recommendations are adhered to, the site is considered suitable for residential development and is safe for the proposed use intended.

Prior to final subdivision approval, Landtec Consultants Ltd. shall provide the Approving Officer with additional information and assurances on the mitigation works necessary to ensure the property is safe for the use intended in accordance with District of Mission Hazard Acceptability thresholds. Furthermore, a covenant will be required as part of subdivision approval for each proposed lot as well as a corresponding documentation. The covenant will include geotechnical requirements that will dictate necessary building and foundation works at time of building permit application.

The Developer has also indicated that they intend on installing further retaining in the form of a ‘green wall’ to the south of the proposed building envelopes. The purpose of this wall is to provide each lot with some level outdoor amenity space and is to be built for aesthetic purposes and is not intended to address the issue of slope stability. This wall shall be installed prior to final subdivision approval.

DEVELOPMENT VARIANCE PERMIT

In order to accommodate the subdivision of this property, which is subject to considerable steep slopes, flexibility in terms of storm water management and grading are required. The applicant has applied for a Development Variance Permit to allow for rainwater collected from the roof leaders and impermeable surfaces to be discharged directly into the Municipal storm sewer system on Cherry Avenue. Normally this rainwater is first directed to a rock pit located on site, with an overflow being connected to the Municipal storm sewer, however, in this case the geotechnical engineer has advised against the use of rock pits at the top of this slope. The purpose of the variance request is to allow the developer to satisfy the specific recommendations contained within the geotechnical report that was submitted as part of the subdivision application.

COMMUNITY AMENITY CONTRIBUTION (LAN. 40 – Financial Contribution for Community Amenities)

In accordance with Council Policy LAN.40, the applicant has volunteered to contribute $8,445 ($2,815 per new lot) to offset the unique financial burden that residential development incurs on the District to fund new facilities and/or amenities.
COMMUNICATION

The developer has posted a development notification sign on the site and provided a public hearing date is determined by Council, the sign will be modified to advertise the public hearing details (i.e. date, time and place). In addition, a notice will be mailed to the owners and to the occupiers of all properties within a distance of 152 metres (500 ft.) of the development site notifying them of the public hearing details.

Bylaw 3612-2003 Land Use Application Procedures and Fees

A notice of Public Hearing will be prepared in accordance with Bylaw 3612-2003 Land Use Application Procedures and fees and relevant regulations of the Local Government Act.

A notice of Development Permit and Development Variance Permit shall be mailed or otherwise delivered in accordance with Bylaw 3612-2003 and the Local Government Act.

REFERRALS

Engineering

The Engineering Department has no objection to the development as proposed provided the road works the developer has volunteered to install are completed to the satisfaction of the engineering Department and applicable bylaw standards. The Department’s requirements are outlined in Appendix 2. Additional Engineering requirements will be identified and completed as part of the subdivision approval process.

Mission Fire/Rescue Service

The Mission Fire/Rescue Service has no objection to the project.

Economic Development

The Economic Development Officer has no objection to the project.

Parks, Recreation and Culture

The Parks, Recreation and Culture Department has no objection to the project.

INFORMATIONAL NOTES

Approval of Development Variance Permit DV13-025 will be considered as part of the same Council agenda as the Zone Amending Bylaw is considered.

SIGN-OFFS:

Gina MacKay, Planner

Reviewed by:
Dan Sommer, Manager of Planning

Comment from Chief Administrative Officer
Reviewed
Appendix 1
Information for Corporate Officer

Civic Address: 33644 Cherry Avenue

PID: 009-322-051

Legal: Lot 10, Section 27, Township 17, New Westminster
       District Plan 24265
Appendix 2
Engineering Referral Comments

ENGINEERING DEPARTMENT REZONING COMMENTS

February 18, 2014

CIVIC ADDRESS: 33644 Cherry Avenue

CURRENT ZONING: S36  PROPOSED ZONING: RC465

1. DOMESTIC WATER REQUIREMENTS:
   Municipal water is available on Cherry Avenue. No further upgrading is required.

2. SANITARY SEWER REQUIREMENTS:
   Municipal sanitary sewer is available on Cherry Avenue. No further upgrading required.

3. STORM SEWER REQUIREMENTS:
   Municipal storm sewer is available on Cherry Avenue. Due to the sites topography, the perimeter drains of future houses and part of the sites surface area will be unable to drain to the storm sewer on Cherry Avenue. To address this issue, the developer is required to either acquire an easement from the owner of the downslope property on Blueberry Drive for the purposes of a storm sewer connection or provide an engineered design for onsite stormwater management (subject to acceptance by the Municipal Engineer). Design must be completed prior to rezoning adoption, however, implemented to take place at building permit stage.

4. ROAD WORK REQUIREMENTS:
   Cherry Avenue provides paved access to the site. The Developer has volunteered to install curb, gutter and sidewalk on the portion of Cherry Avenue adjacent to the site.

5. OTHER COMMENTS:
   The sites topography presents significant challenges to development. As part of the subdivision process the Developer will be required to install the required retaining elements.

RECOMMENDATION

From an engineering point of view the rezoning application may proceed to final adoption once the storm sewer and roadwork requirements have been met.

Prepared by

Reviewed by

Sterling Chan  
Engineering Technologist

Rick Bomhof  
Director of Engineering
Appendix 3
Location Map
Appendix 4

Draft Plan of Subdivision

CHERRY AVENUE

PLAN 13048

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PLAN 29118

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FILE: PRO.DEV.ZON
R13-023 / DV13-025
Appendix 5

Official Community Plan
Appendix 6

Site Topography

CHERRY (22nd) AVE.
The minimum service requirements for lands under various Official Community Plan (OCP) Designations shall be as follows. Boulevard trees shall not be planted where they conflict with overhead utilities.

A = Asphalt surface for roads and lanes  
C = Curb/gutter and sidewalk  
C’ = Curb/gutter  
D = Piped storm sewer system  
W = Municipal water system when lands are located in water specified area  
S = Sanitary sewerage system when lands are located in sewer specified area  
U = Underground electrical and natural gas distribution and telephone system  
SL = Ornamental street lighting  
X = As required by Municipal Engineer  
T = Boulevard tree planting

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<td>Rural Residential I– Existing Adjacent Road – Gravel Surface</td>
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<td>Institutional</td>
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**Within Cedar Valley Neighborhood Land Use Conceptual Plan**

| Urban Residential: 4-5 Units/Acre | A C D W S U SL - T |
| Urban Residential, Compact: 5-7 Units/Acre | A C D W S U SL - T |
| Urban Residential, Compact Cluster: 8-10 Units/Acre | A C D W S U SL - T |
| Townhouse: 12-21 Units/Acre | A C D W S U SL - T |
| Apartments: 24 Units/Acre | A C D W S U SL - T |
| Suburban Residential: Single Family – 3 New Lots or Less Created | A - D W - - - - - - |
| Suburban Residential: Single Family – More than 3 New Lots or Potential for More than 3 Lots | A C1 D W - - - - - - |
| Senior Congregate | A C D W S U SL - T |
| Mixed Use Commercial/Residential | A C D W S U SL - - |
| Institutional | A C D W S U SL - - |
| Institutional: Schools | A C D W S U SL - - |

**Within Silverdale Neighborhood Land Use Conceptual Plan**

| Country Residential | A C1 D W - - - - - - |
**OCP Land Use Designation**

- Ground Orientated Residential
- Apartment Residential
- Village Centre

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<th>C</th>
<th>D</th>
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<tr>
<td>Apartment Residential</td>
<td>A</td>
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<tr>
<td>Village Centre</td>
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Minutes of the **REGULAR MEETING** of the **DISTRICT OF MISSION COUNCIL** (for the purpose of going into a closed meeting) held in the Conference Room of the Municipal Hall, 8645 Stave Lake Street, Mission, British Columbia, on October 6, 2014 commencing at 2:00 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: Ken Bjorgaard, Chief Administrative Officer  
Tina Penney, Acting Manager of Corporate Administration  
Michael Boronowski, Manager of Civic Engagement & Corporate Initiatives  
Christine Brough, Executive Assistant

1. **CALL TO ORDER**

The meeting was called to order.

2. **RESOLUTION TO EXCLUDE PUBLIC**

Moved by Councillor Hensman, seconded by Councillor Stevens, and

RESOLVED: That, pursuant to Sections 90 and 92 of the *Community Charter*, this Regular Meeting of Council be closed to the public as the subject matter being considered relates to the following:

- Section 90(1)(c) of the Community Charter – labour relations or other employee relations; and
- Section 90(1)(g) of the Community Charter – litigation or potential litigation affecting the municipality.

CARRIED

3. **RECESS TO CLOSED COUNCIL MEETING**

The meeting recessed at 2:00 p.m.

4. **RECONVENE TO REGULAR MEETING OF COUNCIL**

Moved by Councillor Nundal, seconded by Councillor Jewell, and

RESOLVED: That the meeting be reconvened.

CARRIED

The meeting reconvened at 4:18 p.m.
5. **ADJOURNMENT**

Moved by Councillor Tilbury, seconded by Councillor Stevens, and
RESOLVED: That the meeting be adjourned.
CARRIED

The meeting was adjourned at 4:18 p.m.

_________________________________________        _____________________________________
WALTER (TED) ADLEM      KEN BJORGAARD
MAYOR  CHIEF ADMINISTRATIVE OFFICER
(Interim Corporate Officer)
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 October 06, 2014 commencing at 6:00 p.m.

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

Staff Members Present: Ken Bjorgaard, Chief Administrative Officer
Tina Penney, Acting Manager of Corporate Administration
Tina Mooney, Administrative Assistant
Debi Decker, Administrative Assistant

1. CALL TO ORDER

Mayor Adlem called the meeting to order.

2. MOMENT OF SILENCE

Mayor Adlem announced the recent passing of Ray Johnston, Freeman of the District of Mission, and Valerie Hundert, Freeman of the District of Mission. A moment of silence was observed in respect.

3. ADOPTION OF AGENDA

Moved by Councillor Stevens, seconded by Councillor Hensman, and

RESOLVED: That the agenda for the regular Council meeting of October 6, 2014 be adopted.
CARRIED

4. PRESENTATION

Special Olympics Soccer Team

Mission's Special Olympics Soccer Team was presented with certificates, in recognition of their achievement of winning gold at the Special Olympic Canada National Games this past July and for being selected to represent Canada at the Special Olympics International World Games in Los Angeles in 2015.
5. DELEGATION

Mission Arts Council  
Re: Update and Request for Information

Nancy Arcand appeared on behalf of the Mission Arts Council to present a vision and a dream for the Mission Arts Council.

A brief history was given on the Arts Council from when and how the Arts Council started, their various locations, and the programs they support.

Ms Arcand explained that the current location is not large enough to accommodate all the programs that are offered nor conducive to supporting the programs that the Arts Council would like to offer. She thanked Council for all their support over the years, and was here tonight to request District Land to house a new Arts Centre, that the Arts Council is looking into constructing using shipping containers. Ms Arcand explained that this sustainable form of structure is used in many parts of the world.

Moved by Councillor Stevens, seconded by Councillor Hensman and

RESOLVED: That staff provide a report to Council on the feasibility of using District land, specifically those lands surrounding the existing Leisure Centre site (bordered by Taulbut Street, 7th Avenue and Grand Street), and to check whether a shipping container structure is possible within the District’s Building Bylaw.

CARRIED

The Mayor thanked Ms. Arcand for her presentation.

6. ADOPTION OF INFORMATIONAL ITEMS

Moved by Councillor Jewell, seconded by Councillor Hensman and

RESOLVED: That the following items be received as information:

(a) Minutes of the Mission Healthy Community Council meeting held on May 13, 2014

(b) Minutes of the Mission Healthy Community Council meeting held on June 17, 2014

7. RESOLUTION TO RESOLVE INTO COMMITTEE OF THE WHOLE

Moved by Councillor Luck, seconded by Councillor Tilbury and

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

CARRIED
8. DEVELOPMENT SERVICES

Zoning Bylaw Text Amendment to allow increased lot coverage for existing undersized lots with rural zoning

Moved by Councillor Nundal, and

RECOMMENDED:

1. That notwithstanding Council resolution RC10/650 dated December 6, 2010, Zoning Amending Bylaw 5159-2010-2014-5050(18) be considered for 1st and 2nd readings at the Regular Council meeting on October 6, 2014, the result of which would be to add the following to the noted sections to Zoning Bylaw 5050-2009:

a. Section 201, Part D, Setbacks; the following provision:

“1. b. Notwithstanding Section 201, Part D. 1. a, where a lot existed prior to October 2009 and has a Lot Area less than 1860 sq. m. (20,020 sq. ft.), all Buildings and Structures for non-agricultural uses shall be sited in accordance with the following minimum setbacks:

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<th>Front</th>
<th>Rear</th>
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<th>Exterior Side</th>
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<tr>
<td><strong>Principle Building</strong></td>
<td>7.5 m (24.6 ft.)</td>
<td>7.5 m (24.6 ft.)</td>
<td>1.5 m (4.9 ft.)</td>
<td>3.0 m (9.8 ft.)</td>
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<tr>
<td><strong>Accessory Building/Structure</strong></td>
<td>7.5 m (24.6 ft.)</td>
<td>1.5 m (4.9 ft.)</td>
<td>1.5 m (4.9 ft.)</td>
<td>3.0 m (9.8 ft.)</td>
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b. Section 201, Part E. Lot Coverage; the following provision:

“2. Notwithstanding Section 201, Part E. 1, where a lot existed prior to October 2009 and has a Lot Area less than 1860 sq. m (20,020 sq. ft.), the Lot Coverage may be increased to 30%.”

c. Section 201, Part G. Impervious Surfaces; the following provision:

“2. Notwithstanding Section 201, Part G. 1, where a lot existed prior to October 2009 and has a Lot Area less than 1860 sq. m. (20,020 sq. ft.), the Impervious Surfaces may be increased to 45%.”

d. Section 202, Part D. Setbacks; the following provision:

“1. B. Notwithstanding Section 202, Part D. 1. a, where a lot existed prior to October 2009 and has a Lot Area less than 1860 sq. m. (20,020 sq. ft.), all Buildings and Structures for non-agricultural uses shall be sited in accordance with the following minimum setbacks:

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<td>3.0 m (9.8 ft.)</td>
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e. Section 202, Part E. Lot Coverage; the following provision:

“2. Notwithstanding Section 202, Part E. 1, where a lot existed prior to October 2009 and has a Lot Area less than 1860 sq. m. (20,020 sq. ft.), the Lot Coverage may be increased to 35%.”

f. Section 202, Part G. Impervious Surfaces; the following provision:

“2. Notwithstanding Section 202, Part G. 1, where a lot existed prior to October 2009 and has a Lot Area less than 1860 sq. m. (20,020 sq. ft.) the Impervious Surfaces may be increased to 50%.”

2. That following these readings, the bylaw be forwarded to a Public Hearing on October 20, 2014.

CARRIED

Rezoning from Industrial General (ING) to Industrial General Two (ING2) to legalize five legally non-conforming barge loading operations along the riverfront

Moved by Councillor Hensman, and

RECOMMENDED:

1. That Zoning Amending Bylaw 5458-2014-5050(151) which proposes to rezone the property located at 8421 Mclean Street from INDUSTRIAL GENERAL (ING) ZONE to INDUSTRIAL GENERAL TWO (ING2) ZONE be considered for 1st and 2nd Readings at the Regular Council meeting on October 6, 2014;

2. That Zoning Amending Bylaw 5459-2014-5050(152) which proposes to rezone the property located at 8449 Mclean Street from INDUSTRIAL GENERAL (ING) ZONE to INDUSTRIAL GENERAL TWO (ING2) ZONE be considered for 1st and 2nd Readings at the Regular Council meeting on October 6, 2014;

3. That Zoning Amending Bylaw 5460-2014-5050(153) which proposes to rezone the property located at 35232 Dyke Road from INDUSTRIAL GENERAL (ING) ZONE to INDUSTRIAL GENERAL TWO (ING2) ZONE be considered for 1st and 2nd Readings at the Regular Council meeting on October 6, 2014;

4. That Zone Amending Bylaw 5461-2014-5050(154) which proposes to rezone the property located at 33610 Broadway Avenue from INDUSTRIAL GENERAL (ING) ZONE to INDUSTRIAL GENERAL TWO (ING2) ZONE be considered for 1st and 2nd Readings at the Regular Council meeting on October 6, 2014;

5. That Zone Amending Bylaw 5462-2014-5050(155) which proposes to rezone the property located at 34980 Lougheed Highway from INDUSTRIAL GENERAL (ING) ZONE to INDUSTRIAL GENERAL TWO (ING2) ZONE be considered for 1st and 2nd Readings at the Regular Council meeting on October 6, 2014; and

6. That following these readings, the Bylaws be forwarded to a Public Hearing on November 3, 2014;

CARRIED
Rezoning Application (R14-012) to allow a secondary dwelling use in the form of a secondary suite

Moved by Councillor Nundal, and

RECOMMENDED:

1. That District of Mission Zoning Amending Bylaw 5456-2014-5050(149) to rezone the property located at 7876 Taulbut Street from Urban Residential 558 Zone (R558) to Residential Compact 465 Secondary Dwelling Zone (RC465s) be considered for 1st and 2nd readings at the Regular Council meeting on October 6, 2014; and

2. That following these readings, the bylaw be forwarded to a Public Hearing on October 20, 2014.

CARRIED

Rezoning application (R14-018) to allow a secondary dwelling use in the form of a secondary suite

Moved by Councillor Hensman, and

RECOMMENDED:

1. That District of Mission Zoning Amending Bylaw 5457-2014-5050(150) to rezone the property located at 33735 3rd Avenue from Urban Residential 558 Zone (R558) to Residential Compact 465 Secondary Dwelling Zone (RC465s) be considered for 1st and 2nd readings at the Regular Council meeting on October 6, 2014; and

2. That following these readings, the bylaw be forwarded to a Public Hearing on October 20, 2014.

CARRIED

Development Variance Permit application DV14-018 (Kruger) to reduce the front and rear property line setbacks to allow for larger building footprints on two new suburban lots

Moved by Councillor Luck, and

RECOMMENDED:

That Development Variance Permit DV14-018, to vary District of Mission Zoning Bylaw 5050-2009, Section 401, Part D. Setbacks, paragraph 1, by:

a) Reducing the front setback on Lot 6 from 7.5 metres (24.6 ft.) to 3.0 metres (9.8 ft.); and

b) Reducing the rear setback on Lot 6 from 7.5 metres (24.6 ft.) to 3.0 metres (9.8 ft.);

and

c) Reducing the front setback on Lot 7 from 7.5 metres (24.6 ft.) to 3.0 metres (9.8 ft.), be approved.

CARRIED
**Imposition of Latecomer Charges on Terepoki Crescent**

Moved by Councillor Hensman, and

RECOMMENDED:

1. That Latecomer Charges, as outlined in the Engineering Technologist’s report dated October 6, 2014, be imposed on the parcels having benefitted from the extended services installed in conjunction with subdivision S13-010; and

2. That the Mayor and Chief Administrative Officer be authorized to enter into a Latecomer Agreement with the owner of the land that is being subdivided or developed.

CARRIED

**Imposition of Latecomer Charges on Cherry Avenue**

Moved by Councillor Luck, and

RECOMMENDED:

1. That Latecomer Charges, as outlined in the Engineering Technologist’s report dated October 6, 2014, be imposed for a collection period of 10 years on the parcels having benefitted from the extended services installed to service 32767 Cherry Avenue; and

2. That the Mayor and Chief Administrative Officer be authorized to enter into a Latecomer Agreement with the owner of the land that is being subdivided or developed.

CARRIED

**Excerpt from the Minutes of the Public Hearing held on December 10, 2012 related Staff Report dated November 19, 2012 (R12-034 – Nasiib Holdings Limited)**

An excerpt from the Minutes of the Public Hearing held on December 10, 2012 and a copy of the related staff report dated November 19, 2012 was provided to the Committee as background information to assist in the consideration of adoption of Zoning Amendment Bylaw 5325-2012-5050(94).

**Excerpt from the Minutes of the Public Hearing held on January 7, 2013 related Staff Report dated December 3, 2012 (R12-030 – Bush)**

An excerpt from the Minutes of the Public Hearing held on January 7, 2013 and a copy of the related staff report dated December 3, 2012 was provided to the Committee as background information to assist in the consideration of adoption of Zoning Amendment Bylaw 5335-2012-5050(95).

9. **CORPORATE SERVICES**

**Resolution Released from Closed Council (September 15, 2014)**

The following resolution was released from the Closed Council meeting of September 15, 2014:
Mission Community Heritage Commission Membership
That Mr. Michael Smith has been reappointed to the Mission Community Heritage Commission for a two year term commencing September 15, 2014.

Mission Community 2015 Budget Status Document
A report from the Manager of Finance and the Chief Administrative Officer dated October 6, 2014 regarding the Mission Community 2015 Budget Status document was provided for the Committee’s information.

2015 Permissive Tax Exemption Applications
A report from the Acting Manager of Corporate Administration and the Deputy Treasurer/Collector dated October 6, 2014 regarding the permissive tax exemption applications for the 2015 taxation year was provided for the Committee’s information in advance of Council’s consideration of the first three readings to the Permissive Tax Exemption Bylaw.

10. ENGINEERING AND PUBLIC WORKS

Transportation Master Plan
A report from the Director of Engineering and Public Works dated October 6, 2014 regarding the transportation master plan was provided for the Committee’s information.

Highway 7 Relocation
A report from the Director of Engineering and Public Works dated October 6, 2014 regarding the Highway #7 relocation was provided for the Committee’s information.

11. RESOLUTION TO RISE AND REPORT

Moved by Councillor Hensman, seconded by Councillor Tilbury, and
RESOLVED: That the Committee of the Whole now rise and report.
CARRIED

12. ADOPTION OF COMMITTEE OF THE WHOLE REPORT

Moved by Councillor Stevens, seconded by Councillor Hensman, and
RESOLVED: That recommendations of the Committee of the Whole dated October 6, 2014, as contained in items RC 14/623 to RC 14/640, be adopted.
CARRIED
Moved by Councillor Nundal, seconded by Councillor Stevens, and

RESOLVED:

That the recommendations of the Committee of the Whole dated September 17, 2014 (Corporate Services – Budget), as contained in items 12 (a) (i) of the Agenda, be adopted as follows:

1) That the 2015 water utility financial plan (draft) as attached to the report dated September 17, 2014 entitled “2015 Water Utility Financial Plan (Draft)” from the Manager of Finance, be approved for inclusion in the District 2015 financial plan;

2) That a proposed water user rate increase of 2% for 2015 be approved in principle and presented for feedback at the upcoming public budget consultation meeting;

3) That the 2015 sewer utility financial plan (draft), as attached to the report dated September 17, 2014 entitled “2015 Sewer Utility Financial Plan (Draft)” from the Manager of Finance, be approved for inclusion in the District’s 2015 financial plan;

4) That a proposed sewer user rate increase of 2% for 2015 be approved in principle, and presented at the upcoming public budget consultation meeting;

5) That the 2015 waste management utility financial plan (draft), as attached as Appendix A to the report dated September 17, 2014 entitled “2015 Waste Management Utility Financial Plan (Draft)” from the Manager of Finance, be approved for inclusion in the District’s 2015 financial plan; and

6) That proposed increases of:
   a. 0% to curbside garbage collection rates, and curbside recycling/composting collections rates, and
   b. A 2% increase to landfill tipping fees, for 2015,
   be approved in principle and presented for feedback at the upcoming public budget consultation meeting.

CARRIED

13. BYLAWS

Moved by Councillor Nundal, seconded by Councillor Hensman, and

RESOLVED: That Zoning Amending Bylaw 5159-2010-2014-5050(18) R10-016 (DoM) – a text amendment to amend Section 201 and 202 of District of Mission Zoning Bylaw 5050-2009 be read a first and second time.

CARRIED

Moved by Councillor Hensman, seconded by Councillor Nundal, and

RESOLVED: That Zoning Amending Bylaw 5325-2012-5050(94) R12-034 (Nasib Holdings Ltd) – a bylaw to rezone property at 7740 Taulbut Street from Urban Residential 558 Zone (R558) to Residential Compact 465 Zone (RC465) be adopted.

CARRIED
Moved by Councillor Hensman, seconded by Councillor Luck, and
RESOLVED: That Zoning Amending Bylaw 5335-2012-5050(95) R12-030 (Bush) – a bylaw to rezone property at 13324 Sabo Street from Rural 36 Zone (S36) to Rural 16 Secondary Dwelling Zone (RU16s) be adopted.
CARRIED

Moved by Councillor Nundal, seconded by Councillor Luck, and
RESOLVED: That Zoning Amending Bylaw 5456-2014-5050(149) R14-012 (Buttar) – a bylaw to rezone property at 7876 Taulbut Street from Urban Residential 558 Zone (R558) to Residential Compact 465 Secondary Dwelling Zone (RC465s) be read a first and second time.
CARRIED

Moved by Councillor Nundal, seconded by Councillor Hensman, and
RESOLVED: That Zoning Amending Bylaw 5457-2014-5050(150) R14-018 (Clifton) – a bylaw to rezone property at 33735 3rd Avenue from Urban Residential 558 Zone (R558) to Residential Compact 465 Secondary Dwelling Zone (RC465s) be read a first and second time.
CARRIED

Moved by Councillor Hensman, seconded by Councillor Nundal, and
RESOLVED: That Zoning Amending Bylaw 5458-2014-5050(151) R14-020 (DoM) – a bylaw to rezone property at 8421 Mclean Street from the Industrial General (ING) Zone to the Industrial General Two (ING2) Zone be read a first and second time.
CARRIED

Moved by Councillor Luck, seconded by Councillor Tilbury, and
RESOLVED: That Zoning Amending Bylaw 5459-2014-5050(152) R14-021 (DoM) – a bylaw to rezone property at 8449 Mclean Street from the Industrial General (ING) Zone to the Industrial General Two (ING2) Zone be read a first and second time.
CARRIED

Moved by Councillor Hensman, seconded by Councillor Nundal, and
RESOLVED: That Zoning Amending Bylaw 5460-2014-5050(153) R14-022 (DoM) – a bylaw to rezone property at 35232 Dyke Road from the Industrial General (ING) Zone to the Industrial General Two (ING2) Zone be read a first and second time.
CARRIED

Moved by Councillor Luck, seconded by Councillor Hensman, and
RESOLVED: That Zoning Amending Bylaw 5461-2014-5050(154) R14-023 (DoM) – a bylaw to rezone property at 33610 Broadway Avenue from the Industrial General (ING) Zone to the Industrial General Two (ING2) Zone be read a first and second time.
CARRIED
Moved by Councillor Nundal, seconded by Councillor Luck, and
RESOLVED: That Zoning Amending Bylaw 5462-2014-5050(155) R14-024 (DoM) – a bylaw to rezone property at 34980 Lougheed Highway from the Industrial General (ING) Zone to the Industrial General Two (ING2) Zone be read a first and second time.
CARRIED

Moved by Councillor Luck, seconded by Councillor Hensman, and
RESOLVED: That Highway Closing and Undedication (Cherry Avenue) Bylaw 5450-2014 – a bylaw to close an unconstructed road right-of-way be read a third time.
CARRIED

Moved by Councillor Stevens, seconded by Councillor Hensman, and
RESOLVED: That Permissive Tax Exemption 5455-2014 – a bylaw to exempt certain properties from municipal taxation for the 2015 taxation year be read a first, second and third time.
CARRIED

14. MINUTES

Moved by Councillor Stevens, seconded by Councillor Hensman, and
RESOLVED: That the following minutes be adopted:
1. Regular Council Meeting (for the purposes of going into a Closed Meeting – September 15, 2014;
2. Regular Council Meeting – September 15, 2014; and
3. Freestanding Committee of the Whole (Corporate Services – Budget) Meeting – September 17, 2014.
CARRIED

15. NEW/OTHER BUSINESS

Ministry of Community, Sport and Cultural Development
Re: Expression of Interest for reclassification of Mission as a City

Council discussed the letter provided from the Ministry of Community, Sport and Cultural Development and it was:

Moved by Councillor Stevens, seconded by Councillor Luck, and
RESOLVED: That staff report back on the pros and cons, including costs of having the District of Mission reclassified to City status.
CARRIED
Youth Parliament of British Columbia Alumni Society  
Re: Youth Parliament Session

The letter from the Youth Parliament of British Columbia Alumni Society was provided for Council’s information. A brief discussion ensued wherein Council expressed its desire to know how it may encourage youth in Mission to participate.

Letter from Alexandra Robson dated September 18, 2014  
Re: Wren Street Cross walk (Mayor Verbal)

Council discussed the request from an 11 year old girl to have a crosswalk installed on Wren Street and Hillcrest Avenue for safety reasons, and it was:

Moved by Councillor Tilbury, seconded by Councillor Stevens, and
RESOLVED: That staff report back with information and recommendations on installing a crosswalk on Wren Street at Hillcrest Avenue.
CARRIED

16. NOTICE OF MOTION

There were no notices of motion.

15. MAYOR’S REPORT

The Mayor reported on various activities, meetings and events attended since the last regular Council meeting.

16. MEMBERS’ REPORTS ON COMMITTEES, BOARDS AND ACTIVITIES

Some of the Council members reported on various activities, meetings and events attended since the last regular Council meeting.

17. QUESTION PERIOD

The following issues were addressed:

Mr. Randy Hawes had questions regarding the moving of Highway #7.
In response:
The first round on the conceptual plan is complete and there will be a report to Council on the findings. These findings will dictate when and where the next round of consultations will take place.

Mr. Scott Geisser spoke regarding legal matters that are presently before the courts, naming the District as a defendant. He was advised that due to these matters being before the courts, Council cannot comment.

Mr. Mike Scudder questioned the location of the site that is referred to in the social media as “Welton Common” and requested that a press release be issued to help alleviate any confusion that the general public might have.
Staff thanked Mr. Scudder for his comments.

Moved by Councillor Hensman, seconded by Councillor Nundal, and

RESOLVED: That the meeting be adjourned.

CARRIED

The meeting was adjourned at 7:06 p.m.

WALTER (TED) ADLEM, MAYOR

KEN BJORGAARD, CHIEF
ADMINISTRATIVE OFFICER
(Interim Corporate Officer)