



## FONVCA AGENDA THURSDAY June 21<sup>st</sup> 2007

**Place:** DNV Hall 355 W. Queens Rd V7N 2K6

**Time:** 7:00-9:00pm

**Chair:** Brian Platts – Edgemont C.A..

Telephone: 604-985-5104

Email: bplatts@shaw.ca

Regrets: Dan Ellis, Lisa Thon, Lyle Craver, Maureen Bragg

### 1. Order/content of Agenda

### 2. Adoption of Minutes of May 17<sup>th</sup>

<http://www.fonvca.org/agendas/jun2007/minutes-may2007.pdf>

### 3. Old Business

#### 3.1 Update on Canexus (Chlorine Plant)

#### 3.2 Best Wishes to James Ridge

- email to be circulated

#### 3.3 Ask DNV Council to request Translink reduce tax rate as per item 5.1 of May 17<sup>th</sup>

<http://www.fonvca.org/agendas/jun2007/may17-agenda5-1.pdf>

### 4. Correspondence Issues

#### 4.1 Business arising from 11 regular emails:

Request to speak on Bears:

[http://www.fonvca.org/letters/2007/14may-to/Roberto\\_Cobo\\_14jun2007.pdf](http://www.fonvca.org/letters/2007/14may-to/Roberto_Cobo_14jun2007.pdf)

#### 4.2 Non-Posted letters – 1 this period

- email to be circulated at meeting

### 5. New Business

#### Council and other District issues.

#### 5.1 May 29<sup>th</sup> Shirtsleeve Session with Council

- comments?

### 5.2 Council Handbooks

Review of some sections relevant to recent issues:

[http://www.dnv.org/upload/pdocsdocuments/4\\$f01!.pdf](http://www.dnv.org/upload/pdocsdocuments/4$f01!.pdf)

- Page 10 – “all committee meetings are open...”
- Case of Rec. Com. Mtg at Delbrook on June 14th

<http://www.sms.bc.ca/handbooks/mchandbook/MCHandbook2005.pdf>

- section 93 on Open Meetings of “other bodies” (council committees, municipal commissions, parcel tax roll review panel, board of variance, advisory bodies established by council, etc)
- section 98 on Annual Report (e-copy insufficient)
- Part 26 on Public hearings - open mind / willing to accept a persuasive presentation re June26th PH

### 5.3 Streamside Development Permit Areas

<http://www.dnv.org/article.asp?a=3775&c=771>

Reports on June 13/14 public meetings at Parkgate/Delbrook

- bylaws to go to council in fall
- Affected properties NOT being individually notified
- Should we post the 2800 addresses on FONVCA web-site?

### 5.4 Annual Report Format

<http://www.fonvca.org/agendas/jun2007/Annual-Report.pdf>

- Is making available only a partially non-printable e-version a violation of the Community Charter?
- Should “Sustainability” trump access to information?

### 6. Any Other Business

#### 6.1 Legal Issues

**Waiving requirement for a Public Hearing**

- Requirement of rezoning to be in OCP
  - Changes to “Improve function” vs. “New uses”
- [http://www.dnv.org/upload/documents/Council\\_PH/waivedph070611.htm](http://www.dnv.org/upload/documents/Council_PH/waivedph070611.htm)

**How effective is an OCP on controlling use/density?**

- Not much according to a recent DNV legal opinion!
- See <http://www.fonvca.org/agendas/jun2007/ocp-value.pdf>
- Valuable lesson here on “procedural fairness” see**
- <http://www.fonvca.org/agendas/jun2007/meaningful-ocp.pdf>

**How to File a complaint with BC Ombudsman:**

<http://www.ombud.gov.bc.ca/publications/documents/OmbudsComplaint/index.html>

#### 6.2 Any Other Issues (2 min each)

### 7. Chair & Date of next meeting.

**Thursday July 19<sup>th</sup> 2007**

#### Attachments

-List of Email to FONVCA - **ONLY NEW ENTRIES**

#### OUTSTANDING COUNCIL ITEMS

- Cat Regulation Bylaw –District-wide OCP -Review of Zoning Bylaw
- Securing of vehicle load bylaw -District-wide OCP
- Snow removal for single family homes bylaw

**Correspondence/Subject Ordered by Date**  
**14 may 2007 → 17 June 2007**

LINK	SUBJECT
<a href="http://www.fonvca.org/letters/2007/14may-to/Monica_Craver_21may2007.pdf">http://www.fonvca.org/letters/2007/14may-to/Monica_Craver_21may2007.pdf</a>	Mountain Biking
<a href="http://www.fonvca.org/letters/2007/14may-to/Monica_Craver_1jun2007.pdf">http://www.fonvca.org/letters/2007/14may-to/Monica_Craver_1jun2007.pdf</a>	Mountain Biking
<a href="http://www.fonvca.org/letters/2007/14may-to/Monica_Craver_6jun2007.pdf">http://www.fonvca.org/letters/2007/14may-to/Monica_Craver_6jun2007.pdf</a>	Mountain Biking
<a href="http://www.fonvca.org/letters/2007/14may-to/Corrie_Kost_13jun2007.pdf">http://www.fonvca.org/letters/2007/14may-to/Corrie_Kost_13jun2007.pdf</a>	Pesticides
<a href="http://www.fonvca.org/letters/2007/14may-to/Wendy_Qureshi_13jun2007.pdf">http://www.fonvca.org/letters/2007/14may-to/Wendy_Qureshi_13jun2007.pdf</a>	Canexus (Chlorine Plant)
<a href="http://www.fonvca.org/letters/2007/14may-to/Roberto_Cobo_14jun2007.pdf">http://www.fonvca.org/letters/2007/14may-to/Roberto_Cobo_14jun2007.pdf</a>	Bears
<a href="http://www.fonvca.org/letters/2007/14may-to/Monica_Craver_15jun2007.pdf">http://www.fonvca.org/letters/2007/14may-to/Monica_Craver_15jun2007.pdf</a>	Pesticides
<a href="http://www.fonvca.org/letters/2007/14may-to/Corrie_Kost_15jun2007.pdf">http://www.fonvca.org/letters/2007/14may-to/Corrie_Kost_15jun2007.pdf</a>	Pesticides
<a href="http://www.fonvca.org/letters/2007/14may-to/Monica_Craver_16jun2007.pdf">http://www.fonvca.org/letters/2007/14may-to/Monica_Craver_16jun2007.pdf</a>	Pesticides
<a href="http://www.fonvca.org/letters/2007/14may-to/Brian_Platts_16jun2007.pdf">http://www.fonvca.org/letters/2007/14may-to/Brian_Platts_16jun2007.pdf</a>	Pesticides
<a href="http://www.fonvca.org/letters/2007/14may-to/Bill_Tracey_16jun2007.pdf">http://www.fonvca.org/letters/2007/14may-to/Bill_Tracey_16jun2007.pdf</a>	Pesticides

For details/history see

<http://www.fonvca.org/letters/index-letters-total-jun2007.html>

# FONVCA

## Minutes of May 17<sup>th</sup> 2007

**Place:** DNV Hall 355 West Queens Road

**Attendees:**

Corrie Kost	Edgemont C.A.
Brian Platts	Edgemont C.A.
Hugh Murray	Lower Capilano C.R.A.
Cathy Adams	Lions Gate N.A.
Eric G. Andersen (notetaker)	Blueridge C.A.
Dennis Bevington	Seymour C.A.
Maureen Bragg	Save our Shores
John Miller	Lower Capilano C.R.A.
Diana Belhouse	Delbrook C.A.
Don Ellis (Chair Pro-Tem)	Lynn Valley C.A.
Herman Mah	Pemberton Heights C.A.

**Regrets:** Val Moller      Lions Gate N.A.

Meeting started:      7.05 PM

### 1. Order/Contents of agenda

### 2. Adoption of April 19<sup>th</sup> minutes

Minutes were approved as circulated (correction: Eric G. Andersen was not present at this meeting)

### 3. Old Business

#### 3.0 Shirtsleeves meeting with Council

The meeting is to be held on Tuesday, 05/29. The topic suggested by FONVCA is: public involvement/process protocol. No alternatives were suggested by Mayor and Council. The meeting will be co-chaired by Council and FONVCA

An added topic: OCP's, District and Local Area Plans (incl. Housing Initiatives etc).

#### 3.1 Translink parking tax

There will be no parking fee anymore, but the GVRD assessment is up by 43% for DNV taxpayers.

#### 3.3 Smart Rail Group & Canexus

It is unrealistic to have municipalities decide what hazardous material goes through their jurisdictions. This is governed by federal and provincial laws only. The risk of hazardous good moving through municipalities was discussed, as was the Canexus safety.

The Port of Vancouver is to decide on 05/29 regarding the Canexus expansion.

### 4.0 Correspondence Issues

No discussion/comments

### 5.1 Powers of BC Transit Act

It was agreed that the DNV is being unfairly taxed by B.C. Transit. Corrie made a motion, which passed with consensus, to send a letter to Council to get fairer and more equitable treatment of DNV in respect of the B.C. Transit tax as per #18-3-E of the B.C. Transit Act.

**(ACTION)**

### 5.2 Recreational Needs Assessment Survey

Some, but not all community associations were invited to a meeting on May 8th.

Objections were made to certain statements made in the report.

Although it appears that there is higher interest in outdoor recreation than indoors, the emphasis in the report is strictly on the facilities. The report was criticized for not being realistic at all. A suggestion is made to sell land for private uses.

The report leaves a number of unanswered questions.

### 5.3 South Coast Transportation Authority

This item was included for informational purposes only.

### 5.4 Search for new CAO – CAs Involvement

Dennis Back is an interim solution after James Ridge's resignation.

The screening selection used when hiring James Ridge ought to be used again this time.

It was agreed that FONVCA should send a 'Thank you' letter to James Ridge. **(ACTION)**

### 5.5 Pedestrian Master Plan survey

An e-mail was sent by the DNV to only a few people about this item. It was not done through community associations. Regrettably public involvement seems to be lacking also in this case.

### 6. Any Other Business

#### 6.1 Legal Issues

##### 6.1.a - Executive Members of Community

**Associations** – A Community Association Chair should not be in a position of having a conflict of interest.

It is a fact that some associations are one-issue associations or were founded for one sole purpose.

### **6.1 b – ‘Gifts’ from developers to members of Council**

It was speculated as to what was the reason for a number of mayors’ trip to the PRC? A developer in China seemed to be showing off by inviting many mayors from B.C., which is very prestigious in China.

### **6.1 c – ‘Working Groups’ and closed meetings**

Committees should be open and not closed to the public. In West Vancouver committees have been renamed ‘Working Groups’ to apparently circumvent the open meeting requirement. The Community Charter requires that “open meetings” apply to the entire range of meetings held by local government bodies.

### **6.1 d – Trade, Investment and Labour Mobility Agreement (TILMA)**

Council requested staff at their April 16th meeting to give a report on TILMA regarding the possible implications. This was the reason for the late report.

## **6.2 Privacy**

Video cameras are being located into public places (e.g. on buses) and this is a concern to many.

## **6.3 Climate change**

London is leading the way in respect of climate change. The car-owners are being charged by the city for the use of the lanes by their cars.

## **7. Chair & Date of next meeting**

Next meeting: June 21<sup>st</sup>, 2007

Next chair: Brian Platts, Edgemont Community Association

**Subject:** Powers Of BC Transit Act

**From:** Dan Ellis <ellis7880@shaw.ca>

**Date:** Mon, 18 Jun 2007 17:18:37 -0700

**To:** rwalton@dnv.org, anixon@dnv.org, Councillor Robin Hicks <rhicks@dnv.org>, lmuri@dnv.org, dmackay-dunn@dnv.org, mlittle@dnv.org, jharris@dnv.org

**CC:** Agnes Hilsen <Agnes\_Hilsen@dnv.org>, Corrie Kost <corrie@kost.ca>

Your Worship and Council:

In the attached letter, FoNVCA respectfully asks that an avenue for more equitable tax treatment be examined.

Sincerely,

***Dan***

D.H. Ellis

FoNVCA Chair (pro tem)

<b>may17-agenda5-1.pdf</b>	<b>Content-Type:</b> application/pdf <b>Content-Encoding:</b> quoted-printable
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Your Worship & Members of Council,

At the FONVCA meeting of May 17<sup>th</sup> 2007 a discussion took place of the powers of the BC Transit Act. According to this Act Translink (with the authority of the Lieutenant Governor in Council), appears to have the authority to allow different tax rates/caps for different regions (see section 18-3-e of [http://www.qp.gov.bc.ca/statreg/stat/B/96038\\_01.htm#section33](http://www.qp.gov.bc.ca/statreg/stat/B/96038_01.htm#section33)).

It was the unanimous request of FONVCA members present at the May 17<sup>th</sup> meeting to request that DNV council examine the validity of this aspect so as to allow Translink to impose a more equitable property tax on the residents of the North Shore. In essence we seek council's support to reduce the property taxes collected by Translink to be more in line with the benefits that Translink bestows upon this region. As it currently stands the North Shore is unfairly subsidizing the rest of the Lower Mainland through the Translink property tax assessments.

Yours truly,

Dan Ellis,  
Chair (Pro-Tem) FONVCA

**Subject:** 2006 Annual Report

**From:** "Jeanine Bratina" <Jeanine\_Bratina@dnv.org>

**Date:** Thu, 14 Jun 2007 16:20:40 -0700

**To:** <kost@triumf.ca>

**CC:** "Gavin Joyce" <Gavin\_Joyce@dnv.org>, "Dennis Back" <dback@dnv.org>

Hi Corrie:

Thank you for your e-mail regarding our annual report.

This year, the District decided to do something new - producing an online-only version of our annual report. Producing the annual report this way is in keeping with the District's sustainability initiatives by reducing (or in this case, eliminating) the amount of paper used to produce a traditional annual report. The District also realized a savings of approximately \$5,000 in printing costs.

The Financial portion of the annual report is downloadable and can be printed off. I also have a call into our IT Department to see if the remainder of the report can be printed off by screens. I'll be back in touch with you as soon as our IT department gets back to me - which I expect to be later today or first thing in the morning.

Thanks.

Jeanine Bratina  
Communications and Community Relations Officer  
District of North Vancouver

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

From: Corrie Kost [<mailto:kost@triumf.ca>]

Sent: Wednesday, June 13, 2007 11:19 PM

To: Infoweb

Subject: 2006 Annual Report

Where can I find a printable version of the Annual Report? I need to print it so I can take it away and compare it to prior years without a computer!

Thanks,

Corrie Kost

**Subject:** RE: 2006 Annual Report

**From:** "Jeanine Bratina" <Jeanine\_Bratina@dnv.org>

**Date:** Thu, 14 Jun 2007 18:44:10 -0700

**To:** "Corrie Kost" <kost@triumf.ca>

**CC:** "Gavin Joyce" <Gavin\_Joyce@dnv.org>, "Dennis Back" <dback@dnv.org>

Hi Corrie:

We were also curious regarding any possible formatting/presentation requirements before we began preparing this year's report. The Charter requires that municipalities prepare an annual report and that it be made available for inspection, although it does not state any requirements as to any specific format.

I'm looking forward to receiving your feedback on the report.

Jeanine

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

From: Corrie Kost [<mailto:kost@triumf.ca>]

Sent: Thursday, June 14, 2007 6:25 PM

To: Jeanine Bratina

Cc: Gavin Joyce; Dennis Back

Subject: Re: 2006 Annual Report

Wow! - only online? I don't think this meets the reporting requirements.

Could you please check the formal requirements?

Corrie

Jeanine Bratina wrote:

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**Subject:** RE: 2006 Annual Report

**From:** kost@triumf.ca

**Date:** Thu, 14 Jun 2007 23:10:54 -0700 (PDT)

**To:** "Jeanine Bratina" <Jeanine\_Bratina@dnv.org>

**CC:** "Corrie Kost" <kost@triumf.ca>, "Gavin Joyce" <gavin\_joyce@dnv.org>, "Dennis Back" <dback@dnv.org>

Hi Corrie:

We were also curious regarding any possible formatting/presentation requirements before we began preparing this year's report. The Charter requires that municipalities prepare an annual report and that it be made available for inspection, although it does not state any requirements as to any specific format.

I'm looking forward to receiving your feedback on the report.

Jeanine

Mmmmm....

I think the implication of

" The annual report will be made available for public inspection at the municipal hall

and at an annual public meeting. Municipalities may also consider distributing hard

copies to individuals, tourist bureaus, recreation centres, libraries, other civic agencies and electronically on the municipality's web site."

At

[http://www.cserv.gov.bc.ca/LGD/gov\\_structure/community\\_charter/administration/annual\\_municipal\\_report.htm](http://www.cserv.gov.bc.ca/LGD/gov_structure/community_charter/administration/annual_municipal_report.htm)

implies that there must be hardcopies (which may be distributed...).

Note also that some people cannot use keyboards!

I will ask some others what they think...

Corrie

ps: Did I miss the inclusion of the required report on permissive tax exemptions?

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

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Sent: Thursday, June 14, 2007 6:25 PM

To: Jeanine Bratina

Cc: Gavin Joyce; Dennis Back

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Thanks,

Corrie Kost

**Subject:** 2230 Lloyd Ave - waiving of Public Hearing  
**From:** "Brett Dwyer" <Brett\_Dwyer@dnv.org>  
**Date:** Wed, 6 Jun 2007 17:06:02 -0700  
**To:** <kost@triumf.ca>  
**CC:** "Council Only - DNV" <CouncilDnv@dnv.org>, "Margaret Eckenfelder" <Margaret\_Eckenfelder@dnv.org>, "Richard Parr" <Richard\_Parr@dnv.org>, "Tamsin Guppy" <Tamsin\_Guppy@dnv.org>

Dear Corrie,

I am writing in response to your email to Agnes Hilsen regarding Council's decision to waive the Public Hearing for the zone-amending bylaw that would enable the Corner Store at the property at 2230 Lloyd Avenue to carry out some additional accessory uses including an accessory café use. As you are aware the Local Government Act enables a local government to waive the holding of a public hearing if the proposed bylaw is consistent with the official community plan. At law, the test for consistency is that there is no "absolute and direct collision" between the proposed bylaw and the official community plan.

District staff have reviewed the proposed bylaw in detail with the official community plan, and have consulted legal counsel, and remain of the view that the proposed bylaw is consistent with the official community plan. In this regard the decision of Council to waive the Public Hearing, in this instance, is within the parameters specified in the Local Government Act. I would like to thank you for your input in this matter as these type of meaningful comments assist in current and future decision-making processes.

Regards,  
Brett Dwyer  
Manager Development Services  
District of North Vancouver

## Protection provided by an OCP

From <http://www.annetmoen.com/greenway/keith-ferguson-paper.html>

*Local Government Act*, s.875. Municipalities are authorized to pass an OCP by bylaw under the *Local Government Act*, s.876. Note that once an OCP has been passed, all subsequent bylaws and works of that municipality must be consistent with it (*Local Government Act*, s.884(2)). Courts are slow to find such inconsistencies, however. For example, a court will only find a conflict between a zoning bylaw and a general statement of purpose in an OCP if there is "an absolute and direct collision" between them (Locke J. in *Rogers v. Saanich* (1983), 22 M.P.L.R. 1 (B.C.S.C), quoted in *Brooks v. Courtenay (City)* (1991), 78 D.L.R. (4<sup>th</sup>) 662 (B.C.C.A.)). Similarly: "In deciding whether a bylaw conforms with the official plan, a plan should be given a broad liberal interpretation" (Rogers, quoted in *Botterill v. Cranbrook (City)*, [2000] B.C.J. No 1658 (Online : QL), at para. 44).

So to ensure that uses/densities will not expand beyond those intended in the OCP one needs to include statements like – "all other uses are forbidden" in the zoning bylaw. To simply list allowed uses is not enough.

From <http://www.guildyule.com/news/papers/Legal%20News%20Dec%202005.pdf> :*It has been held that a zoning bylaw will not be held to be invalid when it sets out a land use contrary to the OCP unless there is an absolute and direct collision between the OCP and the zoning bylaw.*

**Thus it behooves a community to write explicit and absolute restrictions in their zoning bylaw since OCP's are usually silent on the specifics of zoning.**

More References:

[http://outlines.law.uvic.ca/courses/municipal/mun\\_spring04\\_curran\\_outline\\_keithand.doc](http://outlines.law.uvic.ca/courses/municipal/mun_spring04_curran_outline_keithand.doc)

[http://www.lgma.ca/upload/dcd92\\_May\\_06\\_Chapter\\_290.pdf](http://www.lgma.ca/upload/dcd92_May_06_Chapter_290.pdf)

<http://www.wcel.org/wcelpub/2006/14250.pdf>