

REGULAR COUNCIL MEETING AGENDA

VILLAGE OF ANMORE

Agenda for the Regular Council Meeting scheduled for
Tuesday, June 7, 2016 at 7:00 p.m. in the portable classroom
at Anmore Elementary School 30 Elementary Road, Anmore, BC



1. **Call to Order**

2. **Approval of the Agenda**

Recommendation: That the agenda be approved as circulated.

3. **Public Input**

Note: The public is permitted to provide comments to Council on any item shown on this meeting agenda.

4. **Delegations**

5. **Adoption of Minutes**

(a) **Minutes of the Regular Council Meeting held on May 17, 2016**

Recommendation: That the Minutes of the Regular Council Meeting held on May 17, 2016 be adopted as circulated.

6. **Business Arising from Minutes**

7. **Consent Agenda**

Note: Council may adopt in one motion all recommendations appearing on the Consent Agenda or, prior to the vote, request that an item be removed from the Consent Agenda for debate or discussion, voting in opposition to a recommendation, or declaring a conflict of interest with an item.

8. **Items Removed from the Consent Agenda**

9. **Legislative Reports**

(a) **Fees and Charges Amendment Bylaw No. 552-2016**

Recommendation: That Anmore Fees and Charges Amendment Bylaw No. 552-2016 be finally reconsidered and adopted.

(b) **Development Procedures Bylaw No. 553-2016**

Recommendation: That Anmore Development Procedures Bylaw No. 553-2016 be read a first, second and third time.

page 1

page 7

page 8

10. Unfinished Business**11. New Business****(a) Hal Weinberg Scholarship**

Mayor McEwen to present the Hal Weinberg Scholarship award.

(b) Canada 150 Grant Resolution

Verbal report by Staff.

12. Mayor's Report**13. Councillors Reports****14. Chief Administrative Officer's Report****15. Information Items****(a) Committees, Commissions, and Boards – Minutes****(b) General Correspondence**

pages 12-14

- Letter dated May 5, 2016 from PIVOT Legal Society regarding Municipal bylaw compliance with the Canadian Charter of Rights and Freedoms
- Letter dated May 20, 2016 from Metro Vancouver regarding Air Quality Monitoring Report for 2014. *The report can be viewed online at*
<http://www.metrovancouver.org/services/air-quality/emissions-monitoring/monitoring/reports/Pages/default.aspx>

16. Public Question Period

Note: The public is permitted to ask questions of Council regarding any item pertaining to Village business.

17. Adjournment

REGULAR COUNCIL MEETING – MINUTES

VILLAGE OF ANMORE

Minutes of the Regular Council Meeting held on Tuesday, May 17, 2016 in the portable classroom at Anmore Elementary School, 30 Elementary Road, Anmore, BC



ELECTED OFFICIALS PRESENT

Mayor John McEwen
Councillor Ryan Froese
Councillor Ann-Marie Thiele
Councillor Kim Trowbridge
Councillor Paul Weverink

STAFF PRESENT

Juli Kolby, Chief Administrative Officer
Christine Milloy, Manager of Corporate Services
Luke Guerin, Operations Superintendent

1. Call to Order

Mayor McEwen called the meeting to order at 7:00 p.m.

2. Approval of the Agenda

It was MOVED and SECONDED:

R114/2016

“THAT THE AGENDA BE APPROVED AS CIRCULATED.”

CARRIED UNANIMOUSLY

3. Public Input

Nil

4. Delegations

Nil

5. Adoption of Minutes

(a) Minutes of the Regular Council Meeting held on May 3, 2016

It was MOVED and SECONDED:

R115/2016

“THAT THE MINUTES OF THE REGULAR COUNCIL MEETING HELD ON MAY 3, 2016 BE ADOPTED AS CIRCULATED.”

CARRIED UNANIMOUSLY

6. Business Arising from Minutes

Nil

7. Consent Agenda

Nil

8. Items Removed from the Consent Agenda

Nil

9. Legislative Reports

(a) Fees and Charges Amendment Bylaw No. 552-2016

It was MOVED and SECONDED:

R116/2016

“THAT ANMORE FEES AND CHARGES AMENDMENT BYLAW NO. 552-2016 BE READ A FIRST, SECOND AND THIRD TIME.”

CARRIED UNANIMOUSLY

10. Unfinished Business

Nil

11. New Business

(a) Formal Decision for Rezoning Application – 3230 Sunnyside Road, Anmore, BC

It was MOVED and SECONDED:

R117/2016

“THAT THE REPORT DATED MAY 12, 2016 REFERENCED FROM JULI KOLBY TITLED “FOLLOW UP TO REZONING APPLICATION – 3230 SUNNYSIDE ROAD, ANMORE, BC” BE RECEIVED; AND THAT COUNCIL DIRECTS STAFF TO PROVIDE PRELIMINARY HIGH-LEVEL COMMENTS ON THE PROPOSED REZONING APPLICATION; AND FURTHER THAT COUNCIL SUPPORTS A PUBLIC SESSION, HOSTED AND FUNDED BY THE APPLICANT, TO OBTAIN PUBLIC FEEDBACK ON THE PROPOSED REZONING CONCEPT FOR THE ANMORE CAMPGROUND.”

CARRIED UNANIMOUSLY

(b) Access Awareness Day – June 4, 2016

It was MOVED and SECONDED:

R118/2016

“THAT COUNCIL HEREBY PROCLAIMS JUNE 4, 2016 AS ACCESS AWARENESS DAY IN THE VILLAGE OF ANMORE.”

CARRIED UNANIMOUSLY

(c) City of Cranbrook Resolution re: Fort McMurray

It was MOVED and SECONDED:

R119/2016

“AS A GESTURE OF SOLIDARITY WITH THE PEOPLE OF FORT MCMURRAY, THAT ANMORE DONATE FIVE HUNDRED DOLLARS (\$500) TO THE CITY OF FORT MCMURRAY.”

CARRIED UNANIMOUSLY

12. Mayor's Report

Mayor McEwen reported that:

- Last Thursday he, Juli Kolby, Martin Greig and Chris Boit met with the Countryside Village Strata regarding some concerns that they have
- Thursday evening he attended the Tri-Cities Chamber Childs of Champions Awards of Excellence at the Hard Rock Casino
- Today he and Juli Kolby attended the RCMP Officer in Charge Awards in Coquitlam; it was amazing to see how officers have gone beyond their duties. He added that the Sasamat Fire Department consider instituting something like this.
- He and Juli Kolby will meet with the new RCMP inspector this Friday.
- On May 25 he will be the guest speaker for the Tri-Cities Chamber Mayor's Coffee Talk.

- Letters from BC Hydro are in the public regarding further study of transmission lines and emails were provided to various news outlets regarding some of the questions that have yet to be answered.
- He has received a few emails regarding concerns with lake parking as it is becoming a problem for areas near Buntzen Lake and Sasamat Lake.
- This council took a proactive approach to clear the lot for the extension of Spirit Park; he has received numerous compliments in this regard.

13. Councillors Reports

Councillor Trowbridge reported that:

- He, Councillor Thiele and Councillor Weverink attended the May Day Parade; it was an amazing event.
- He received a phone call regarding the lot clearing for Spirit Park, and learned the caller was supportive once they knew what the lot was being cleared for. He suggested that a circular be sent to nearby residents for future similar situations.

Councillor Weverink reported that:

- He was glad that Spirit Park was cleared; it's fantastic that fireworks can now be set off safely.
- The May Day Parade was great, as was the Mayor's Pancake Breakfast.

Councillor Trowbridge reported that:

- One of the Anmore cars actually led the parade with the Parade Marshall.

Councillor Thiele reported that:

- She is thankful to Councillor Trowbridge for lending the use of his cars.
- The Village's Event's Coordinator has arranged a Ma Murray Day organizing committee meeting for Thursday at 7:00 p.m.
- Ma Murray Day will be held this year on Sunday, September 11
- The Protective Services Committee adopted a review of the Wildfire Protection Plan; recommendations will be coming to council in June.

14. Chief Administrative Officer's Report

Juli Kolby introduced the Operations Superintendent, Luke Guerin, who started with the Village on Monday.

Juli Kolby reported that:

- Watermain flushing is starting on the Tuesday after the long weekend (May 24).
- She is pleased to advise council that the solar panels are working; although the Village is awaiting electrical confirmation.
- Met last week with Metro Vancouver; they are embarking on a regional park strategy. She expressed that parking is an issue, and she will be providing them with a copy of the Village's Parks Master Plan.

- Lock blocks and chains are in place to deter people from accessing Ridge Mountain Drive, and there will be a blockade at the fork of North Charlotte and Ridge Mountain Drive.
- We are moving ahead with leasing of the trailers, and hope to have them in place by the July 12 council meeting.
- She's working with Heritage BC on the call for proposals.
- The audit is complete and was presented to Council last week. The reporting requirements are also completed and have met the deadline.
- As a reminder, utility notices are due on June 3.
- Property tax notices will be out soon, and will have a due date of July 4.
- A call for volunteers has gone out for Ma Murray Day; interested persons can contact Rachel Carrier.

15. Information Items

(a) Committees, Commissions, and Boards – Minutes

- Emergency Preparedness Committee Meeting - January 28, 2016
- Emergency Preparedness Committee Meeting - February 4, 2016
- Emergency Preparedness Committee Meeting - March 7, 2016
- Emergency Preparedness Committee Meeting - April 7, 2016
- Sasamat Volunteer Fire Department Board of Trustees Meeting - April 7, 2016

(b) General Correspondence

- Letter dated April 15, 2016 from Mayor Philip Germuth, District of Kitimat, to Premier Christie Clark, regarding C.O.R.E.Y. Motorcycle Safety GLP-M

16. Public Question Period

Lynn Burton, Sugar Mountain Way, asked a question regarding longboarding restrictions in the Village.

Lynn Burton, Sugar Mountain Way, asked a question regarding zoning for a lot that has a sales centre.

17. Adjournment

It was MOVED and SECONDED:

R120/2016

"TO ADJOURN."

CARRIED UNANIMOUSLY

The meeting adjourned at 8:12 p.m.

Certified Correct:

Approved by:

Christine Milloy
Manager of Corporate Services

John McEwen
Mayor

VILLAGE OF ANMORE

FEES AND CHARGES AMENDMENT BYLAW NO. 552-2016

A bylaw to amend Anmore Fees and Charges Bylaw No. 545-2015

WHEREAS section 194 of the *Community Charter, S.B.C., 2003*, authorizes municipalities, by bylaw, to impose fees and charges for the provision of various services and/or information;

NOW THEREFORE the Municipal Council of the Village of Anmore, in open meeting assembled, enacts as follows:

1. This bylaw maybe cited as "Anmore Fees and Charges Amendment Bylaw No. 552-2016".
2. That Schedule A be amended, by adding the following row to the end of the Water Utility section:

Permit to water lawn for Nematode Application, during Stage 1 Restrictions or Stage 2 Restrictions, at the premises described in the permit for 14 days from date of issuance.	\$35.00
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READ a first time the 17th day of May, 2016

READ a second time the 17th day of May, 2016

READ a third time the 17th day of May, 2016

RECONSIDERED, FINALLY PASSED AND ADOPTED the ____ day of _____, 2016

MAYOR

CORPORATE OFFICER

Certified as a true and correct copy of "Anmore Fees and Charges Amendment Bylaw No. 552-2016".

DATE

CORPORATE OFFICER

VILLAGE OF ANMORE

DEVELOPMENT PROCEDURES BYLAW NO. 553-2016

A bylaw to establish procedures for processing development applications

WHEREAS, section 460 of the *Local Government Act* requires municipalities to establish procedures to accept and process applications from land owners to amend the Official Community Plan or the Zoning Bylaw, and to issue related permits under part 14 of the *Local Government Act*;

NOW THEREFORE, the Council of the Village of Anmore, in open meeting assembled, enacts the following:

1. CITATION

This bylaw may be cited for all purposes as “Anmore Development Procedures Bylaw No. 553- 2016”.

2. DEFINITIONS

In this bylaw,

Applicant means a person who is an owner of the property which is the subject of an application, or a person acting with the written consent of the owner of the property.

Council means the Council of the Village of Anmore.

Manager means the Manger of Development Services.

Village means the Village of Anmore.

3. DATE OF ENFORCEMENT

This bylaw shall come into effect on the date of its final adoption.

4. SCOPE

This bylaw shall apply to all of the following:

- (a) An amendment to:
 - (i) The Official Community Plan
 - (ii) The Zoning Bylaw

- (b) Issuance of:
 - (i) Development Permits
 - (ii) Development Variance Permits
 - (iii) Temporary Use Permits

5. APPLICATION FEES, LEGAL FEES AND REFUND POLICY

- (a) Refer to Anmore Fees and Charges Bylaw No. 545-2015 for a current schedule of relevant fees.
- (b) Applications for bylaw amendments, permits, and permit extensions shall be submitted in writing to the Village by the Applicant, and shall be accompanied by all information relevant to the proposed development required by the Village to conduct a thorough review and analysis of the proposed development. The Applicant must apply in the form prescribed by the Village and must provide the information required by the form.
- (c) If the Manager is not satisfied that the information is sufficient in scope or level of detail in any respect, the Manager may, within 30 business days of the receipt of the information submitted by the Applicant, require the Applicant to provide, at the Applicant's expense, further information reasonably required to comply with this section.
- (d) Every report or other document provided to the Village must contain an express grant of permission to the Village to use and reproduce the information contained in the report or other document for non-commercial purposes.
- (e) All legal fees directly associated with amendments or permits covered by the bylaw shall be borne by the Applicant.
- (f) Refunds of application fees shall be made on the following basis:
 - (i) If the application is rejected by the Council prior to any Public Hearing or Public Meeting process being authorized by Council, 50 percent of the application fee shall be refunded to the Applicant;
 - (ii) If, prior to any Public Hearing or Public Meeting process being authorized by Council, the Applicant withdraws the application within six months of submission, 50 percent of the application fee shall be refunded;

- (iii) If an application is withdrawn prior to any significant work being commenced by the Village, an amount up to the full application fee may be refunded to the Applicant at the discretion of the Manager; or
- (iv) If the Applicant fails, within one year, to respond to requests for further information in support of the application, the application shall be deemed void and in which case no refund of fee will be granted.

6. PROCESS

- (a) An application for an amendment under section 4 shall be processed by the Manager or his/her designate, who shall submit a report to Council for consideration.
- (b) The review of application by Council and the Manager may include referrals to persons or groups for such reports or advice deemed necessary to evaluate the application.
- (c) In the event that the Manager rejects a Permit under a delegated authority, the Applicant may appeal to Council for reconsideration of the Application.

7. AMENDMENTS TO OFFICIAL COMMUNITY PLAN AND ZONING BYLAW

Council shall, following receipt of a staff report with respect to an application to amend the Official Community Plan or to amend the Zoning Bylaw:

- (a) Proceed with consideration of the bylaw or bylaws as set forth in Part 14 of the *Local Government Act*;
- (b) Withhold consideration of the bylaw or bylaws pending further input from the Applicant or Village staff; or
- (c) Reject the application.

8. POSTING OF A SIGN

A sign may be required to be posted at the development site for public information prior to a Public Hearing, Public Meeting or Public Information Meeting. Failure to post the sign may result in a delay in the process.

9. RE-APPLICATION

Where an application under section 4 has been rejected by Council, no re-application for the same amendment shall be considered within one year from the date of Council's rejection.

10. EFFECT OF THIS BYLAW

Nothing in this bylaw shall be construed as:

- (a) Preventing Council from initiating an application to amend any plan, bylaw or land use contract or issuing to itself any permit;
- (b) Affecting the referral of any plan, bylaw, amendment or permit to any Council Committee or Commission;
- (c) Preventing the Council from tabling or otherwise dealing with any application in the manner it deems appropriate; and
- (d) Compelling the Council to consider an application provided for in this bylaw.

READ a first time the ____ day of _____, 2016

READ a second time the ____ day of _____, 2016

READ a third time, as amended, the ____ day of _____, 2016

RECONSIDERED, FINALLY PASSED AND ADOPTED this ____ day of _____, 2016

MAYOR

MANAGER OF CORPORATE SERVICES

Certified as a true and correct copy of "Anmore Development Procedures Bylaw No. 553- 2016".

DATE

MANAGER OF CORPORATE SERVICES

May 5, 2016

VIA Email

Reply to: DJ Larkin
Direct Line: (604) 229-9631
E-mail: dj@pivotlegal.org

Mayor John McEwen
john.mcewen@anmore.com
Acting Mayor Ann-Marie Thiele
ann-marie.thiele@anmore.com

Attention: Mayor & Council, Anmore

Dear Council,

Re: Municipal bylaw compliance with the *Canadian Charter of Rights and Freedoms*

We write regarding the decision of the Chief Justice of the Supreme Court of British Columbia on October 21, 2015 in *Abbotsford (City) v Shantz*, 2015 BCSC 1909. At this time we are requesting information regarding your municipality's timeline and process for amending your relevant bylaws in accordance with the declarations of the Court.

The Court in *Shantz* declared unconstitutional portions of certain bylaws controlling public space in the City of Abbotsford, specifically Abbotsford's *Consolidated Parks Bylaw* and *Good Neighbour Bylaw*, to the extent that the provisions at issue prohibited homeless people from sleeping or being in a park overnight or erecting a temporary overnight shelter without permits.

In *Shantz*, the Court found that the continued displacement of homeless people causes serious psychological pain and stress and creates a risk to the health of homeless people. The Court has further found that people also require shelter during the day and that there is a need to ensure that space exists on a more than overnight basis. Displacement is caused by enforcement or threat of enforcement of bylaws like those found unconstitutional in *Shantz* and by management of public spaces that seeks to exclude homeless people from the public spaces upon which they rely for their survival. Homeless people require space where they can sleep, rest, shelter, stay warm, eat, wash and attend to personal hygiene 24 hours a day.

Notably, since the *Shantz* decision, the Supreme Court of British Columbia has declined to order the removal of a homeless encampment on the courthouse lawn in the City of Victoria due to the benefits of the camp and the lack of accessible shelter and housing options. The camp can therefore continue to operate pending a trial to determine the constitutionality of the Province of BC's management of the lands in question (*British Columbia v Adamson*, 2016 BCSC 584).

In addition, provisions of the City of Victoria's *Parks Regulation Bylaw* have previously been found unconstitutional in 2008 (*Victoria (City) v Adams*, 2008 BCSC 1363), a finding which was upheld by the BC Court of Appeal in 2009 (*Victoria (City) v Adams*, 2009 BCCA 563). Given the continued prevalence of homeless people throughout the province and the lack of sufficient available and accessible shelter and housing to meet people's needs and individual circumstances, the decisions of the Court are equally applicable to municipalities across British Columbia.

To the extent that your municipality's bylaws prohibit people from sleeping or being in a park overnight or erecting a temporary shelter without permits, such bylaws require amendment allowing for homeless people to be in, sleep in and set up structures in parks between the hours of 7:00pm and 9:00am the following day.

We furthermore encourage your municipality to ensure that space exists where homeless people can lawfully sleep, rest, shelter, stay warm, eat, wash and attend to personal hygiene 24 hours a day, in keeping with the findings of the Court.

We look forward to hearing from you regarding your municipality's proposed timeline and process for amending your relevant bylaws. Should you have questions regarding your municipality's bylaws or the steps necessary to ensure that your bylaws are brought into compliance with the *Canadian Charter of Rights and Freedoms*, please contact our office.

Yours truly,

PIVOT LEGAL SOCIETY



per:

DJ Larkin
Barrister & Solicitor

cc:

Anmore	New Westminster
Belcarra	North Vancouver City
Bowen Island	North Vancouver District
Burnaby	Pitt Meadows
Coquitlam	Port Coquitlam
Delta	Port Moody
Electoral Area A	Richmond
Langley City	Surrey
Langley Township	Vancouver
Lions Bay	West Vancouver
Maple Ridge	White Rock



File: AQ-06-01

May 20, 2016

Clerk-Treasurer
Corporation of the Village of Anmore
2697 Sunnyside Road
Anmore, BC V3H 3C8

RECEIVED
MAY 26 2016
Village of Anmore

Dear Sir/Madam:

RE: Air Quality Monitoring Report for 2014

Please find enclosed a copy of the Lower Fraser Valley Air Quality Monitoring Report for 2014. This report is also available electronically on the Metro Vancouver website at:

<http://www.metrovanancouver.org/services/air-quality/emissions-monitoring/monitoring/reports/Pages/default.aspx>

The 2014 report summarize data collected from all air quality monitoring stations; compares measurements to federal, provincial and Metro Vancouver air quality objectives and standards; describes special monitoring activities undertaken during the year; and provides long-term trends. Reports of data collected from the Lower Fraser Valley Air Quality Monitoring Network have been published annually since 1972.

We would be happy to respond to any questions or comments you may have with respect to these reports. Please contact me at 604-436-6742 or geoff.doerksen@metrovanancouver.org.

Please advise our department at 604-456-8835 of any corrections to the addressee or mailing address for distribution of future air quality reports.

Yours truly,

Geoff Doerksen
Air Quality Planner

Enclosure
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