



PLANNING AND COMMUNITY DEVELOPMENT COMMITTEE

Thursday, February 16, 2017
SCRD Boardroom, 1975 Field Road, Sechelt, B.C.

AGENDA

CALL TO ORDER **To follow the Infrastructure Services Committee**

AGENDA

1. Adoption of Agenda

PETITIONS AND DELEGATIONS

REPORTS

2. Senior Planner – Local Government Approaches to Address the Issue of Short-Term Vacation Rentals
(Rural Planning Services) (Voting – A, B, D, E, F) Annex A
pp. 1 – 36
3. Senior Planner – Agricultural Land Commission Policy Update
(Rural Planning Services) (Voting – A, B, D, E, F) Annex B
pp. 37 – 44
4. Senior Planner – Land Use Planning Opportunities to Support Affordable Housing in Rural Areas
(Rural Planning Services) (Voting – A, B, D, E, F) Annex C
pp. 45 – 57
5. Planner – Applications ALR00003 for Non-Farm-Use in the Agricultural Land Reserve and DVP00006 Development Variance Permit (Bottieri/Girard) for a Distillery at 943 Chamberlin Road – Electoral Area F
Electoral Area F (Rural Planning Services) (Voting – A, B, D, E, F) Annex D
pp. 58 – 93
6. Planner – Pender Harbour Golf Club Society Lease Agreement Renewal – Electoral Area A
Electoral Area A (Rural Planning Services) (Voting – A, B, D, E, F) Annex E
pp. 94 – 103
7. Planner – BC Hydro Statutory Right of Way Request at Katherine Lake Park – Electoral Area A
Electoral Area A (Rural Planning Services) (Voting – A, B, D, E, F) Annex F
pp. 104 – 118
8. General Manager, Planning and Community Development and Parks Planning Coordinator – Ports Monitors Committee Terms of Reference
(Ports Service) (Voting – B, D, E, F) Annex G
pp. 119 – 124
9. Senior Planner – Natural Resources Advisory Committee - Revised Terms of Reference
(Rural Planning Services) (Voting – A, B, D, E, F) Annex H
pp. 125 – 139
10. Planner – Agricultural Advisory Committee - Updated Terms of Reference
(Rural Planning Services) (Voting – A, B, D, E, F) Annex I
pp. 140 – 150

- | | |
|--|--------------------------|
| 11. Parks Planning Coordinator – Gambier Island – South West Peninsula - Trail Network Task Force Terms of Reference
Electoral Area F (Bicycle & Walking Paths) (Voting – A, B, D, E, F) | Annex J
pp. 151 – 156 |
| 12. Parks Planning Coordinator – Salish Sea Marine Trail Launch Strategy
(Community Parks) (Voting – A, B, D, E, F) | Annex K
pp. 157 – 158 |
| 13. Parks Planning Coordinator – Egmont Community Club Agreement to Operate Klein Lake Campground
Electoral Area A (Community Parks) (Voting – A, B, D, E, F) | Annex L
pp. 159 – 162 |
| 14. Electoral Area A (Egmont/Pender Harbour) APC Minutes of January 31, 2017
Electoral Area A (Rural Planning Services) (Voting – A, B, D, E, F) | Annex M
pp. 163 – 165 |
| 15. Electoral Area B (Halfmoon Bay) APC Minutes of January 24, 2017
Electoral Area B (Rural Planning Services) (Voting – A, B, D, E, F) | Annex N
pp. 166 – 167 |
| 16. Electoral Area D (Roberts Creek) APC Minutes of January 16, 2017
Electoral Area D (Rural Planning Services) (Voting – A, B, D, E, F) | Annex O
pp. 168 – 171 |
| 17. Electoral Area F (West Howe Sound) APC Minutes of January 24, 2017
Electoral Area F (Rural Planning Services) (Voting – A, B, D, E, F) | Annex P
pp. 172 – 175 |
| 18. Sunshine Coast Policing Committee Minutes from January 19, 2017
(Voting – A, B, D, E, F) | Annex Q
pp. 176 – 178 |

COMMUNICATIONS

- | | |
|--|--------------------------|
| 19. <u>Donna Myketa, A/Director of Authorizations, Ministry of Forests, Lands and Natural Resource Operations dated January 17, 2017</u>
Regarding Provincial Private Moorage Policy Update. | Annex R
pp. 179 – 181 |
| 20. <u>Bette-Jo Hughes, Associate Deputy Minister and Government Chief Information Officer, Ministry of Technology, Innovation and Citizen's Services dated January 24, 2017</u>
Regarding Meeting Request regarding Broadband and Cellular Connectivity on the Sunshine Coast. | Annex S
pp. 182 – 183 |

NEW BUSINESS

IN CAMERA

That the public be excluded from attendance at the meeting in accordance with Section 90 (1) (a), (f), (g), (j) and (k) of the Community Charter – “personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality”, “law enforcement”, “litigation or potential litigation affecting the municipality”, “the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose” and “negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages...”.

ADJOURNMENT

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Planning and Community Development Committee – February 9, 2017
AUTHOR: David Rafael, Senior Planner
SUBJECT: LOCAL GOVERNMENT APPROACHES TO ADDRESS THE ISSUE OF SHORT-TERM VACATION RENTALS

RECOMMENDATIONS

THAT the report titled Local Government Approaches to Address the Issue of Short-Term Vacation Rentals be received;

AND THAT as set out in Option 1 staff prepare amendments to:

- (a) *Sunshine Coast Regional District Zoning Bylaw No. 310, 1987 and Sunshine Coast Regional District Electoral Area A Zoning Bylaw No. 337, 1990* to amend the definition of dwelling and introduce a definition for short term vacation rental;
- (b) *Sunshine Coast Regional District Municipal Ticket Information System Bylaw No. 558, 2006 and Sunshine Coast Regional District Bylaw Notice Enforcement Bylaw No. 638, 2011* schedules that set out contraventions and penalties;

AND FURTHER THAT the draft amendments be referred to all Advisory Planning Commissions prior to a report with draft bylaws being brought back for consideration.

BACKGROUND

The purpose of this report is to provide information and options on how the SCRD could address short term vacation rentals and obtain direction from the Planning and Community Development Committee on moving forward.

At the November 10, 2016 Planning and Community Development Committee, Matt Thomson of the Sunshine Coast Affordable Housing Society provided a summary of the affordable rental housing situation on the Sunshine Coast. Mr. Thomson noted that affordable rental housing options such as secondary suites, coach/lane-way homes and second dwellings are being used for short-term vacation rentals (STVR).

At the Regular Board meeting of November 24, 2016 the following resolution was adopted:

430/16 Recommendation No. 4 Short-Term Vacation Rentals

THAT the 2012 staff reports regarding the topic of short-term vacation rentals be brought back to a future Planning and Community Development Committee for review;

AND THAT a staff report be provided regarding the current approach of the SCRD and other local governments/regional districts to address the issue of short-term vacation rentals.

In June 2012, due to a number of complaints regarding nightly or short-term vacation rentals the Board considered a report setting out issues and options to address concerns. The report was referred to all Advisory Planning Commissions and other electoral area community groups such as elector/community associations. Responses were received from the APC and Roberts Creek Official Community Plan Commission and were presented to the Board in October 2012. At the Regular Board meeting of October 25, 2012 the following resolution was adopted:

406/12 Recommendation No. 8 *Nightly/Short Term Rentals*

THAT the General Manager of Planning and Development's report, dated September 27, 2012, titled "Nightly/Short Term Rentals in Residential and Rural Zones" be received;

AND THAT the current approach of enforcing existing zoning and/or noise bylaws on a complaint driven basis for issues regarding nightly/short term rentals in residential and rural zones be continued.

Copies of the two reports considered in 2012 are included in Attachment A.

Many of the same challenges and benefits that were set out in 2012 continue to apply, however there is a growing concern over the possible impact STVRs have on residential rental supply and housing affordability. Another change has been the adoption of *Sunshine Coast Regional District Bylaw Notice Enforcement Bylaw No. 638, 2011*.

The Minister of Community, Sport and Cultural Development sent a letter to all local governments seeking input regarding the growth in the sharing economy as exemplified by Airbnb for tourist accommodation and Uber for transport. The Village of Harrison Hot Springs, a resort municipality, response to the province was also distributed to other local governments (collated in Attachment B).

DISCUSSION

Other Local Government Approaches

Municipalities

Controls are established through zoning bylaws which may permit STVR use in some or all zones in a dwelling, limit the use to some zones, allow the use as a home occupation, expressly exclude the use, or be silent on the use. Temporary Use Permits are one approach. Other bylaws, specifically those that control noise, also provide an approach to STVR that may be permitted by zoning but are creating a local problem. Use of tickets (either through Bylaw Enforcement Notices or Municipal Ticketing) is one tool to promote compliance.

A key tool used by municipalities that is not available to regional districts is business licences which can set out detailed requirements for STVR.

The District of Sechelt sets out specific business licence terms and conditions for this use including (copy included as part of Attachment A):

- providing a local contact to deal with issues
- contact information is given to property owners within 100 metres of the rental
- \$1000 deposit to cover District's cost of enforcement
- the licence must be displayed in a prominent location and
- written record of names of all rental tenants is to be kept.

The Town of Gibsons zoning bylaw does not specifically consider STVR. However an STVR operator is required to obtain a business licence. The licence must be displayed in a prominent place in the business. Regular checks of rental websites (such as Airbnb) are undertaken and the Town has had success with sending operators letters. There is growing interest in the issue within the Town and it may review the issue in the near future.

The November 2016 Harrison Hot Springs letter to the Province noted concerns regarding the growth in commercial activity in residential areas with regard to traffic, noise and security. The intention is to amend zoning to recognize the use. The Province is requested to consider the impact on established tourist accommodation (such as hotels) that are governed by proper regulation (such as health and safety) and taxation (including sales tax and Municipal Regional District Tax - MRDT). The Province is requested to rescind Section 78(1)(b) of BC's PST Refund and Exemption Regulation, which exempts accommodation providers with fewer than 4 units of accommodation.

The MRDT for tourist accommodation is discussed in more detail below.

Other specific municipalities' approaches are provided in Attachment C.

Islands Trust

The Islands Trust has taken more than one approach to STVR controls in keeping with the different perspectives of each Local Trust Area. Proactive enforcement of the bylaw provisions is considered a key aspect in the Trust's approach to STVR.

Gabriola Island zoning permits STVR subject to temporary use permits, however few have been applied for/issued. Hornby Island zoning permits vacation home rentals in several residential zones in a dwelling unit during the months of May to September limited to one guest or guest party; contact info (name, phone number) to be posted to be legible from road to handle complaints. Hornby Island also allows the use via a TUP in other zones.

The Gambier Island Local Trust Area contains three OCPs and associated zoning bylaws. Gambier Island zoning allows temporary overnight accommodation as a home occupation limited to 4 guest bedrooms. Keats Island zoning does not allow commercial visitor accommodation (including bed and breakfast and vacation rental) as a home occupation. The Associated Islands zoning allows commercial visitor accommodation as a home occupation limited to no more than 4 guests and 2 bedrooms and clarifies that home occupation does not include rental of a dwelling for less than 30 days. Currently there are no plans to amend the OCPs or zoning bylaws with respect to STVR.

Regional Districts

There are a range of approaches to permitting/regulating STVR. Staff contacted several regional districts (RDs) and received responses from five comparable regional districts. The approaches reflect the level of concern that STVR have triggered. The use is generally not permitted in most RD zoning bylaws, though one RD does allow them in a few zones.

An issue that was noted is that the zoning bylaw needs to clearly identify the difference between a dwelling and short term rental uses. Failure to do so may limit legal options or weaken enforcement action. One approach could be to define the use of dwellings for rentals of less than 30 days and permit this use upon spot rezoning in individual properties or in neighbourhoods.

One RD is monitoring the issue and may bring forward a report for consideration of revising the current approach. One RD is considering regulations through Temporary Use Permits and noted that enforcement by complaint has been successful but has been time consuming. Another RD permits “temporary tourist accommodations”, which would permit Airbnb’s within all of the Resort Residential Zones which differs from residential zoning.

Specific RD comments are included in Attachment C.

SCRD Official Community Plans

For the most part the SCR D’s Official Community Plans do not mention short term vacation rentals where the entire dwelling is rented as tourist accommodation. At the residential level, tourist accommodation in the form of bed and breakfasts (B&B) are specifically supported in five of the seven OCPs. The exceptions are Twin Creeks and Hillside/Port Mellon where industry is the dominant form of activity and there is little residential development.

The Egmont/Pender Harbour OCP supports provision of sleeping units and B&B inns in addition to B&B homes in some land use designations. This OCP is under review and a draft was recently provided for initial public input. The draft supports provision of affordable rental housing. B&Bs (homes and inns) and sleeping units are included in the draft in specific land use designations.

The following two OCPs specifically consider cottage rentals or short-term rentals:

1. The Halfmoon Bay OCP includes Policy 7.4 that supports cottage rentals in residential areas without changing the character of the neighbourhood. Objective 10.3 supports a variety of tourist accommodation such as cottage rentals in the Rural Residential land use designation.
2. Roberts Creek OCP Objective 6a supports expanding the number of beds in a B&B to three in the Village Core area. Village Core Policies 6.3.2 and 6.3.3 discourages more intensive forms of tourist accommodation such as sleeping units and short-term rental where the owner/property manager is not present. Objectives and policies related to tourist accommodation elsewhere limits B&Bs to two bedrooms and discourages more intensive forms of tourist accommodation such as sleeping units other than campgrounds in the Resource land use designation.

SCRD Zoning

Zoning Bylaws 310 and 337 have not been amended since the 2012 reports with respect to STVRs. There is opportunity for tourist accommodation at the dwelling level in both bylaws in the form of B&B accommodation.

Bylaw 310 defines B&B as “a transient accommodation business that provides overnight accommodation to travellers for a length of stay of three consecutive months or less in any calendar year and provides at least breakfast to those being accommodated”. The B&B is limited to two bedrooms, each no more than 28 m², per dwelling and operated by the principal resident. A dwelling is defined as “one or more rooms comprising a self-contained unit within a building, used or intended as a residence by one or more persons and by not more than one family, which contains one set of cooking facilities and customarily one or more sanitary facilities and sleeping quarters.”

Sleeping units, defined as “a set of habitable rooms used to accommodate any particular person for a period of three consecutive months or less in any calendar year” are only permitted as part of a: camp assembly use; agricultural building for farm workers; or motel.

Bylaw 337 identifies two types of B&B, one limited to two bedrooms (B&B Home – limit of four guests) and B&B Inn allowing up to five bedrooms (limit of ten guests). Neither limit the length of stay. B&B Inns are allowed in most zones however there is a minimum parcel size (varies based on the zone) that has to be met before the use is permitted. Both types need to be operated by a resident of the parcel. Sleeping unit is defined as “a set of rooms containing no cooking facilities used to accommodate any particular person for a period of six consecutive months or less in any calendar year”. They are a permitted use in a few zones where the parcel size is above a minimum threshold and the number of units is limited to 5 plus one for each 200 m² site area. A dwelling is defined as “a building designed or used as a dwelling unit or units by one or more families”.

A dwelling unit is defined as “one or more rooms comprising a self-contained unit within a building, used or intended as a residence by one or more persons and by not more than one family, which contains one set of cooking facilities and customarily one or more sanitary facilities and sleeping quarters.”

Staff consider that Bylaws 310 and 337 definitions for dwellings are sufficiently clear to prevent STVR as the dwelling is to be used as a residence. However, the definitions could be amended to specifically state that rental periods of less than 30 days are not permitted in a dwelling. Each bylaw could also introduce a new definition for “short term vacation rental” that limits the use to periods of less than 30 days and could allow the use of the entire dwelling/auxiliary dwelling/suite. Subject to confirmation of legal authority, it may be possible to include a requirement that a contact person’s details to be provided in a visible location when the STVR is in use either in the definition or in the each bylaws general use provisions.

SCRD Bylaw Compliance

A review of records of written complaints from 2013 to 2016 relating to noise and/or land use contraventions show that for the first three years the number of complaints related to STVR was low (7 out of 295). In 2016 there was an increase in complaints related to STVR (15 of 90). The information was broken down by Electoral Area as follows:

	STVR Complaint						Total Annual Complaints all types:	% of Annual Complaints due to STVR
	Area A	Area B	Area D	Area E	Area F	Total:		
2013	0	1	3	0	0	4	123	3.2%
2014	0	0	0	0	0	0	90	0%
2015	0	2	1	0	0	3	82	3.6%
2016	0	6	6	2	1	15	90	16.7%
Total	0	9	10	2	1	22	385	5.7%

Table 1: Number of Written Complaints related to Short Term Vacation Rentals – Noise and Land Use combined

This does not include any noise complaints received by the RCMP that were not forwarded to the SCRD.

The 2013 files had a duration of two to 13 months; staff response consisted of letter(s)/visits to property/follow-up. In 2015 and 2016 the files had a duration ranging from two weeks to eight months; staff response consisted of letters/phone calls/site visits/follow-ups. One Bylaw Enforcement Notice ticket was issued when staff were able to receive confirmation from the guest that they were renting the dwelling for a few days and the owner did not reside on the property. Five of the 2016 files are still open.

It is clear that *Sunshine Coast Regional District Noise Control Bylaw No. 597, 2008* can be enforced by SCRD. Internal discussions have identified the need to review whether the current definitions and permitted uses in the zoning bylaws are robust enough to address zoning contraventions related to STVR.

Sunshine Coast Regional District Bylaw Notice Enforcement Bylaw No. 638, 2011 sets out a list of designated bylaw contraventions and penalties. For Bylaw 310 this includes unauthorized Bed & Breakfast and refers section 502(11)(a) – 502 (11)(f). Bylaw 337 this includes Bed & Breakfast homes and inns and specifically refers to sections 509(a) to (e) and 510(a) to (e). These are the sections in the zoning bylaws that set out the requirements/limitations for a B&B, such as limit the number of rooms and it shall be operated by the principal resident.

If the zoning bylaws are amended to include new definitions and clarify that STVR are not permitted as part of a dwelling and B&B then Bylaw 638 may also need to be amended to list additional contraventions and penalties

Similar amendments should also be made to *Sunshine Coast Regional District Municipal Ticket Information System Bylaw No. 558, 2006* so that it can be applied to the same contraventions as Bylaw 638.

The main issue relating to using BEN or MTI is the need to collect sufficient evidence of the infraction. It is not enough for the SCRD to show that a dwelling is listed on a website for STVR use. Confirmation is required, such as the client confirming that the dwelling is rented as an STVR.

Another option is to increase the penalties in both Bylaw Nos. 558 and 638 from \$100 to \$500 to reflect the concern about STVR. This is the maximum penalty allowed by BEN.

Hotel Tax (Municipal and Regional District Tax - MRDT)

The SCRD area participates in the MRDT as of August 2016. The 2% tax is applied to tourist accommodation that meets criteria and is overseen by Sunshine Coast Tourism. Short term vacation rentals are eligible for the tax unless they fall under exemptions (less than four units of accommodation in BC, charge is \$30 or less a day or \$210 or less per week and so on).

The Rules and Interpretation Team at the Ministry of Finance provided the following information about how the tax is applied:

A unit of accommodation is the basic unit sold to your customer. For example, in a hotel or motel, a unit of accommodation is generally a room or suite. A unit of accommodation in a hostel or dormitory is generally a bed.

In the case of renting accommodation in a house with 4 bedrooms, how many units of accommodation you are renting will depend on how you are renting the accommodation in that property. If you are charging \$100 per night for each bedroom, then you would be selling four units of accommodation. On the other hand, if you only rent out the entire house for, e.g., \$400 per night, then you would be selling one unit of accommodation only.

The MRDT will only apply to those units of accommodation sold in areas that have signed up for the MRDT. If you are required to be registered for the PST, and collect PST on accommodation (because you rent four or more units of accommodation in BC), you will need to collect the MRDT too in those areas where the MRDT applies – regardless of how many units you may have in MRDT designated areas (e.g., if you have 5 units of accommodation in BC, but only one of them is in an MRDT designated area, you will need to collect the MRDT on that one unit).

Number of STVRs in the SCRD

There is no definitive source of information about the number of dwellings that are being used for vacation rentals.

Sunshine Coast Tourism (SCT) divides accommodation into large (4+ rooms, MRDT applies) and small (3 rooms or less). SCT estimates that there are about 350 small accommodations on the Coast and about 100 of these are traditional B&Bs. SCT noted that “*with the prevalence of online travel agents...like Airbnb, Booking.com, and VRBO, (SCT) are seeing many properties that cross over between the two types.*” The SCT estimate of 250 short-term rentals is similar to that found online.

On December 16, 2016, staff searched four websites listing STVRs that allowed map searches and found the following:

	STVR Units Available			
	vrbo.com	tripping.com	Airbnb.ca*	homeaway.com
Egmont/PH	54	118	48	56
Halfmoon Bay	51	56	56	45
Roberts Creek	33	49	50	32
Elphinstone	11	9	17	11
West Howe Sound	16	30	12	17
TOTAL SCRD EA	165	262	183	161
Sechelt	58	116	119	54
Gibsons	23	54	28	22
TOTAL	246	432	330	237

Table 2 – Number of Short Term Vacation Rentals on the Sunshine Coast

*Airbnb.com requires a Check In/Out date and number of guests before it would provide listings of available units. Thus the total will change depending on the search parameters. For this study the Check In/Out were Feb 24 and 28, 2017 and two adults were the parameters. The dates were chosen as this would likely be a relatively low demand period and not have a large number unavailable due to bookings. Two adults were chosen to allow for small and large capacity units to be returned from the search.

Staff did not do a complete review of the results to determine if listings were for the entire dwelling or just a room.

Supply of Affordable Housing

Since the issue of STVR was last considered by the Board, the main change is the growing concern regarding impact on the supply of affordable rental housing. It is not known what the actual impact is and information is not available to quantify this. However, an impact appears evident based on information from other jurisdictions, such as the City of Vancouver, and the press.

Other factors impact supply, such as increase in tourism combined with the new 'sharing economy' could trigger increased opportunity to open an STVR. Personal issues are a factor, for example an off-Coast owner of a dwelling may want use it for a limited period each year and this would not be possible if it was rented full-time; however some income is needed to maintain ownership.

Staff note that a separate report will be provided regarding the potential to alter OCP and/or zoning bylaws to encourage development of affordable housing, including opportunities for rental. Depending on the direction the SCRD takes on such changes, over time this could increase affordable housing provision and reduce the negative impact of STVR on the rental

market. There could also be an increase in STVR if there is an increase in infill development in residential areas creating more stock for STVR use.

Previous Engagement

As noted in the 2012 reports referrals were sent to all advisory planning commissions and electoral area community/elector associations. The general response was that the SCRD should maintain status quo and issues such as noise should be addressed on a case-by-case complaint driven approach.

Options

Possible options to consider:

Option 1: Amend the Definition of Dwelling and introduce a definition for Short Term Vacation Rental in Bylaw Nos. 310 and 337. Pursue amendment to Bylaw Nos. 558 and 638 to strengthen use of enforcement notices

This will provide greater clarity that a dwelling is not permitted to be used as an STVR. Amendments to the BEN and MTI bylaws may be needed to set out the revised section in the zoning bylaws in the list of contraventions and penalties. The penalty could also be increased from \$100 to \$500 to reflect the concerns (noise and impact on rental housing stock) raised by STVR.

In 2012, the APCs supported the status quo and use of the noise bylaw to address the issue. Bylaw 638 had not been adopted to introduce the BEN system at that time.

This is the staff's preferred option as it will confirm that STVR are not permitted in a dwelling and may assist in the use of enforcement notices on a complaint driven approach.

Option 2: No Change.

Upon consideration of potential approaches in 2012, the SCRD Board resolved to continue with the current approach. In the four years since then it is only in 2016 when there was a significant increase in the number of written complaints regarding this use. It is too soon to know if this will be a continuing trend.

Option 3: Alternative Approaches

In the reports provided in 2012, a number of options were identified as follows:

- Site specific rezoning (may require OCP amendment)
- Business Licensing (SCRD does not currently have authority)
- Temporary Use Permits - This will also require amendments to OCP or Zoning Bylaw to allow SCRD to consider issuing TUP on a site by site basis. The amendment bylaw could be introduced by the SCRD and could establish conditions when a TUP would be considered and the TUP could impose requirements to be met or the permit is cancelled.

- Bylaw Enforcement (the BEN system was adopted by the SCRD after the 2012 reports were considered).

The reports in Attachment A provide detail about each approach.

Another approach could be to allow STVR as a permitted use within specific land use zones and on parcels over a certain area. An STVR could be limited to an auxiliary dwelling or a second dwelling. This would increase the chance that there is somebody on the property (the owner or a long term renter) to immediately address complaints. However, there is no guarantee that the other dwelling would be occupied as a residence. Other controls could be to limit the STVR to a maximum floor area or maximum number of guests.

The SCRD could pursue a combination of the approaches listed above.

Option 4: Conduct a Public Engagement Process

As noted above, there are a range of options available to pursue. Other local governments have noted that it is important to gather community input and understand what actions are wanted to address STVR. Public engagement could be conducted and include one or more public workshop/information meetings to gather public and business input to assist in developing preferred approaches.

If OCP and/or zoning bylaw amendments are supported then this will lead to a public hearing and could include additional public information meeting(s).

Organization and Intergovernmental Implications

Changes to bylaws may result in an increase in case files, which will have an impact on service levels. This is likely linked to the degree to which the issue is subjected to public consultation and how significant proposed bylaw changes are.

If the SCRD Board requests and receives the authority to require business licenses then this would be a significant change to the organization.

Linking STVRs to temporary use permits may trigger a significant amount of work as TUPs must be the subject of notifications and Board resolutions. Staff time is needed to process each application.

Communications Strategy

Staff could hold a public workshop/information meeting to gather public and business input to assist in developing possible amendments. In 2012, the Advisory Planning Commissions and other community groups were consulted and this could be done again.

Additional referrals and public consultation would take place if the Board directs staff to draft OCP or zoning bylaw amendments.

Timeline for Next Steps

Minor amendments to Bylaws Nos. 310 and 337 could be considered for adoption by the end of July or early September 2017. This would allow for referrals to APCs, bylaw readings, public information meeting(s), agency referrals and public hearings.

Amendments to Bylaw Nos 558 and 638 could be considered for adoption at the same time. There is no legislative requirement for a public hearing or a formal referral process, however proposed amendments could be considered as part of the above referral process for the zoning bylaw amendments.

The timeline would extend if a public engagement process takes place to gather community support and assist in identifying a preferred option.

Alternatively, amendments to Bylaw 310 could be considered during an overhaul of the entire bylaw, if this project proceeds (budget proposal currently being considered by SCRD Board). This approach would offer coordination and efficiency benefits, but adoption of a new bylaw would likely not be until 2018.

STRATEGIC PLAN AND RELATED POLICIES

N/A

CONCLUSION

There are a range of approaches that have been used or are under consideration by other local governments. A robust enforcement process is seen as a key aspect in addressing issues. Possible impact on affordable rental housing stock is driving recent local government review of STVR.

Staff recommend minor changes to the zoning bylaws to clarify that a dwelling is not to be used as an STVR, beyond that allowed for by the B&B provisions. *Sunshine Coast Regional District Municipal Ticket Information System Bylaw No. 558, 2006* and *Sunshine Coast Regional District Bylaw Notice Enforcement Bylaw No. 638, 2011* sections relating to the list of contraventions may also need to be amended. This could include raising the penalty from \$100 to \$500.

If Board direction is to pursue other approaches, staff recommend a public engagement process take place to assist in gathering community support and assist in identifying a preferred option.

Attachments

Attachment A – Staff reports considered by SCRD Board in 2012

Attachment B – Letters from Minister of Community, Sport and Cultural Development and Village of Harrison Hot Springs

Attachment C – Other Local Government Approaches

Reviewed by:			
Manager	X - AA	Finance	
GM	X - IH	Legislative	X - AL
CAO	X - JL	Other	

ATTACHMENT A

SCRD STAFF REPORT

DATE: September 27, 2012
TO: Planning and Development Committee – October 18, 2012
FROM: Steven Olmstead, GM, Planning and Development
RE: **Nightly/Short Term Rentals in Residential and Rural Zones**

RECOMMENDATION

THAT the present approach of enforcing existing zoning and/or noise bylaws on a complaint driven basis for issues regarding nightly/short term rentals in residential and rural zones be continued.

BACKGROUND

At its regular meeting on June 28, 2012, the Regional Board passed the following resolution with respect to short term/nightly rentals of residential properties:

THAT this report (with recommendations removed) be referred to APCs, Community / Electors Associations, Roberts Creek OCPC, Halfmoon Bay and Roberts Creek OCP review Committees for recommendations and comments. Include Board resolution that triggered report or purpose of the report.

A copy of the report circulated to the various groups is attached as Attachment 1. In accordance with the above resolution, the report was referred to the following:

Electoral Area A, B, D, E and F Advisory Planning Commissions
Halfmoon Bay OCP Review Committee
Roberts Creek OCP Review Committee
Roberts Creek OCPC
Elphinstone Electors Association
West Howe Sound Community Association
Roberts Creek Community Association
Egmont Residents Association
Halfmoon Bay Citizens Association
Sakinaw Lake Community Association
Welcome Beach Community Association

Comments have been received from each of the Electoral Area APCs (see Attachment 2). Staff have been advised that comments will be forthcoming from the Roberts Creek OCPC and the Halfmoon Bay OCP Review Committee. No replies have been received from any of the various community, electors and citizens associations.

DISCUSSION

A consistent and clear basic message has been received from the APCs – maintain the status quo with respect to zoning of nightly rentals. Issues such as noise should continue to be

N:\Land Administration\3360 Zoning & Rezoning General\3360-01 Zoning - General\2012-09-27_PDC rpt short term rental.docx

Re: Nightly/Short Term Rentals in Residential and Rural Zones

Page 2 of 2

addressed on a case by case complaint driven approach. The APCs had some suggestions have been made which warrant further consideration:

1. Communicate with property owners early in the main tourist season of the bylaws and penalties for infractions through a newspaper ad (eg. SCRD Bulletin Board) or mail-out
2. include specific measured noise levels in conjunction with noise bylaw complaints
3. fund weekend and evening bylaw enforcement
4. should be a requirement that the operator of a short term rental be a principal resident on the property and be present at the time the property is being occupied by short term renters

Staff agree with items 1, 2 and 4. Whether or not to implement measurable noise thresholds is the subject of considerable discussion in the bylaw enforcement community. There is general agreement that noise bylaws of any kind are difficult to enforce regardless of the systems in place and the resources. The use of decibel readers do not necessarily provide a suitable tool for enforcement, as the reader measures noise levels that may not translate into an accurate measure of real or perceived effects on people. Noise meters are not an effective means to assess the effects of the disturbance as they do not show the real impact on people, and so evidence must be provided by neighbour complaints.

Additionally, the *Handbook on Noise and Vibration Control*¹ indicates that to implement a "specific decibel level" approach would require some staff training on basic acoustics, sound radiation and propagation, and acoustical measurements. Bylaw enforcement staff would need at least a working knowledge of the existing measurement and calculation standards and of the measuring apparatus. The higher the quantitative nature of the bylaw, the higher is the technical requirement and the associated cost.

¹<http://www.quiet.org/documents/CommunityNoisesWorldwide.pdf>

Attachment 1: Referral report re Short term/Nightly Rentals

SCRD STAFF REPORT

DATE: July 12, 2012

TO: Electoral Area A, B, D, E and F Advisory Planning Commissions
Halfmoon Bay OCP review Committee
Roberts Creek OCP review Committee
Roberts Creek OCPC
Elphinstone Electors Association
West Howe Sound Community Association
Roberts Creek Community Association
Egmont Residents Association
Halfmoon Bay Citizens Association
Sakinaw Lake Community Association
Welcome Beach Community Association

FROM: Steven Olmstead, General Manager, Planning and Development

RE: Nightly/Short Term Rentals in Residential and Rural Zones

BACKGROUND

At its June 28, 2012 meeting, the SCR D Regional Board endorsed a Planning and Development Committee recommendation that:

this report (with recommendations removed) be referred to APCs, Community / Electors Associations, Roberts Creek OCPC, Halfmoon Bay and Roberts Creek OCP review Committees for recommendations and comments the following report be referred to Electoral Area Advisory Planning Commissions for comment.

A number of complaints have been received and responded to by SCR D staff regarding nightly and short term rentals of "vacation" houses in residential zones. The rental businesses differ from bed and breakfasts in that the operator of the business is generally not present on site during the duration of the rental. The general intent however, of residential zoning is typically for use of a building in a somewhat permanent manner whereas providing a residence for a fee to someone with a permanent residence elsewhere is generally considered commercial use.

Whether legal or not, short term rentals have proven contentious in many tourism oriented communities. While short-term rental accommodation potentially improves the availability and options for visitor accommodation, conflicts can arise with residents who don't necessarily support rentals within their neighbourhood. The Whistler Centre for Sustainability recently identified the most common identified challenges and benefits associated with short term rentals for the Resort Municipality of Sun Peaks, as follows:

N:\Land Administration\3360 Zoning & Rezoning General\3360-01 Zoning - General\2012-07-12 Attachment 1 - APCs, OCP committees, community assoc and electors assoc cmnts on short term rentals.docx

Nightly/Short Term Rentals in Residential and Rural Zones

Page 2 of 7

COMMONLY IDENTIFIED CHALLENGES

- Noise and security
- Unfair tax advantage to owners operating as a business out of a residential tax class
- Increased cost of housing for some local residents due to inflated real estate.
- Loss of community feel (or challenge at building it)
- Parking overflow, traffic and snow clearing challenges
- Safety and fire hazards due to overcrowding
- Erosion of core commercial area and commercial tax base

COMMONLY IDENTIFIED BENEFITS

- Increased investment return for property owners
- More accommodation options and prices for visitors, improving their experience
- Increased development and job creation
- Positive intermingling of visitors and residents
- Offsets the cost of housing/expenses for local residents renting out a portion of their home
- Offsets the costs of the local property for some part-time residents renting their property

source: Sun Peaks Mountain Resort Municipality Short-Term Rentals: Ways Forward,
<https://sunpeaks.civicweb.net/FileStorage/79B9A2EC5B794720859A3704B78AFA41-WorkspaceSun%20Peaks%20Short%20Term%20Chattel%20Rentals%20Final.pdf>

The key issue associated with short term rentals in SCRD Electoral Areas has been noise. Key questions to be addressed include: is the use of residential and rural zoned property for nightly and short term rentals is a permitted use under SCRD zoning bylaws? Are SCRD bylaws enforceable as written regarding short term rentals? On a policy level, should SCRD bylaws be amended to permit short term rentals as principal, accessory or temporary uses?

DISCUSSION

Zoning Analysis

As a basic provision in SCRD zoning, section 302 of Bylaws 310 and 337 states that: "Land shall not be used or subdivided and buildings and structures shall not be constructed, altered, located or used except as specifically permitted by this bylaw." Stated another way, unless a use is specifically listed as a permitted use, it is prohibited and rezoning would be necessary. As the terms "nightly rental" and "short term rental" are neither defined nor used in SCRD Zoning Bylaws 310 or 337 they are considered to be "prohibited" uses which would require a zoning amendment to authorize.

The general intent of residential zoning is typically for use of a building as a principal residence whereas providing accommodation for a fee to someone with a permanent residence elsewhere is generally considered commercial use. The terms "short-term rental" or "nightly rental" are used in this report to mean the practice of renting a residentially zoned single-family dwelling or cottage on a commercial basis by the night or week for periods less than 28-days at a time for the purpose of providing short term accommodations. Occupants of the short term rental are "guests" as opposed to "tenants". The provisions of the *Residential Tenancy Act* do not apply to guests of a short term rental. SCRD zoning bylaws permit "bed and breakfast" on a scale ranging from two to five bedrooms. The key parameter that differentiates a B&B from a nightly rental is that the B&B is operated by a resident manager while a nightly rental usually is not. This distinction can become significant when noise from short term rental disturbs the

N:\Land Administration\3360 Zoning & Rezoning General\3360-01 Zoning - General\2012-07-12 Attachment 1 - APCs, OCP committees, community assoc and electors **assoc cmts on short term rentals.docx**

Nightly/Short Term Rentals in Residential and Rural Zones

Page 3 of 7

neighbours' quiet enjoyment of their properties as there is no resident manager neighbours can contact to immediately rectify the situation.

Recent Judgment: Okanagan-Similkameen (Regional District) v. Leach

A recent court case in the Regional District of Okanagan-Similkameen deals with short term rental issues very similar to those being experienced on the Sunshine Coast. In the Okanagan-Similkameen case, the "Vacation Rentals" provided for weekly rental of a property with full use of the primary dwelling located on the property. The property was made available for rent to one family or group ranging from two to eight people at a time. The longest period of rental to any single group was three weeks. The Vacation Rental was not operated as a bed and breakfast and the operators were not present during periods the property was rented. The operators did occupy the dwelling themselves for about one to three months per year. In at least one of the SCRD bylaw complaints, we understand the operator rarely if ever occupies the property.

The RDOS position was that the operation of the tourist accommodation business contravened the zoning bylaw because the rental did not fit within the prescribed list of permitted uses under the residential zoning. The regional district asserted that the rental of the property contravened the use as a "single-family dwelling" (within the meaning of the applicable zoning bylaw) or as a "single detached dwelling".

The defendants submitted that their principal use of the property was as a single detached dwelling. In support of this position, they emphasize that their use of the property is not limited to the Vacation Rentals. They referred to a number of non-rental uses - such as using the property themselves, letting family and friends stay in it, or simply leaving the property vacant. They argued that the permissible primary use as a single detached dwelling is satisfied by all of them, regardless of whether the defendants are physically present at the property.

The judge in her analysis noted that the RDOS bylaw made no express provision that the dwelling unit must be put to a "residential" use. SCRD zoning bylaws, in comparison, do state that a dwelling is "...a self-contained unit within a building, used or intended as a residence....". The judge also accepted that "the rental of a detached dwelling to short-term paying guests is not a normal and customary residential use in the sense of being the principal use for this type of property" and concluded that "short-term vacation rentals are not permissible as a principal use in the RS1 Zone".

The RDOS zoning bylaws also provided for "private visitor accommodation" as a secondary use in the RS1 zone. The judgement hinged around this provision, with the judge determining that the use of the property was properly characterized as a private visitor accommodation consistent with the bylaw.

There are a number of insights to be gained from this case, the first being that there are likely sufficient distinguishing aspects regarding the particulars of the recent complaints and also of the SCRD's zoning to put the SCRD in a better position to enforce its bylaws if necessary. Second, if the SCRD decides to regulate short term rentals, there are some specific considerations and lessons to be learned from this case; for example, (1) to include an express requirement that an operator of a short term rental be a full time resident of the property and/or be present on site at times the property is being rented on a short term basis and (2) to specifically exclude short term rentals as a permitted use in some or all zones (if that is desired by the regional board).

N:\Land Administration\3360 Zoning & Rezoning General\3360-01 Zoning - General\2012-07-12 Attachment 1 - APCs, OCP committees, community assoc and electors assoc cmts on short term rentals.docx

Nightly/Short Term Rentals in Residential and Rural Zones

Page 4 of 7

OPTIONS FOR CONSIDERATION

1. create site specific zoning and zone existing operations.
2. permit short term rentals in residential and rural zones and seek authority to license short term rentals (and apply the 2 percent hotel tax)
3. consider "ongoing" temporary use permits as an alternative to licensing
4. maintain the *status quo* - enforce existing zoning and/or noise bylaws on a complaint driven basis

ANALYSIS OF OPTIONS

1. Site Specific Rezoning

Under this option a new "sub-zone" for nightly/short term rental businesses would be created and existing businesses included in the zone. This option would recognize that (a) the majority of short term rental businesses operate without incident. Existing businesses that have been problematic need not be included in the zone. Future businesses would require site specific zoning.

2. Licensing

Licensing is the approach the District of Sechelt has taken regarding nightly/short term rentals. "Short term residential rentals" are a permitted use and are regulated through business licenses. This approach acknowledges short term rentals as a permitted use and provides for a relatively simple and effective enforcement mechanism in situations where regulations are breached. In order to operate a short-term rental, a property owner must have a business license and make a refundable \$1,000 deposit as a bond to promote compliance with the regulations. They have a list of operating parameters outlined in their business bylaw. The enforcement procedure gives the Business License Inspector the authority to direct a business to cease. A copy of the Sechelt business license regulations for short term residential rentals is attached as Appendix 1.

Licensing may be an option worth pursuing; however, there has been a long standing reluctance at the Ministry of Community, Sport and Cultural Development to authorize the issuance of business licenses in unincorporated areas. Regional districts do not have express business licensing powers under the *Local Government Act*, so this means of ensuring compliance with zoning is not available unless the regional board has established a business regulation service. The Central Okanagan Regional District may be the only RD that has business licensing authority.

In terms of "leveling the playing field" somewhat with commercial accommodation businesses, it may also be worthwhile to investigate the feasibility of inclusion of short term rental properties in the two percent hotel tax program.

3. Temporary Use Permits

An alternative to business licensing could be the use of temporary use permits to regulate short term rentals. Under this option permits would need to be renewed and re-issued on an ongoing basis every year or two. The advantage of this approach is the degree of control over operational aspects of the business that are difficult to regulate through zoning – for example, if the Board wished to establish a maximum number of days in a year the business could operate; or the hours when "quiet times" would be in effect.

N:\Land Administration\3360 Zoning & Rezoning General\3360-01 Zoning - General\2012-07-12 Attachment 1 - APCs, OCP committees, community assoc and electors **assoc cmts on short term rentals.docx**

Nightly/Short Term Rentals in Residential and Rural Zones

Page 5 of 7

The regional district could, at the time of issuing a temporary use permit, require the posting of security to guarantee the performance of permit conditions (such as ceasing operations at expiry of the permit), the form of security and the amount of security that will forfeit to the regional district if there is a failure to conform with the conditions.

4. Bylaw Enforcement

For reasons noted below it is not considered advisable to initiate broad enforcement action against all nightly/short term rental businesses. Option 4 would involve no changes to zoning and bylaw enforcement would take place on a complaint driven basis per existing SCRD policy. The bylaw enforcement option could also involve use of the Bylaw Notice Enforcement (BEN) ticketing system to deal with bylaw contraventions. Under BEN, tickets would be issued to the property owner in conjunction with bylaw violations. The fine could be set sufficiently high to act as a deterrent to further unauthorized use. In the event that fines went unpaid and the problematic short term rentals continued, staff are aware of a possible remedy involving having the unpaid fine liability registered against the property title. An amendment to *Sunshine Coast Regional District Bylaw Notice Enforcement Bylaw No. 638, 2011* would be required to implement this option.

Economic Implications

During the course of researching the nightly/short term rental issue on the Sunshine Coast, it became apparent that the activity is one that likely makes a significant contribution to the economy of the Coast. A search of one vacation rentals website (www.vrbo.com) accessed June 6, 2012 revealed that there were 26 short term rentals being advertised in Halfmoon Bay, 25 in Egmont-Pender Harbour, 13 in Roberts Creek, 28 in Sechelt and 19 in Gibsons. Some of the listings are for commercial establishments such as Bonniebrook Lodge and the Painted Boat, and others are for B&Bs; but it appears a large majority are nightly rentals as described above. Prices range up to \$5,000 per week. Short term rentals, while under our "radar", are a significant component of the Sunshine Coast tourism industry.

It is also acknowledged that, despite being not permitted uses under SCRD zoning, the vast majority of short term rentals in the Electoral Areas on the Sunshine Coast are operating without complaints. A response involving enforcement action to shut down short term rental businesses would thus seem to be entirely inappropriate.

Fiscal Implications

The four options presented all have some degree of fiscal implications for the SCRD. Establishing a new zoning category and rezoning existing short term rentals (Option 1) will require staff time plus some relatively minor costs. Future revenues would be generated from site specific rezoning applications. Option 3, temporary use permits, would have similar cost implications but would require more administrative effort on an ongoing basis to manage permit renewals. Business licensing under Option 2, if available to the SCRD, would be less administratively cumbersome than the TUP option, as the renewal process for business licences is comparatively simple in relation to that for temporary permits, but would still create additional workload. The ticketing alternative under Option 4 has relatively minimal fiscal impact once the BEN system is established, while injunctive action under zoning can be costly.

N:\Land Administration\3360 Zoning & Rezoning General\3360-01 Zoning - General\2012-07-12 Attachment 1 - APCs, OCP committees, community assoc and electors assoc cmts on short term rentals.docx

Nightly/Short Term Rentals in Residential and Rural Zones

Page 6 of 7

Appendix 1: District of Sechelt Short Term Residential Rental License Terms and Conditions

In order to lessen the impact of the short term rental of residential dwelling units in the community in general and residential neighbourhoods in particular the following terms and conditions must be met to obtain, continue to hold and renew a business license to operate a short term residential rental business. These terms and conditions are in addition to any other terms and conditions which may be imposed by the License Inspector.

1. Every applicant for and holder of a short term residential rental business license must provide the District of Sechelt with the name, address and telephone number of a person residing in the District on a permanent basis ("Local Contact"). The Local Contact must be available, and if not, the owner must be available, to respond to and deal with in a timely and appropriate manner any complaints or problems from short term residential rental tenants or neighbouring residents in respect of the property that is the subject of the business license. It shall be the obligation of the license holder to notify the District of Sechelt immediately if the name, address or telephone number of the Local Contact changes.

The owners of properties within 100 metres of the short term residential rental property shall be notified in writing of the name, address and telephone number of the Local Contact (or owner where local contact not applicable) within thirty (30) days of the granting or renewal of a short term residential rental business license or within thirty (30) days of notification of a change in the name, address or telephone number of the Local Contact.

2. Vehicle parking for short term residential rental tenants or guests of short term residential rental tenants shall be restricted to the property and, where permitted by law, that portion of the road immediately adjacent to the property.
3. Prior to the granting of a short term residential rental business license the applicant shall be required to deposit with the District of Sechelt, in addition to the business license fee, the amount of \$1000 (the "Deposit"). The Deposit shall be held by the District of Sechelt as security against any costs incurred by the District of Sechelt as a result of investigations, hearings, appeals or other enforcement actions undertaken by the License Inspector or the District of Sechelt, whether initiated by the License Inspector or the municipality or resulting from third party complaints, in respect of the operation of the short term residential rental business. If any deductions are made to the Deposit the holder of the business license will forthwith replenish the Deposit to the original amount. The Deposit or any portion remaining after deduction will be returned to the person who paid it within sixty (60) days of the cancellation or termination or failure to renew the business license.
4. The holder of a short term residential rental business license must display a copy of the business license and the name, address and telephone number of the Local Contact in a prominent location on the premises. Signage advertising the short term residential rental business is not permitted on the property except as follows:

N:\Land Administration\3360 Zoning & Rezoning General\3360-01 Zoning - General\2012-07-12 Attachment 1 - APCs, OCP committees, community assoc and electors assoc cmts on short term rentals.docx

Nightly/Short Term Rentals in Residential and Rural Zones

Page 7 of 7

- (i) one (1) unlit sign not exceeding one and a half feet by two feet (1W x 2') in size containing only the address of the property, the name, address and telephone number of the Local Contact and, where applicable the name of the property, business or owner.
- 5. Transportation of short term residential rental tenants or guests of short term residential rental tenants to the short term residential rental property by vehicles with a capacity of sixteen (16) passengers or more is prohibited.
- 6. The holder of a short term residential rental business license must keep a written record of the names of all short term residential rental tenants.
- 7. Short term residential rental tenants or guests of short term residential rental tenants are prohibited from bringing pets onto a short term residential rental property.
- 8. The Local Contact shall attend at the property at the commencement of all short term residential rentals and meet the short term residential rental tenants.
- 9. A Local Contact, including any member of their immediate family, may not be a Local Contact for more than two (2) separate properties unless the Local Contact is the registered owner of such properties.

Attachment 2: APC Comments re Short term/Nightly Rentals

Area A APC comments of July 25, 2012:

Discussion on various issues that can arise from nightly/short term rentals ensued, including the following points:

- The bylaw enforcement notice ticketing system. The penalty fines involved are a significant deterrent.
- Traffic and noise levels have been a severe problem in some cases.
- Questions regarding how well the bylaws could be enforced arose, including whether it would compel neighbours to become complainers and made to attend court cases. The quality of life at their residence is impacted before a resolution can be accomplished.
- Reducing the likelihood of issues before they become a problem is preferred. For example, informing property owners of the bylaws and penalties for infractions in a public mail-out flyer, newspaper posting or licensing system, etc.
- The proposed options put forward by the planning department were discussed in detail.

Comment: there have been problems with this issue in Area A. This APC would like to express an appreciation for the clear and concise nature of the report by the SCRD.

Motion: moved by C. McEachern and seconded by L. Faulk

Motion by this APC that option 4 on page 48 is preferred, utilizing the bylaw enforcement notice ticketing system. We feel it would significantly help with these issues if the SCRD could draft a communication for property owners, and we would like to provide commentary on the draft prior to distribution or publication.

Area B APC comments of July 24, 2012

-There is overall support for Option 4 and agreement that problem resolution be complaint driven.
-Some members agree with Sechelt's idea about licencing as a good way to expedite solving problems that arise.

Motion: That the APC support option 4.

Area D APC comments of August 27, 2012

Motion: the APC is not in favour of attempting to legalize short-term rentals where the owners are not present on the property. The APC would like to see better enforcement of the existing noise by-law, to include specific measured noise levels that can be used as evidence. We ask the SCRD staff to investigate more effective enforcement, including best practices in other jurisdictions, and look at ways to fund weekend and evening by-law enforcement.
(ET/KG) M/S/Carried Unanimously

Roberts Creek OCPC October 2, 2012

Unfortunately, our discussion did not come up with a consensus on whether short term rentals are beneficial for Roberts Creek. While some OCPC members are against them, other OCPC members who are in favor of short term rentals disagree on what, if any, regulation should be required.

Attachment 2: APC Comments re Short term/Nightly Rentals

At the very least, those in favor of this type of accommodation recommend that an on-Coast contact person be available for dealing with noisy or unsatisfactory guests, the phone number to be posted on the property. Several members felt that some form of regulation, perhaps a variation of the Temporary Use Permit system, should be applied to regulate the numbers of guesthouses. Those not in favor of short term rentals felt that the status quo which does not allow for short term rentals but is regulated by complaint driven enforcement is adequate for Roberts Creek

Area E APC comments of July 25, 2012

Co-Chair Lynda Chamberlin announced that Patrick Fitzsimons and Alan Colleypriest had requested that their views be stated, and that both members were of the same opinion regarding short-term rentals: to maintain the status quo, enforcing existing zoning on a complaint-driven basis.

Points raised in discussion:

- I am against Temporary Use Permits. If you want a business that isn't already allowable in the bylaws of the area, maybe you should go elsewhere. There is no one controlling what happens. It ends up that the property isn't protected by the OCP... in effect, the OCP is like a contract with a land buyer. It seems like residential property is up for grabs.
- We do permit guest cottages. It is not too much of a stretch to have a paying guest. We endorse bed and breakfasts. Short-term rentals should be in conjunction with a permanent resident who is the principal operator and is responsible for it rather than someone long gone.... We provide for home occupation uses in most zones, but in conjunction with permanent residents. Why would it be any different from short-term rentals?
- Policing something like this creates a huge array of problems. All I can see are headaches for someone trying to police it. All you will do is end up in court trying to defend an action... don't see how you could create bylaws to make this use a nonconforming use on a residential property.
- People with hotels, who pay tax, (etc.) are competing with these people. The family renting a hotel is getting the short end of the stick.
- Now you have offshore investors coming in buying homes, who never live here, and they want to rent them out. Who will look after them? Concerns: rowdiness, noise, impact on neighbourhood.
- Would not support BEN system for option 4; it swings the pendulum way too much in favor of government instead of giving people a fair hearing.
- Could Planning come up with other options?
- Clarify the definition of short-term rentals. Should be in conjunction with a permanent resident who is the operator. It is the people off the coast who don't give a damn about what happens here and are just trying to make a buck.

MOTION (JG/GC): "THAT the APC supports option 4 (maintain the status quo) and requests that staff consider improving the wording of the bylaw to include an expressed requirement that the operator of a short-term rental be a full time resident of the property and/or be present at the time the property is being rented."

Carried (EN opposed)

Area F APC comments of August 21, 2012

APC comments included:

Attachment 2: APC Comments re Short term/Nightly Rentals

- Refers to home owners who are not present on their property during the rental period
- Overkill for the SCRD
- SCRD has better things to do than police short term rentals
- Business and tourism benefits
- Noise problem should be dealt with current bylaws
- No more regulations.

MOVED by Judith Kenly, SECONDED by Fred Gazeley

THAT "The Area F Advisory Planning Commission support maintaining the status quo by enforcing existing zoning and/or noise bylaws on a complaint driven basis for issues regarding nightly/short term rentals in residential and rural zones."

CARRIED UNANIMOUSLY

SCRD STAFF REPORT

DATE: June 5, 2012
TO: Planning and Development Committee – June 21, 2012
FROM: Steven Olmstead, GM, Planning and Development
RE: Nightly/Short Term Rentals in Residential and Rural Zones

RECOMMENDATION(S)

It is recommended that the Committee consider one or a combination of the following actions for recommendation to the Regional Board:

1.
 - a. That a site specific zoning approach to nightly and short term rentals be developed for inclusion in Zoning Bylaw 310 or Zoning Bylaw 337 or both;
 - b. That an inventory of existing short term rental properties be compiled for consideration of inclusion in the new short term rental zone; and
 - c. That properties which are the subject of ongoing bylaw enforcement action not be included in the site specific rezoning.
 2.
 - a. That staff investigate the feasibility of licensing short term rental accommodation through a business regulation service; and
 - b. That the feasibility of including short term rentals in the proposed two percent hotel tax be investigated in collaboration with Sunshine Coast Tourism.
 3. That *Sunshine Coast Regional District Bylaw Notice Enforcement Bylaw No. 638, 2011* be amended to include a ticketing mechanism for unauthorized short term rentals.
-

BACKGROUND

A number of complaints have been received and responded to by SCRD staff regarding nightly and short term rentals of "vacation" houses in residential zones. The rental businesses differ from bed and breakfasts in that the operator of the business is generally not present on site during the duration of the rental. The general intent however, of residential zoning is typically for use of a building in a somewhat permanent manner whereas providing a residence for a fee to someone with a permanent residence elsewhere is generally considered commercial use.

Whether legal or not, short term rentals have proven contentious in many tourism oriented communities. While short-term rental accommodation potentially improves the availability and options for visitor accommodation, conflicts can arise with residents who don't necessarily support rentals within their neighbourhood. The Whistler Centre for Sustainability recently identified the most common identified challenges and benefits associated with short term rentals for the Resort Municipality of Sun Peaks, as follows:

COMMONLY IDENTIFIED CHALLENGES

- Noise and security
- Unfair tax advantage to owners operating as a business out of a residential tax class
- Increased cost of housing for some local residents due to inflated real estate.
- Loss of community feel (or challenge at building it)
- Parking overflow, traffic and snow clearing challenges
- Safety and fire hazards due to overcrowding
- Erosion of core commercial area and commercial tax base

source: Sun Peaks Mountain Resort Municipality Short-Term Rentals: Ways Forward,
<https://sunpeaks.civicweb.net/FileStorage/79B9A2EC5B794720859A3704B78AFA41-WorkspaceSun%20Peaks%20Short%20Term%20Chalel%20Rentals%20Final.pdf>

COMMONLY IDENTIFIED BENEFITS

- Increased investment return for property owners
- More accommodation options and prices for visitors, improving their experience
- Increased development and job creation
- Positive intermingling of visitors and residents
- Offsets the cost of housing/expenses for local residents renting out a portion of their home
- Offsets the costs of the local property for some part-time residents renting their property

The key issue associated with short term rentals in SCRD Electoral Areas has been noise. Key questions to be addressed include: is the use of residential and rural zoned property for nightly and short term rentals is a permitted use under SCRD zoning bylaws? Are SCRD bylaws enforceable as written regarding short term rentals? On a policy level, should SCRD bylaws be amended to permit short term rentals as principal, accessory or temporary uses?

DISCUSSION

Zoning Analysis

As a basic provision in SCRD zoning, section 302 of Bylaws 310 and 337 states that: "Land shall not be used or subdivided and buildings and structures shall not be constructed, altered, located or used except as specifically permitted by this bylaw." Stated another way, unless a use is specifically listed as a permitted use, it is prohibited and rezoning would be necessary. As the terms "nightly rental" and "short term rental" are neither defined nor used in SCRD Zoning Bylaws 310 or 337 they are considered to be "prohibited" uses which would require a zoning amendment to authorize.

The general intent of residential zoning is typically for use of a building as a principal residence whereas providing accommodation for a fee to someone with a permanent residence elsewhere is generally considered commercial use. The terms "short-term rental" or "nightly rental" are used in this report to mean the practice of renting a residentially zoned single-family dwelling or cottage on a commercial basis by the night or week for periods less than 28-days at a time for the purpose of providing short term accommodations. Occupants of the short term rental are "guests" as opposed to "tenants". The provisions of the *Residential Tenancy Act* do not apply to guests of a short term rental. SCRD zoning bylaws permit "bed and breakfast" on a scale ranging from two to five bedrooms. The key parameter that differentiates a B&B from a nightly rental is that the B&B is operated by a resident manager while a nightly rental usually is not. This distinction can become significant when noise from short term rental disturbs the

neighbours' quiet enjoyment of their properties as there is no resident manager neighbours can contact to immediately rectify the situation.

Recent Judgment: Okanagan-Similkameen (Regional District) v. Leach

A recent court case in the Regional District of Okanagan-Similkameen deals with short term rental issues very similar to those being experienced on the Sunshine Coast. In the Okanagan-Similkameen case, the "Vacation Rentals" provided for weekly rental of a property with full use of the primary dwelling located on the property. The property was made available for rent to one family or group ranging from two to eight people at a time. The longest period of rental to any single group was three weeks. The Vacation Rental was not operated as a bed and breakfast and the operators were not present during periods the property was rented. The operators did occupy the dwelling themselves for about one to three months per year. In at least one of the SCRD bylaw complaints, we understand the operator rarely if ever occupies the property.

The RDOS position was that the operation of the tourist accommodation business contravened the zoning bylaw because the rental did not fit within the prescribed list of permitted uses under the residential zoning. The regional district asserted that the rental of the property contravened the use as a "single-family dwelling" (within the meaning of the applicable zoning bylaw) or as a "single detached dwelling".

The defendants submitted that their principal use of the property was as a single detached dwelling. In support of this position, they emphasize that their use of the property is not limited to the Vacation Rentals. They referred to a number of non-rental uses - such as using the property themselves, letting family and friends stay in it, or simply leaving the property vacant. They argued that the permissible primary use as a single detached dwelling is satisfied by all of them, regardless of whether the defendants are physically present at the property.

The judge in her analysis noted that the RDOS bylaw made no express provision that the dwelling unit must be put to a "residential" use. SCRD zoning bylaws, in comparison, do state that a dwelling is "...a self-contained unit within a building, used or intended as a residence....". The judge also accepted that "the rental of a detached dwelling to short-term paying guests is not a normal and customary residential use in the sense of being the principal use for this type of property" and concluded that "short-term vacation rentals are not permissible as a principal use in the RS1 Zone".

The RDOS zoning bylaws also provided for "private visitor accommodation" as a secondary use in the RS1 zone. The judgement hinged around this provision, with the judge determining that the use of the property was properly characterized as a private visitor accommodation consistent with the bylaw.

There are a number of insights to be gained from this case, the first being that there are likely sufficient distinguishing aspects regarding the particulars of the recent complaints and also of the SCRD's zoning to put the SCRD in a better position to enforce its bylaws if necessary. Second, if the SCRD decides to regulate short term rentals, there are some specific considerations and lessons to be learned from this case; for example, (1) to include an express requirement that an operator of a short term rental be a full time resident of the property and/or be present on site at times the property is being rented on a short term basis and (2) to specifically exclude short term rentals as a permitted use in some or all zones (if that is desired by the regional board).

OPTIONS FOR CONSIDERATION

1. create site specific zoning and zone existing operations.
2. permit short term rentals in residential and rural zones and seek authority to license short term rentals (and apply the 2 percent hotel tax)
3. consider "ongoing" temporary use permits as an alternative to licensing
4. maintain the *status quo* - enforce existing zoning and/or noise bylaws on a complaint driven basis

ANALYSIS OF OPTIONS

1. Site Specific Rezoning

Under this option a new "sub-zone" for nightly/short term rental businesses would be created and existing businesses included in the zone. This option would recognize that (a) the majority of short term rental businesses operate without incident. Existing businesses that have been problematic need not be included in the zone. Future businesses would require site specific zoning.

2. Licensing

Licensing is the approach the District of Sechelt has taken regarding nightly/short term rentals. "Short term residential rentals" are a permitted use and are regulated through business licenses. This approach acknowledges short term rentals as a permitted use and provides for a relatively simple and effective enforcement mechanism in situations where regulations are breached. In order to operate a short-term rental, a property owner must have a business license and make a refundable \$1,000 deposit as a bond to promote compliance with the regulations. They have a list of operating parameters outlined in their business bylaw. The enforcement procedure gives the Business License Inspector the authority to direct a business to cease. A copy of the Sechelt business license regulations for short term residential rentals is attached as Appendix 1.

Licensing may be an option worth pursuing; however, there has been a long standing reluctance at the Ministry of Community, Sport and Cultural Development to authorize the issuance of business licenses in unincorporated areas. Regional districts do not have express business licensing powers under the *Local Government Act*, so this means of ensuring compliance with zoning is not available unless the regional board has established a business regulation service. The Central Okanagan Regional District may be the only RD that has business licensing authority.

In terms of "leveling the playing field" somewhat with commercial accommodation businesses, it may also be worthwhile to investigate the feasibility of inclusion of short term rental properties in the two percent hotel tax program.

3. Temporary Use Permits

An alternative to business licensing could be the use of temporary use permits to regulate short term rentals. Under this option permits would need to be renewed and re-issued on an ongoing basis every year or two. The advantage of this approach is the degree of control over operational aspects of the business that are difficult to regulate through zoning – for example, if the Board wished to establish a maximum number of days in a year the business could operate; or the hours when "quiet times" would be in effect.

The regional district could, at the time of issuing a temporary use permit, require the posting of security to guarantee the performance of permit conditions (such as ceasing operations at expiry of the permit), the form of security and the amount of security that will forfeit to the regional district if there is a failure to conform with the conditions.

4. Bylaw Enforcement

For reasons noted below it is not considered advisable to initiate broad enforcement action against all nightly/short term rental businesses. Option 4 would involve no changes to zoning and bylaw enforcement would take place on a complaint driven basis per existing SCRD policy. The bylaw enforcement option could also involve use of the Bylaw Notice Enforcement (BEN) ticketing system to deal with bylaw contraventions. Under BEN, tickets would be issued to the property owner in conjunction with bylaw violations. The fine could be set sufficiently high to act as a deterrent to further unauthorized use. In the event that fines went unpaid and the problematic short term rentals continued, staff are aware of a possible remedy involving having the unpaid fine liability registered against the property title. An amendment to *Sunshine Coast Regional District Bylaw Notice Enforcement Bylaw No. 638, 2011* would be required to implement this option.

Economic Implications

During the course of researching the nightly/short term rental issue on the Sunshine Coast, it became apparent that the activity is one that likely makes a significant contribution to the economy of the Coast. A search of one vacation rentals website (www.vrbo.com) accessed June 6, 2012 revealed that there were 26 short term rentals being advertised in Halfmoon Bay, 25 in Egmont-Pender Harbour, 13 in Roberts Creek, 28 in Sechelt and 19 in Gibsons. Some of the listings are for commercial establishments such as Bonniebrook Lodge and the Painted Boat, and others are for B&Bs; but it appears a large majority are nightly rentals as described above. Prices range up to \$5,000 per week. Short term rentals, while under our "radar", are a significant component of the Sunshine Coast tourism industry.

It is also acknowledged that, despite being not permitted uses under SCRD zoning, the vast majority of short term rentals in the Electoral Areas on the Sunshine Coast are operating without complaints. A response involving enforcement action to shut down short term rental businesses would thus seem to be entirely inappropriate.

Fiscal Implications

The four options presented all have some degree of fiscal implications for the SCRD. Establishing a new zoning category and rezoning existing short term rentals (Option 1) will require staff time plus some relatively minor costs. Future revenues would be generated from site specific rezoning applications. Option 3, temporary use permits, would have similar cost implications but would require more administrative effort on an ongoing basis to manage permit renewals. Business licensing under Option 2, if available to the SCRD, would be less administratively cumbersome than the TUP option, as the renewal process for business licences is comparatively simple in relation to that for temporary permits, but would still create additional workload. The ticketing alternative under Option 4 has relatively minimal fiscal impact once the BEN system is established, while injunctive action under zoning can be costly.

RECOMMENDATION

Based on the above, it is recommended that the Committee and Board consider one or a combination of the following actions:

1.
 - a. That a site specific zoning approach to nightly and short term rentals be developed for inclusion in Zoning Bylaw 310 or Zoning Bylaw 337 or both;
 - b. That an inventory of existing short term rental properties be compiled for consideration of inclusion in the new short term rental zone; and
 - c. That properties which are the subject of ongoing bylaw enforcement action not be included in the site specific rezoning.
2.
 - a. That staff investigate the feasibility of licensing short term rental accommodation through a business regulation service; and
 - b. That the feasibility of including short term rentals in the proposed two percent hotel tax be investigated in collaboration with Sunshine Coast Tourism.
3. That *Sunshine Coast Regional District Bylaw Notice Enforcement Bylaw No. 638, 2011* be amended to include a ticketing mechanism for unauthorized short term rentals.

Appendix 1: District of Sechelt Short Term Residential Rental License Terms and Conditions

In order to lessen the impact of the short term rental of residential dwelling units in the community in general and residential neighbourhoods in particular the following terms and conditions must be met to obtain, continue to hold and renew a business license to operate a short term residential rental business. These terms and conditions are in addition to any other terms and conditions which may be imposed by the License Inspector.

1. Every applicant for and holder of a short term residential rental business license must provide the District of Sechelt with the name, address and telephone number of a person residing in the District on a permanent basis ("Local Contact"). The Local Contact must be available, and if not, the owner must be available, to respond to and deal with in a timely and appropriate manner any complaints or problems from short term residential rental tenants or neighbouring residents in respect of the property that is the subject of the business license. It shall be the obligation of the license holder to notify the District of Sechelt immediately if the name, address or telephone number of the Local Contact changes.

The owners of properties within 100 metres of the short term residential rental property shall be notified in writing of the name, address and telephone number of the Local Contact (or owner where local contact not applicable) within thirty (30) days of the granting or renewal of a short term residential rental business license or within thirty (30) days of notification of a change in the name, address or telephone number of the Local Contact.

2. Vehicle parking for short term residential rental tenants or guests of short term residential rental tenants shall be restricted to the property and, where permitted by law, that portion of the road immediately adjacent to the property.
3. Prior to the granting of a short term residential rental business license the applicant shall be required to deposit with the District of Sechelt, in addition to the business license fee, the amount of \$1000 (the "Deposit"). The Deposit shall be held by the District of Sechelt as security against any costs incurred by the District of Sechelt as a result of investigations, hearings, appeals or other enforcement actions undertaken by the License Inspector or the District of Sechelt, whether initiated by the License Inspector or the municipality or resulting from third party complaints, in respect of the operation of the short term residential rental business. If any deductions are made to the Deposit the holder of the business license will forthwith replenish the Deposit to the original amount. The Deposit or any portion remaining after deduction will be returned to the person who paid it within sixty (60) days of the cancellation or termination or failure to renew the business license.
4. The holder of a short term residential rental business license must display a copy of the business license and the name, address and telephone number of the Local Contact in a prominent location on the premises. Signage advertising the short term residential rental business is not permitted on the property except as follows:

- (i) one (1) unlit sign not exceeding one and a half feet by two feet (1W x 2") in size containing only the address of the property, the name, address and telephone number of the Local Contact and, where applicable the name of the property, business or owner.
- 5. Transportation of short term residential rental tenants or guests of short term residential rental tenants to the short term residential rental property by vehicles with a capacity of sixteen (16) passengers or more is prohibited.
- 6. The holder of a short term residential rental business license must keep a written record of the names of all short term residential rental tenants.
- 7. Short term residential rental tenants or guests of short term residential rental tenants are prohibited from bringing pets onto a short term residential rental property.
- 8. The Local Contact shall attend at the property at the commencement of all short term residential rentals and meet the short term residential rental tenants.
- 9. A Local Contact, including any member of their immediate family, may not be a Local Contact for more than two (2) separate properties unless the Local Contact is the registered owner of such properties.

ATTACHMENT B



April 8, 2016

Ref: 166815

Mr. Garry Nohr
Sunshine Coast Regional District
1975 Field Rd
Sechelt, BC V0N 3A1

Dear Chair Nohr:

The Province of British Columbia knows that British Columbians have expressed an interest in seeing greater choice, convenience and competition in the availability and provision of transportation and accommodation services. Companies such as Uber, Lyft and Airbnb may present opportunities to meet changing public expectations.

In considering the opportunities that these services may provide, it is important that the Province understands any impacts that could result for consumers, host communities and existing service providers. The many people currently providing passenger and accommodation services in British Columbia have made investments, providing jobs and valuable contributions to the economy. Thought must be given as to how any new services are regulated, recognizing the need to be respectful of existing industry participants while at the same time being fair and equitable to any possible new entrants to these sectors.

To this end, over the coming months, I will be meeting with a wide array of stakeholders to explore issues pertaining to the sharing economy and develop a better understanding of the opportunities and challenges that they provide for citizens and communities.

Locally elected officials from both urban and rural regions will have important perspectives on the issues and opportunities surrounding the sharing economy, and I am eager to draw these out as part of the consultation process. It is my hope that I will be able to engage with as many local governments as possible in person over the coming months. Regardless of whether we are able to undertake this discussion in person, I would also value the opportunity to review your thoughts on this matter via any written submission you may care to provide to me, and I encourage you to consider sending your thoughts to me directly by email at: CSCD.Minister@gov.bc.ca.

Your perspectives could include ideas on how sharing and existing service economies could be integrated, on perceived challenges and opportunities, and on provincial and local government roles in regulating and facilitating any changes we might contemplate.

.../2

Ministry of Community,
Sport and Cultural Development and
Minister Responsible for TransLink

Office of the Minister

Mailing Address:
PO Box 9056 Stn Prov Govt
Victoria BC V8W 9E2
Phone: 250 387-2283
Fax: 250 387-4312

Location:
Room 330
Parliament Buildings
Victoria BC

www.gov.bc.ca/cscd

Mr. Garry Nohr
Page 2

I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Fassbender', with a stylized flourish at the end.

Peter Fassbender
Minister

HARRISON HOT SPRINGS

Naturally Refreshed

November 28, 2016

File: 0400-20

The Honourable Peter Fassbender
Minister of Community, Sport and Cultural Development
Minister Responsible for Translink
PO BOX 9056, STN PROV GOVT
Victoria, BC V8W 9E2



Dear Minister Fassbender:


Subject: Short Term Rentals in the Tourism Accommodation Sector

Our Council appreciates that the Province is giving serious consideration to the 'sharing economy' in BC. We applaud the focus that your Ministry is bringing to these issues and to the impacts to communities arising from this new economy.

In Harrison Hot Springs, short term rentals within the tourism accommodation sector are of particular concern. This growing commercial activity within residential areas is problematic in terms of traffic, noise and security. While we work to amend our zoning regulations to recognise this activity, we ask that the Province also recognise the commercial nature of this new tourism accommodation sector through the sales tax system. These rental units represent direct competition with established hotels, motels and inns, which are properly regulated in terms of health & safety, zoning and taxation. We are particularly concerned that these units are not recognised as public accommodation for the purposes of fire protection requirements.

What we are seeing here in Harrison is a growing and lucrative commercial economy which is operating outside the established Provincial Sales Tax system, including the Municipal Regional District Tax (MRDT) which funds tourism marketing locally and on a provincial level. The best way to address this is to rescind Section 78(1)(b) of BC's PST Refund and Exemption Regulation, which exempts accommodation providers with fewer than 4 units of accommodation.

Short term rentals are not the bed & breakfasts of yesteryear, instead they are part of a growing economy which is operating outside of appropriate regulation and taxation. We look forward to your response to this issue of growing concern.

Yours truly

Mayor Leo Facio

cc: Honourable Michael de Jong, O.C., Minister of Finance
Mr. Laurie Throness, MLA Chilliwack-Hope
UBCM Member Municipalities
Tourism Harrison
Danny Crowell, General Manager, Harrison Hot Springs Resort & Spa

Municipal Office: P.O. Box 160, 495 Hot Springs Road, Harrison Hot Springs, BC V0M 1K0
E info@harrisonhotsprings.ca W www.harrisonhotsprings.ca
T 604 796 2171 F 604 796 2192

ATTACHMENT C

Municipality Approaches

The City of Nelson restricts the total number of business licenses issued for vacation rentals to 110 annual license and 40 summer only license at any one time. In addition there is a limit of three licences per block.

The Cities of Vancouver and Richmond have been active in considering STVRs.

The City of Vancouver has spent a significant amount of effort on this issue. In October 2016 the City filed a lawsuit to force an Airbnb host to shut down, no decision has been issued. The City recently considered a detailed staff report on the issue and the report and other information can be found here: <http://vancouver.ca/doing-business/short-term-rentals.aspx>

The Vancouver staff report noted that:

The impact of STVR is a concern for the City with respect to impact on availability of affordable housing. The City commissioned two reports which found that:

- the number of Airbnb listings doubled each year from 2013 to 2015;
- 75% of STVR are for the entire unit;
- renting a one bedroom unit out nightly for 9 to 12 days per month will generate the same revenue as renting the same property on a monthly/yearly basis;
- for two bedroom units the break-even point is between 7 and 11 days and for studio units it is between 7 and 15 days;
- There is a positive impact on tourist accommodation supply and diversity;
- Only 3% of listings meet current rules.

The research reports found several approaches taken by cities across the USA and Europe as follows:

- No Short-Term Rentals of Entire Housing Units (Restrictive)
- Short-Term Rentals in Principal Residences and Investment Properties (Permissive)
- Short-Term Rentals in Principal Residences Only (Balanced)
- Capping the Number of Rental Nights per Year for Entire Units (some link this to being the trigger to require a licence)

The Vancouver staff report considered that if STVR were to be allowed then the requirement for B&Bs to provide breakfast should be lifted for regulatory simplicity. Enforcement is considered as part of implementation.

Vancouver is moving forward with proposals to change regulation and this will include a public consultation period. The proposed rules are:

- Owners and renters would be allowed to rent part or all of their principal residence on a nightly basis, if they have a business licence.
- To get a short-term rental business licence you would need to prove it is your principal residence by submitting your property title or a tenancy agreement along with photo ID and recent government or utility mail.
- The City will audit licence applications to prevent fraud

- Licensed operators would need to post their licence number in all online advertising.
- People operating rentals without a business licence will face fines and legal action.

The City of Richmond considered a staff report and at committee level recommended conducting public consultation regarding options to permit and regulate STVR. Prior to Full Council adoption of the recommendation and after one week of informal public feedback (public contacting City's Mayor and Councilors between committee and Full Council meetings), the City decided not to proceed with consultation on proposals and instead seek staff recommendations for enforcing the current bylaws that do not permit STVRs. This is in addition to recent increases to Bylaw Enforcement staffing.

The Resort Municipality of Whistler's zoning bylaw allows various types of tourist accommodation (such as B&B – 3 bedrooms, 'pension' accommodation – 4 to 8 guest rooms, hotels and lodges). STVR fit within some of these however it does not appear that an entire dwelling could be used as accommodation. A business licence required. Whistler issued a guideline for tourist accommodation in residential areas which contains detailed requirements including: limiting amount of tourist accommodation in residential areas such that no neighborhood shall have greater than 15 tourist accommodation operations and no more than 5% of the residentially designated lot; no more than 2.5 guests shall be allowed per guest room; and provide the Municipality with the name and telephone number of a contact person who can be contacted 24 hours a day in the event of an emergency at the property or a complaint about the property

Regional District Approaches

Regional District of Mount Waddington: This is not a specific concern to the RD.

Cariboo Regional District: One of 6 zoning bylaws specifically prohibits short term rentals, the others do not allow but are not specifically prohibited. Considering regulating them through Temporary Use Permits. Enforcement by complaint have been successful but have taken a long time.

Unnamed (as this is based on legal opinion): Bylaw unclear regarding distinction between single family dwelling (SFD) and short term rental and this may hamper enforcement. One option is to create zone(s) to identify SFD use of less than 30 days as a permitted use and then spot zoned individual properties or neighbourhoods.

Cowichan Valley Regional District: Monitoring the issue, mainly on the basis of disruption to the peace of residential neighbourhoods. Bylaws do not permit in conventional single family residential (SFR) or multi-family residential zones the rental on a short-term (defined as less than 30 days occupancy) of the entire unit. B&B are permitted in most SFR zones with up to 4 bedrooms, provided the principal occupant is a full time resident there. Couple of zones that permit both residential and short term vacation occupancies of the entire dwelling. Enforcement is on a complaints basis and complaints are generally being addressed

Fraser Valley Regional District: Not a specific concern to the RD. Bylaw for Hemlock ski area permits "temporary tourist accommodations" which would permit Airbnb's. The use is permitted within all of the Resort Residential Zones, reflecting various densities. There are no additional Use Regulations outside of the definition.

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Planning and Community Development Committee – February 9, 2017

AUTHOR: David Rafael, Senior Planner

SUBJECT: AGRICULTURAL LAND COMMISSION POLICY UPDATE

RECOMMENDATION

THAT the report titled Agricultural Land Commission Policy Update be received for information.

BACKGROUND

The purpose of this report is to provide information about the Agricultural Land Commission's (ALC) new and amended land use policies.

In response to Ministry of Agriculture amendments to legislation/regulations, the ALC issued eight new and revised policy papers in October 2016, seven of which impact the SCRD. The following discussion includes information from each policy paper and a short analysis with implications to SCRD zoning bylaws. The full policy papers can be found here:

<http://www.alc.gov.bc.ca/alc/content/legislation-regulation/alc-policies>

Sunshine Coast Regional District Zoning Bylaw No. 310, 1987 was recently updated to include the AG (Agriculture) Zone for parcels in the Agricultural Land Reserve (ALR). *Sunshine Coast Regional District Electoral Area A Zoning Bylaw No. 337, 1990* zoning that overlaps agricultural land reserve in Egmont/Pender Harbour has not been reviewed at this time. This is due to the on-going development of the new Official Community Plan.

DISCUSSION

The following sections include information from each policy paper and a short analysis with implications to SCRD zoning bylaw Nos. 310 and 337. The ALC notes that the policy paper regarding Gathering for an Event is new and the two papers regarding Agri-tourism and Agri-tourism Accommodation contain major amendments.

(a) Policy L-21 Brewery, Distillery, and Meadery in the ALR

Licensed breweries, distilleries, and meaderies are farm uses provided at least 50% of the farm product used are grown on the farm. The uses may not be prohibited by a local government bylaw.

The 50% is measured by the annual quantity (measured by volume or weight) of farm product. For beer, the farm product is grain and not hops. In the case of distilled products, neutral grain spirits (imported alcohol) is not a farm product and the 50% is based on the farm product used to make the alcohol (grains, corn, potatoes, sugar beets, etc.) and not the botanicals or other flavouring. Water is not a farm product.

Breweries, distilleries, and meaderies cannot purchase product under contract with another grower to meet the 50% farm product requirement (Note: this is a difference from wineries and cideries). Ancillary retail sales of alcohol produced on the farm, tours and food and beverage service in a lounge are allowed.

A food and beverage service lounge is allowed up to a maximum area of 125 m² indoors and 125 m² outdoors. This is roughly equivalent to a seating capacity of 65 in the lounge or on the patio (maximum combined total is 130 persons). Picnicking areas are permitted as an ancillary use rather than an extension to an outdoor lounge.

Sale of a limited amount of alcoholic beverages other than those produced in brewery etc. is an ancillary use if sold as a single serving in the lounge and consumed immediately. Tasting, free offering or sale of product samples are considered part of a tour activity and designated farm use.

Cooking classes are permitted in kitchens if taking place in the lounge.

The brewery, distillery or meadery may host an unlimited number of events in the lounge area and an additional 10 events noted in Gathering for Event in the ALR policy below.

Local governments have the authority to regulate breweries, distilleries, and meaderies by setting a maximum building and/or floor area or maximum site coverage and setbacks. Local governments may also regulate with regard to health and safety, parking, lighting, hours of operation, noise, access for police, fire, and emergency vehicles and so on.

Some activities require a license under the *Liquor Control and Licensing Act*.

Staff Analysis on Breweries, Distilleries, and Meaderies in the ALR

The AG Zone includes breweries, distilleries, and meaderies as permitted uses; limits the lounge to 100 m² indoors (with 30 seats) and outdoor floor areas to 50 m²; and notes the 50% criteria.

The RU3 zoning within Bylaw 337 which overlaps the ALR does not consider this type of use or establish limits. Thus the provisions set out in ALC legislation/regulation (such as the lounge floor area maximum) will apply.

(b) Policy L-03 Wineries and Cideries in the ALR

Licensed wineries and cideries are farm uses provided at least 50% of the farm product used are grown on the farm. If the farm is greater than two hectares then the 50% may include produce from other BC farms purchased under minimum three-year contract. In order to purchase fruit under contract from another BC farm, the farm on which the winery or cidery is located must be growing a minimum of two hectares of farm product (fruit) and utilizing the farm product to make the wine or cider. The 50% is measured by the annual quantity (measured by volume or weight) of farm product. Multiple parcels can make up the farm.

Other than the 50% requirement the same limitations/allowances are set out for wineries/cideries as for breweries etc.

Staff Analysis on Wineries and Cideries in the ALR

In Bylaw 310 the AG Zone includes wineries and cideries as permitted uses; limits the lounge to 100 m² indoors (with 30 seats) and outdoor floor areas to 50 m²; and notes the 50% criteria.

Bylaw 337 zoning that overlaps ALR does not consider this type of use or establish limits. Thus the provisions set out in ALC legislation/regulation (such as the lounge floor area maximum) will apply.

(c) Policy L-22 Gathering for an Event in the ALR

Gathering for an event is a permitted non-farm use, which may not be prohibited by a local government bylaw.

The property must have farm classification from BC Assessment. No more than 150 people can attend the event and the event must be less than 24 hours in duration. There is a maximum of 10 events permitted in a calendar year. There is no requirement for events to directly market or promote agricultural products grown on the farm. Events, if compliant with the Regulation, may include:

- weddings
- private parties
- corporate retreats
- music concerts and concert series
- music festivals
- film and theatrical presentations
- art shows
- dance recitals
- charitable and political fundraising events
- dances, and
- sporting events.

Any event that is not an agri-tourism event falls into this category.

Permanent facilities must not be created through conversion of existing buildings, constructed or erected for any event activity. Parking areas must not be permanent (asphalt, concrete, gravel, etc.), must not interfere with the farm's agricultural productivity and all vehicles must be parked on site.

Wineries, cideries, meaderies, breweries and distilleries may host an unlimited number of events if held only in the ancillary food and beverage service lounge. An additional 10 events may be held outside the lounge area.

Local governments have the authority to regulate events with regard to structures and building occupancy (including determining if an existing farm building is appropriate for a gathering or requires upgrades for public assembly), parking, lighting, hours of operation, health and safety, noise, access for police, fire and emergency vehicles, etc. Local governments have the authority to require permits for events.

Staff Analysis on Gathering for an Event in the ALR

This new approach to events did not come forward in time to be considered as part of the AG Zone development. Bylaw 310 permits a special event area for breweries, meaderies, wineries, distilleries and cideries under the *Liquor Control and Licensing Regulation*. The general gathering for an event use is permitted under ALC legislation/regulations and can take place in the absence of any amendment to the AG Zone.

The ability for SCRD to regulate the events on ALR could be considered either as an amendment to the AG zone in Bylaw 310 and to the RU3 zone in Zoning Bylaw 337 or as part of an overall bylaw that regulates events in the SCRD.

The RU3 zoning within Bylaw 337 which overlaps the ALR does not consider this type of use and the provisions set out in ALC legislation/regulation will apply.

Parking requirements set out in the zoning bylaws do not take into account requirements for this use. Parking requirements (on-site, not impacting agriculture etc.) could be considered as part of an SCRD special events bylaw or be a matter for the ALC to address when concerns are raised by a complaint.

(d) Policy L-04 Agri-tourism Activities in the ALR

Agri-tourism activities are only permitted as secondary, incidental and/or compatible with the agricultural production activities, provided the land is assessed as a farm. Permanent facilities must not be constructed or erected. Parking areas must not be permanent (asphalt, concrete, gravel, etc.), must not interfere with the farm's agricultural productivity and all vehicles must be parked on site. Ancillary services that support or enhance agri-tourism activities must be temporary for the event only. Bistros, cafes, and restaurants are not agri-tourism activities.

The following are agri-tourism activities:

- an agricultural heritage exhibit displayed on a farm (e.g. farm equipment displays)
- a tour of the farm, an educational activity or demonstration in respect of all or part of the farming operations that take place on the farm, and activities ancillary to any of these
- cart, sleigh and tractor rides on the land comprising the farm;
- activities that promote or market livestock from the farm and may involve livestock from other farms
- dog trials held at a farm
- harvest festivals and other seasonal events on a farm for the purpose of promoting or marketing farm products produced on the farm (e.g. pumpkin patch, garlic festival, blueberry festival)
- Corn mazes prepared using corn planted on the farm.

Local governments have the authority to regulate agri-tourism activities with regard to structures and building occupancy (including determining if an existing farm building is appropriate for a gathering or requires upgrades for public assembly), parking, lighting,

hours of operation, health and safety, noise, access for police, fire and emergency vehicles, etc.

Staff Analysis on Agri-tourism Activities in the ALR

The AG zone in Bylaw 310 lists agri-tourism as a permitted use and defines it as a “temporary and seasonal activities auxiliary to a farm operation such as farm tours, hay rides and fish ponds that promote or market agricultural products grown, raised or processed on a parcel classified for assessment purposes as a farm.”

Bylaw 337 zoning that overlaps ALR do not consider this type of use and the provisions set out in ALC legislation/regulation will apply.

Parking requirements set out in the zoning bylaws do not take into account requirements for this use. The parking requirements (on-site, not impacting agriculture etc.) will be considered as part of the impending review of the SCRD special events bylaw as it pertains to longer events or be a matter for the ALC to address when concerns are raised by a complaint.

(e) Policy L-05 Agri-tourism Accommodation in the ALR

The land must be classified as a farm. Agri-tourism accommodation is only permitted as ancillary to agricultural use. Maximum of 10 sleeping units per farm are permitted on a short-term and seasonal basis and includes the number of bed and breakfast bedrooms permitted (max. four bedrooms for B&B). The farm may be comprised of one or several parcels of land.

The total accommodation area must not be greater than 5% of the total area of the parcel including access, landscaping, parking and sanitary facilities. To reduce negative impacts on agricultural activity, accommodation must be sited and designed carefully. Occupation must only be temporary and seasonal for one or more tourists to a maximum stay per person or per family of 30 consecutive days in any 12 calendar-month period.

A single tent or recreational vehicle on a site counts as one sleeping unit. The following is a list of regulations for cabins:

- may not contain cooking facilities (other than microwave, BBQ or hotplate)
- must be clustered together on a parcel
- meet BC Building Code
- no additional permanent facilities are permitted
- sleeping units in cabins are determined by the number of beds available.

Short term use of bedrooms in a home on a farm, other than bed and breakfast bedrooms, may be used for agri-tourism accommodation. The ALC considers short term to be a period of not more than 30 days.

Local governments may prohibit this use or allow the use with restrictions. The local government may restrict the number of sleeping units in a bylaw to fewer than 10 and may specify the number of persons per sleeping unit. Where a zoning bylaw is in place, this use must be specifically permitted by the bylaw. The local government may have additional requirements related to maximum floor area (such as for a cabin), parking,

signage, setbacks, fire and emergency servicing, etc. Local governments that permit agri-tourism accommodation may wish to develop monitoring methodology or require permits to ensure the occupation of agri-tourism accommodation meet the requirements of this regulation and their bylaw.

Staff Analysis on Agri-tourism Accommodation in the ALR

The AG zone in Bylaw 310 permits campgrounds via a temporary use permit and sets a limit on the number of campsites plus B&B bedrooms at 10.

Bylaw 337 zoning that overlaps agricultural land reserve do not consider this type of use and the provisions set out in ALC legislation/regulation will apply.

(f) Policy L-06 Bed and Breakfast Use in the ALR

Bed and Breakfast use in the ALR does not require the parcel to have a farm classification. Maximum of 4 bedrooms for short term bed and breakfast accommodation. The ALC defines short term as period of not more than 30 consecutive days. Must be accessory to the residential or farm use of the property and the bedrooms must be located in the primary dwelling. Local government bylaw requirement for the maximum number of bed and breakfast bedrooms applies, and the bylaw may allow a fewer or greater than the 4 bedrooms that are allowed if the bylaw does not specify the number. The bylaw may further define "short term" and there may be additional local government requirements which may have to be met.

Staff Analysis on Bed and Breakfast Use in the ALR

Bylaws 310 and 337 currently establish limits on the number of bedrooms and either the number of guests (Bylaw 337) or the size of the bedrooms (Bylaw 310). This applies to property in the ALR.

(g) Policy L-08 Residential Uses in ALR Zone 1

Subject to applicable local government bylaws, one single family residential dwelling is allowed. Unless otherwise prohibited by a local government bylaw, a secondary suite wholly contained within the single family dwelling is permitted and does not need to be occupied by immediate family. Provision is made for one manufactured home, in addition to the single family dwelling, and may only be occupied by the property owner's immediate family.

An alternative to a manufactured home is an accommodation that is less than 90 m² and only a single level constructed above an existing building (defined as being approved and constructed, or under construction, in accordance with the ALCA and Regulation) on a parcel classified as a farm; not restricted to family members.

Staff Analysis on Residential Uses in the ALR Zone 1

The AG Zone in Bylaw 310 allows one single family dwelling, one auxiliary dwelling and on a parcel exceeding 1 hectare the additional permitted uses are:

- one manufactured home, up to 9 metres wide, for housing the parcel owner's immediate family/farm workers or a second single family dwelling, where

authorized by the Agricultural Land Commission in response to a non-farm use application.

- one auxiliary dwelling unit may be located within a single family dwelling or, where there is no second single family dwelling in the form of a manufactured home on a parcel, above an existing single-storey agricultural building.

Bylaw 337 zoning that overlaps agricultural land reserve allows for two dwellings on parcels greater than 3,500 square metres. However, the bylaw does not reflect the ALC legislation/regulation that a second single family dwelling would only be permitted subject to a non-farm use application that is issued by the ALC.

General Comments

The above policy papers explain how legislation/regulations are applied by the ALC. They can assist staff in drafting amendments to Bylaws 310 and 337 regarding land in the ALR.

Bylaw 310 was recently amended to set out a new zone (AG Zone) for land in the ALR and for the most part, the AG Zone is consistent with the ALC's positions. There is a gap with respect to gatherings for events. Additional amendments may arise due to the impending review of Bylaw 310.

Bylaw 337 has not been amended to introduce updated zoning for the ALR. This can be considered after adoption of the new Egmont/Pender Harbour OCP and until then, the ALC legislation/regulations can over-ride the zoning in the bylaw.

Procedural and Governance & Operational Policies

The ALC's Procedural and Governance & Operational policies were also amended or introduced regarding:

- Policy P-04 Communication of Commission Decisions
- Policy P-07 Site Visits in Applications to the ALC
- Policy P-08 Request for Reconsideration (new policy)
- Policy P-09 File Closure (new policy)
- Policy G-01 Governance Policy
- Policy G-02 The Role of Elected Officials in Applications to the ALC

These do not impact SCRD zoning and were not reviewed in detail.

STRATEGIC PLAN AND RELATED POLICIES

N/A

CONCLUSION

The ALC policy papers assist in understanding how the recent amended legislation and regulations are applied. They also assist in drafting amendments for zoning that overlaps ALR to Bylaws 310 and 337. Bylaw 310 was recently amended to set out a new zone (AG Zone) for land in the ALR and for the most part, the AG Zone is consistent with the ALC's positions. There is a gap with respect to gatherings for events. This could be addressed by future amendments to the bylaw or through the separate review of the special events bylaw.

Bylaw 337 has not been amended to introduce updated zoning for the ALR. This can be considered after adoption of the new Egmont/Pender Harbour OCP and until then, the ALC legislation/regulations can over-ride the zoning in the bylaw.

Reviewed by:			
Manager	X - AA	Finance	
GM	X - IH	Legislative	
CAO	X - JL	Other	

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Planning and Community Development Committee – February 9, 2017

AUTHOR: Yuli Siao, Senior Planner

SUBJECT: Land Use Planning Opportunities to Support Affordable Housing in Rural Areas

RECOMMENDATIONS

THAT the report titled **Land Use Planning Opportunities to Support Affordable Housing in Rural Areas** be received;

AND THAT a comprehensive review of the Official Community Plans to create a consistent approach for affordable housing and infill development be a priority for the 2017 Planning and Community Development Department work plan;

AND THAT this report be referred to:

- *shíshálh* and Skwxwú7mesh Nations;
- all Advisory Planning Commissions;
- the Roberts Creek Official Community Plan Committee;
- District of Sechelt;
- Town of Gibsons; and
- The Sunshine Coast Housing Committee.

AND FURTHER THAT the outcome of the comprehensive review and feedback from the referrals be reported back to the Board.

BACKGROUND

On November 24, 2016, the Board of the Sunshine Coast Regional District adopted the following resolution:

430/16 **Recommendation No. 3** *Rural Land Use Planning with Respect to Affordable Housing*

WHEREAS securing affordable housing on the Sunshine Coast in the current economic climate is becoming a significant challenge for many;

AND WHEREAS the SCRD can take a leadership role in terms of rural land use planning;

THEREFORE THAT staff prepare a report for the First Quarter of 2017 which identifies land use opportunities to increase and potentially densify affordable housing in rural areas;

AND THAT the report include reference to the abilities of the SCRD to better utilize planning tools including, but not limited to, Section 483 of the *Local Government Act* (Housing Agreements) along with the collaboration and cooperation of the Province of BC and First Nations for lands identified in the various rural area Official Community Plans;

AND FURTHER THAT the report prioritize opportunities and include any other information deemed important by SCRD staff to help ensure success in addressing the concern.

This report examines the current state of affordable housing in the region, specifically within the official community plan boundaries of the electoral areas, and in relation to existing policies respecting density and affordable housing.

The report identifies areas and opportunities to increase the provision of affordable housing, and recommends land use planning strategies to implement intensification of affordable housing in those areas.

The purpose of this report is to provide information on this subject and obtain feedback from the Planning and Community Development Committee and to recommend next steps in providing efficient land use options designed to encourage affordability.

DISCUSSION

Current State of Affordable Housing

Previous housing studies have found that housing is increasingly unaffordable on the Sunshine Coast. Home ownership is generally unaffordable for households earning median income. The current 30% of renters who are in need of affordable housing is projected to grow to 40% by 2036. The aging population, particularly low-income seniors, are in need of housing assistance to age in place. There are few resources for the homeless population.

Affordable housing is an important aspect of healthy communities and is essential to increasing the quality of life for residents. In a healthy community there are diverse housing options for both rental and purchase. Securing affordable housing is recognized as a significant challenge for the community and efforts have been taken by various local governments and community representatives, such as the Sunshine Coast Housing Committee, to address this issue.

Among various strategies and methods, land use planning can play an important role in addressing the provision of affordable housing and compatible land use policies. Policies and regulations can be created in the official community plans and zoning bylaws, to guide where affordable housing should be placed, how it should be designed and serviced, and how it should fit into the surrounding neighbourhoods.

Current Official Community Plans

Currently the official community plans for Roberts Creek, West Howe Sound and Elphinstone contain policies regarding affordable housing. Many of the OCP's also have specific areas of focus for future density in neighbourhood nodes or community hubs. However, there is an

opportunity to improve these policies by expanding their scope and enhance the coordination and consistency among these plans.

Affordability

Affordable housing is commonly defined as housing that costs no more than 30% of gross (before-tax) household income. However, housing affordability is not simply the price of housing and must be viewed from different angles. Aside from price, many other factors affect housing affordability, for example, location, transportation, adaptability and versatility, durability, energy and resource efficiency, functionality and design, and so forth. “Location, location, location” is commonly known as a key factor in determining real estate price. Houses near settlement centres tend to be higher priced, but they can be affordable due to low cost of transportation to access work sites, amenities and services; whereas houses in far-flung areas may be priced lower but can be unaffordable due to high transportation cost. The key to affordable housing in rural areas is affordable housing in affordable locations.

Houses that can be modified, divided, expanded or converted to suit multiple purposes (for example live-work space, secondary suite, age-in-place) throughout its life can be more affordable for the owners because they can adapt their properties without costly relocation, and use them to generate income. Houses that are built with durable materials and consume less energy and resources can be more affordable because of the saving on maintenance and operating cost over the lifespan of the property.

A house that is designed with efficient and functional use of interior space can have a smaller floor area and foot print compared to a larger house, yet has the same quality of living space. Such a house takes up less land and is normally more affordable.

All of these factors must be considered in a comprehensive manner in order to create effective land use planning policies for affordable housing.

Opportunities

There are opportunities to increase the supply of affordable housing on the Sunshine Coast. Opportunities that are suitable for the rural character and condition of the region include infill in existing residential lots, and multi-family cluster housing and mixed-use development to be concentrated in and around village centres. These areas should be the priority for intensification consideration.

- A. Supply of housing units can be increased by: permitting auxiliary dwellings and secondary suites on residential lots where the lot size and sewage systems can support the additional sewage demand, there is adequate on-site parking, and the roadway system can handle the additional traffic volume, all without negative impact on the neighbourhood. These infill units can enhance the housing affordability for both the existing property owners and tenants of the rental units.
- B. Multi-family cluster residential development can supply large number of affordable housing units in concentrated areas in and around village centres, where there is sufficient utility capacity, convenient access to services and amenities, and good connection to public transportation routes. Mixed-use development is also appropriate in such areas, to complement the higher residential density and provide commercial and

employment opportunities for the residents, and therefore enhances housing affordability.

- C. There is also increasing demand in the community for small lots where detached or semi-detached single-family homes can be built. The emphasis is on quality, not quantity. Such houses are more affordable, because they are functional, more durable and energy efficient than conventional construction, and consume much less land. This type of development can effectively blend into the rural landscape. It is an excellent opportunity to increase residential density in rural areas without affecting their character.



An example of small-lot development

Additionally, short-term and tourist rental housing also has an impact on the supply of affordable long-term rental housing on the Sunshine Coast. There is a growing concern that competition from short term vacation rental use is reducing the number of residential rentals units and decreasing affordability. This is addressed in a separate staff report.

Land Use Planning Strategies

In order to enable these opportunities and guide the development of affordable housing, land use planning strategies should be developed. These strategies will align with land use principles of the Regional Sustainability Plan: 'We Envision' for the Sunshine Coast. Strategic growth will focus on existing settlement areas and village hubs to maximize the efficiency of existing infrastructure and minimize expansion into agricultural, resource and environmentally sensitive areas. A diverse range of housing will be encouraged through the development of complete, compact, efficient, walkable and low environmental impact communities.

A comprehensive set of land use planning policies to support affordable housing can be developed and incorporated into the official community plans in a consistent manner. These policies can include provisions for more land use flexibility in appropriate areas to enhance a property's adaptability to multiple purposes, infill development criteria for rural residential areas with respect to location, lot size, site layout and servicing, and guidelines for small-lot development and multi-family and mixed-use development in village centres. The policies can also include community design standards (or development permit area guidelines) for energy

and resource efficient design, efficient lot layout, walkability, active transportation, roadway connectivity, transit-oriented design, landscaping and buffering techniques, and so on.

Density benefits and housing agreements pursuant to the *Local Government Act* would also be incorporated into the policies to enable site specific provisions for affordable housing development.

Zoning Bylaws will need to be updated to be consistent with and to implement OCP policies. Collaboration and consultation with the Province and First Nations for lands identified in the various rural area Official Community Plans will also form part of the process to incorporate affordable housing policies into those plans.

Residential Infill Areas

There are a number of rural residential areas within existing Official Community Plans boundaries that are suitable for infill development in the form of auxiliary dwellings, secondary suites, duplexes or triplexes, and second dwellings. Potential areas include the following residential lands use districts:

- West Howe Sound
Grantham's Landing Residential, Hopkins Landing Residential, Langdale Residential
- Elphinstone
Residential A, C and D
- Roberts Creek
Residential A, B and C
- Halfmoon Bay
Residential A and B and community hubs
- Egmont / Pender Harbour
Residential A, Comprehensive Residential

Multi-family Residential Development Areas

Village centres are suitable for intensifying multi-family residential development, which can take the form of small-lot strata housing, multi-plex, townhouse, low-rise apartment, etc. Mixed use development that combines residential use with commercial, retail, service and office uses is also appropriate. Live-work space should be permitted with residential uses. Village core areas are normally well serviced by water, sewer and other utilities, close to transit routes, walkable to schools, employments, services and amenities. All these elements help to make housing more affordable.

The primary barrier to densification in the rural areas is the lack of sewage treatment capacity. Areas that have existing community septic systems have greater potential for increased density and should be prioritized; and on the other hand, increased density will help to make installing new community septic systems more affordable for areas that do not have such systems.

Potential development areas should include:

- West Howe Sound
Langdale core area

- Roberts Creek
Village Core area
- Halfmoon Bay
Community Hubs 1, 2 and 3
- Egmont / Pender Harbour
Madeira Park commercial core area

Crown Lands

Except for parcels of comparable size that are already integrated into the existing residential parcel fabric, large tracts of crown lands and lands with First Nations interests are primarily intended for conservation of natural open space or resources. These lands are not appropriate for infill development, and therefore not recommended to be considered for affordable housing intensification. Conversion of any of these lands to residential uses will require approval of the Province and First Nations.

Infill Policies

Current regulations for residential zones in Zoning Bylaws 310 and 337 permit an auxiliary dwelling unit or a half duplex on a parcel exceeding 2000 m², and a second single-family dwelling unit when the parcel size exceeds 3500 m² or 4000 m². Consideration can be given to reduce these parcel size thresholds to allow a smaller parcel to have an auxiliary dwelling, a half duplex or an additional single-family dwelling, subject to sewage treatment capacity. Such density increase is feasible as the average household size is decreasing and more advanced and efficient community or individual house sewage treatment technology has become available.

The maximum size for auxiliary dwellings and duplexes can be increased to allow for more habitable space for more people. The minimum residential building width of 6 metres can be reduced to allow for smaller and more compact buildings within the R1 and RS1 zones.

The definition and criteria for secondary suites should also be added to permit this type of housing in certain areas. The technical parameters of the recommended policies and criteria and any related development design standards should be examined through an in-depth study that will form part of a comprehensive update of the zoning bylaws.

The community, the province and First Nations will also be consulted throughout this process.

Public Engagement

It is common that there is a negative perception of affordable housing in one's backyard. This perception is unhelpful for the implementation of intensified affordable housing. It is important for the SCRd to correct this misconception through a public engagement campaign throughout the process of amending the Official Community Plans and zoning bylaws to incorporate affordable housing policies and regulations. The public should be made aware of the benefits of

affordable housing and its importance for building a healthy and equitable community, and that planning policies can help to achieve quality and higher density housing which can exist in harmony with neighbours.

Organization and Intergovernmental Implications

None at this time

Financial Implications

None at this time

Timeline for next steps or estimated completion date

To be determined upon receiving feedback and direction from the Board.

Communications Strategy

If directed by the Board to move forward, staff recommend that this report be referred to:

- *shíshálh* and Skwxwú7mesh Nations;
- all Advisory Planning Commissions;
- the Roberts Creek Official Community Plan Committee;
- District of Sechelt;
- Town of Gibsons; and
- Sunshine Coast Housing Committee

As the project moves forward one or more public meetings could be arranged and input could be sought from agencies, community groups and provincial/federal ministries with respect to their specific interests and overlapping authorities.

STRATEGIC PLAN AND RELATED POLICIES

The following SCRD Strategic Plan objectives and success indicators relate to the subject of this report:

- Incorporate land use planning and policies to support local economic development
- Collaborate with community groups and organizations to support their objectives and capacity
- Land use policies and regulations are supporting affordable housing
- We envision complete, compact, low environmental impact communities based on energy efficient transportation and settlement patterns in harmony with the natural environment in which they are set

CONCLUSION

The challenge of providing affordable housing on the Sunshine Coast calls for innovative approaches in land use planning that are appropriate for the local character of the community. Rural residential areas and village cores are identified as the prioritized areas for infill and multi-

family cluster development respectively to assist the intensification of affordable housing. It is recommended that the Official Community Plans and zoning bylaws be updated consistently to incorporate policies, regulations and design standards pertaining to the provision of affordable housing.

Attachments

Attachment A – West Howe Sound OCP Residential Intensification Opportunity Areas

Attachment B – Elphinstone OCP Residential Intensification Opportunity Areas

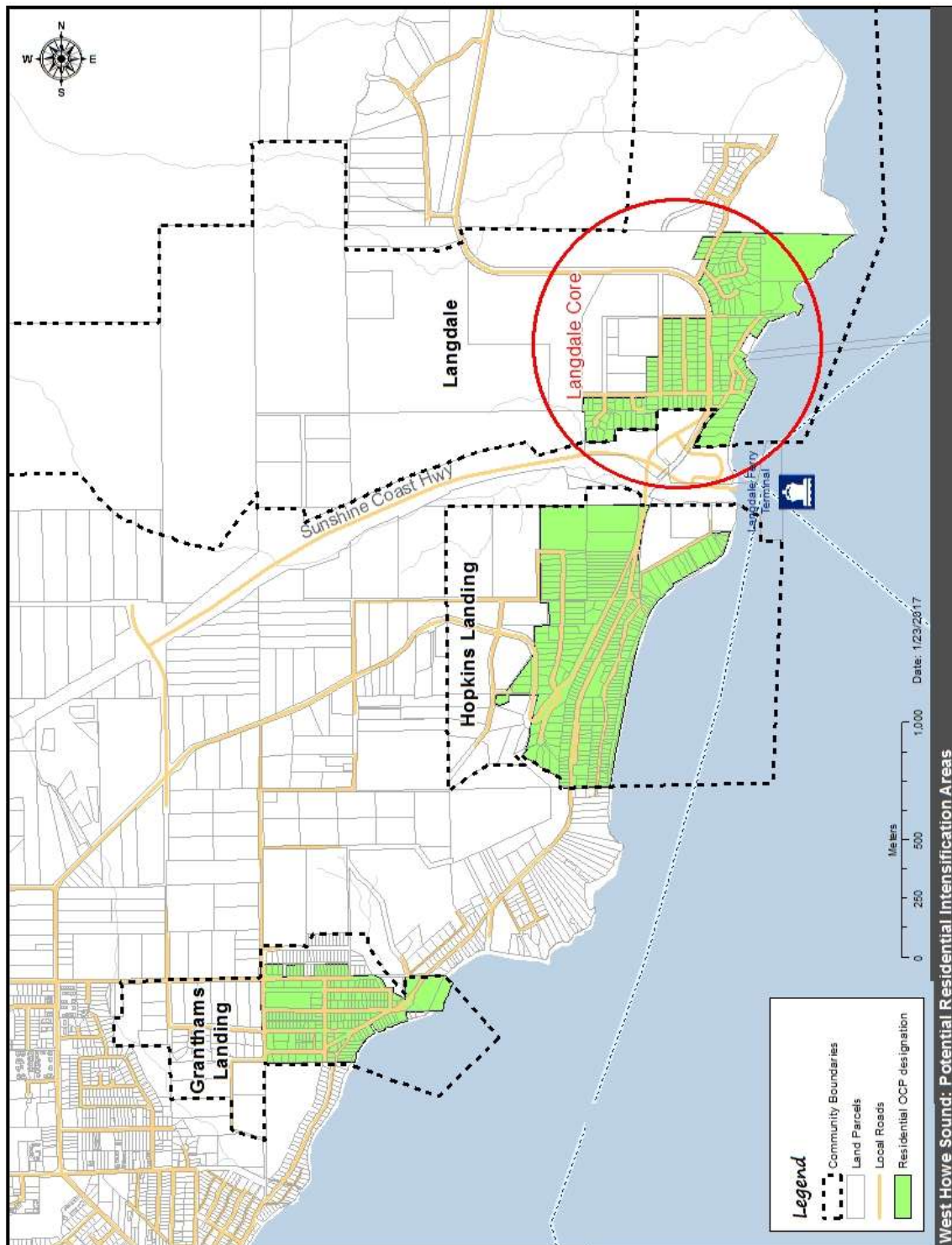
Attachment C – Roberts Creek OCP Residential Intensification Opportunity Areas

Attachment D – Halfmoon Bay OCP Residential Intensification Opportunity Areas

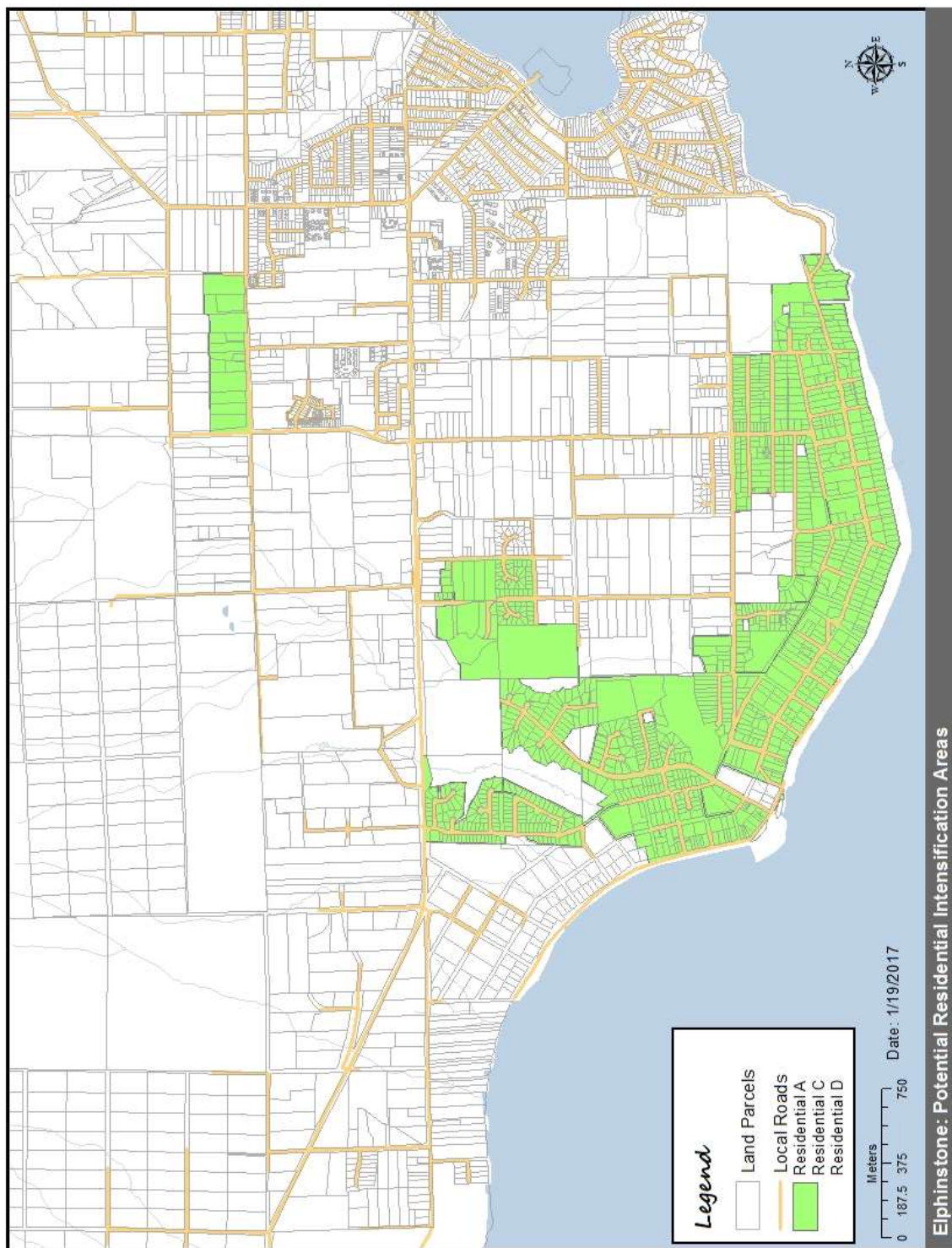
Attachment E – Egmont / Pender Harbour OCP Residential Intensification Opportunity Areas

Reviewed by:			
Manager	X - AA	Finance	
GM	X - IH	Legislative	
CAO	X – JL	Other	

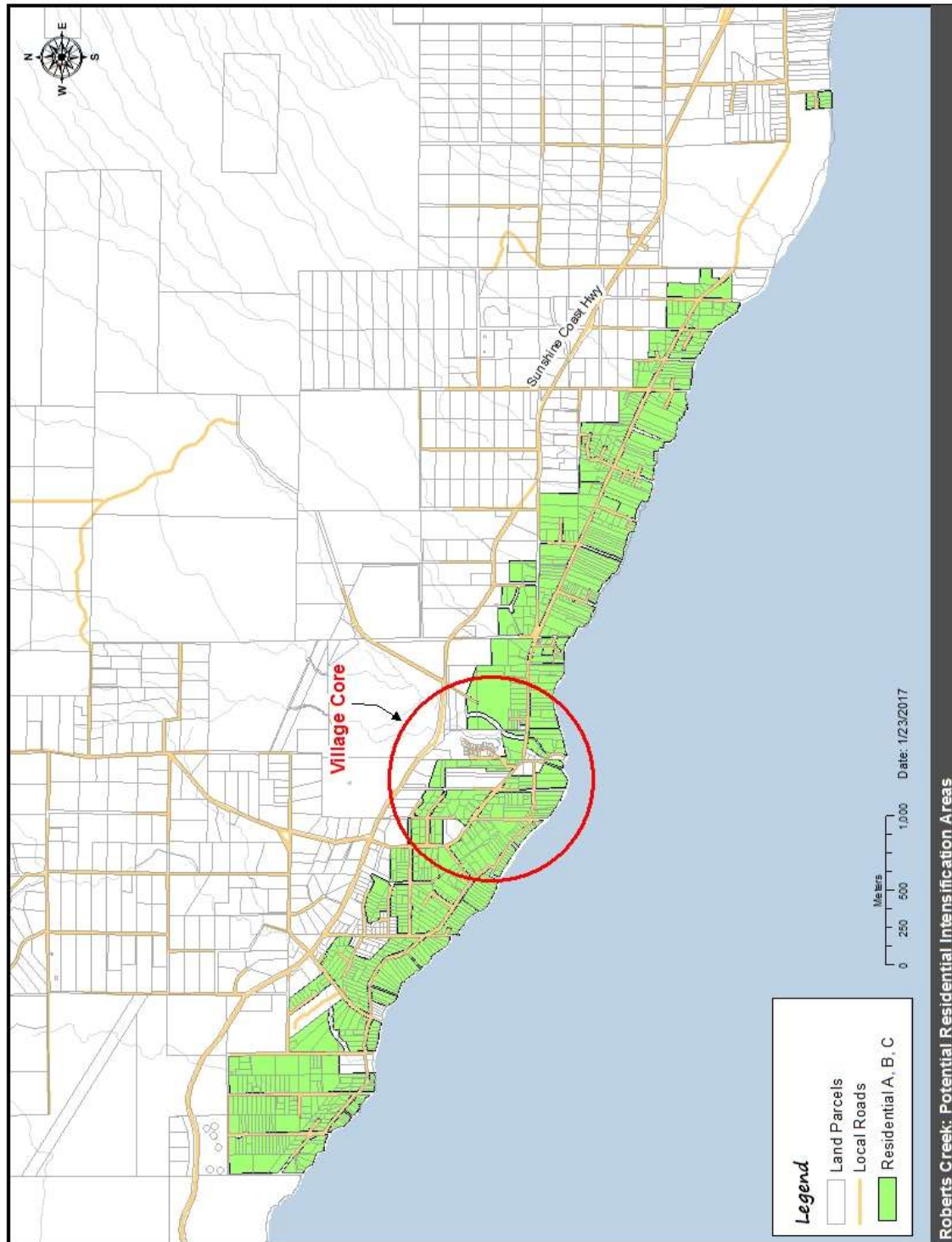
Attachment A – West Howe Sound OCP Residential Intensification Opportunity Areas



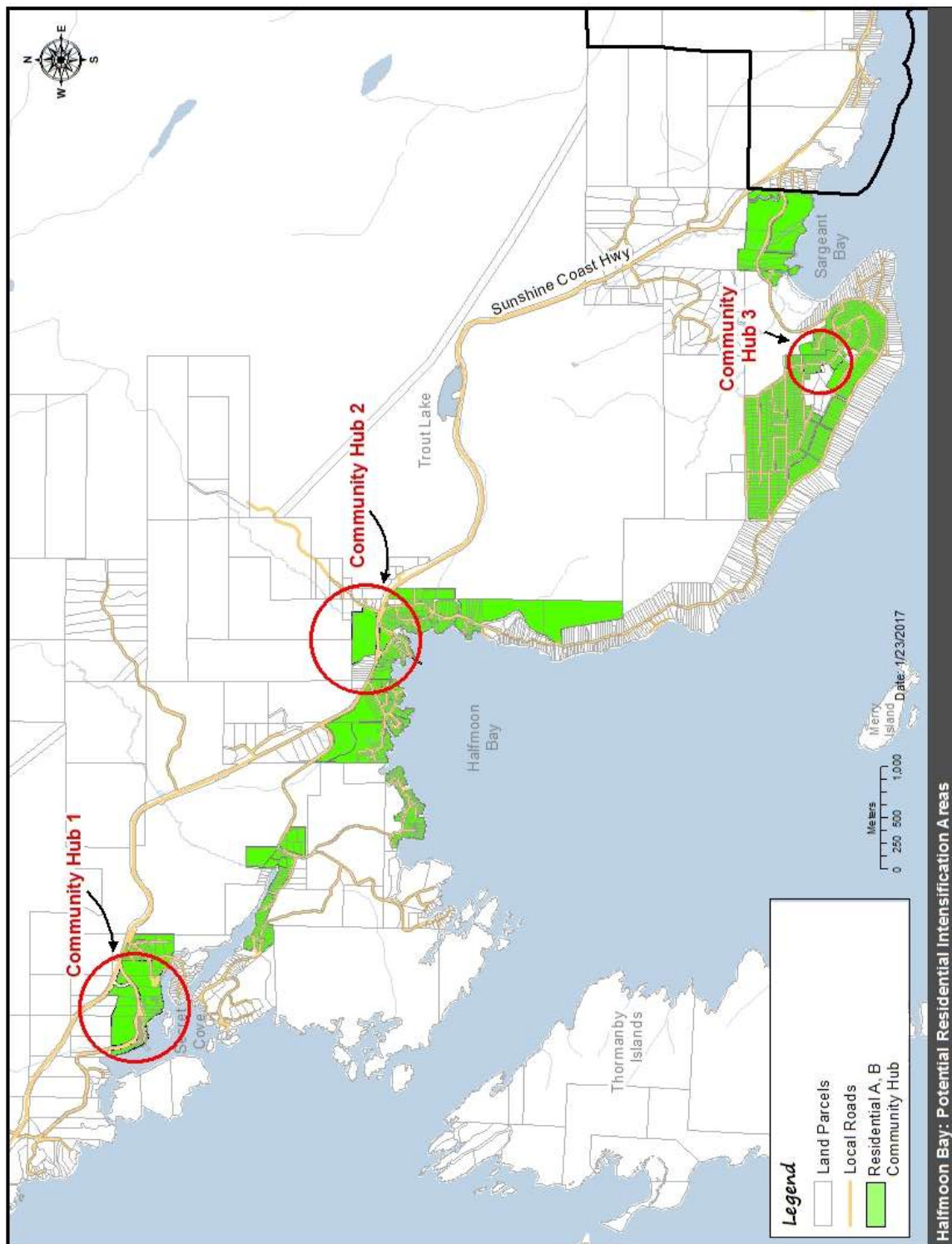
Attachment B – Elphinstone OCP Residential Intensification Opportunity Areas



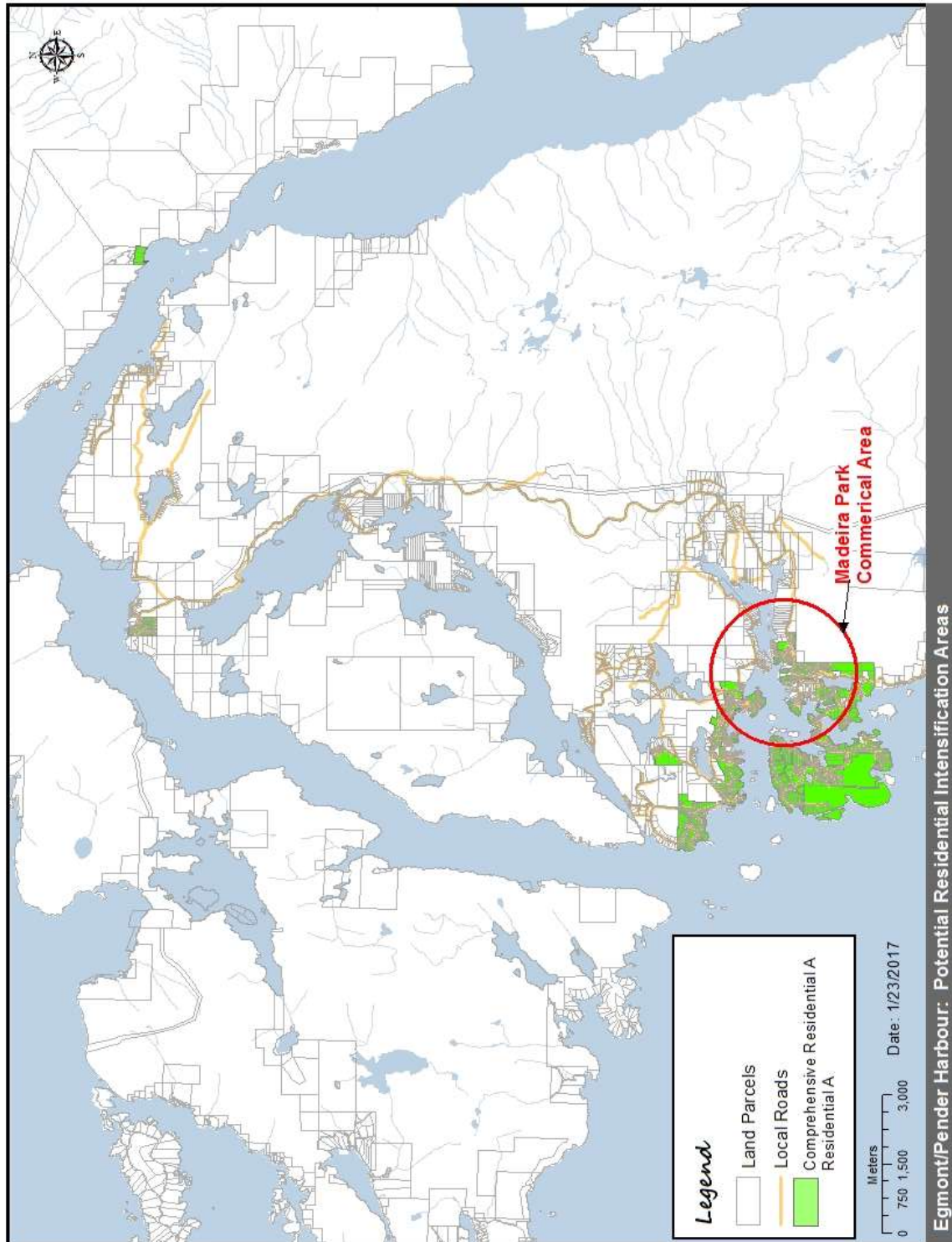
Attachment C – Roberts Creek OCP Residential Intensification Opportunity Areas



Attachment D – Halfmoon Bay OCP Residential Intensification Opportunity Areas



Attachment E – Egmont / Pender Harbour OCP Residential Intensification Opportunity Areas



SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Planning and Community Development Committee – February 9, 2017

AUTHOR: Lesley-Ann Staats, Planner

SUBJECT: APPLICATIONS ALR00003 FOR NON-FARM-USE IN THE AGRICULTURAL LAND RESERVE AND DVP00006 DEVELOPMENT VARIANCE PERMIT (BOTTIERI/GIRARD) FOR A DISTILLERY AT 943 CHAMBERLIN ROAD – ELECTORAL AREA F

RECOMMENDATIONS

THAT the report titled Applications ALR00003 for Non-Farm-Use in the Agricultural Land Reserve and DVP00006 Development Variance Permit (Bottieri/Girard) for a Distillery at 943 Chamberlin Road – Electoral Area F be received;

AND THAT the SCRД proceed with Option 1 in this report:

- 1. THAT ALR00003 be forwarded to the Agricultural Land Commission noting SCRД support;**
 - 2. AND THAT DVP00006 to relax Section 1021.8 under Zoning Bylaw No. 310 be issued, subject to approval of ALR00003 by the Agricultural Land Commission.**
-

BACKGROUND

Purpose

The Regional District received two applications: Non-Farm Use in the Agricultural Land Reserve (ALR) and Development Variance Permit (DVP) to permit a craft distillery that produces less than 50% of its grain used for the distilled spirits on site.

The ALR application and DVP letters are enclosed for reference as Attachment A. Staff have prepared a combined report for the two applications for ease and consistency of the review.

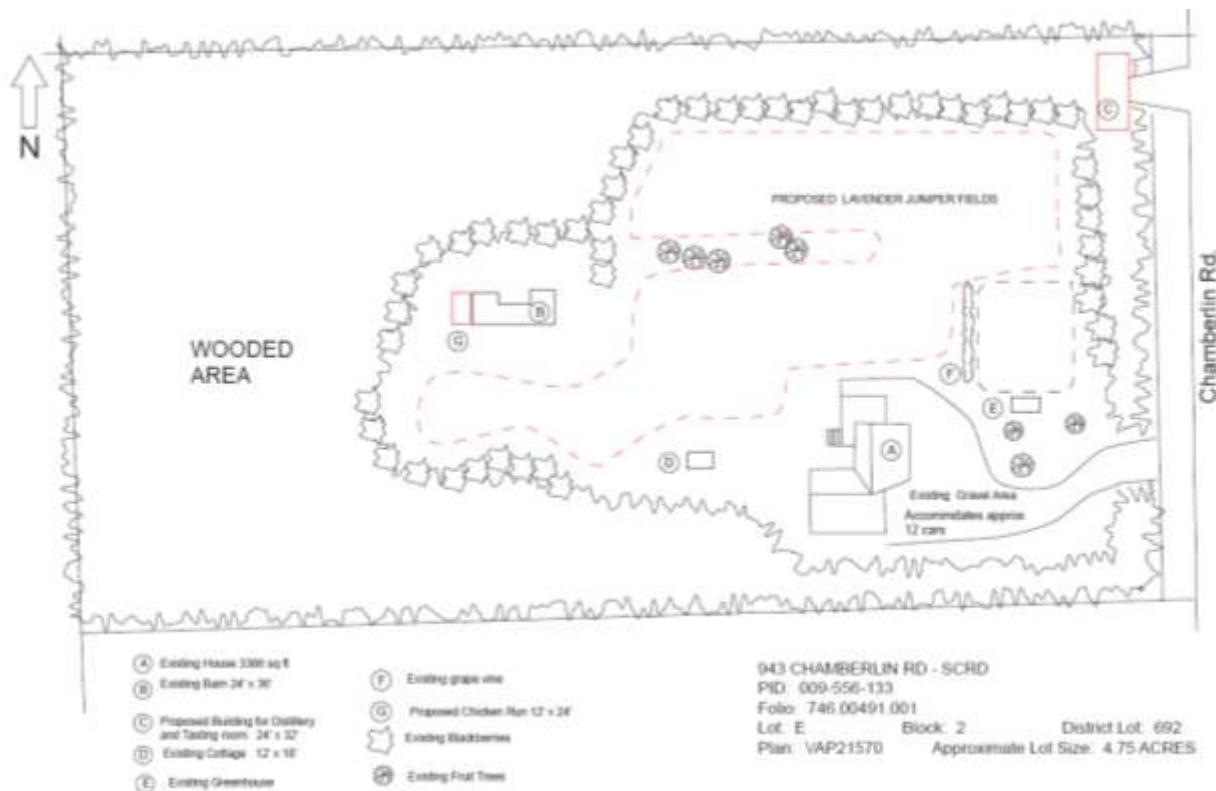
The purpose of this report is to provide information on the applications, prepare a recommendation for the Agricultural Land Commission (ALC), and determine whether a DVP should be issued.

Proposal

The applicants would like to open a small “field to flask” craft distillery to make a variety of spirits including vodka, flavoured vodka, gin, whiskey, bitters, and liqueurs.

The applicants plan to live in the house on the property and operate this distillery much like a home based business. The initial proposal included converting an existing barn into a distillery and an existing approximately 200 ft² cottage into a tasting room. However, upgrading the barn

and cottage to meet BC Building Code requirements may not be financially feasible, therefore the owners are proposing to construct a new 768 ft² building on the northeast corner of the property, directly off Chamberlin Road, as indicated on the site plan below as building “C”.



The applicants intend to grow lavender, juniper, coriander, and angelica and to cultivate blackberries, grapes and apples from the site for the flavoured vodka and other products. An agricultural component for the “field to flask” aspect is a key part of the marketing and business plan. No employees are proposed at this time, as the business is intended to be run by the owners. There will be no table service or entertainment.

The applicants envision a small apiary for producing honey to sweeten the liqueurs. Chickens on site will consume spent grain. They intend to purchase BC-grown grains and use 100% BC-grown raw material for the final products. They propose a park-like setting with a picturesque barn-style distillery, which could be a tourist attraction.

The owners intend to have wastewater collected and disposed of correctly to ensure no negative impacts to surrounding wells and watercourses. Spent grain will feed the chickens.

In addition to a small tasting room, distillery and garden tours, the applicants would like to provide a venue for weddings of less than one hundred (100) people and social events, although it is not integral to their plan.

Parking is available on an existing graveled area on the southeast corner of the lot. The parking area can fit twelve (12) vehicles.

Site and Surrounding Uses

The property is approximately 1.92 hectares (4.75 acres) in size and currently used as a residential parcel. Approximately half of the property is cleared, where the buildings are located. Structures on the property include a house, barn, small cottage, greenhouse, and steel shipping container. There is a small garden, three fruit trees, and blackberries. The remainder of the property is treed.

The property is surrounded by land in the ALR and uses include agriculture to the north (horses), recreation to the east (Shirley Macey park) and residential to the south and west.



Figure 1: Location Map

Agricultural Land Reserve (ALR)

Distilleries are a permitted farm use only if at least 50% of the farm products used in producing distilled spirits are produced on the same farm.

The applicant is unable (see Agricultural Capability in Discussion section) to produce 50% of the farm product for the distilled spirits on their farm, and therefore an application to the Agricultural Land Commission (ALC) for non-farm use in the ALR has been received.

Non-Farm Use in the ALR requires application to the ALC. As part of the application process, the ALC considers comments from the SCRDC.

Variance Request

Zoning allows a distillery in the Agriculture (AG) Zone under Zoning Bylaw No. 310, subject to provisions. In conjunction with the Non-Farm Use request, a DVP application has been received to relax the provision under Section 1021.8 (4) in Zoning Bylaw No. 310 as follows:

(4) A brewery, creamery, distillery or meadery must have at least 50% of the farm products used in producing beer, creamery products, distilled spirits or mead produced on the same farm.

On a 1.9 hectare parcel that is surrounded by some large, mature trees and a house in the middle of the lot, the total lot area (even if the woodland was cleared) is insufficient to produce 50% of the grain used for the distilled spirits on site.

An application summary is provided below. A detailed application summary is enclosed for reference as Attachment B.

Owner/Applicant:	Bob Bottieri & Lavonne Girard
Legal Description:	Lot E, Block 2, District Lot 629, Plan 21570
P.I.D.:	009-556-133
Electoral Area:	F – West Howe Sound
Civic Address:	943 Chamberlin Road, West Howe Sound, BC
Land Use Zone:	AG (Agriculture)
OCP Land Use:	Agriculture
Parcel Area:	1.92 hectares (4.75 acres)
Proposed Variance:	To relax the provision to produce 50% of the farm product (grain) for the distilled spirits on the farm
Proposed Non-Farm Use:	To allow a distillery that cannot produce 50% of the farm product (grain) for the distilled spirits on the farm

DISCUSSION

Agricultural Capability of Soil and Topography

According to the *1975 National Topographic Series Map* by the Department of Lands and Forests, the agricultural capability of the soil on the lot is classified as Class 4 and Class 5. Noted subclass constraints include soil moisture deficiency and stoniness.

Agriculture Capability Class Definitions:

- Class 4 land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.
- Class 5 land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability.

Suitable crops with Class 4 and 5 soils are blueberries, nursery and Christmas trees, perennial forage crops, raspberries and tree fruits where slopes are less than 15%. The topography of the property is relatively flat with an average 3% slope from the southeast to the northwest.

Agricultural Area Plan (“Ag Plan”)

The Ag Plan identifies the following strategic goals:

- 1) Protect farms, improve farming opportunities and expand access to land for agriculture;
- 2) Secure a sustainable water supply for agriculture;
- 3) Develop a coastal food system;
- 4) Educate and increase awareness of coastal food and agriculture;
- 5) Advance and promote sustainable agricultural practice; and
- 6) Prepare for and adapt to climate change.

A distillery may educate and increase awareness of coastal agriculture (Goal 4 in part), by sharing the process of flavoring distilled spirits with products grown on-site such as honey, herbs, and fruit.

By planting the lavender field, juniper patch and additional fruit trees, and establishing an apiary and rearing chickens, there will be a net gain in agriculture. This is offset by the construction of a new building. The new building shall be located in a manner that has a minimal impact on the agricultural use of the property.

Impact on the agricultural land base is considered in detail below.

West Howe Sound Official Community Plan (OCP)

A goal of the OCP is to preserve agricultural land. The OCP designates the subject property as Agricultural land.

Objective 8 under the Agriculture section of the OCP supports local production and processing of value-added agricultural products. Blackberry vodka, gin, and other liqueurs may be considered value-added agricultural products.

Policy 3 states that Agricultural related retail, such as farm gate sales, garden supply centres, and agritourism may be considered by individual site rezoning applications, with support from the Agricultural Land Commission. Since the OCP was written, the Agricultural Land Commission regulations have changed to allow agritourism, weddings, and events. In this case, the owners are requesting Non-Farm Use permission and a Development Variance Permit instead, as zoning already allows a distillery.

Additionally, the property is located within DPA #4: Aquifer Protection and Stormwater Management, which will require a Development Permit if more than five (5) large trees are cleared.

Land Use Zoning

Zoning Bylaw No. 310 designates the land in the AG zone with an “I” subdivision district (4-hectare minimum parcel size). The AG zone is applied to land in the ALR, specifically to allow a range of agricultural uses in accordance with the ALC regulations.

The AG zone permits a distillery, agritourism, and food and beverage service lounge auxiliary to the distillery, subject to certain conditions. The conditions include:

- A distillery must have at least 50% of the farm products used in producing distilled spirits produced on the same farm.
- Agritourism means temporary and seasonal activities auxiliary to a farm operation such as farm tours, hay rides and fish ponds that promote or market agricultural products grown, raised or processed on a parcel classified for assessment purposes as a farm.
- A food and beverage service lounge auxiliary to a distillery
 - (a) shall neither exceed:
 - (i) a floor area of 100 m²;
 - (ii) an indoor seating capacity of 30; nor
 - (iii) an outdoor area of 50 m².
 - (b) may serve alcoholic beverages other than produced on the same farm, provided that the beverages are sold:
 - (i) as single servings for immediate consumption within an area or
 - (ii) in a special event area operated in accordance with a special event endorsement issued under the *Liquor Control and Licensing Regulation*.
- A distillery may include preparing and storing their processed products, a retail sales area, and on-site tours.

The applicant is unable to produce 50% of the farm product (wheat, corn, and rye) for the distilled spirits on the farm. Relaxing the 50% requirement allows the owners to proceed with their business plan.

At this time, the owners have no intention of adding an auxiliary food and beverage service lounge, even though it is permitted by zoning.

Zoning Bylaw No. 310 does not include a specific parking requirement for a distillery and tasting room, however, the use is similar to:

- a home occupation, which requires one (1) space per employee plus one (1) space per 20 m² of retail area; or
- a commercial space, which requires four (4) spaces per 100 m² gross floor area plus one loading space for the first 700 m² gross floor area).

Therefore, a 71 m² distillery with a tasting room (if considering the entire space a 'retail area' or 'commercial space') with no employees requires a total of four (4) parking spaces. Thus, staff consider the existing twelve (12) parking spaces to be sufficient for the use.

Should the applicant wish to pursue events, an auxiliary food and beverage service lounge, or other related commercial activities permitted by the ALC, a parking management plan should be developed and be conditional upon approval for events. The ALC recently published a policy for gatherings for an event. The policy states that parking areas must not be permanent (asphalt, concrete, gravel, etc.), must not interfere with the farm's agricultural productivity and all vehicles must be parked on site.

The BC Building Code outlines requirements for seating and capacity of the tasting area. This will be considered as part of the building permit process.

Impacts to the agricultural land base

The following impacts to the agricultural land base should be considered:

- A distillery at this scale is not a farm use.
- Constructing a new building will increase the building footprint on agricultural land. However, the proposed building site is on the northeast corner of the lot, near the road, off the "farm plate". Any additional buildings should be situated in locations that do not impact the future agricultural potential of the lot. Protecting the farm plate may be secured by a covenant.
- An apiary will provide a net benefit to local agriculture.
- Any additional parking should be located on the perimeter of the property to reduce the compaction of arable farmland for future use.

In addition, other impacts may be that the new small business may enhance the local economy and that special events may increase noise and traffic in the neighborhood.

The SCRd supports the applicant proceeding through the process by requesting permission through the SCRd and ALC prior to developing the business operations.

ALC Decisions on Similar Applications

Brewery – In 2016, the Board and the ALC considered an application in Electoral Area F for a brewery that could not meet the 50% on-site farm production requirement. The SCRd Board supported the development subject to the ALC establishing conditions and guidelines regarding proposed events and ancillary uses to a brewery. The ALC ruled the brewery is non-compliant and recommended the operation relocate to an appropriate site.

Distillery – In the spring of 2016, the ALC considered an application for a small (26-gallon capacity to start) distillery in Kelowna. The applicants requested to hold wedding ceremonies on site on Saturdays only, with no more than 100 people, and that wedding receptions, food services or other services would not be offered. They also requested to display old farm

machinery. The ALC granted the non-farm use for a 6-year term, which corresponded with the maximum length of the required Temporary Use Permit.

Site Visit and Referrals

Building, Planning, and Parks staff completed a site visit on December 6, 2016. Building and Parks comments are included in the referral table below.

This application has been referred for comment. The following comments have been received:

Referral To:	Comments
SCRD Parks Planning:	<p>Adequate parking be provided on site so patrons are not using the Shirley Macey parking lot. Appropriate traffic control due to proximity to park.</p> <p>Weddings and events may potentially cause a conflict with adjacent use of the fields at Shirley Macey Park, with respect to parking. When events occur, the owners are requested to coordinate with the Parks division to determine if there are scheduled events at Shirley Macey Park and Eric Cardinal Hall.</p>
SCRD Building Division:	<p>At this time the building division has no concerns with the proposed distillery. The owner has been advised that using the existing building may not be an economical proposition and access for firefighting and hydrant location may be problematic. A new building may be a more viable alternative. The building will require registered professionals to take responsibility for various aspects of the project.</p>
SCRD Infrastructure:	<p>Regional water is available to the property. A water meter is required for this development.</p>
Squamish Nation:	<p>No concerns</p>
West Howe Sound Advisory Planning Commission (November 2016 review):	<p>The APC recommends deferring the application until hearing back on the Agricultural Land Commission decision regarding Persephone Brewery application for non-farm use and due to a need for further information related to processing, wastewater, effluent, waste disposal, parking, and neighbour's views on the proposal.</p> <p>And that there be a broader public consultation on the non-farm use distillery proposal with owners / occupants of the geographic area outlined by Chamberlin, Reed, Stewart, and North Roads, especially since it is a public assembly type of application.</p>

Referral To:	Comments
West Howe Sound Advisory Planning Commission (January 2017 review):	<p><u>Recommendation No. 1</u> <i>ALR00003 for Non-Farm Use & DVP00006 for Distillery</i></p> <p>The APC recommended Option 2: Do not support ALR00003 and deny issuance of DVP00006, for the following reasons:</p> <ul style="list-style-type: none"> • support for the Agricultural Land Commission's 50% rule and protection of agricultural land: there would be a small percentage of product actually produced on the farm to be used for the distillery; concern about setting a precedent around not having to farm in the ALR; • potential conflict of uses: concern regarding proximity of the distillery to sports fields, kids' park and pedestrian uses along Chamberlin Road, especially in the summer months, and potential for increased traffic, including speeding drivers, and people driving under the influence of alcohol. <p><u>Recommendation No. 2</u> <i>Referral of Brewery and Distillery Applications</i></p> <p>That applications for breweries or distilleries be referred by the SCRD to the Ministry of Environment to ensure oversight of wastewater effluent from brewery and distillery processes.</p>
Agricultural Advisory Committee:	A quorum was not met so a recommendation could not be made.
Neighbours (within 100 m):	One letter of support has been received from notified neighbours.

At the time this report was written, five (5) letters of support had been received, one (1) of which was from a notified neighbour. The letters are enclosed as Attachment C.

Options for Consideration

Option 1: Forward ALR00003 to the ALC noting SCRD support and issue DVP00006 subject to ALC approval.

Due to the home occupation scale of the proposal and a net increase in agricultural use, this is staff's recommended option.

Planting crops, keeping bees, and raising chickens is a good step toward functioning agriculture and encourages agricultural use. If the application is not supported, the use will remain residential. Agriculture is intended to be a priority use within the ALR with residential a secondary use. This application supports the intent of the ALR.

Should the Board choose this option, ALR00003 will be forwarded to the ALC noting SCRD support. DVP00006 to relax Section 1021.8 under Zoning Bylaw

No. 310 will be issued, subject to approval of the non-farm use application by the ALC. If the ALC denies permission, the DVP will not be issued.

Option 2: Do not support ALR00003 and deny issuance of DVP00006.

This option would deny the DVP application. The ALR application could be forwarded to the ALC noting SCRD's reasons for non-support or could be returned to the owner with the remaining application fees refunded.

Reasons for denial may include concerns regarding the application not meeting the requirements of the *Agricultural Land Commission Act* and use could be established outside of the ALR.

Timeline for next steps or estimated completion date

ALC will make a final decision after receiving input from the SCRD Board. Reviewing the applications in tandem promotes efficiency and coordination.

Communications Strategy

Staff notified neighbours within a one hundred (100) metre radius of the subject property, as per the Planning and Development Fees and Procedures Bylaw 522 and Section 499 of the Local Government Act. Letters were mailed to neighbouring residents on November 14, 2016.

STRATEGIC PLAN AND RELATED POLICIES

Strategic Priority: Support Sustainable Economic Development

CONCLUSION

The Regional District received two applications: one for Non-Farm Use in the ALR and one for a Development Variance Permit. Both applications are requesting to relax a provision that requires that 50% of the grain for distilled spirits must be grown on site, in order to open the distillery on farm land. The applications were considered in tandem for efficiency and coordination.

Staff recommend supporting ALR00003 for non-farm use and forwarding the application to the Agricultural Land Commission noting SCRD support. Staff also recommend issuing DVP00006 to relax Section 1021.8 under Zoning Bylaw No. 310, subject to approval of the non-farm use application by the Agricultural Land Commission.

Attachments

Attachment A – DVP letter & ALR Application
Attachment B – ALR Application Summary
Attachment C – Letters of Support

Reviewed by:			
Manager	X – AA	Finance	
GM	X – IH	Legislative	
CAO	X – JL	Other	

ONE FOOT CROW CRAFT DISTILLERY

943 CHAMBERLIN RD

GIBSONS , BC

OUR VISION

We are essentially a home occupation with no employees other than the owners of the property. It is our intent to engage in small batch, craft distilling of Vodka, Gin and Corn Whiskey and Flavored Liquors.

Because we will be living on the property we share the same concerns as our neighbors in respect to noise, traffic and odors. To that end allow me to elaborate on the operation.

As you can see from the attached schematic the actual distilling equipment is relatively compact. A run is 300 gal (1200 lts) with two or three runs a month producing ample amounts of products. To avoid any concerns regarding the disposal of effluent we will contract Bonnybrook Industries to remove wastewater. There are several options in regards to spent grains(which still have value} The first is to simply have it removed with the waste water. Another option is to give it to local farmers as animal feed. Indeed we intend to keep chickens and will use some as feed for them.

The distilling process produces no odor as all vapors are collected within the system. The fermentation aspect as well is contained and emits no odor. Since the effluent will be contained prior to being removed, it will also not produce an odor. I would also like to mention that a still itself is not under pressure. And since it is heated by hot water as opposed to open flame the risk of fire or explosion is virtually nil.

We do intend to have an area for tasting and retail sales. I cannot emphasize enough that this will not be a drinking establishment. This is not a place to hang out and have a drink. There will be no table service, or entertainment. We will be more in the lines of a boutique winery that you might see in the Okanagan. Customers have a small taste. We do not see ourselves attracting crowds larger than that of a vegetable stand.

At present there is no agricultural activity on the property. In fact the soil on the property is not the best quality. It is our intent to create a field to flask operation. To that end we will be cultivating lavender and juniper as well as other herbs to flavor our Gin. Fortunately both lavender and juniper like poor soil. Attached are photos of the style of garden we envision. As the lavender matures we also see a small apiary. We would use the honey to sweeten some of our flavored vodka and liquors.

The property abounds with blackberries which we intend to cultivate for use in liquors and vodkas. Likewise there are fruit trees and grape vines which we will utilize. We have planted some blueberries and may also expand in that area. Although our operation is considered non farm use we will in all practicality be adding agricultural land

We had originally intended to house the still in the existing barn. However having met with building inspectors it seems evident that building a separate new building would be both more economical and could be built to meet all building and fire codes. I have amended our site plan to reflect this new building. Because we would build on what is now treed land, we would not be removing any land from the land reserve.

We are applying only for a variance in regard to rowing 50% of the raw material on the land. The amount of grain necessary simply could not be grown on the amount of untried area of our property. Again I point out that we will be producing as much as possible on our property.

We would also like to offer our property as a wedding venue. I hasten to point out that this is not integral to the distillery operation. Indeed it is not intended as a marketing tool for our product. We envision small affairs of less than 100 people. Again we are sensitive to our neighbors concerns and do not wish to present a disruption.

We have just received a letter of Approval in Principle from the BC Liquor Control Licensing Branch. Meaning we are greenlit to build from their perspective.

I have asked my immediate neighbors for letters of support. I am also getting letters from other members of the community.

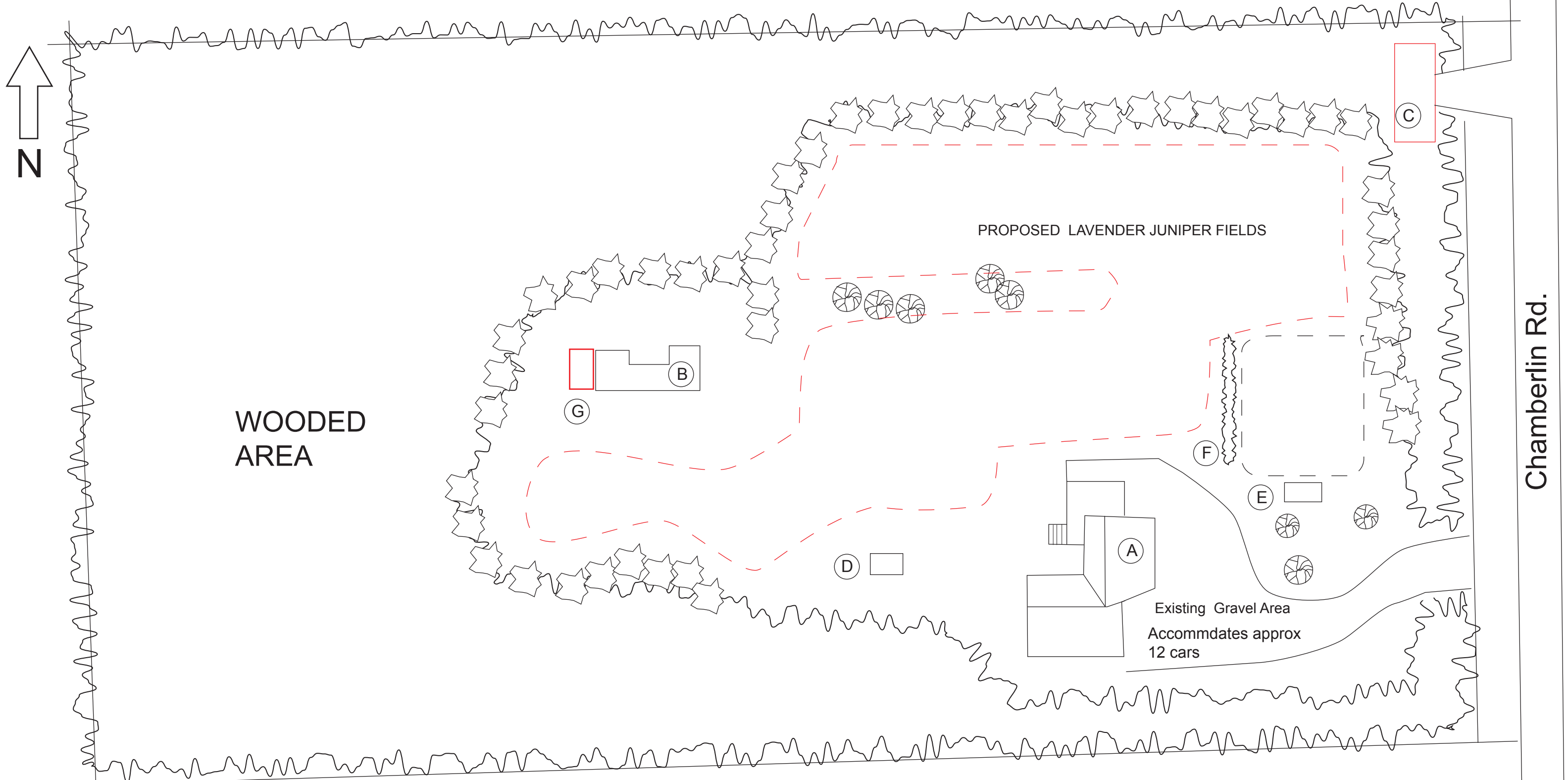
I thank you for all your consideration

Bob Bottieri



LAVENDER JUNIPER GARDEN



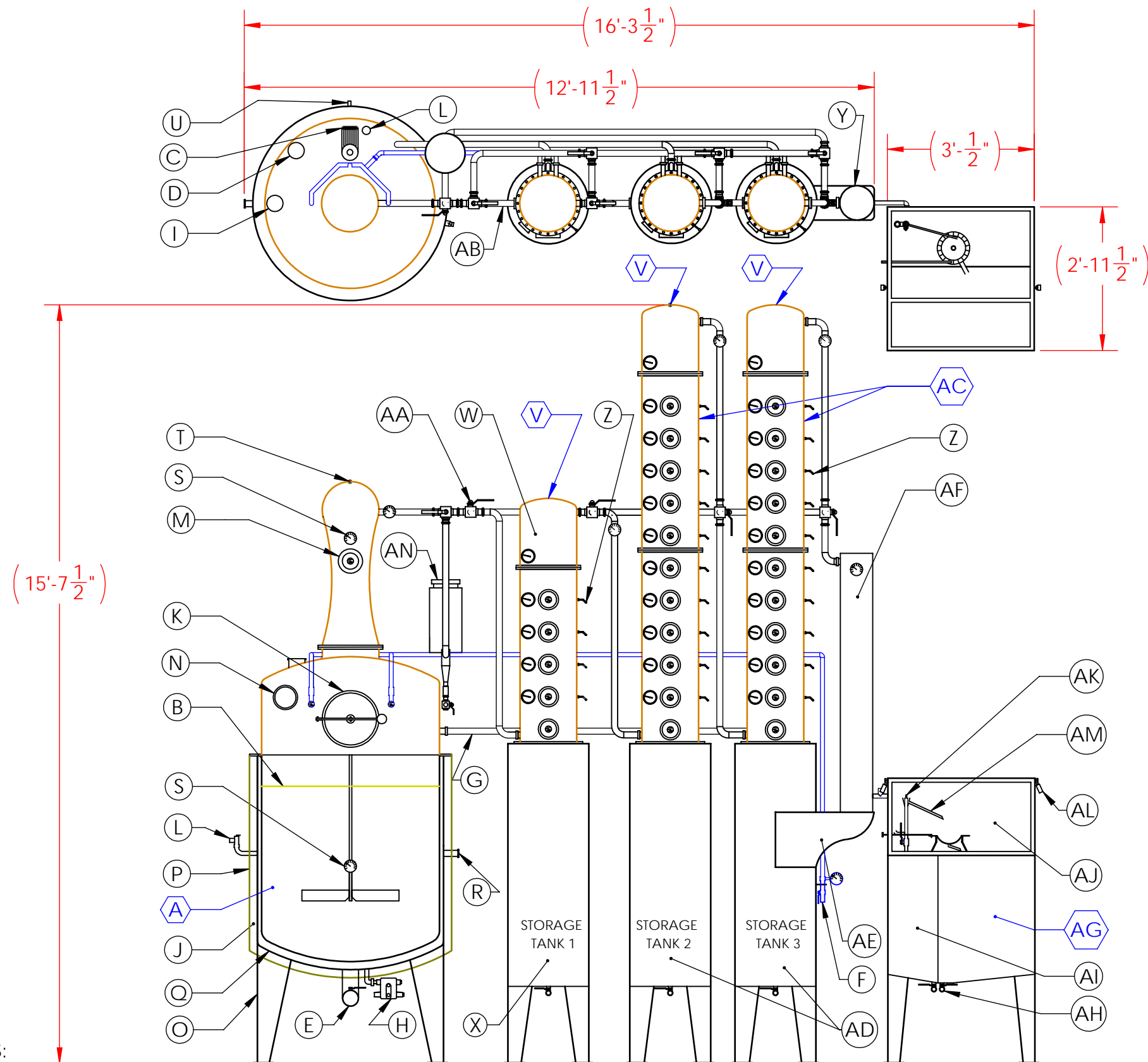


- (A) Existing House 3386 sq ft
- (B) Existing Barn 24' x 36'
- (C) Proposed Building for Distillery and Tasting room 24' x 32'
- (D) Existing Cottage 12' x 18'
- (E) Existing Greenhouse
- (F) Existing grape vine
- (G) Proposed Chicken Run 12' x 24'
- Existing Blackberries
- Existing Fruit Trees

943 CHAMBERLIN RD - SCR D
 PID: 009-556-133
 Folio: 746.00491.001
 Lot: E Block: 2 District Lot: 692
 Plan: VAP21570 Approximate Lot Size: 4.75 ACRES

B

A



NOTES:

1. VFD INCLUDED 1PH OR 3PH IN 220V, 3PH OUT 10-88 RPM.
2. ENCLOSURES NOT INCLUDED.
3. NOT SHOWN: (AC), (Y), HIDDEN BEHIND CONDENSER PLUMING.



CORSON DISTILLING SYSTEMS, INC.
17 N. PHILLIPPI ST.
BOISE, IDAHO 83706
PHONE: 208-407-4268
EMAIL: INFO@CORSONDISTILLING.COM

PROPRIETARY AND CONFIDENTIAL
THE INFORMATION CONTAINED IN THIS
DRAWING IS THE SOLE PROPERTY OF
CORSON DISTILLING SYSTEMS INC. ANY
REPRODUCTION IN PART OR AS A WHOLE
WITHOUT THE WRITTEN PERMISSION OF
CORSON DISTILLING SYSTEMS INC. IS
PROHIBITED.

UNLESS OTHERWISE SPECIFIED:
DIMENSIONS ARE IN INCHES
MATERIAL SS 304/C101
FINISH #4/MIRROR
DO NOT SCALE DRAWING

		NAME	DATE	TITLE: 300 GALLON STILL (4 PLATE & DUAL 10-PLATE)		
D:	DRAWN BY	RM	08/16/16			
	DESIGN APPR.	J. CORSON	08/16/16			
	COOL	300,000 BTU'S		SIZE	DWG. NO.	REV
	COOLING FLOWRATE	3-5 GPM@55° INLET		B	300 GAL 4 & DUAL 10- PLATE	A
	HEATING	300,000 BTU'S				
	HEATING FLOWRATE	300 LBS/HR		SCALE: 1:30		WEIGHT:
				SHEET 1 OF 1		

4

3

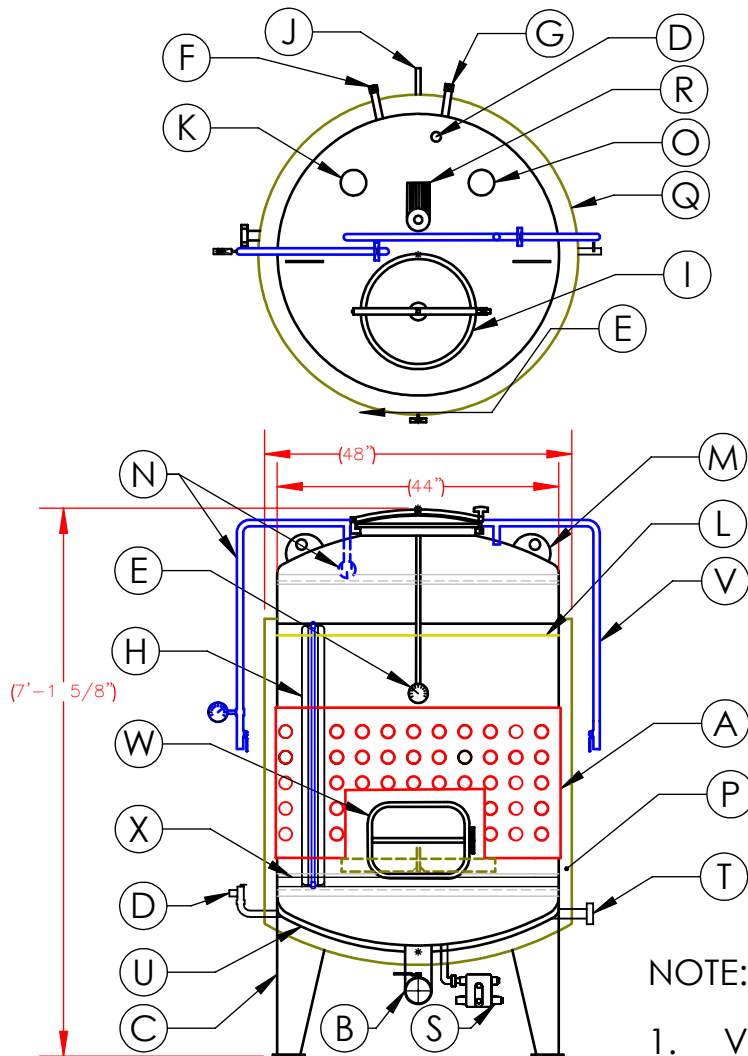
73

2

1

B

B



NOTE:

1. VFD INCLUDED, NOT SHOWN 1 1/2HP in 220V 3PH Out 10-88 RPM.
2. ENCLOSURES NOT INCLUDED.

- A. DIMPLED COOLING JACKET.
- B. BALL VALVE DRAIN (4 INCH) FERRULE.
- C. STAINLESS STEEL LEGS W/ADJUSTABLE FEET.
- D. PRESSURE & VACUUM RELIEF.
- E. THERMOMETER (1/2" NPT).
- F. GLYCOL OUTLET (3/4" NPT).
- G. GLYCOL INLET (3/4" NPT).
- H. FLUID LEVEL GAUGE.
- I. 18 "MANWAY TOP ACCESS
- J. THERMOWELL (1/2" NPT).
- K. ACCESSORY PORT (4 INCH) FERRULE.
- L. 200 GALLON LIQUID LEVEL.
- M. HOIST HOOKS.
- N. CIP BALL VALVE PRESSURE GAUGE (3/4" NPT).
- O. FILL PORT (4 INCH) FERRULE.
- P. INSULATION (2 INCH).
- Q. STAINLESS STEEL SHELL.
- R. 1 1/2HP 3PH, 220V AGITATOR W/GEAR DRIVE REDUCTION.
- S. F&T STEAM TRAP (3/4" NPT).
- T. STEAM INLET PORT (1 1/2 " NPT).
(SPECIFY LOCATION: BACK-RIGHT-LEFT).
- U. STEAM CHAMBER.
- V. SPARGING ARM AND WATER INLET PIPING (3/4" NPT).
- W. MANWAY FRONT ACCESS.
- X. REMOVABLE FALSE BOTTOM (3 PIECES).

A

A



CORSON DISTILLING SYSTEMS, INC.
17 N. PHILLIPPI ST.
BOISE, IDAHO 83706
PHONE: 208-407-4268
EMAIL: INFO@CORSONDISTILLING.COM

PROPRIETARY AND CONFIDENTIAL

THIS DRAWING AND ALL INFORMATION THEREON IS THE PROPERTY OF CORSON DISTILLING SYSTEMS, INC. AND IS LOANED SUBJECT TO THE CONDITIONS THAT IT NOT BE REPRODUCED, COPIED OR DISPOSED OF, AND NOT USED TO FURNISH ANY INFORMATION FOR THE MAKING OF DRAWINGS, PRINTS OR APPARATUS OR PARTS UNLESS APPROVED BY CORSON DISTILLING SYSTEMS, INC.

UNLESS OTHERWISE SPECIFIED:

DIMENSIONS ARE IN INCHES

INTERPRET GEOMETRIC TOLERANCING PER:

MATERIAL: STAINLESS 304

FINISH: #4

DO NOT SCALE DRAWING

NAME	DATE
DRAWN BY RM	08/22/16
CHECKED BY	
J. CORSON	08/22/16
COOL	300,000 BTU'S
COOLING FLOW RATE	18 GPM @55°
HEATING	300,000 BTU'S
HEATING FLOW RATE	300 LBS/HR

TITLE:

300 GALLON MASH TUN
(WITH LAUTERING OPTION)

SIZE	DWG. NO.	REV
A	300 GALLON MASH TUN	B
SCALE: 1:30	WEIGHT:	SHEET 1 OF 1

2

74

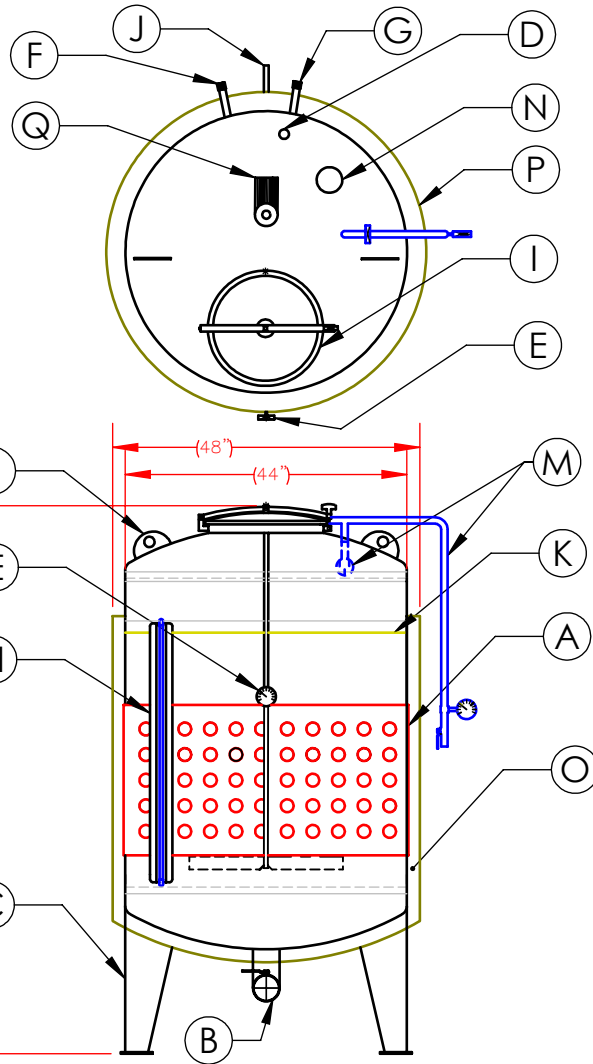
1

B

B

A

A



- A. DIMPLED COOLING JACKET.
B. BALL VALVE DRAIN (4 INCH) FERRULE.
C. STAINLESS STEEL LEGS W/ADJUSTABLE FEET.
D. PRESSURE & VACUUM RELIEF.
E. THERMOMETER (1/2" NPT).
F. GLYCOL OUTLET (3/4" NPT).
G. GLYCOL INLET (3/4" NPT).
H. FLUID LEVEL GAUGE.
I. 18" MANWAY TOP ACCESS.
J. THERMOWELL (1/2" NPT).
K. 300 GALLON LIQUID LEVEL.
L. HOIST HOOKS.
M. CIP BALL VALVE PRESSURE GAUGE AND CO2 VENT (3/4" NPT).
N. FILL PORT (4 INCH) FERRULE.
O. INSULATION (2 INCH).
P. STAINLESS STEEL SHELL.
Q. 1/2 HP 3PH, 220V AGITATOR W/GEAR DRIVE REDUCTION.

NOTE:

1. VFD INCLUDED, NOT SHOWN 1/2HP IN 220V 3PH OUT 10-88 RPM.
2. ENCLOSURE NOT INCLUDED.



CORSON DISTILLING SYSTEMS, INC.
17 N. PHILLIPPI ST.
BOISE, IDAHO 83706
PHONE: 208-407-4268
EMAIL: INFO@CORSONDISTILLING.COM

PROPRIETARY AND CONFIDENTIAL

THIS DRAWING AND ALL INFORMATION THEREON IS THE PROPERTY OF CORSON DISTILLING SYSTEMS, INC. AND IS LOANED SUBJECT TO THE CONDITIONS THAT IT NOT BE REPRODUCED, COPIED OR DISPOSED OF, AND NOT USED TO FURNISH ANY INFORMATION FOR THE MAKING OF DRAWINGS, PRINTS OR APPARATUS OR PARTS UNLESS APPROVED BY CORSON DISTILLING SYSTEMS, INC.

UNLESS OTHERWISE SPECIFIED:

DIMENSIONS ARE IN INCHES

INTERPRET GEOMETRIC TOLERANCING PER:

MATERIAL:

STAINLESS 304

FINISH:

#4

DO NOT SCALE DRAWING

NAME

DATE

DRAWN BY

RM

08/23/16

CHECKED BY

J. CORSON

08/23/16

COOLING

300,000 BTU'S

COOLING FLOW RATE

18 GPM @ 55°

MAINTAIN

75,000 BTU'S

MAINTAIN FLOW RATE

1-18 GPM @ 55°

TITLE:

300 GALLON FERMENTER
(WITH AGITATOR)

SIZE

A

DWG. NO.

300 GALLON FERMENTER W-
AGITATOR

REV

A

SCALE: 1:30

WEIGHT:

SHEET 1 OF 1

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 55821

Application Status: Under LG Review

Applicant: Bob Bottieri , LaVnne Girard

Local Government: Sunshine Coast Regional District

Local Government Date of Receipt: 10/13/2016

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Non-Farm Use

Proposal: We propose to convert the existing barn into a distillery.

Mailing Address:

943 Chamberlin RD

Gibsons, BC

v0n 1v1

Canada

Primary Phone: [REDACTED]

Email: [REDACTED]

Parcel Information

Parcel(s) Under Application

1. Ownership Type: Fee Simple

Parcel Identifier: 009-556-133

Legal Description: lot E, Block 2. Plan VAP21570/Folio 746.00491.001

Parcel Area: 1.9 ha

Civic Address: 943 chamberlin rd Gibsons bc

Date of Purchase: 08/01/2016

Farm Classification: Yes

Owners

1. Name: Bob Bottieri

Address:

943 Chamberlin RD

Gibsons, BC

v0n 1v1

Canada

Phone: [REDACTED]

Email: [REDACTED]

2. Name: LaVnne Girard

Address:

943 Chamberlin RD

Gibsons , BC

v0n 1v1

Canada

Phone: [REDACTED]

Email: [REDACTED]

Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).

No Agriculture

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).

No Agricultural Improvements

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).

At the moment this is strictly residential with an Airbnb suite.

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm

Specify Activity: horses

East

Land Use Type: Recreational

Specify Activity: Shirley Macy Park

South

Land Use Type: Residential

Specify Activity: family dwelling

West

Land Use Type: Industrial

Specify Activity: excavating

Proposal

1. How many hectares are proposed for non-farm use?

0.1 ha

2. What is the purpose of the proposal?

We propose to convert the existing barn into a distillery.

3. Could this proposal be accommodated on lands outside of the ALR? Please justify why the proposal cannot be carried out on lands outside the ALR.

To obtain a distilling licence it requires that we own or have a lease on a property. Since we own this property it is the most viable option for us. The cost of leasing would be prohibitive

4. Does the proposal support agriculture in the short or long term? Please explain.

Absolutely. With a "field to flask" mandate we intend to grow as many raw materials as possible. Much of our property is wooded and we intend to keep it so as it is part of the property's charm.

We do however plan on growing lavender, juniper and herbs for use in our gin. In addition we plan to cultivate the large number of blackberries for flavouring vodka. As well as the existing fruit trees and

grapes.

Applicant Attachments

- Site Photo - Arial view
- Proposal Sketch - 55821
- Site Photo - BARN
- Site Photo - barn 2
- Site Photo - house
- Site Photo - house 2
- Certificate of Title - 009-556-133

ALC Attachments

None.

Decisions

None.

The ONE FOOT CROW CRAFT DISTILLERY is a family run business owned and operated by the husband and wife team of Bob Bottieri and LaVonne Girard .

It is located on a 4.75 acre property at 943 Chamberlin Rd. in Gibsons BC.

We are requesting relaxation of the section of the zoning bylaw 1021.8 that requires that *A brewery, creamery, distillery or meadery must have at least 50% of the farm products used in producing beer, creamery products, distilled spirits or mead produced on the same farm.*

The requested variance would not in itself depart from the intended use of the land. Likewise there is nothing in the requested variance that would adversely affect any of the surrounding properties.

We at ONE FOOT CROW intend to distill a variety of spirits such as Vodka, Flavored Vodka, Gin ,Whiskey, Bitters and Liqueurs. This process requires a significant amount of grains such as wheat, corn and rye. For example a typical Vodka run requires 300kg of grain. To be viable we will need to distill at least two runs per month for a minimum total of 7200kg per year. As can be seen on the site plan, our property is quite wooded. Indeed that is part of it's charm . Given the amount of land suitable for cultivation our property would yield approximately 900kg of grain per year at most. We are faced with the dilemma that the amount of grain required is greater than that which can be grown on our property, even at 50%.

The solution is to purchase BC grown grains in accordance the LCLB requirement of using 100% BC grown raw materials.

Having said that we do intend to grow a number of other raw materials on our property. For our Gin we intend to grow a large section of lavender and juniper as well as coriander and angelica . For our flavored Vodkas we will be cultivating the abundance of blackberries that grow on the property. In addition we have grape vines and apple trees, which we will also utilize. As the lavender matures we envision a small apiary for producing honey to sweeten our liqueurs . In short, although we will not be producing the grains used in our products , agriculture will play a large role in the endeavor. Indeed the “field to flask” aspect is a major part of our marketing and business plan.

Craft Distilling and Brewing are ever growing markets in British Columbia. One Foot Crow Craft Distillery plans to play a role in that market, not only

as a producer but as an experience. The park like setting of the property and the picturesque barn distillery will make One Foot Crow Craft Distillery a tourist attraction. In addition to a tasting room and distillery tours we will be providing a venue for weddings and social events. The tasting room will also serve as an Art Gallery. We see ourselves as not only a viable economic citizen but as a member of the growing Sunshine Coast cultural community.

We truly believe that One Foot CROW Craft Distillery will be an asset to the community. Although it is not feasible to grow enough grain to meet the by law requirement of growing 50% of the products used to produce our distillate, we will be cultivating other crops used in our products to maintain the spirit of the intended land use.

We thank you for your kind consideration and hope you will agree that our request presents a reasonable solution to our conundrum. It would allow us to preserve the rustic beauty of the property while utilizing as much as possible the cultivatable portions to create a viable economic resource.

Thank you,

Bob Bottieri









AGRICULTURAL LAND RESERVE APPLICATION SUMMARY

DATE OF REPORT:	December 9, 2016	SCRD File: ALR00003 ALC Application ID: 55821
APPLICANT:	Bob Bottieri & Lavonne Girard	
LEGAL DESCRIPTION:	Lot E, Block 2, District Lot 629, Plan 21570, PID 009-556-133	
LOCATION:	943 Chamberlin Road, West Howe Sound, BC	
APPLICATION FOR:	Non-Farm Use in the ALR To open a “field to flask” craft distillery to make a variety of spirits including vodka, flavoured vodka, gin, whiskey, bitters, and liqueurs. The distillery The existing barn is proposed to be converted into the distillery and the existing cottage to be converted into the tasting room. They envision the wall décor in the tasting room to be decorated with local art for sale. No expansions or additional buildings are proposed at this time. They intend to grow lavender, juniper, coriander, and angelica. They intend to cultivate blackberries for the flavoured vodka, as well as grapes and apples on site. They envision a small apiary, tasting room, distillery tours, and a venue for weddings and social events.	
REASON:	The applicant is unable to produce 50% of the farm product (grain) for the distilled spirits on their farm	
SOIL CLASSIFICATION:	The soils on this parcel have the Agriculture Capability of Class 4 and Class 5 with soil improvability potential. Noted subclasses include soil moisture deficiency and stoniness. <ul style="list-style-type: none"> • Class 4 land is capable of a restricted range of crops. Soil and climate conditions require special management considerations. • Class 5 land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability. 	
OFFICIAL COMMUNITY PLAN DESIGNATION:	Agricultural	
PARENT PARCEL SIZE:	1.92 ha (4.75 acres)	
EXISTING LAND USE:	Residential	

SURROUNDING LAND USE:	North – Agricultural – horses (ALR) East – Recreational – SCRD Park (ALR) South – Residential (ALR) West – Residential (ALR)
LAND USE ZONING:	Present Zone: AG (Agriculture) Within surrounding area: AG (Agriculture) and PA2 (Park and Assembly 2)
ZONING ISSUES:	Development Variance Permit required to relax Section 1021.8 (4) of the AG zone under Zoning Bylaw No. 310 as follows: (4) A brewery, creamery, distillery or meadery must have at least 50% of the farm products used in producing beer, creamery products, distilled spirits or mead produced on the same farm.
SUBDIVISION CONTROL:	This application complies with subdivision zoning. Present designation and minimum lot size: Subdivision District I (4 ha) Within surrounding area: I (4 ha) and F (average 1 ha) Applications for amendment within surrounding area: None at this time
WATER:	The property is serviced by SCRD water
SEWER:	On site
ROAD ACCESS:	Chamberlin Road (East)

OCP POLICIES AND OBJECTIVES:

The following excerpt is directly from the West Howe Sound OCP, Bylaw 640, 2011:

Section 4 – Agriculture**4.1 Description**

The following agricultural objectives and policies relate to all agricultural lands, including parcels located within the Agricultural Land Reserve (ALR) established under the *Agricultural Land Commission Act*. Agricultural soil capability mapping completed by the Agricultural Land Commission (ALC) has confirmed that there is both a land base and the soil capability for small scale agriculture; therefore, in support of the goal to retain and protect the majority of the ALR for agricultural purposes, the Agricultural Land Use designation has been created, as illustrated on Map 1.

A bulk of the agricultural land base within the plan area has a soil rating of Class 3 and 4 within the Canada Land Inventory rating, with the potential to improve the soil to classes 2 and 3. Classes 2 to 4 are considered suitable for a wide range of agricultural production. Soil improvements can be achieved through irrigation, drainage management, removal of stones and sub-soiling (tilling the soil).

In addition to the composition of the soils, the climate of the area has been determined to be capable of supporting the widest range of agricultural crops. However, due in part to mountainous topography and settlement patterns pre-dating the inception of the Agricultural Land Reserve, the overall agricultural potential is more focused on small scale independent farms as opposed to large

holdings consisting of hundreds or even thousands of hectares found elsewhere in British Columbia.

As a result of this historical settlement pattern, agricultural production within the OCP area generally occurs on small farms and backyards as opposed to large scale intensive agricultural operations. Small farms are loosely defined as a property having between 2 and 10 acres of land under cultivation with a variety of crops, which is typically 25-50 per cent of the total land mass of the property, and with a total farm related income of less than \$50,000 annually.

Small farms within the OCP area are suitable to supply local food productions through farm gate sales, farmer's markets, and local grocery store supply.

4.2 Technical Background

The original West Howe Sound Technical Background Report (1987) identified areas suitable for exclusion from the ALR. The reasons for exclusion were primarily based on soil qualities and geographic separation from other ALR properties. The recommendations within the Technical Background Report were endorsed by the Agricultural Land Commission and adopted into the initial West Howe Sound OCP. Several of these properties have been removed from the ALR in the 20 plus years since the initial adoption of the West Howe Sound OCP.

Despite this endorsement for exclusion within the previous West Howe Sound OCP, several properties remain in the ALR; one group of properties is in the Grantham's Landing neighbourhood adjacent to the Town of Gibsons and Gibson Creek, while the other is located within the Williamsons Landing neighbourhood at the north end of the OCP area, at the north end of Storvold Road and west of the Port Mellon Highway and Twin Creeks Road intersection. These properties have been traditionally zoned to have a minimum parcel size of 1.75 hectares, which should continue in future zoning bylaws. The other properties that have traditionally been designated to remain in the ALR shall be zoned for a 4 hectare minimum parcel size.

While it is recognized that the soil and terrain in these blocks of land may not be of prime quality for soil based agriculture, the land mass should remain agricultural, as the intent of the ALR is to preserve land for present and future food production, and the quality of soil is only one of many determining factors in considering land suitability for agricultural production. Preservation of ALR properties is one of the goals of the OCP, and this goal is implemented through the Objectives and Policies outlined below. Zoning notwithstanding, any application or subdivision within the ALR shall be scrutinized to determine the impacts on, or benefits for agriculture.

4.3 Objectives

1. To preserve agricultural land in the ALR by maintaining larger parcels on lands with higher quality agricultural soils, specifically those that have existing Canada Land Inventory ratings of class 2 through 4, or the capability to improve to those soil conditions.
2. To increase food production and food security within the OCP area the surrounding areas.
3. To provide for agricultural activities, particularly small-scale sustainable market garden farming, including on-site sales.
4. To increase opportunities for local farmers to provide local sources of a range of agricultural products, including the opportunity to market locally-produced food products.

5. To protect existing and future agricultural activities from potential conflicting non-agricultural uses within the Agricultural Land Reserve (ALR) and the Rural Residential designated lands adjacent to the ALR.
6. To support the Agricultural Land Commission in protecting agricultural lands and opportunities for present and future uses.
7. To support creative approaches with respect to on-site density and land uses that encourages the agricultural use of the land within the ALR.
8. To support local production and processing of value added agricultural products.
9. To support the creation of a Sunshine Coast wide Area Agricultural Plan.

4.4 Policies

1. A suite within a dwelling or a second dwelling, for farm help or family members, subject to approval by the Regional District and ALC under the Agricultural Land Commission Act, shall be permitted.
2. Home occupations, bed & breakfasts, and kennels are recommended to be permitted as auxiliary uses. Other uses permitted by zoning may still require non-farm use approval from the Agricultural Land Commission.
3. Agricultural related retail, such as farm gate sales, garden supply centres, and agri-tourism, may be considered by individual site rezoning applications, with support from the Agricultural Land Commission.
4. Lands designated Agricultural have been identified on the ALC's soil capability mapping as generally having soils that are (or are improvable to) "good" to "very good" for agricultural purposes. These parcels are suitable for agricultural activities such as berry crops, other fresh market vegetable crops, some tree fruits, and most types of nursery production.

The Agricultural designations within the ALR must meet Regional District minimum parcel size limits if a subdivision application to the ALC is approved. The minimum parcel size of 1.75 and 4 hectares applies to land that is designated Agricultural and is designated as ALR under the ALC Act, if:

- i. The land is approved for subdivision within the ALR, under the *ALC Act*; or
 - ii. Subdivision is permitted or exempted from approval under the *ALC Act*, Regulation, or Order of the Commission.
5. Policy 4 notwithstanding, conventional subdivision of less than 4 hectares in the ALR is generally discouraged unless the property owner(s) can demonstrate to the SCR and ALC how the subdivision will promote agricultural cultivation of the property.

DEVELOPMENT PERMIT AREAS: DPA #4: *Aquifer Protection and Stormwater Management*.

PUBLIC SERVICE FACILITIES: N/A

Lesley-Ann Staats

From: bob bbottieri <bbottieri@hotmail.com>
Sent: Friday, December 09, 2016 3:08 PM
To: Lesley-Ann Staats
Subject: Fw: Craft Distillery located at 943 Chamberlin , Gibson's, B.C.

From: Sverre, John [REDACTED]
Sent: December 9, 2016 10:56 PM
To: Bob Bottieri [REDACTED])
Subject: Craft Distillery located at 943 Chamberlin , Gibson's, B.C.

This a letter of support I received so far

Friday December 9 2017

To Whom It May Concern;

I am well aware of the variance application submitted by Bob Bottieri and LaVonne Girard concerning 943 Chamberlin and their plans for creating a Craft Distillery.

I have read their business plan and am very familiar with the property.

I wholly support their application.

The proposed Distillery should have very little impact on the surrounding neighbourhood.

I believe It will provide support to Gibson's tourism and economic growth

Sincerely

John Sverre

■ Beach Ave., Gibson's , B.C. V0N 1V9

Confidentiality Warning: This message and any attachments are intended only for the intended recipient(s), and are confidential, and may be privileged. If you are not the intended recipient, you are hereby notified that any review, retransmission, conversion to hard copy, copying, circulation or other use of this message and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender immediately by return email, and delete this message and any attachments from your system. Thank you.

Lesley-Ann Staats

From: bob bbottieri [REDACTED] >
Sent: Thursday, December 15, 2016 9:28 PM
To: Lesley-Ann Staats
Subject: Fw: Letter of support for 943 Chamberlin

Hi

As have spoken to Leah from Healing Scents. She is interested in the use of one of the distilling by products (methanol). She is also interested in our lavender garden as a source for her business. I think this helps make the argument that we do indeed intend to use our land for agriculture.

Tank you

Bob Bottieri

From: Healingscents [REDACTED] >
Sent: December 16, 2016 3:30 AM
To: [REDACTED]
Subject: Letter of support

To whom it may concern,

I have spoken to the owners of 943 Chamberlin and fully support the variance application and their plans to build a distillery. Their field to flask approach should fit in well with our community and support local agriculture.

As a Gibsons Business owner I feel it will help foster tourism and economic growth. In fact we have discussed the ways in which we can work together for our mutual benefits.

I wish them the best.

Leah Morgan

Healingscents / Morgans Boutique

[REDACTED] Shaw Rd Gibsons BC V0N1V8

--

Leah Morgan

Healingscents

[REDACTED] Shaw Rd

w: www.healingscents.net

Lesley-Ann Staats

From: bob bbottieri [REDACTED]
Sent: Friday, December 16, 2016 9:41 AM
To: Lesley-Ann Staats
Subject: Fwd: Distillery in Gibson

Sent from my iPhone

Begin forwarded message:

From: Leslie Thomson [REDACTED] >
Date: December 16, 2016 at 9:32:18 AM PST
To: bob bbottieri [REDACTED]
Subject: Distillery in Gibson

Town of Gibsons
Gibsons
BC

Dear sir,

This letter is in support of a new project that we think will enhance our community here in Gibsons.

As you well know we have always been a supporter of enhancing our community we live in for the betterment of the people around us, we therefore think The distillery project in upper Gibsons would be an added value to our growing town.

Not only will it attract our local population during the winter but also a tourist population during our summer months. We hope the council will welcome this kind of venture that's good for all.

Thank you

Les and Andrew
MORE Cafe & Bakeshop
Gibsons

Lesley-Ann Staats

From: David Sverre [REDACTED] >
Sent: Friday, December 16, 2016 1:34 PM
To: Lesley-Ann Staats
Cc: bob bottieri
Subject: 943 chamberlin Rd vodka distillery

Hello LesleyAnn

This email is to confirm our support of the of Bob Bbottieri's proposal for a Vodka Distillery located at 943 chamberlin Rd.

I understand that he is planning to use his land to grow all the Lavender and Juniper and that he is also planning on 100 % BC grains for the rest and therefore is making a genuine effort to comply as fully as practical with the regulations.

I have know Bob personally for a number of years and he is good person that I believe will be a good candidate for the creation of such a new business on the Sunshine Coast.

I am heavily involved in the New Public Market and we look forward such businesses as this to host and support events. Bob and his wife are also planning on getting involved in supporting the Market and being active in the community.

Sincerely
David Sverre
[REDACTED] Marine Drive
Gibsons, BC

[REDACTED]

Lesley-Ann Staats

From: Karina Rayner [REDACTED]
Sent: Thursday, December 29, 2016 7:15 PM
To: Lesley-Ann Staats
Subject: distillery

Hi Lesley.

I would like to put forward this letter of support re:notice of consideration of DVP00006 for a Distillery.

I have met with Bob Bottieri and Lavonne Girard at 943 Chamberlin road and am in favor of allowing the plans they propose for a backyard "field to flask distillery".to move forward by varying section 1021.8 of zoning bylaw no.310.

Karina Morris
[REDACTED] Chamberlin road
[REDACTED]

--
Kiwi

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Planning and Community Development Committee – February 9, 2017

AUTHOR: Lesley-Ann Staats, Planner

SUBJECT: **PENDER HARBOUR GOLF CLUB SOCIETY LEASE AGREEMENT RENEWAL –
ELECTORAL AREA A**

RECOMMENDATIONS

THAT the report titled Pender Harbour Golf Club Society Lease Agreement Renewal – Electoral Area A be received;

AND THAT the Pender Harbour Golf Club Society submit an updated Environmental Management Plan for the five-year term;

AND FURTHER THAT the Chair and Corporate Officer be authorized to execute the Pender Harbour Golf Club Lease Agreement renewal for a five-year term for District Lot 7827.

BACKGROUND

The Regional District received a request from the Pender Harbour Golf Club Society (the “Golf Club”) to renew its lease for use of DL 7827 for the Pender Harbour Golf Course. The five-year term lease expires on March 14, 2017. The lease contains a clause for an additional five-year renewal. The Golf Club has confirmed that it is interested in renewing on the same terms.

The golf course is located on lands that were granted to the Regional District by the Province for golf course and club house purposes in 1996. The new lease agreement is enclosed as Attachment A, with a start date of March 14, 2017 and an expiry date of March 14, 2022.

The purpose of this report is to obtain direction on whether or not to proceed with the lease renewal.



DISCUSSION

The SCRD has leased the land to the Golf Club since January, 1997 for the purpose of establishing and maintaining a golf course. The Golf Club has been a good tenant and has paid rental fees on time.

The new lease agreement has the same conditions as its predecessor, with the exception of the updated five-year term commencing 2017 to 2022 and payment of the rental fee as a lump sum for the term.

The agreement outlines terms and conditions under the following headers:

- Interpretation;
- Agreement;
- Limitation;
- Term;
- Review and renewal;
- Golf Club's Conditions;
- Environmental Protection;
- Fallen and Potentially Hazardous Trees;
- SCRD's Conditions; and
- General conditions.

Under Environmental Protection, the agreement requires that an Environmental Management Plan (EMP) be completed to address the use of non-organic fertilizers and pesticides, as the Golf Course intended to move towards organic maintenance. The Golf Club submitted an EMP on June 25, 2009. Another one was required in March, 2014 but was not received. Staff recommend that the Golf Club submit an updated EMP, for the five-year term.

Prior to 2008, the Regional District received regular water testing reports on streams on the golf course when the streams were the only drinking water source. In 2008, however, a well was installed and now only the well is tested.

Staff recommend that the Chair and Corporate Officer be authorized to execute the Pender Harbour Golf Club Lease Agreement renewal for a five-year term for District Lot 7827.

Financial Implications

The lease agreement requires that the Golf Club pay the Regional District a rental fee. The rental fee includes 5% of the driving range receipts per annum and \$25.00 for the five year period. In the previous agreement the SCRD requested \$5.00 per annum as a rental fee, however the Finance Department prefers receiving one lump sum for the five year period. This preference has been reflected in the agreement.

In 2016, 5% of the driving range receipts provided a revenue of \$481.87 to the SCRD.

In addition to the rental fees, the Golf Club is responsible for purchasing insurance with a minimum third party amount of \$5,000,000.00 and paying any additional fees associated with the Golf Club.

Timeline for next steps or estimated completion date

Should the Board resolve to renew the lease, it will be signed by the SCRD Chair and Corporate Officer, and the President and Treasurer of the Golf Club.

STRATEGIC PLAN AND RELATED POLICIES

N/A

CONCLUSION

The Pender Harbour Golf Club Society has requested to renew a lease for the use of District Lot 7827 for the Pender Harbour Golf Course. Staff recommend that the Chair and Corporate Officer be authorized to execute the Pender Harbour Golf Club Lease Agreement renewal for a five-year term.

Reviewed by:			
Manager	X – AA	Finance	
GM	X – IH	Legislative	X – AL
CAO	X – JL	Other	X – BW

Attachments

Attachment A – 2017-2022 Lease Agreement

Pender Harbour Golf Club Lease Agreement (2017-2022)

THIS LEASE AGREEMENT dated the ____ day of _____ 2017.

BETWEEN:

PENDER HARBOUR GOLF CLUB SOCIETY

PO Box 154
Madeira Park, British Columbia
VON 2H0
(the "Golf Club")

AND:

SUNSHINE COAST REGIONAL DISTRICT

1975 Field Road, Sechelt, B.C.
VON 3A1
(the "Regional District")

WHEREAS the Regional District has received a Crown Grant for golf course purposes for the following property:

All that land situated in District Lot 7827 within Group 1, New Westminster District as identified in the Lease

(the "Lands")

AND WHEREAS the Golf Club desires to obtain the rights of the Regional District to enter on the Lands from the Regional District for the purpose of establishing and maintaining a golf course;

NOW THEREFORE, in consideration of \$5.00 now paid by each party to the other, receipt of which is hereby acknowledged by each party, the premises contained herein and other good and valuable consideration, the parties hereto agree as follows:

INTERPRETATION

1. In this Lease the following words shall have the following meanings:

"Driving Range" means the driving range to form part of the overall golf facilities to be developed by the Golf Club;

"Driving Range Receipts" means the entire amount of receipts or receivables of the Golf Club or any other person for the right of a Member or the Public to use the Driving Range, including, without limitation, the amount paid by a Member or the Public for fees or passes for a fixed period for use of the Driving Range;

"Member" means a person who is enrolled as such on the records of the Golf Club, with such membership not to grant any priority or privileges in tee time or times of access to the driving range, or special fees for use of the driving range;

"Public" means any member of the general public other than a Member;

"Public Golf Course" means a golf course in which there are no special privileges or priorities granted to a Member with respect to tee times, the time for use of the Driving Range, or fees paid for use of the Driving Range.

AGREEMENT

2. The Regional District agrees to grant to the Golf Club a Lease to enter on the Lands for the term, defined herein, to establish, operate and maintain a golf club with public access and the Golf Club agrees to accept this Lease from the Regional District to enter on the Lands on the terms and conditions set out herein.

LIMITATION

3. This Agreement is subject to and limited by the Regional District's rights under the terms of the Crown Grant.

TERM

4. The Term of this Agreement shall be:
 - (a) for a five year term commencing on the **14th day of March 2017**; and
 - (b) expiring on the **14th day of March 2022**, or until the expiry of the rights of the Regional District under the Crown Grant;whichever shall first occur.

REVIEW

5. The Regional District and the Golf Club agree that the terms and conditions of the Lease may be reviewed on the fifth anniversary of this Agreement, exercisable by delivery of notice in writing from one party to the other, within sixty days of the fifth anniversary date of this Agreement.

RENEWAL

6. The Regional District and the Golf Club agree that the Golf Club shall, subject to the Crown Grant, have the option exercisable by delivery of notice in writing to the Regional District within 60 days of expiration of the Term, to renew this lease on the terms and conditions herein for a further five years, as may be modified pursuant to Section 7 (i) of this Agreement.

GOLF CLUB'S COVENANTS

7. The Golf Club covenants and agrees with the Regional District to:

- (a) be in charge of operation and maintenance of the Public Golf Course, club house, Driving Range and equipment; and further, the Golf Club agrees to use the Lands as a Public Golf Course;
- (b) set fees and dues for playing golf;
- (c) be responsible for the funding of the golf course in its entirety;
- (d) be responsible for buying all equipment that will be required for the golf course and the maintenance thereof;
- (e) purchase insurance protecting against claims for personal injury, death, property damage, or third party liability claims arising from any accident or occurrence on the Lands, and that insurance policy will name the Regional District as a named insured on the policy, not allow for cancellation or material change without notice to the Regional District, be in a minimum third party amount of \$5,000,000.00, and provide the Regional District with a copy of the insurance policy;
- (f) be responsible for all water leases and fees;
- (g) pay and discharge when due all taxes, levies, charges and assessments now or hereafter assessed, levied or charged which relate to the Lands or any improvement thereon;
- (h) pay to the Regional District a rental fee of 5% of the Driving Range Receipts, with fees charged to the Public and Members for use of the Driving Range to be separate from that charged for play on the Golf Course or use of other facilities, with such payment to be made annually within 30 days after the Golf Club's financial year end, and to include a written record to the Regional District's reasonable satisfaction confirming Driving Range receipts;
- (i) pay to the Regional District a rental fee of \$25.00 for a five year period, commencing March 2017 and expiring March 2022, at which time the rental rate is to be renegotiated for any renewal of the term of this agreement;
- (j) pay all accounts and expenses for labour performed on, or material supplied to, the Lands, in accordance with the *Builders Lien Act*, and on behalf of the Regional District, to place written notices immediately after the commencement of any construction on the Lands, on at least two conspicuous places, giving notice that the Regional District shall not be responsible for the cost of labour, services or materials performed on or supplied to the Lands;
- (k) not assign this Agreement or Lease any part of the Lands without the prior written consent of the Regional District;
- (l) observe, abide by and comply with all laws, bylaws, orders, directions, ordinances and regulations of any competent government authority in any way affecting the Lands and improvements thereon, or their use and occupation;
- (m) not commit or suffer any wilful or voluntary waste, spoil or destruction on the Lands or do or suffer to be done thereon anything that may be or become a nuisance;

- (n) indemnify and save the Regional District harmless against all loss, damage and costs, including fees of a solicitor, on a solicitor and client basis, in any way arising out of any act done, permitted to be done or any omission by or to the Golf Club, its employees, agents, servants, licensees or invitee and to indemnify and save harmless the Regional District against liability for or related to the operation of a golf course on the Lands;
- (o) permit the Regional District and its servants, agents and those under its authority to enter upon the Lands at any time to examine its conditions; and
- (p) on the expiration of the term or the cancellation of this Agreement to:
 - (i) peaceably quit and deliver possession of the Lands to the Regional District;
 - (ii) remove all buildings, machinery improvements and any other structures from the Lands if so requested by the Regional District;
 - (iii) restore the Lands to the satisfaction of the Regional District; and to the extent necessary, this covenant shall survive the expiration or cancellation of this Agreement.

ENVIRONMENTAL PROTECTION

- 8. The Golf Club agrees to ensure that the environmental implications of any fertilizers that may be necessary for the operation of the Driving Range are addressed to the satisfaction of the Regional District. The Golf Club further agrees to ensure that there is no use of pesticides or herbicides on the Driving Range.
- 9. Prior to re-location or significant expansion of existing tees, greens or fairways, or diversions of watercourses, the Golf Club will ensure that:
 - (a) all necessary approvals are obtained from the applicable authorities; and
 - (b) if deemed necessary or advisable by the Regional District, environmental expertise in hydrology, soils, water quality, landscape construction, geology, waste management and any other relevant areas are employed to the satisfaction of the Regional District to ensure that all activities undertaken by it with respect to the designing, construction, maintenance, repair and operation of the Golf Course have no adverse effects on the natural, physical or biological environment either on the Lands or elsewhere.
- 10. As per Board Resolution 81/02 (February 14, 2002) regarding movement towards management of the Pender Harbour Golf Course on an organic basis, the Golf Club agrees to file a copy of an Environmental Management Plan (EMP) within two years from the date of this Agreement to address the use of non-organic fertilizers and pesticides.

FALLEN TREES AND POTENTIALLY HAZARDOUS TREES

- 11. Cutting of trees suspected to pose a threat to the golf course, structures located on the golf course and/or people who use the golf course shall not take place without the prior

approval of the Regional District's Manager, Planning and Development or a person so designated by him/her, who may require a report from a professional with experience in this area, at the Golf Club's expense, prior to granting approval. The Regional District may impose any terms and conditions in connection with cutting and removal that it deems advisable.

12. All costs associated with the cutting of potentially hazardous trees and moving them from areas of play and/or pathways to other sites on the Lands, as approved by the Regional District, shall be the responsibility of the Golf Club.
13. Members of the Pender Harbour Golf Club or others using the golf course are not to remove fallen or cut trees from the Lands without the prior approval of the Regional District's Manager, Planning and Development or a person so designated by him/her.
14. In the event that a tree falls and is clearly preventing play on the golf course, the Golf Club may move that tree to another site on the Lands without prior approval of the Regional District's Manager, Planning and Development or a person so designated by him/her, but it shall provide notice to the Regional District of such action as soon as is practical.
15. All trees that fall or are cut down on the Lands shall remain the property of the Regional District and their use as firewood or for other purposes shall be determined by the Regional District's Manager, Planning and Development or a person so designated by him/her. All reasonable expenses associated with removing fallen or cut trees from the Lands shall be the responsibility of the Regional District, which removal may be completed by the Regional District in a manner and time it deems appropriate.
16. All monies collected from the sale of fallen or cut trees shall go to the Regional District.

REGIONAL DISTRICT'S COVENANTS

17. The Regional District hereby agrees:
 - (a) subject to Section 7 (h) and (i) to allow the Golf Club to collect and retain all golf course and club house fees received in the operation of the public golf course;
 - (b) to allow the Golf Club to have quiet possession of the Lands for the term of the Agreement; and
 - (c) that all assets and equipment purchased by the Golf Club for the operation of the golf course will remain the property of the Golf Club to the exclusion of any claim by the Regional District.

GENERAL

18. Time is of the essence in this Agreement.
19. The terms and conditions of this Agreement shall extend to, be binding upon and inure to the benefit of the parties hereto and their respective successors, heirs and permitted assigns.

20. It is hereby agreed that if, after the termination by the passage of time of this Lease or any extension thereof, the Regional District permits the Golf Club to remain in possession of the Lands and accepts rent in respect thereof, a tenancy from year to year shall not be created by implication of law and the Golf Club shall be deemed to be a monthly tenant only subject to all of the terms and conditions of this lease, except as to duration in the absence of a written agreement to the contrary;
21. Where service of a notice or document is required under this Agreement, the document or notice shall be in writing, and shall be deemed to have been served if delivered to, or if sent by prepaid registered mail addressed to, the Golf Club and the Regional District at the addresses specified for each on the first page of this Agreement and where service is by registered mail the notice or documents shall be conclusively deemed to be served on the fifth day after its deposit in a Canada Post Office at any place in Canada.
22. If any section of this Agreement or any part of a section is found to be invalid or unenforceable by an authority of competent jurisdiction, that part or section, as the case may be, shall be considered separate and severable and the remaining parts or sections, as the case may be, shall not be affected thereby and shall be deemed to have been entered into and agreed to apart from the portion declared or held to be invalid or unenforceable.
23. In this Agreement the singular includes the plural and the plural includes the singular.
24. This Agreement embodies the entire understanding between the parties relating to the subject matter hereof and may not be amended, waived or discharged except by an instrument in writing executed by the party against whom enforcement of such amendment, waiver or discharge is sought and this Agreement supersedes all prior agreements, memoranda and negotiations between the parties hereto.
25. Where there is an unresolved dispute arising out of this Lease, then, within 7 days of written notice from one party to the other, or such time as agreed to by both parties, representatives of the parties will participate in good faith in order to resolve and settle the dispute. In the event that such representatives are unable to resolve the dispute within 14 days of the first written notice, or such other time period agreed to by both parties, each party will appoint a senior representative that has not been previously appointed.

The parties may agree to refer and to participate in resolving all unresolved disputes arising out of or in connection with this Agreement, or in respect of any legal relationship associated therewith, or derived or entered into, by arbitration administered by Mediate BC services pursuant to its rules, unless otherwise mutually agreed between the parties. Matters not settled through the process within 45 days notice of the dispute may go to arbitration unless the parties agree to extend the 45 day period. Each party will bear its own costs of the arbitration regardless of the arbitrator's decision. This does not preclude the option of litigation.

26. The parties acknowledge and agree that this Agreement does not give the Golf Club a registrable interest in the Lands and the Golf Club will not register or attempt to register this or any related document or any notice or claim in respect therefore in any land title office.

27. In the event that the Golf Club fails to observe or perform any of the covenants, agreements, provisions or conditions contained herein, and such failure continues for the period of 30 days next after the giving of written notice by the Regional District to the Golf Club of the nature of the failure, the Regional District may cancel this Agreement and in such event the Golf Club forfeits any and all rights under this Agreement or at law or in equity.

IN WITNESS WHEREOF the parties hereto have hereunto executed these presents.

THE SEAL of the Pender Harbour Golf Club Society was hereunto affixed in the presence of:

President

Treasurer

THE CORPORATE SEAL of the Sunshine Coast Regional District Was hereunto affixed in the presence of:

Chair

Corporate Officer

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Planning and Community Development Committee – February 9, 2017

AUTHOR: Lesley-Ann Staats, Planner

SUBJECT: BC HYDRO STATUTORY RIGHT OF WAY REQUEST AT KATHERINE LAKE PARK – ELECTORAL AREA A

RECOMMENDATIONS

THAT the report titled BC Hydro Statutory Right of Way Request at Katherine Lake Park be received;

AND THAT the Chair and Corporate Officer be authorized to execute the Statutory Right of Way Agreement with BC Hydro and TELUS for Katherine Lake Park located at 4775 Garden Bay Road.

BACKGROUND

BC Hydro is replacing a number of power poles and guywire/anchors in the Garden Bay area. One guywire/anchor is within Katherine Lake Park located at 4775 Garden Bay Road, a property owned by the SCRD. In order to access the guywire/anchor for maintenance and installation, BC Hydro is requesting the SCRD grant BC Hydro and TELUS a Statutory Right of Way (SRW) over the SCRD property. BC Hydro's letter of request and Statutory Right of Way Agreement are appended as Attachment A.

The purpose of this report is to seek authority to execute the attached statutory right of way agreement.



DISCUSSION

A Statutory Right of Way is necessary for the operation and maintenance of undertakings of each of BC Hydro and TELUS on SCRD property. Ordinarily the power pole and guy wires would be located on the road right of way and BC Hydro would simply require a permit from the Ministry of Transportation and Infrastructure. However, the portion of Garden Bay Road which travels through the south east corner of Katherine Lake Park is not formally dedicated. It remains a piece of road on titled property.

Non-dedicated road travelling over property is protected by Section 42 of the *Transportation Act*, which enables the public to travel over the road and the road authority to maintain the road. This applies only to the road surface and does not apply to the shoulder and ditch where the power pole and guy wires are located. Therefore, an agreement with BC Hydro and TELUS is required to use land on titled property for their services.

The continuation and maintenance of the services is within the public interest and upgrades should be supported. If granted, the SRW allows BC Hydro and TELUS to have reasonable unobstructed access to the site, clear the area for installation and maintenance of the pole, to install service lines as required, and prune or remove trees that might create or increase danger to the workers or site.

The works are not expected to have any impact on parks operations.

The Agreement must be executed and registered in the Lands Title Office in advance of the electrical works.

Staff recommend that the Chair and Corporate Officer be authorized to execute the Statutory Right of Way Agreement with BC Hydro and TELUS for 4775 Garden Bay Road, as it allows workers to access the site safely and complete the works appropriately.

Organization and Intergovernmental Implications

None.

Financial Implications

None.

Timeline for next steps or estimated completion date

After the agreement is executed and returned to BC Hydro, it will be filed with the Land Title Office and registered on Title.

Communications Strategy

None Required.

STRATEGIC PLAN AND RELATED POLICIES

Strategic Priority: Collaboration

CONCLUSION

BC Hydro needs to replace a guywire/anchor within SCRD's Katherine Lake Park and are requesting a Statutory Right of Way to access the site and complete the works.

Staff recommend that the SCRD execute the SRW Agreement with BC Hydro and TELUS to allow them to proceed with maintenance of the existing power pole.

Attachments

Attachment A – Correspondence from BC Hydro, including letter dated January 5, 2017, Form C Charge and "duplicate copy" standard charge terms.

Reviewed by:			
Manager	X - AA	Finance	
GM	X - IH	Legislative	X - AL
CAO	X - JL	Other	



Properties

Phone: (604) 623-4595
FAX: (604) 623-3951
e-mail: carrasco.martina@bchydro.com

5 January 2017

FILE: 402-1602.0(x883)

BY E-MAIL

Angie Legault
Administration & Legislative Services
Sunshine Coast Regional District
1975 Field Road
Sechelt, BC V0N 3A1

Dear Mrs. Legault:

B.C. Hydro/TELUS Distribution Statutory Right of Way Agreement (the "**Agreement**") – property located at Katherine Lake Park, Sechelt, BC legally described as DISTRICT LOT 3680, GROUP 1 NEW WESTMINSTER DISTRICT EXCEPT PART IN PLAN 22383 (the "**Property**") – SUNSHINE COAST REGIONAL DISTRICT (the "**Owner**")

(A) Works:

B.C. Hydro and TELUS proposes to install works on the Property with the approximate location of the works shown on the drawing attached to the Agreement.

(B) B.C. Hydro Contact:

Jordana White of B.C. Hydro's Customer Projects will be the technical contact and is responsible for coordinating the installation and the energization of the electrical works contemplated in the Agreement. We suggest that you contact Jordana directly at 604-983-8240 to review the technical requirements for the installation of the electrical works on the Property.

(C) Grant of a Statutory Right of Way:

Prior to installation of the Works, we request that the Owner grant B.C. Hydro and TELUS a Statutory Right of Way.

(D) Enclosures:

Further to Jordana's request that we prepare the required documents and forward them to you for execution, enclosed are:

1. the Agreement for the Property. We request that:
 - (i) the Owner execute two copies of the Agreement - see "**Execution**" section below.
 - (ii) two originally executed copies of the Agreement be returned to our office by mail or courier so that B.C. Hydro can attend to registration in the Land Title Office (the

British Columbia Hydro and Power Authority, 12th Floor - 333 Dunsmuir Street, Vancouver, BC V6B 5R3
PO Box 8910, Vancouver, BC V6B 4X3
www.bchydro.com

"LTO"). We will mail a copy of the Agreement to the Owner after it has been fully registered.

2. Standard Charge Terms filed in the LTO. As these Standard Charge Terms form part of the Agreement, the Owner should keep a copy for their records.

The Agreement is enclosed on the understanding that no other party is authorized to proceed with electronic registration of the Agreement in the LTO without the prior written authorization of B.C. Hydro.

We recommend that the Owner obtain independent legal advice. By signing the enclosed Agreement, the Owner acknowledges that they have had an opportunity to receive legal advice.

The Agreement must be executed and registered in the LTO well in advance of energization of the electrical works.

(E) Execution:

To register the Agreement successfully, certain LTO requirements must be met. Therefore, please ensure that the Agreement is executed as follows:

Execution by a company (and/or a corporate chargeholder):

- all signatures are in dark ink;
- each authorized signatory of the company signs each copy of the Agreement and prints their full name below their signature (each printed name must include the surname and at least one given name);
- the signature of one authorized signatory of the company is witnessed by either a Solicitor, Notary Public or a Commissioner for Taking Affidavits in British Columbia employed by the company. **In the event the Agreement is to be signed outside of British Columbia but in Canada, it must be witnessed by a Solicitor or Notary Public. If it is to be signed outside of Canada, it must be witnessed in English by a Notary Public or by an individual authorized pursuant to s.63 of the Evidence Act of British Columbia*;**
- the witnessing officer prints or stamps his/her name, address, telephone number and occupation below their signature;
- if there is more than one authorized signatory signing, the witnessing officer MUST print below their signature either "(as to both signatures)" if he witnessed both signatures or "(as to the signature of _____)" if he witnessed only one signature and insert that individual's full name. **Please note that if more than one authorized signatory is required to sign on behalf of the company and they are unable to sign in the presence of the same witnessing officer, the LTO only requires one of those signatures to be witnessed by a witnessing officer;** and
- the signing date is filled in.

* Please contact our office if you would like us to forward you a separate document setting out execution instructions inclusive of a copy of s.63 of the *Evidence Act*.

(F) LTO Registration:

Once all copies of the Agreement have been executed by the Owner, please return two originally executed copies of the Agreement to our office by mail or courier, so that B.C. Hydro can attend to registration of the Agreement in the LTO.

If you have any questions about the Agreement, please call me at 604-623-4595.

Yours truly,

BRITISH COLUMBIA HYDRO
AND POWER AUTHORITY

by:

Martina Carrasco
Property Coordinator

/mc
Enclosures

cc: Jordana White, North Shore/Coastal Design
Portal Design #3987909

LAND TITLE ACT
FORM C (Section 233) CHARGE
GENERAL INSTRUMENT - PART 1 Province of British Columbia

PAGE 1 OF 3 PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

Martina Carrasco, agent for

British Columbia Hydro and Power Authority

12th Floor - 333 Dunsmuir Street

Vancouver

BC V6B 5R3

Telephone: (604) 623-4595

File: 402(x883) Jan 4, 2017

Work Task:1157986 BOE w/dwg

Deduct LTSA Fees? Yes ☒

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
 [PID] [LEGAL DESCRIPTION]

014-701-111

DISTRICT LOT 3680, GROUP 1 NEW WESTMINSTER DISTRICT EXCEPT PART IN PLAN 22383

STC? YES ☐

3. NATURE OF INTEREST

Statutory Right of Way

Statutory Right of Way

CHARGE NO.

ADDITIONAL INFORMATION

Transferee (B.C. Hydro)

Transferee (TELUS)

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) ☒ Filed Standard Charge Terms D.F. No. **ST020098**

(b) ☐ Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

SUNSHINE COAST REGIONAL DISTRICT

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

SEE SCHEDULE

7. ADDITIONAL OR MODIFIED TERMS:

SEE SCHEDULE

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

Execution Date

Y	M	D
17		

Transferor(s) Signature(s)

SUNSHINE COAST REGIONAL DISTRICT by its authorized signatory:

Print name:

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

**LAND TITLE ACT
FORM E**

SCHEDULE

PAGE 2 OF 3 PAGES

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM, OR GENERAL INSTRUMENT FORM.

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
333 Dunsmuir Street, Vancouver, BC, V6B 5R3

(As to one Statutory Right of Way)

TELUS COMMUNICATIONS INC., Inc. No. BC1101218
#1 - 15079 - 64th Avenue, Surrey, BC, V3S 1X9

(As to one Statutory Right of Way)

7. ADDITIONAL OR MODIFIED TERMS:

7.1 The Standard Charge Terms ST020098 provide in section 1.1 that the following terms are as defined in the General Instrument Part 1:

(a) The Area of the Works. The "Area of the Works" means that portion of the Land located within 3 metres of either side of the centre of the alignment of the Works.

(b) The Works. The "Works" means:

- (i) as it relates to the rights and responsibilities of B.C. Hydro, all things and components, in any combination and using any type of technology or means, necessary or convenient for the purposes of transmitting and distributing electricity and for the purpose of telecommunications, including: poles, guy wires, brackets, crossarms, insulators, transformers, anchors, attachments, access nodes, cabinets, lines, cables, all ancillary appliances and fittings, and related works; and
- (ii) as it relates to the rights and responsibilities of TELUS, all things and components, in any combination and using any type of technology or means, necessary or convenient for the purpose of telecommunications and data transmission, including: poles, guy wires, brackets, crossarms, insulators, transformers, anchors, attachments, access nodes, cabinets, lines, cables, all ancillary appliances and fittings, and related works.

7.2 The Standard Charge Terms ST020098 are amended by the addition of the following section(s):

"3.4 Each of B.C. Hydro and TELUS covenant with the Owner that notwithstanding section 2.1(a) of this Agreement that neither B.C. Hydro nor TELUS will place Works, except for service lines pursuant to section 2.1(f), anywhere upon or within the Land other than within that portion of the Land as shown approximately in heavy black outline on Drawing No. 1157986 (a copy of which is attached hereto) unless permission has been provided by the Owner, which permission will not be unreasonably withheld or delayed."



BC Hydro Distribution Work Order

Pole Plan: Municipality

Telus

MOTH

Designer: JWHITE

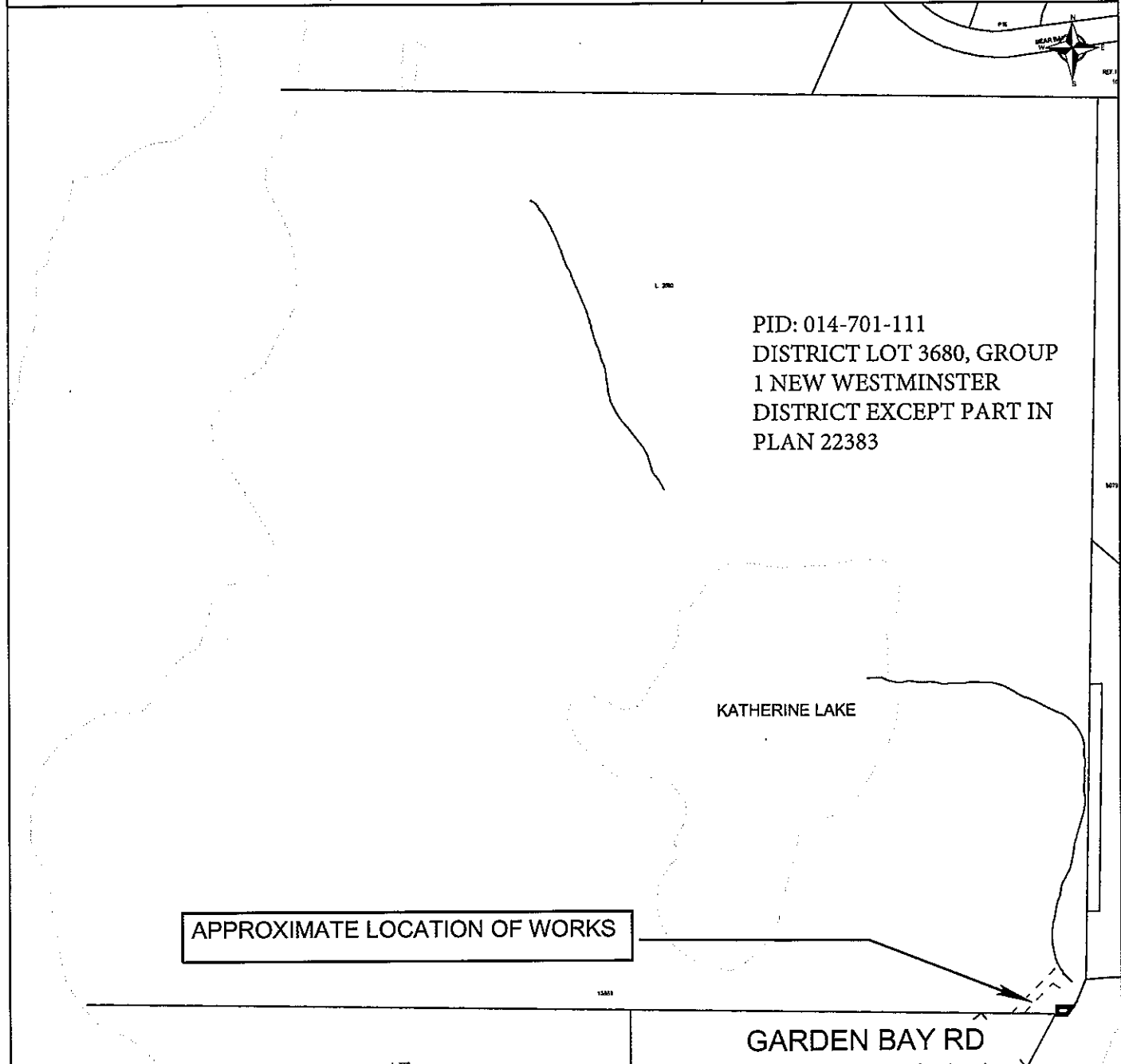
Office: Edmonds

Municipal Review

Title: LM-SEC-005 - 1PH TO 3PH
OVERHEAD UPGRADE

Location: GARDEN BAY RD & BEAR BAY RD

Municipality:

Removed Pole Annotation
9999999 z or 999 999 zwhere 9 = pole tag #
z = T (TELUS removes) or R (BCH removes)

Installed Pole Annotation

aa b cdef

001 gShh j

where aa = pole size in feet

b = pole class

c,d,e,f = incremental height codes

001 = temporary pole id

g = N (on public) or

P (on private property)

Shh = billing reason code

j = ownership reason

Description:

PA #: SEC 66537

BC Hydro Map: COA0A3

Page 12 2016-11-14

Design #: 0003987909

WO #:

Approved:

Date:

Completed:

Date:

Circuit 2562 PHR

"DUPLICATE COPY"**STANDARD CHARGE TERMS**

Filed By: British Columbia Hydro and Power Authority and TELUS Communications Inc.

BACKGROUND:

- A. Each of B.C. Hydro and TELUS wish to obtain from the Owner a statutory right of way for certain rights on, over and under the Land.
- B. The Owner has agreed to grant to each of B.C. Hydro and TELUS a statutory right of way in respect of the Land.
- C. A statutory right of way is necessary for the operation and maintenance of the undertakings of each of B.C. Hydro and TELUS.

AGREEMENTS:

In consideration of the mutual covenants and agreements contained in this Agreement and other good and valuable consideration, the receipt and sufficiency of which each party acknowledges, the parties agree as follows:

INTERPRETATION**1.1 In this Agreement:**

"Agreement" means the General Instrument Part 1 and these Standard Charge Terms;

"Area of the Works" means the Area of the Works as defined in the General Instrument Part 1, provided that if the General Instrument Part 1 contains no such definition the term "Area of the Works" shall mean that portion of the Land located within 6 metres of either side of the centre of the alignment of the Works;

"B.C. Hydro" means British Columbia Hydro and Power Authority named in Item 6 of the General Instrument Part 1 as the Transferee and all Persons authorized by B.C. Hydro;

"General Instrument Part 1" means Part 1 of the General Instrument as prescribed by the Land Title (Transfer Forms) Regulation, as amended or replaced;

"Hazardous Substance" means any substance which is defined as a hazardous substance or special waste in or by any law regulation or order of any authority having jurisdiction, and which is in the environment in excess of concentrations allowed by applicable legislation;

"Land" means the land described in Item 2 of the General Instrument Part 1;

"Owner" means the Person named in Item 5 of the General Instrument Part 1 as the Transferor;

"Person" means any association, society, corporation, individual, joint stock company, joint venture, partnership, trust, unincorporated organization, or any federal, provincial, regional, municipal, or other government or authorized agency, department or ministry thereof;

"TELUS" means TELUS Communications Inc. named in Item 6 of the General Instrument Part 1 as the Transferee and all persons authorized by TELUS;

"Underground Civil Works" means all Works which are installed in the ground on the Land including all ducts, conduits, transformer pads, and pull boxes, with the exception of padmounted transformers and cables, including any primary and secondary cables, and cables used for telecommunications, power or grounding; and

"Works" means the Works as defined in the General Instrument Part 1, provided that if the General Instrument Part 1 contains no such definition the term "Works" shall mean:

- (a) as it relates to the rights and responsibilities of B.C. Hydro, all things and components, in any combination and using any type of technology or means, necessary or convenient for the purposes of transmitting and distributing electricity and for the purpose of telecommunications, including: poles, guy wires, brackets, crossarms, insulators, above ground or underground transformers, anchors, attachments, overhead or underground lines and cables, underground conduits and pipes of every kind, together with access nodes, cabinets, all ancillary appliances and fittings, including any associated protective installations, and related works; and
- (b) as it relates to the rights and responsibilities of TELUS, all things and components, in any combination and using any type of technology or means, necessary or convenient for the purpose of telecommunications, including: poles, guy wires, brackets, crossarms, insulators, above ground or underground transformers, anchors, attachments, overhead or underground lines and cables, underground conduits and pipes of every kind, together with access nodes, cabinets, all ancillary appliances and fittings, including any associated protective installations, and related works.

- 1.2 This Agreement will be governed by, construed and enforced in accordance with the laws in force in British Columbia.
- 1.3 If the singular, masculine or neuter is used in this Agreement the same will be deemed to include reference to the plural, feminine, or body corporate or politic according to the context in which it is used.
- 1.4 The word "including" when following any general statement, term, or matter is not to be construed to limit such general statement, term, or matter to the specific items set forth immediately following such word or to similar items but rather such general statement, term, or matter is to be construed to refer to all other items that could reasonably fall within the broadest possible scope of such general statement, term, or matter.

GRANT OF STATUTORY RIGHT OF WAY

- 2.1 The Owner grants separately to each of B.C. Hydro and TELUS, forever, the right, and statutory right of way to:
- (a) excavate for, construct, install, replace, upgrade, operate, maintain, remove and repair the Works on, in, under, through, over or across the Land;
 - (b) clear the Area of the Works and to keep it cleared (including pruning or removal) of any trees or growth;
 - (c) clear the Area of the Works and to keep it cleared of all or any part of any obstruction, structure, building, improvement or other matter which, in the reasonable opinion of B.C. Hydro or TELUS might:
 - (i) interfere with the exercise of its rights; or
 - (ii) create or increase any danger or hazard to the Works or to Persons or property in relation to the Works;
 - (d) enter, work, pass and repass on, and along the Area of the Works;
 - (e) have reasonable unobstructed access over the Land to and from the Area of the Works for all purposes relating to this Agreement;
 - (f) install service lines as required, for the transmission and distribution of electricity or for telecommunication purposes, over the Land from the Area of the Works to buildings and structures on the Land or on immediately adjacent land, or to street lights on public roads adjacent to the Land;
 - (g) prune or remove trees on the Land that in the reasonable opinion of B.C. Hydro or TELUS, might create or increase any danger or hazard to the Works or to Persons or property in relation to the Works;
 - (h) have exclusive use and occupation of all Underground Civil Works, whether the property of the Owner, B.C. Hydro or TELUS, on the Land that are from time to time used or installed for use by B.C. Hydro or TELUS; and
 - (i) do all things necessary or incidental to the undertakings of B.C. Hydro or TELUS in connection with the above.

COVENANTS OF B.C. HYDRO AND TELUS

- 3.1 B.C. Hydro covenants with the Owner that if it damages any structures, buildings or improvements outside the Area of the Works, or cuts or damages any crops or merchantable timber owned by the Owner anywhere on the Land, and such damage is not caused as a result of the Owner's breach of the terms of this Agreement or the negligence or willful act of the Owner, TELUS or their respective contractors, or those Persons for whom the Owner or TELUS are responsible at law, that it will:
- (a) compensate the Owner for such damages to structures, buildings, improvements, crops or merchantable timber; or

- (b) within a reasonable period of time, repair in a good and workmanlike manner any damaged structure, building or improvement, as closely as is practicable to its condition immediately prior to the damage.
- 3.2 TELUS covenants with the Owner that if it damages any structures, buildings or improvements outside the Area of the Works, or cuts or damages any crops or merchantable timber owned by the Owner anywhere on the Land, and such damage is not caused as a result of the Owner's breach of the terms of this Agreement or the negligence or willful act of the Owner, B.C. Hydro or their respective contractors, or those Persons for whom the Owner or B.C. Hydro are responsible at law, that it will:
- (a) compensate the Owner for such damages to structures, buildings, improvements, crops or merchantable timber; or
 - (b) within a reasonable period of time, repair in a good and workmanlike manner any damaged structure, building or improvement, as closely as is practicable to its condition immediately prior to the damage.
- 3.3 B.C. Hydro and TELUS each covenant separately with the Owner to :
- (a) take reasonable steps not to interfere unduly with the drainage of the Land in the exercise of their respective rights; and
 - (b) indemnify the Owner against all liability incurred by the Owner out of any claim made by any Person for injury or harm to Persons or property caused by the negligence or willful act of B.C. Hydro or TELUS, in the exercise of their respective rights under this Agreement or caused by the use or placement of Hazardous Substances on the Land by B.C. Hydro or TELUS, on the following conditions:
 - (i) the Owner will immediately provide written notice of the claim to B.C. Hydro and TELUS and resist that claim if and to the extent required by B.C. Hydro and TELUS. B.C. Hydro and TELUS will reimburse the Owner for all reasonable and necessary costs incurred by the Owner in resisting such claim;
 - (ii) B.C. Hydro and TELUS will not indemnify the Owner in respect of any claim for injury or harm to Persons or property caused by the Owner's breach of this Agreement or by the negligence or willful act of the Owner, its contractors or those Persons for whom the Owner is responsible at law; and
 - (iii) B.C. Hydro and TELUS will not indemnify the Owner in respect of claims arising out of, or in connection with, the negligence or willful act of the other.

COVENANTS AND AUTHORIZATIONS OF OWNER

- 4.1 The Owner covenants with each of B.C. Hydro and TELUS that, unless B.C. Hydro and TELUS both give their prior written permission (which permission may be given subject to terms and conditions), the Owner will not do or knowingly permit to be done, any act or thing which, in the reasonable opinion of B.C. Hydro or TELUS, might:

- (a) interfere with the exercise of any rights granted to B.C. Hydro or TELUS;
 - (b) impair the operating efficiency of any part of the Works;
 - (c) obstruct the access of B.C. Hydro or TELUS to any part of the Works; or
 - (d) create or increase any danger to the Works or to Persons or property in relation to the Works.
- 4.2 Without limiting the generality of section 4.1 the Owner covenants with each of B.C. Hydro and TELUS that, unless both B.C. Hydro and TELUS give their prior written permission (which permission may be given subject to terms and conditions), the Owner will not:
- (a) diminish or increase the ground elevation in the Area of the Works by any method including, piling any material or creating any excavation, drain or ditch in the Area of the Works;
 - (b) carry out blasting or logging operations on or near any portion of the Area of the Works; or
 - (c) make, place, erect, operate, use, maintain or permit any obstruction, structure, building, or improvement on, under or over the Area of the Works.
- 4.3 The Owner authorizes B.C. Hydro and TELUS or their agents to insert the number assigned by the relevant Land Title Office to the Plan, if any, described in Item 2 of the General Instrument Part 1.

MUTUAL COVENANTS

- 5.1 The Owner, B.C. Hydro and TELUS mutually covenant and agree among them that:
- (a) if either B.C. Hydro or TELUS elect to pay compensation pursuant to section 3.1(a) or 3.2(a), and the Owner and whichever of B.C. Hydro or TELUS that made the election cannot agree on the amount of compensation to be paid, then the matter in dispute shall be settled by arbitration by a single arbitrator under the *Commercial Arbitration Act* of British Columbia;
 - (b) unless otherwise agreed by the parties any merchantable timber on the Land which is owned by the Owner and cut by B.C. Hydro or TELUS in the exercise of their rights under this Agreement will become the property of the party that cut the timber;
 - (c) if either B.C. Hydro or TELUS cut timber on the Land which is owned by the Crown, then the party that cut the timber will pay all royalties, scaling fees and other charges which are properly levied by the Crown against such timber;
 - (d) nothing in this Agreement will in any way abrogate from or affect any rights, powers, exemptions or privileges, including any powers of expropriation, which B.C. Hydro or TELUS may have under any private or public statutes, by-laws, orders, regulations or any other laws, or agreements it has with the Owner or which are registered against title to the Land;

- (e) failure to enforce any covenant or restriction contained in this Agreement for a breach or violation of any covenant or right contained in this Agreement will not in any way constitute a waiver, in whole or in part, of any of the injured party's rights or remedies;
- (f) to be effective and binding between the parties a waiver must:
 - (i) be in writing; and
 - (ii) specifically identify the affected party;
- (g) a waiver only relates to a particular violation or breach and does not extend to any further or subsequent breach or violation, notwithstanding any rule of law or equity;
- (h) the Works installed will remain the property of B.C. Hydro and TELUS except to the extent specified in this Agreement;
- (i) if all or a portion of the Works are no longer required by B.C. Hydro, then B.C. Hydro will, at its cost, remove such Works (with the exception of Underground Civil Works) from the Land, unless the Owner otherwise agrees in writing, and after such removal the Underground Civil Works, to the extent that they are not already owned by the Owner, shall become the property of the Owner; and
- (j) if all or a portion of the Works are no longer required by TELUS, then TELUS will, at its cost, remove such Works (with the exception of Underground Civil Works) from the Land, unless the Owner otherwise agrees in writing, and after such removal the Underground Civil Works, to the extent that they are not already owned by the Owner, shall become the property of the Owner.

GENERAL

- 6.1 The terms "Owner", "B.C. Hydro" and "TELUS" include their respective heirs, executors, administrators, successors and assigns.
- 6.2 If the Owner is more than one Person, every covenant and agreement by the Owner in this Agreement will be joint and several.
- 6.3 This Agreement will run with the Land and will run with each part into which the Land may at any time be subdivided and each parcel into which it may at any time be consolidated, and will bind all present and subsequent owners of the Land, including their respective heirs, executors, administrators, successors, and assigns.

END OF SET

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Planning and Community Development Committee – February 9, 2017

AUTHOR: Ian Hall – General Manager, Planning and Community Development
Sam Adams – Parks Planning Coordinator

SUBJECT: **PORTS MONITORS COMMITTEE TERMS OF REFERENCE STAFF REPORT**

RECOMMENDATION

THAT the staff report titled Ports Monitors Committee Terms of Reference be received;

AND THAT the Ports Monitors Committee Terms of Reference be adopted;

AND THAT staff be authorized to proceed with advertising for members as outlined in the Terms of Reference.

BACKGROUND

At the November 10, 2016 Regular Board meeting the following recommendation was adopted:

420/16 **Recommendation No. 5** *Advisory Committees*

THAT a Ports Monitors Committee (POMO) be initiated with a new Terms of Reference and call for volunteers;

The purpose of this report is to present a draft terms of reference for a Ports Monitors (POMO) Committee. Previously the SCRD had a Public Wharves Advisory Committee which was established in 2007 and concluded in 2016.

DISCUSSION

The purpose of the POMO will be to:

- a. Provide the SCRD with input on operations issues related to ports;
- b. Provide input to long term ports planning;
- c. Act as on-the-ground eyes and ears for the SCRD;
- d. Communicate ports related information to and from community stakeholders.

Staff will select the members of the task force based on the criteria outlined in the terms of reference. The group is anticipated to begin work in late Spring 2017 and be ongoing. A review of the effectiveness of POMO will take place after 2 years.

Staff propose to recruit citizens to serve on the committee through advertisements, SCRD website and through local media and organizations associated with the communities the ports serve.

Applicants will be prompted with questions to provide a brief summary of their interests in serving as committee members. SCRD staff will recommend committee members for board selection based upon review of applicant responses.

Preference will be given to members who have experience with ports facilities and or effective communication and community connection skills.

Members will be provided opportunity to participate in educational workshops with regards to the SCRD ports function and governance structure.

The committee terms of reference are designed to help the SCRD maintain and operate the ports in a way that both meets the SCRD's strategic priorities as well as the community's needs. In addition the terms of reference provide a framework for ongoing dialogue between community stakeholders and the SCRD. Committee members will be invited to develop an understanding of the SCRD's overarching ports function roles and responsibilities which takes into account issues and opportunities related to both ports in general and the individual ports themselves.

Staff recommend that POMO is to consist of 9 representatives (with alternates), appointed by the Regional Board, from each SCRD ports – Hopkins Landing, Gambier Harbour, West Bay, Halkett Bay, Port Graves, Eastbourne, Keats Landing, Vaucroft, and Halfmoon Bay.

Basing representation on facilities aligns with the goal of having on-the-ground monitoring of each port.

FINANCIAL IMPLICATIONS

POMO will operate within the 2017 Ports Function 345 base budget. A small amount of funding for meeting and travel is available to support the committee.

STRATEGIC PLAN AND RELATED POLICIES

The attached draft terms of reference – Sunshine Coast Regional District Ports Monitors Committee – is consistent with the new SCRD Public Participation Program and is consistent with the SCRD's value of Collaboration.

CONCLUSION

Staff developed a terms of reference for the Ports Monitors (POMO) Committee to facilitate the effective maintenance and operation of SCRD ports. POMO members will help to provide on-the-ground monitoring for the respective ports and enhance communication between the SCRD and the communities served. A review of the committee's performance after a two year term will help insure the committee's ongoing effectiveness.

Appendix A: Draft Terms of Reference Sunshine Coast Regional District Ports Monitors Committee

Reviewed by:			
Manager		Finance	
GM	X - IH	Legislative	
CAO	X - JL	Other	

DRAFT TERMS OF REFERENCE

Sunshine Coast Regional District Ports Monitors (POMO) Committee

(February 2017)

1. Purpose

- 1.1 The purpose of the Sunshine Coast Regional District Ports Monitors (POMO) Committee is to:
- a. Provide the SCRD with input on operations issues related to ports;
 - b. Provide input to long term ports planning;
 - c. Act as on-the-ground eyes and ears for the SCRD;
 - d. Communicate information ports related information to and from community stakeholders.

2. Duties

- 2.1 POMO will:
- a. Meet bi-annually to review and provide feedback on information provided by staff, committee members and other stakeholders;
 - b. Communicate ports related information to and from community stakeholders.
 - c. Participate in educational workshops regarding the ports function.
- 2.2 The Committee exists at the pleasure of the SCRD Board and may be continued, dissolved, or altered based on a review of its effectiveness after each two years period.

3. Membership

- 3.1 POMO is comprised of the following members:
- a. Nine representatives – including one each from Gambier Harbour, West Bay, Eastbourne, Keats Landing, Halkett Bay, Port Graves, Vaucroft, Halfmoon Bay and Hopkins Landing. Experience with ports facilities and effective communication and community connection skills are preferred;
 - b. Members shall be appointed for a term of two years.
- 3.2 Regional District staff will be assigned to serve in a technical and leadership capacity. The role of staff may include:

Approval Date:		Resolution No.	
Amendment Date:		Resolution No.	
Amendment Date:		Resolution No.	

- a. establishing the agenda;
 - b. providing information and professional advice;
 - c. facilitating and/or co-chairing meetings;
 - d. writing reports and recommendations to the Board;
 - e. bringing such matters to the committee's attention as are appropriate for it to consider in support of Regional District Board direction;
 - f. serving as one of the communication channels to and from the Board; and
 - g. providing advice to the Board that may be at variance to a committee recommendation.
- 3.3 The Chair and Vice Chair shall be elected by the Committee at the first meeting of each year. The Chair shall be entitled to vote;
- 3.4 A Director may be appointed to serve in a liaison capacity and shall be a non-voting member. The role of the Director may include:
- a. bringing such matters to POMO's attention as are appropriate for it to consider in support of Regional District Board direction;
 - b. serving as one of the communication channels to and from the Regional District Board; and
 - c. the Director shall be a non-voting member.

4. Operations

- 4.1 POMO will meet on a bi-annual basis;
- 4.2 A majority of the voting members of the committee, as listed in section three will constitute a quorum.
- 4.3 All Committee meetings must be open to the public except where the committee resolves to close a portion of it pursuant to Section 90 of the *Community Charter*.
- 4.4 The authority of the Committee is limited as follows:
- a. POMO does not have the authority to bind the SCRCD in any way, nor engage or otherwise contact third parties, consultants, organizations or authorities in a manner which may appear to be officially representing the SCRCD.
 - b. POMO may communicate with external organizations and agencies to collect information and make inquiries.
 - c. Where POMO wishes to express opinions or make recommendations to external organizations and agencies, it must first obtain authorization from the SCRCD Board.

- 4.5 Committee members are encouraged to:
- a. attend and participate in meetings of the Committee
 - b. share experiences and ideas while maintaining an open mind to others' perspectives
 - c. report back to the Regional District staff
 - d. be able to dedicate approximately 5 hours per month to the work of the Committee
- 4.6 Members who are absent for two consecutive regularly scheduled meetings will be deemed to have resigned their position unless the absence is because of illness or injury or is with the leave of the SCRD Board.
- 4.7 In carrying out its mandate, the Committee will work towards conducting operations in a way that:
- a. improves the economic, environmental and social well-being for present and future generations;
 - b. encourages and fosters community involvement;
 - c. enhances the friendly, caring character of the community;
 - d. maintains an open, accountable and effective operation;
 - e. preserves and enhances the unique mix of natural ecosystems and green spaces in the SCRD;
 - f. is consistent with the goals and objectives of the SCRD's strategic plan; and
 - g. recognizes advisory committees are one of many channels that the Regional Board may utilize to obtain opinions and advice when making decisions.
- 4.8 The SCRD will provide a recording secretary whose duties will include:
- a. distributing agendas to the Committee members in advance of the meeting
 - b. preparing minutes of all meetings using SCRD standard practices
 - c. forwarding the minutes to the Committee Chair for review prior to submitting to the Planning and Community Development Committee
 - d. forwarding the approved minutes to the Planning and Community Development Committee for further consideration and approval.
- 4.9 Unless otherwise provided for, meetings shall be conducted in accordance with the rules of procedure set out in the SCRD Procedures Bylaw No. 474.

Approval Date:		Resolution No.	
Amendment Date:		Resolution No.	
Amendment Date:		Resolution No.	

- 4.10 Committee members are subject to the Conflict of Interest legislation outlined in Section 100 – 109 of the *Community Charter*. The terms “Council” and “Committee” shall be interchangeable for the purpose of interpretation of these sections.
- 4.11 Committee members must respect and maintain the confidentiality of the issues brought before them.
- 4.12 Committee members serve without remuneration but may be eligible to have reasonable expenses reimbursed in accordance with the SCRD Policy on Committee Volunteer Meeting Expenses.

5. Reference Documents

- 5.1 SCRD Procedure Bylaw No. 474
- 5.2 *Community Charter*, Section 100 – 109 – Conflict of Interest
- 5.3 *Community Charter*, Section 90 – Open/Closed Meetings

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Planning and Community Development Committee – February 9, 2017

AUTHOR: David Rafael, Senior Planner

SUBJECT: NATURAL RESOURCES ADVISORY COMMITTEE – REVISED TERMS OF REFERENCE

RECOMMENDATIONS

THAT the report titled Natural Resources Advisory Committee (NRAC) – Revised Terms of Reference, including the draft terms be received;

AND FURTHER THAT a report with amended Terms of Reference be brought back for future consideration after consultation with current and recent NRAC committee is completed.

BACKGROUND

The purpose of this report is to provide information and obtain direction from the Planning and Community Development Committee on proposed amendments to the NRAC terms of reference.

At the November 10, 2016 regular meeting the Board approved a recommendation to continue engagement and evolve NRAC into a working technical group and to report in Q1 2017 following consultation with committee members.

The January 2016 staff report regarding the advisory committee review specifically stated:

“The role of NRAC is to make recommendations on broad Sunshine Coast resource issues which may include timber harvesting operations and forestry plans; environmental impact of resource activities on air, land, watersheds, lakes and the ocean or other impacts; economic significance of resource use decisions; outdoor recreation natural resource issues; and other resource issues for the Sunshine Coast.

Recommendation: for this Advisory Committee to evolve into a working technical committee. The majority of the committee membership come from a technical and expertise background and their mandate is broader than just the SCRD. The advisory committee should have a network (federal and provincial) and be validated outside of the formal SCRD advisory model.”

NRAC’s current terms of reference (ToR) are included in Attachment A.

DISCUSSION

Analysis

Membership

The ToR state that membership is currently restricted to individuals however observers from senior government departments having jurisdiction over natural resources or industry representatives may be invited to attend. There is no reference to representation from organizations such as the Vancouver Aquarium Marine Science Centre, David Suzuki Foundation and so on.

Due to the meeting time (7pm) and the SCRD's location with respect to senior government staff (who are based off-Coast) it is difficult for them to attend NRAC meetings. This could be addressed by altering the meeting time to be within normal business hours to allow senior government staff to attend in person or by phone. This may require a change in the meeting venue to ensure that conference call facilities are available.

Representation could also be sought from the *shíshálh* and *Skwxwú7mesh* First Nations and local municipal governments.

Membership or representation from organizations with a provincial or federal focus could also be sought. This could assist the SCRD in considering major development proposals that are the subject of environmental assessments (EA). However such organizations are likely to participate in an EA outside of any role it may have in advising the SCRD. It is also likely that the organization would expect financial remuneration to provide technical advice or reimbursement of travel costs and related expenses. Some examples of organizations are noted above.

For balance the SCRD should also consider whether NRAC could include representation from organizations that represent resource developers such as the Clean Energy Association of BC.

Another sector to consider is local businesses (either individual or associations) and community groups with an interest in natural resource issues. This could include the local chambers of commerce, the Ruby Lake Lagoon Society and the Sunshine Coast Conservation Association.

In expanding membership, the SCRD should consider whether the additional representatives hold voting roles and contribute to establishing a quorum. Staff note that for the most part, items that are referred to NRAC arise from development proposals that require amendments to OCP and zoning bylaws, provincial referrals regarding leases or license to use Crown land, development proposals that are subject to provincial/federal environmental assessments or changes in legislation/regulations. Thus there could be a degree of either conflict of interest (in that the representative may be promoting the development or providing input into a senior government decision) or double-dipping (such as an organization influences SCRD input and also provides its own input into a decision making process).

Staff note that developers or their agents have attended meetings to answer questions about their proposal or hear the discussion.

Establishing Issue Based Engagement

An alternative to expanding the membership of NRAC is to establish a technical working group to assist the SCRD in considering major issues. For example, representatives from those sectors noted above could be invited to one or a limited number of meetings to provide its perspective on an issue. Staff note that this would be similar to the working groups that are established to assist federal/provincial environment agencies. These types of EA working group meetings are not open to the public. It is likely that to ensure participation from senior government staff it may be requested that such meetings would not be open to the public. However, a Board appointed advisory body must have open meetings unless lawfully closed. Senior government staff participation in open meetings could be possible and would need to be confirmed.

Separate public engagement could also take place, such as what currently takes place when the SCRD is considering amendments to its OCPs or zoning bylaws. Public meetings are also held for environmental assessments, although these tend to be the open-house model conducted by the proponent.

NRAC members could be asked to assist in arranging or participating in engagement activities.

Staff would seek Board direction as to whether a specific issue requires establishing a short term technical working group and the level of public engagement that takes place in addition to normal requirements. SCRD initiatives could also be subject to engagement using this model. Such engagement already takes place with respect to a range of SCRD initiated projects.

The NRAC ToR do not need to be amended to allow for this to take place, however it would be helpful to add that members may be invited to participate in working groups that may be established by the SCRD.

Changes to the Terms of Reference

The following ToR sections are either unclear and/or do not reflect current practice or SCRD policy.

1. Format

The ToR need to be updated to follow the corporate template.

2. Committee Tenure

The members' tenure is currently three years. This is not in line with other SCRD advisory committees where the tenure is two years. Members who are appointed part way through a two-year term will be appointed for the remainder of the two-year term. A set two-year term will assist SCRD staff in tracking the appointment process.

Section 3.1 (current ToR) states that the Board member shall be appointed annually whereas Section 3.2 (current ToR) states that a liaison member from the SCRD may be appointed annually. In effect these two clauses concern the same position, that of an SCRD Board Director being appointed annually. It is also not clear if that position is a voting member of NRAC or contributes to meeting the four member quorum. The Advisory

Planning Commission terms, set out in Bylaw 453 are clear that Board Directors cannot be members of an APC but may attend meetings.

It is recommended that the NRAC ToR should be amended to clarify that a Board Director, appointed annually as a liaison, is not a committee member but may attend the meetings.

3. Purpose and Role

As noted above, this section could be amended to note that members may be invited to participate in working groups that may be established by the SCRD to consider specific resource issues or development proposals.

Section 2.2 (current ToR) of the current ToR set out a range of interests/expertise that NRAC members shall have. It includes agriculture. Staff consider that this should be removed if a separate advisory committee is established to consider agricultural issues.

4. Representations to the Media

Section 4.6 (current ToR) states that “representations to the media shall be through the Committee Chair or Vice Chair.” This is not consistent with the corporate standard and should be deleted.

5. Meetings

Section 5.1 (current ToR) states that meetings shall be at least quarterly or at the call of the Chair. Current practice are:

- to schedule a meeting every other month, starting in January, at 7pm on the 3rd Wednesday of the month
- meetings are canceled if there are no items for the agenda or if it is clear before or at the start that a quorum cannot be reached; and
- that SCRD staff, in consultation with the committee Chair, may call for a meeting outside of that schedule in order to meet pressing timelines.

It is recommended that section 5.1 (current ToR) be amended to reflect current practices. Staff consider that the frequency of meetings has met the historic workloads and the option to hold meetings outside of this schedule provides flexibility.

6. Agendas, Minutes and Reports

Sections 6.3 and 6.4 (current ToR) note that the recording secretary shall have minutes approved by the Chair and then forward them to SCRD staff. There is no timeline for providing minutes to the SCRD. In practice the recording secretary provides a draft copy to the committee Chair for review and then once approved it is sent to the SCRD staff contact. Normally this takes place within 5 working days.

It is recommended that the ToR be amended to note this timeline. The recording secretary's contract should also be amended to reflect this.

7. Other Changes

The ToR refers to some SCRD organizational structure and staff titles that are no longer in use. These will be updated to use generic terms to prevent the ToR from becoming dated.

A copy of the revised draft ToR using the corporate template is provided in Attachment B.

Consultation with Committee Members

Staff sent all current and recent NRAC members, along with the NRAC Recording Secretary, a survey to seek input about how the current committee and terms of reference are functioning.

The following questions were asked:

- a. Do you consider that NRAC provides valuable advice to the SCRD?
- b. Do you consider that your views are reflected in NRAC recommendations?
- c. Would you be able to meet during regular working hours of 8:30 am to 4:30 pm? Please specify a 2 hour period you prefer.
- d. Would it assist you in making recommendations if representatives from federal/provincial agencies attend the meeting?
- e. Should local, provincial, federal organizations (both those representing developers and those involved in environmental issues) be invited to attend meetings to provide input?
- f. Would you be interested in participating in issue-specific short term working groups made up of community based/private sector organizations and representatives from First Nations, local, provincial, federal governments?
- g. Which do you consider would be of better value to assist NRAC in making recommendations:
 - i. Expanding NRAC membership to include First Nation, local, provincial, federal representation
 - or
 - ii. Establishing issues-based short term working group meetings, including representations listed above?
- h. Please add comments regarding improvements to NRAC (i.e. what could work better, what improvements should be made)

Staff will send a copy of this report with the survey to current and recent NRAC members to gather additional input. A report will be provided to a future Planning and Community Development Committee meeting setting out the feedback and provide a revised terms of reference for consideration.

Options

Option 1: Amend the Terms of Reference as set out above and amend Section 2.3 (observers).

Currently, section 2.3 (current ToR) only states that observers from senior government departments having jurisdiction over natural resources or industry representatives may be invited to attend. This could be amended to include reference to inviting observers from *shíshálh* and *Skwxwú7mesh* First Nations, organizations – industry and environmental (local/provincial/federal), the District of Sechelt and Town of Gibsons. The section could also note that the representatives may also participate in discussions.

This would increase flexibility to address issues. Staff recommend this option.

Option 2: Issues or Development-Based Working Groups

From time to time there may be significant issues that the SCRD needs to address and it may be beneficial to gather wider community input. Staff would identify when a working group should be established, propose, membership and establish a timeline for its work. The Board would approve establishing the working group.

This has taken place for a number of issues, and there is no requirement to amend the ToR to allow for this. The SCRD developed a public participation framework and is developing a public participation toolkit.

STRATEGIC PLAN AND RELATED POLICIES

The proposed amendments to NRAC and engagement with respect to natural resource issues support the Strategic Plan's Values of Collaboration and Environmental Leadership along with the following Strategic Priorities: Embed Environmental Leadership; Facilitate Community Development; Enhance Collaboration with the *shíshálh* and *Skwxwú7mesh* Nations; and Enhance Board Structures and Processes.

A report was presented to the January 26, 2017 Corporate and Administrative Services Committee regarding a revised Public Participation Framework. The Framework will guide staff when establishing issue or development-based working groups.

CONCLUSION

Staff recommend several amendments to the NRAC terms of reference to improve clarity, enhance its function and bring it in line with current policies and practices. The current ToR allows for observers, although this is limited to senior government and industry representatives. This could be expanded to allow for a wider range of observers to be invited to meetings. Staff also identify the potential for issues/development specific engagement that does not require any amendments to NRAC ToR or current SCRD policies.

Changes are summarized in the report.

A copy of the draft ToR, using the corporate template with the above revisions is included in Attachment B. A copy of this report will be sent to current and recent NRAC members to gather additional input. A report will be provided to a future Planning and Community Development Committee meeting setting out the feedback and provide a revised terms of reference for consideration.

Attachments

Attachment A – Sunshine Coast Regional District Natural Resources Advisory Committee
Terms of Reference (as Amended April 25, 2013)

Attachment B – Draft Sunshine Coast Regional District Natural Resources Advisory Committee
Terms of Reference

Reviewed by:			
Manager	X - AA	Finance	
GM	X - IH	Legislative	X - AL
CAO	X - JL	Other	

ATTACHMENT A

CURRENT TERMS OF REFERENCE

SUNSHINE COAST REGIONAL DISTRICT NATURAL RESOURCES ADVISORY COMMITTEE

(Adopted November 25, 2004)
(Amended March 9, 2006 resolution 194/06 Rec #33)
(Amended January 17, 2008 resolution 012/08 Rec #23)
(Amended April 25, 2013 resolution 199/13)

1. DEFINITION

The Committee shall be known as the SCRD Natural Resources Advisory Committee (NRAC)

2. COMPOSITION AND CHAIR

2.1 This SCRD Committee shall consist of twelve members of the public as appointed by the SCRD Board with the intent to achieving diversity in:

- Employment/Business
- Education & Training
- Community Involvement
- Outdoor Activities
- Location of Residence

2.2 Individuals shall have an interest and/or expertise in one or more of the following: natural resources issues, community development, watershed issues, agriculture, outdoor recreation, biodiversity, tourism, economic development. An effort will be made to ensure that a wide range of interests and expertise are represented on the Committee.

2.3 Observers from senior government departments having jurisdiction over natural resources or industry representatives may be invited to attend.

2.4 The Committee shall elect its own Chair and Vice Chair.

2.5 SCRD staff shall participate as outlined in Section 8

3. COMMITTEE TENURE

3.1 All members of the public shall serve for three years and members' terms may be renewed. The Board member shall be appointed or re-appointed annually.

3.2 A liaison member from the SCRD may be appointed annually.

4. PURPOSE AND ROLE

- 4.1 To make recommendations to the Planning and Development Committee on broad Sunshine Coast resource issues which may include:
- Timber harvesting operations and forestry plans
 - Environmental impact of resource activities on air, land, watersheds, lakes and the ocean or other impacts
 - Economic significance of resource use decisions
 - Outdoor recreation natural resource issues
 - Other resource issues for the Sunshine Coast
- 4.2 Typical member involvement is as follows:
- To attend meetings and to be prepared to discuss policy implications of existing or proposed resource use or legislation
 - To provide recommendations on plans or proposals submitted to the SCRD by referral agencies when time permits
 - Advise on industry or socio-economic trends which may affect resource use, employment or the environment
 - To comment on existing or proposed government regulations affecting natural resources on the Sunshine Coast
- 4.3 An NRAC member may be requested to be in attendance at any Planning and Development Committee meeting at which NRAC recommendations are being considered in order to provide additional information as required.
- 4.4 SCRD Board resolutions and bylaws including conflict of interest provisions shall govern NRAC.
- 4.5 No member of NRAC may engage or otherwise contact third parties, consultants, organisations or authorities in a manner, which may appear to be officially representing the SCRD.
- 4.6 Representations to the media shall be through the Committee Chair or Vice Chair.
- 4.7 Volunteers to the Committee shall serve without remuneration but may be paid reasonable and necessary expenses that arise directly out of the performance of their duties, in accordance with SCRD policy.

5. MEETINGS

- 5.1 The Committee shall meet *at least* quarterly or at the call of the Chair.
- 5.2 A quorum of the Committee shall be four (4) of the appointed members.
- 5.3 All formal recommendations of the Committee shall be in the form of officially recorded resolutions duly passed by a majority of members present. Individual members of the

NRAC are invited to provide a minority option or comments notwithstanding the NRAC formal recommendation.

6. AGENDAS, MINUTES AND REPORTS

- 6.1 The SCRCD shall provide a recording secretary.
- 6.2 The recording secretary shall prepare all meeting agendas and distribute them to the Committee members in advance of a meeting.
- 6.3. The recording secretary shall prepare minutes of all meetings using SCRCD standard practices and have them approved by the Chair.
- 6.4 The recording secretary shall forward the minutes of the Committee to Planning & Development Division staff for placement on a SCRCD Planning and Development Committee agenda.

7. GENERAL MATTERS

- 7.1 The SCRCD may by resolution, dissolve the NRAC, remove a member at any time and amend these Terms of Reference.
- 7.2 Committee meetings are open to the public, and, the Committee may meet In Camera in accordance with the provisions of the *Local Government Act*. Input from the floor shall be at the discretion of the Chair.

8. SUMMARY OF SCRCD STAFF RESPONSIBILITIES

Chief Administrative Officer:

- May make independent recommendations to the SCRCD Board, which may or may not be consistent with NRAC recommendations.

General Manager of Community Services:

- May provide advice to the NRAC and manages related staff resources within Community Services Department

Other SCRCD staff:

- Provides logistical and other support to Committee consistent with these Terms of Reference, as requested by the Chair and approved by their manager.
- Provides technical and other services consistent with the budget and work plan under direction of General Manager or Manager.

Committee Recording Secretary:

- Assists Committee as per its terms of reference.
- Organises meeting logistics e.g. location, room, supplies and equipment.
- Prepares and distributes agendas in consultation with the Chair
- Prepares minutes of Committee meetings
- Other duties as requested by General Manager or Manager.

ATTACHMENT B

DRAFT TERMS OF REFERENCE

SUNSHINE COAST REGIONAL DISTRICT NATURAL RESOURCES ADVISORY COMMITTEE

(Adopted November 25, 2004)
(Amended March 9, 2006 resolution 194/06 Rec #33)
(Amended January 17, 2008 resolution 012/08 Rec #23)
(Amended April 25, 2013 resolution 199/13)

1. Purpose

- 1.1 The purpose of the Natural Resource Advisory Committee (NRAC) is to advise the SCRD Board on resource issues and developments that may have an impact on the Sunshine Coast Regional District.

2. Duties

- 2.1 NRAC will review and provide recommendations to the SCRD Board on resource issues which may include:
- a. development proposals with potential significant impact on resource use;
 - b. environmental impact of resource activities on air, land, watersheds, lakes and the ocean or other impacts;
 - c. zoning Bylaw and Official Community Plan amendments;
 - d. timber harvesting operations and forestry plans;
 - e. existing or proposed government regulations affecting natural resources on the Sunshine Coast;
 - f. plans or proposals submitted to the SCRD by referral agencies;
 - g. economic significance of resource use decisions;
 - h. natural resource implications of outdoor recreation issues; and
 - i. other resource issues for the Sunshine Coast.
- 2.2 In review of the resource issues and bylaw amendments, NRAC shall advise on:
- a. policy implications of existing or proposed resource use or legislation;
 - b. industry or socio-economic trends which may affect resource use, employment or the environment.
- 2.3 NRAC members may be invited to participate in working groups that may be established

by the SCRD Board to consider specific resource issues or development proposals.

- 2.4 An NRAC member may be requested to be in attendance at any Planning and Community Development Committee meeting at which NRAC recommendations are being considered in order to provide additional information as required.
- 2.5 NRAC exists at the pleasure of the SCRD Board and may be reconstituted as required.

3. Membership

- 3.1 NRAC shall consist of up to 12 members appointed by the SCRD Board.
- 3.2 Individuals shall have an interest and/or expertise in one or more of the following:
- a. natural resources issues;
 - b. community development;
 - c. watershed issues;
 - d. outdoor recreation;
 - e. biodiversity;
 - f. tourism;
 - g. economic development.
- 3.3 An effort will be made to ensure that a wide range of interests, expertise and diverse representation from each Electoral Area and Municipality are represented on the Committee.
- 3.4 Members shall be appointed for a term of two years.
- 3.5 Members who are appointed part way through a two-year term will be appointed for the remainder of the two-year term.
- 3.6 The following observers with an interest or expertise of natural resources issues may be invited to attend and participate in discussions:
- a. *shíshálh* and *Skwxwú7mesh* First Nations;
 - b. District of Sechelt;
 - c. Town of Gibsons;
 - d. senior government departments;
 - e. organizations, such as industry representatives and not-for-profits; and
 - f. others as identified.

- 3.7 Regional District staff may be assigned to serve in a technical and leadership capacity. The role of the staff may include:
- a. establishing the agenda;
 - b. providing information and professional advice;
 - c. facilitating and/or co-chairing meetings;
 - d. writing reports and recommendations to the SCRD Board thereby serving as one of the communication channels to and from the SCRD Board; and
 - e. bringing such matters to NRAC's attention as are appropriate for it to consider in support of SCRD Board direction;
- 3.8 A Director may be appointed annually to serve in a liaison capacity and shall be a non-voting member. The role of the Director may include:
- a. bringing such matters to NRAC's attention as are appropriate for it to consider in support of SCRD Board direction;
 - b. serving as one of the communication channels to and from the SCRD Board; and
- 3.9 The Chair and Vice Chair shall be elected from the NRAC membership at the first meeting of each year. The Chair and Vice Chair shall be entitled to vote.
- 3.10 Members who are absent for four consecutive regularly scheduled meetings will be deemed to have resigned their position unless the absence is because of illness or injury or is with the leave of the SCRD Board.

4. Operations

- 4.1 NRAC will meet every other month, starting in January, at 7pm on the 3rd Wednesday of the month.
- 4.2 At all meetings, four members shall constitute a quorum.
- 4.3 NRAC meetings will be canceled if there are no referrals for an Agenda or if quorum is not met.
- 4.4 All Committee meetings must be open to the public except where the committee resolves to close a portion of it pursuant to Section 90 of the *Community Charter*.
- 4.5 SCRD staff, in consultation with the Committee Chair, may call for a meeting outside of that schedule in order to meet pressing timelines.

4.6 The authority of NRAC is limited as follows:

- a. NRAC does not have the authority to bind the SCRD in any way, nor engage or otherwise contact third parties, consultants, organizations or authorities in a manner which may appear to be officially representing the SCRD.
- b. NRAC may communicate with external organizations and agencies to collect information and make inquiries.
- c. Where NRAC wishes to express opinions or make recommendations to external organizations and agencies, it must first obtain authorization from the SCRD Board.

4.7 Committee members are encouraged to:

- a. attend and participate in meetings of NRAC;
- b. share experiences and ideas while maintaining an open mind to others' perspectives;
- c. be able to dedicate approximately five hours per meeting to the work of the Committee.

4.8 In carrying out its mandate, the Committee will work towards conducting operations in a way that:

- a. improves the economic, environmental and social well-being for present and future generations;
- b. encourages and fosters community involvement;
- c. enhances the friendly, caring character of the community;
- d. maintains an open, accountable and effective operation;
- e. preserves and enhances the unique mix of natural ecosystems and green spaces in the SCRD;
- f. is consistent with the goals and objectives of the SCRD's strategic plan; and
- g. recognizes advisory committees are one of many channels that the Regional Board may utilize to obtain opinions and advice when making decisions.

4.9 The SCRD will provide a recording secretary whose duties will include:

- a. organizing meeting room, supplies and equipment;
- b. distributing meeting agendas to NRAC members in advance of the meeting;
- c. preparing minutes of all meetings using SCRD standard practices;

- d. forwarding the minutes to the NRAC Chair for review prior to submitting to the SCRD Planning and Development Division within five (5) business days of the meeting.
- 4.10 Unless otherwise provided for, meetings shall be conducted in accordance with the rules of procedure set out in the SCRD Procedures Bylaw No. 474.
- 4.11 NRAC members are subject to the Conflict of Interest legislation outlined in Section 100 – 109 of the Community Charter. The terms “Council” and “Committee” shall be interchangeable for the purpose of interpretation of these sections.
- 4.12 NRAC members must respect and maintain the confidentiality of the issues brought before them.
- 4.13 NRAC members serve without remuneration but may be eligible to have reasonable expenses reimbursed in accordance with the SCRD Policy on Committee Volunteer Meeting Expenses.

5. Reference Documents

- 5.1 SCRD Procedure Bylaw No. 474
- 5.2 *Community Charter*, Section 100 – 109 – Conflict of Interest
- 5.3 *Community Charter*, Section 90 – Open/Closed Meetings

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Planning and Community Development Committee – February 9, 2017

AUTHOR: Lesley-Ann Staats, Planner

SUBJECT: AGRICULTURAL ADVISORY COMMITTEE – UPDATED TERMS OF REFERENCE

RECOMMENDATIONS

THAT the report titled Agricultural Advisory Committee – Updated Terms of Reference be received;

AND THAT the updated Agricultural Advisory Committee Terms of Reference be approved.

BACKGROUND

At its regular meeting on November 10, 2016, the Regional Board adopted resolution 420/16 as follows:

Recommendation No. 4 *Agricultural Advisory Committee*

THAT consideration be given to retaining the Agricultural Advisory Committee (AAC) as a Sunshine Coast Regional District (SCRD) technical referral entity;

AND THAT staff prepare new Terms of Reference outlining how the Committee could be restructured to provide technical information within the scope of the SCRD's jurisdiction;

AND FURTHER THAT staff report back in the first quarter of 2017 with Terms of Reference for an AAC.

The purpose of this report is to review proposed Terms of Reference for the Agricultural Advisory Committee (AAC).

DISCUSSION

Using a model prepared by the Ministry of Agriculture, Food and Fisheries for an AAC, staff drafted a revised Terms of Reference with the SCRD template, and narrowed the scope to fit within the SCRD's jurisdiction.

The 2017 Draft Terms of Reference is appended as Attachment A. The current 2009 Terms of Reference is appended as Attachment B, for comparison.

Changes to the Terms of Reference

The revised Terms of Reference reflect the following changes:

- The SCRDR terms of reference template provides more clarity and detail by defining purpose, duties, membership, and operations
- The *AAC Process Guidelines Supplement to the AAC Terms of Reference* has been incorporated into the Terms of Reference document and contradictions have been deleted
- The purpose of the AAC is ‘to advise the Regional Board on agricultural issues on the Sunshine Coast’
- The revised terms of reference includes the following additional duties:
 - reviewing the effectiveness of noxious insect and weed control regulations and programs
 - advising on opportunities for irrigation works, specifically the safe use of non-potable water
 - examining impacts of park and recreation proposals on agriculture, and
 - examining the impact of transportation and utility corridors on agriculture
- The Food Policy Council has been deleted as a subcommittee of the AAC, as it no longer exists.
- Forwarding minutes to the District of Sechelt and Town of Gibsons for information has been deleted as it was not routinely implemented.
- The size of the AAC has decreased to ten (10) members from fourteen (14)
- Membership shall include diverse representation from each Electoral Area and Municipality with knowledge or experience in agriculture, agri-tourism, soils, processing and distribution, and water management.
- Members who are appointed part way through a two-year term will be appointed for the remainder of the two-year term. A set two-year term will assist SCRDR staff in tracking the appointment process.
- Members constituting quorum is now four (4) instead of five (5)
- SCRDR staff are assigned to serve in a technical and leadership capacity, instead of a liaison capacity
 - SCRDR staff establish the agenda instead of the AAC Chair (with this change, agenda items can be framed within SCRDR jurisdiction)

- SCRD staff facilitate and/or co-chair the meetings
- A Director has been added to as a non-voting member to serve in a liaison capacity.
- The meeting day, time and location are clearly defined with a caveat that meetings are cancelled if no items are available for an agenda.
- The Recording Secretary is required to provide minutes to the SCRD staff member within 5 business days of the meeting.

Organization and Intergovernmental Implications

The workload requirements for maintaining the AAC will remain the same. A Recording Secretary is required once a month to collect and prepare minutes from each meeting. A staff member should continue to attend the meetings in a technical, professional, and facilitator role.

Financial Implications

No change.

Communications Strategy

Upon approval of the Terms of Reference, advertising for new committee members will commence.

STRATEGIC PLAN AND RELATED POLICIES

- Strategic Priority: Facilitate Community Development
- Strategic Priority: Recruit, Retain and Acknowledge Staff and Volunteers
- Strategic Priority: Enhance Board Structure and Process

CONCLUSION

This report provides a revised draft Terms of Reference for the Agricultural Advisory Committee using a model prepared by the Ministry of Agriculture, Food and Fisheries with a scope that has been narrowed to fit within the SCRD's jurisdiction.

Attachment

Attachment A – 2017 Draft AAC Terms of Reference

Attachment B – 2009 AAC Terms of Reference

Reviewed by:			
Manager	X - AA	Finance	
GM	X - IH	Legislative	X - AL
CAO	X - JL	Other	X - SW

DRAFT TERMS OF REFERENCE

AGRICULTURAL ADVISORY COMMITTEE

1. Purpose

- 1.1 The purpose of the Agricultural Advisory Committee (AAC) is to advise the SCRD Board on agricultural issues on the Sunshine Coast including:
- a. Applications initiated under the *Agricultural Land Commission Act* (ALCA);
 - b. Applications to amend official community plans and applicable bylaws;
 - c. Assisting with comprehensive reviews, development, or implementation of
 - i. bylaws;
 - ii. official community plans;
 - iii. agricultural area plans;
 - iv. park and recreational plans; and
 - v. transportation plans;
 - d. Development proposals with potential significant impacts on agriculture;
 - e. Water supply and demand management issues; and
 - f. Effectiveness of noxious insect and weed control regulations and programs.

2. Duties

- 2.1 The AAC will provide recommendations on:
- a. raising awareness of agriculture;
 - b. enhancing an understanding of agriculture's role in the local and Sunshine Coast economy;
 - c. addressing demand for Non-Farm Use or Exclusion of the agricultural land base;
 - d. examining legislation and amendments to legislation to identify improvements to support agriculture;
 - e. advising on opportunities for irrigation works, specifically the safe use of non-potable water;
 - f. examining the impacts of park and recreation proposals on agriculture; and

Approval Date:		Resolution No.	
Amendment Date:		Resolution No.	
Amendment Date:		Resolution No.	

- g. examining the impact of transportation and utility corridors on agriculture.
- 2.2 In review of the ALCA applications and bylaw amendments, the AAC shall advise on:
 - a. the effect of the proposal on the agricultural potential of the subject property;
 - b. the effect of the proposal on adjacent Agricultural Land Reserve (ALR) properties and surrounding agricultural production;
 - c. the effect of the proposal on water resources and transportation issues;
 - d. a rating of the priority or impact of the application on the maintenance of the ALR;
 - e. where appropriate, possible alternatives to the proposal; and
 - f. the identification of issues relating to the protection of the ALR lands specific to the application, including the use of appropriate buffering techniques aimed at enhancing land use compatibility.
- 2.2 The AAC exists at the pleasure of the SCRD Board and may be reconstituted as required.

3. Membership

- 3.1 The AAC shall consist of up to ten (10) members appointed by the SCRD Board.
- 3.2 Membership shall include diverse representation from each Electoral Area and Municipality.
- 3.3 Members shall have knowledge and/or experience in
 - a. agriculture;
 - b. agri-tourism;
 - c. soils;
 - d. processing and distribution; and/or
 - e. water management.
- 3.4 Members shall be appointed for a term of two (2) years.
- 3.5 Members who are appointed part way through a two-year term will be appointed for the remainder of the two-year term.
- 3.4 Regional District staff may be assigned to serve in a technical and leadership capacity. The role of the staff may include:
 - a. establishing the agenda;

- b. providing information and professional advice;
 - c. facilitating and/or co-chairing meetings;
 - d. writing reports and recommendations to the SCRD Board thereby serving as one of the communication channels to and from the SCRD Board; and
 - e. bringing such matters to the AAC's attention as are appropriate for it to consider in support of SCRD Board direction;
- 3.5 A Director may be appointed to serve in a liaison capacity and shall be a non-voting member. The role of the Director may include:
- a. bringing such matters to the AAC's attention as are appropriate for it to consider in support of SCRD Board direction; and
 - b. serving as one of the communication channels to and from the SCRD Board.
- 3.6 The Chair and Vice Chair shall be elected from the AAC membership at the first meeting of each year. The Chair and Vice-Chair shall be entitled to vote.
- 3.7 Members who are absent for four consecutive regularly scheduled meetings will be deemed to have resigned their position unless the absence is because of illness or injury or is with the leave of the SCRD Board.

4. Operations

- 4.1 The AAC meets on the fourth (4th) Tuesday of the month at 3:30 pm at the SCRD Office at 1975 Field Road, Sechelt, BC.
- 4.2 At all meetings, four (4) members shall constitute a quorum.
- 4.3 AAC meetings will be canceled if there are no referrals for an Agenda or if quorum is not met.
- 4.4 All AAC meetings must be open to the public except where the AAC resolves to close a portion of it pursuant to Section 90 of the *Community Charter*.
- 4.5 The authority of the AAC is limited as follows:
- a. The AAC does not have the authority to bind the SCRD in any way, nor engage or otherwise contact third parties, consultants, organizations or authorities in a manner which may appear to be officially representing the SCRD.
 - b. The AAC may communicate with external organizations and agencies to collect information and make inquiries.
 - c. Where the AAC wishes to express opinions or make recommendations to external organizations and agencies, it must first obtain authorization from the SCRD Board.

Approval Date:		Resolution No.	
Amendment Date:		Resolution No.	
Amendment Date:		Resolution No.	

- 4.6 AAC members are encouraged to:
- a. attend and participate in meetings of the AAC
 - b. share experiences and ideas while maintaining an open mind to others' perspectives
 - c. be able to dedicate approximately five (5) hours per month to the work of the AAC
- 4.7 In carrying out its mandate, the AAC will work towards conducting operations in a way that:
- a. improves the economic, environmental and social well-being for present and future generations;
 - b. encourages and fosters community involvement;
 - c. enhances the friendly, caring character of the community;
 - d. maintains an open, accountable and effective operation;
 - e. preserves and enhances the unique mix of natural ecosystems and green spaces in the SCRD;
 - f. is consistent with the goals and objectives of the SCRD's strategic plan; and
 - g. recognizes advisory committees are one of many channels that the SCRD Board may utilize to obtain opinions and advice when making decisions.
- 4.8 The SCRD will provide a recording secretary whose duties will include:
- a. organizing the meeting room, supplies and equipment
 - b. distributing agendas to the AAC members in advance of the meeting
 - c. preparing minutes of all meetings using SCRD standard practices
 - d. forwarding the minutes to the AAC Chair for review prior to submitting to the SCRD Planning and Development Division within five (5) business days of the meeting.
- 4.9 Unless otherwise provided for, meetings shall be conducted in accordance with the rules of procedure set out in the SCRD Procedures Bylaw No. 474.
- 4.10 AAC members are subject to the Conflict of Interest legislation outlined in Section 100 – 109 of the *Community Charter*. The terms "Council" and "Committee" shall be interchangeable for the purpose of interpretation of these sections.
- 4.11 AAC members must respect and maintain the confidentiality of the issues brought before them.

- 4.12 AAC members serve without remuneration but may be eligible to have reasonable expenses reimbursed in accordance with the SCRD Policy on Committee Volunteer Meeting Expenses.

5. Reference Documents

- 5.1 SCRD Procedure Bylaw No. 474
- 5.2 *Community Charter*, Section 100 – 109 – Conflict of Interest
- 5.3 *Community Charter*, Section 90 – Open/Closed Meetings

Approval Date:		Resolution No.	
Amendment Date:		Resolution No.	
Amendment Date:		Resolution No.	

TERMS OF REFERENCE
SUNSHINE COAST REGIONAL DISTRICT
AGRICULTURAL ADVISORY COMMITTEE

(Amended: Motions #494/09, #517/09, #088/11, #319/11, #383/11, #523/14)

Purpose and Role:

The Agricultural Advisory Committee *shall* make recommendations on the following planning issues referred to it by the Regional District, Town of Gibsons, or District of Sechelt:

1. Applications initiated under the Agricultural Land Commission Act (ALCA);
2. Applications to amend official community plans and zoning bylaws affecting ALR lands;
3. Transportation plans within or adjacent to the ALR;
4. Major development proposals with potential impact on the ALR.

In the review of ALCA applications, the Agricultural Advisory Committee *should* comment on the following:

1. The effect of the proposal on the agricultural potential of the subject property;
2. The effect of the proposal on adjacent ALR properties and surrounding agricultural production;
3. The impact of the application on the maintenance of the ALR;
4. Where appropriate, possible alternatives to the proposal;
5. The identification of issues relating to the protection of the ALR lands specific to the application, including the use of appropriate buffering techniques aimed at enhancing land use compatibility;
6. Irrigation, drainage and other water management issues affecting the ALR.

The Agricultural Advisory Committee *may* also make recommendations on:

1. Raising awareness of agriculture;
2. Enhancing an understanding of agriculture's role in the local and /or regional economy;
3. Addressing competition for the agricultural land base;
4. Examining bylaws and legislation to identify improvements to support agriculture throughout the Sunshine Coast.

The Food Policy Council Working Group may be a subcommittee of the Agricultural Advisory Committee and if so:

1. The Food Policy Council Working Group will advise the Agricultural Advisory Committee on food policy considerations; and
2. The Food Policy Council Working Group will include at least one member of the Agricultural Advisory Committee.

Member Composition and Qualifications:

The Committee will consist of up to 14 members. Where possible, regional representation is strived for in membership.

Unless sufficient appointees can not be found, there shall be at least one member from each of the Town of Gibsons and District of Sechelt, and least five members from the Electoral Areas.

Recruitment:

The Regional District will recruit members to serve on the Committee by advertisements in the local paper and Regional District website as well as contacting the District of Sechelt and Town of Gibsons and other individuals and organizations. The Regional District Board of Directors will appoint Committee members from the interested candidates for a maximum term of 2 years commencing in February 2009.

Meeting Requirements:

The Committee will hold meetings not more than once per month and not less than once every two months.

Procedures:

1. The Committee will elect a chairperson and vice chair.
2. Five appointed members will be considered a quorum.
3. The Committee may hear delegations on issues being considered.
4. Members of the Committee must declare any property interests at the on-set of the process.
5. The Regional District will prepare agendas, record minutes and distribute those minutes to each member after the meetings.
6. The minutes of the Committee will be forwarded to the District of Sechelt, Town of Gibsons and the Regional District for information.
7. Other than as set out in the terms of reference, the Committee has no authority to call public meetings, commit funds, enter into contracts or represent the District of Sechelt, Town of Gibsons and the Regional District.
8. Staff members from the Planning & Development Department, with the input from other departments as needed, *may* serve as a resource to the Committee.

Summary of Regional District Responsibilities:

Regional District staff:

1. Provides technical support to committee.
2. Organizes meeting logistics e.g. location, room, supplies, equipment.
3. Prepares committee minutes.
4. Liaises with the committee chair between meetings to assist in development of agendas and reports.

Regional District support for the Committee:

1. The Regional District will cover necessary meeting expenses (room rental, etc.) if applicable.
2. Secretarial services will be provided by the Regional District.

Recommendations and Reports:

All formal recommendations will be included within the minutes of the Committee that are provided to the Regional District. The committee will review ALR applications prior to consideration of the applications by the SCRD Board or Municipal Councils. Staff comments on any Committee recommendation may be provided before consideration of a Committee recommendation by the Regional District Planning and Development Committee and Board.

Expenses / No Remuneration:

Members of the Committee will serve without remuneration but the Regional District will pay appropriate pre-approved and necessary expenses that arise directly out of the performance of their duties as members of the Committee, in accordance with the Financial Administration Act and Regulations. Any expenses must be approved in advance by Regional District staff.

Agricultural Advisory Committee (AAC) Process Guidelines

Supplement to the AAC Terms of Reference

AGENDA

1. The deadline for receipt of agenda items by the SCRD Planning and Development Division is 12 (twelve) calendar days prior to the regular Agricultural Advisory Committee (AAC) meeting (i.e. two Thursdays prior to the Tuesday meeting).
2. SCRD Planning staff will draft the agenda, which will include SCRD referrals and items received by the AAC Recording Secretary from the AAC Chair up to 12 calendar days prior to the meeting. If there are any large/important items, these are to be mentioned in the prior meeting's minutes if known at that time.
3. The agenda and attachments will be mailed to the Committee by the AAC Recording Secretary.
4. An electronic version of the agenda will be emailed by Planning staff to the AAC Recording Secretary who will forward it to the Committee.
5. If there is a change or amendment in referrals from the SCRD to be included in the agenda, Planning staff will provide the AAC Recording Secretary copies of the amended agenda for the meeting and email an electronic version to the AAC Recording Secretary who will forward it to the Committee.
6. Within the 12 days prior to the meeting, members may submit additional agenda items to the AAC Recording Secretary. These items will be distributed by email to the Committee and Planning staff, and added to an amended agenda at the meeting, where copies will be distributed.

DELEGATIONS

1. Delegations will come through the AAC Recording Secretary or the Planning and Development Division staff.

CORRESPONDENCE

1. All correspondence to be distributed on behalf of the Committee will be approved by general consensus of the Committee.
2. The AAC Chair or Recording Secretary will forward all approved correspondence to the Manager of Planning and Development for review prior to distribution.
3. Planning staff will distribute the correspondence upon approval of the draft by the Manager and Chair.
4. Committee correspondence will not use SCRD letterhead, unless the issue or the letter is forwarded to the SCRD Board for a formal resolution of support (*See Terms of Reference Procedures item 7*).

MINUTES

1. The SCRD will provide contract secretarial services at the regular Committee meeting.
2. The AAC Recording Secretary will forward the draft minutes to the AAC Chair for approval after the meeting.
3. The approved minutes will be forwarded by the AAC Recording Secretary to the SCRD Planning Secretary and the Committee, and mailed to members in the next AAC meeting's agenda package.
4. Minutes will be distributed by Planning staff to the SCRD Planning and Development Committee, SCRD Advisory Planning Commissions, as well as posted to the SCRD website under Departments/Planning/Advisory Committees.
5. The minutes will be forwarded to the Town of Gibsons and the District of Sechelt by Planning staff.

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Planning and Community Development Committee – February 9, 2017

AUTHOR: Sam Adams – Parks Planning Coordinator

SUBJECT: **GAMBIER ISLAND – SOUTH WEST PENINSULA – TRAIL NETWORK TASK FORCE
TERMS OF REFERENCE**

RECOMMENDATION

THAT the report titled Gambier Island – South West Peninsula - Trail Network Task Force Terms of Reference be received;

AND THAT the Trail Network Task Force Terms of Reference be adopted;

AND THAT staff be authorized to proceed with advertising for members as outlined in this report.

BACKGROUND

The Board adopted the following recommendation at the meeting held on November 24, 2016:

430/16 cont. **Recommendation No. 5** *Gambier Island – South West Peninsula
Community Trail Development*

THAT the staff report titled Gambier Island – South West Peninsula –
Community Trail Development be received;

AND THAT a Terms of Reference to establish a volunteer community Task
Force to assist in the development of a trails network plan for the SW
Peninsula of Gambier Island, as described in Option 1 of the staff report be
prepared.

DISCUSSION

This report presents a draft terms of reference for a task force to help develop a trail network plan for the South West Peninsula of Gambier Island. The 2016, SCRD administered, South West (SW) Peninsula trails questionnaire indicated that community's interest in trail development that takes into account both opportunities and concerns. The task force provides a forum for the SW Peninsula community to engage with the SCRD in the process of developing the trail network plan for the South West Peninsula of Gambier Island.

Staff propose to select the members of the task force based on the criteria outlined in the terms of reference. The reason for staff selection is that development of the trail network plan is a short term project, which is technical in nature and not be a group with a renewable terms. The focus on specific issue identified in an already complete consultation process (2016 Trails

Questionnaire). Staff will endeavour to select a task force with members selected from a diversity of backgrounds and views.

The group is anticipated to begin work in April and complete work by October 2017.

Staff propose to recruit citizens to serve on the task force through advertisements, SCRD website and through the Gambier Island Community Association email distribution list.

Applicants will be prompted with questions to provide a brief summary of their interests and areas of expertise. SCRD staff will select the task force members upon review of applicant responses.

The draft terms of reference is attached as Appendix A. Terms reference highlights include:

- Task Force to consist of seven Gambier SW Peninsula residents and one SCRD staff member;
- Maximum of 6 meetings inclusive of one public open house meeting; and
- Group to provide prioritized recommendations for the implementation of the trail network plan.

The task force terms of reference are designed to help the process of developing a trail network plan to be both effective and efficient. This will be achieved by keeping the number of group participants to a minimum, limiting the number of meetings and providing the committee with high quality background information such as the 2016 Trails Questionnaire.

STRATEGIC PLAN AND RELATED POLICIES

The attached draft terms of reference – Sunshine Coast Regional District Trail Network Task Force– is aligned with the new SCRD Public Participation Program (Engage) and is consistent with the SCRD's value of Collaboration.

CONCLUSION

Staff developed a terms of reference for the trail network task force to help develop a trail network plan for the South West Peninsula of Gambier Island. The group will allow the Gambier Island South West Peninsula community to participate collaboratively with the SCRD in the development of a trail network plan.

Appendix A: Draft Terms of Reference Sunshine Coast Regional District Trail Network Task Force – Gambier Island SW Peninsula

Reviewed by:			
Manager	X – AA	Finance	
GM	X – IH	Legislative	
CAO	X - JL	Other	

DRAFT TERMS OF REFERENCE

Sunshine Coast Regional District Trail Network Task Force

Gambier Island SW Peninsula

(February 2017)

1. Purpose

The purpose of the Sunshine Coast Regional District Trail Network Task Force Gambier Island SW Peninsula (Trail Network Task Force) is to provide input toward the development of a Trail Network Plan for the South West (SW) Peninsula of Gambier Island by:

- a. Acting on results from public survey conducted in summer 2016;
- b. Engaging in the development of trail development guidelines as well as a prioritized list of trails to be developed.

2. Duties

2.1 The Trail Network Task Force will:

- a. Review background information on priorities and challenges relating to trail development;
- b. Provide technical recommendations to the SCRD for future trail development and management strategies to mitigate concerns related to:
 - i. privacy and security
 - ii. water quality
 - iii. fire hazards
 - iv. trail maintenance and
 - v. limited amenities and facilities.
- c. Provide prioritized recommendations for the implementation of the trail network plan.

2.2 The Trail Network Task Force will be dissolved upon completion of a trail network plan for the Gambier Island SW Peninsula expected to occur in October, 2017.

Approval Date:		Resolution No.	
Amendment Date:		Resolution No.	
Amendment Date:		Resolution No.	

3. Membership

3.1 The Trail Network Task Force is comprised of the following members:

- a. Seven residents of the SW Peninsula area. Members will be made up of a diversity of relevant interests, expertise and knowledge. Knowledge of local geography/land use, environmental stewardship, landscape architecture and/or watershed management is preferred.
- b. Members shall be appointed for a term of six months.

3.2 Regional District staff will be assigned to serve technical expert and leadership capacity. The role of the staff liaison will include:

- a. providing information and professional advice
- b. facilitating and chairing meetings
- c. write reports and recommendations to the Board
- d. bringing such matters to the task force's attention as are appropriate for it to consider in support of Regional District Board direction
- e. serving as one of the communication channels to and from the Board and
- f. providing advice to the SCRD Board that may be at variance to a task force recommendation.

4. Operations

4.1 A majority of the voting members of the task force, as listed in section three will constitute a quorum.

4.2 The Trail Network Task Force will meet a maximum of six scheduled meetings and attend one open house to complete its mandate.

4.3 All Task Force meetings must be open to the public except where the task force resolves to close a portion of it pursuant to Section 90 of the *Community Charter*.

4.4 The authority of the Task Force is limited as follows:

- a. The Trail Network Task Force does not have the authority to bind the SCRD in any way, nor engage or otherwise contact third parties, consultants, organizations or authorities in a manner which may appear to be officially representing the SCRD.
- b. The Trail Network Task Force may communicate with external organizations and agencies to collect information and make inquiries.
- c. Where the Trail Network Task Force wishes to express opinions or make recommendations to external organizations and agencies, it must first obtain authorization from the SCRD Board.

- 4.5 Task Force members are encouraged to:
- a. attend and participate in meetings of the Task Force
 - b. share experiences and ideas while maintaining an open mind to others' perspectives
 - c. report back to the appropriate Standing Committee and Regional District staff
 - d. be able to dedicate approximately 20 hours per month to the work of the Task Force
- 4.6 Members who are absent for two consecutive regularly scheduled meetings will be deemed to have resigned their position unless the absence is because of illness or injury or is with the leave of the SCRD Board.
- 4.7 In carrying out its mandate, the Task Force will work towards conducting operations in a way that:
- a. improves the economic, environmental and social well-being for present and future generations
 - b. encourages and fosters community involvement
 - c. enhances the friendly, caring character of the community
 - d. maintains an open, accountable and effective operation
 - e. preserves and enhances the unique mix of natural ecosystems and green spaces in the SCRD
 - f. is consistent with the goals and objectives of the SCRD's strategic plan and
 - g. recognizes advisory committees are one of many channels that the Regional Board may utilize to obtain opinions and advice when making decisions.
- 4.8 The SCRD will provide a recording secretary whose duties may include:
- a. distributing meeting agendas to the Task Force members in advance of the meeting
 - b. preparing minutes of all meetings using SCRD standard practices
 - c. forwarding the approved minutes to the Trail Network Task Force for further consideration and approval.
- 4.9 Unless otherwise provided for, meetings shall be conducted in accordance with the rules of procedure set out in the SCRD Procedures Bylaw No. 474.
- 4.10 Task Force members are subject to the Conflict of Interest legislation outlined in Section 100 – 109 of the *Community Charter*. The terms "Council" and "Committee" shall be interchangeable for the purpose of interpretation of these sections.

Approval Date:		Resolution No.	
Amendment Date:		Resolution No.	
Amendment Date:		Resolution No.	

- 4.11 Committee members must respect and maintain the confidentiality of the issues brought before them.
- 4.12 Committee members serve without remuneration but may be eligible to have reasonable expenses reimbursed in accordance with the SCRD Policy on Committee Volunteer Meeting Expenses.

5. Reference Documents

- 5.1 SCRD Procedure Bylaw No. 474
- 5.2 *Community Charter*, Section 100 – 109 – Conflict of Interest
- 5.3 *Community Charter*, Section 90 – Open/Closed Meeting

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Planning and Community Development Committee – February 9, 2017

AUTHOR: Trevor Fawcett, Parks Planning Coordinator

SUBJECT: SALISH SEA MARINE TRAIL LAUNCH STRATEGY

RECOMMENDATIONS

THAT the report titled Salish Sea Marine Trail Launch Strategy be received;

AND THAT the SCRD work with the BC Marine Trails Network Association to analyze potential launch sites;

AND THAT Staff report back to the Committee with recommendations for supporting BC Marine Trails Network designation of particular launch sites to access the Salish Sea Marine Trail.

BACKGROUND

At the July 21, 2016 Planning and Development Committee meeting John Kimantas, BC Marine Trails Network addressed the committee regarding the establishment of the Salish Sea Marine Trail as part of the Trans Canada Trail. Candice Campo, Cultural Director, *shíshálh* Nation also addressed the committee expressing support for the trail.

At the regular Board meeting of July 28, 2016 the following recommendation was adopted:

337/16 cont. **Recommendation No. 1** *BC Marine Trails Network Association Delegation*

THAT the delegation materials from the BC Marine Trails Network Association regarding the Trans Canada Trail/ Salish Sea Marine Trail project be received;

AND THAT a letter of support be provided to the BC Marine Trails Network Association for the Salish Sea Marine Trail project.

DISCUSSION

On January 11, 2017 staff received the preliminary proposal of the Salish Sea Marine Trail Launch Strategy (Attachment A). The strategy lists 10 potential kayak launch sites along the coast from Langdale to Sunset Cove in Halfmoon Bay. The purpose of the preliminary proposal is to discuss with appropriate land managers the adequacy of each site. The SCRD owns or has tenure on seven of the identified sites.

Parks and Planning staff can lend local and technical knowledge in the recommendation of suitable launching sites which can be used in the marine trail. Staff are able to work with the developers of the strategy to assist in creating the best product, which will benefit the Sunshine Coast and the paddlers using the marine trail.

Working with BC Marine Trails Network, staff will:

1. Collaborate on analysis of sites including suitability for launching, parking constraints, regulatory considerations, etc. for SCRD-owned launch site candidates.
2. Connect BC Marine Trails Network with appropriate land managers for non-SCRD launch site candidates.
3. Report back to the Planning and Community Development Committee with recommendations for supporting BC Marine Trails Network designation of particular launch sites and next steps.

Financial Implications

None at this time.

None anticipated related to designating launch sites.

STRATEGIC PLAN AND RELATED POLICIES

Vision: A community for all generations connected by our unique coastal culture, diverse economy and treasured natural environment.

The Parks and Recreation Master Plan recommends that the SCRD “Increase the number and quality of shoreline access parks including shoreline access trails”.

CONCLUSION

The Board has previously indicated support for the Salish Sea Trail. In line with the Parks and Recreation Master Plan and the SCRD Strategic Plan the marine trail will highlight the Sunshine Coast’s unique coastal culture and open up new opportunities to access our natural environment.

This report recommends that the SCRD Board approves staff resources to work with BC Marine Trails Network to designate launch sites for the Salish Sea Marine Trail. Staff will report back to the Committee with recommendations for supporting BC Marine Trails Network designation of particular launch sites.

Attachment A: Salish Sea Marine Trail Launch Strategy

Reviewed by:			
Manager	X - AA	Finance	
GM	X - IH	Legislative	
CAO	X - JL	Other	

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Planning and Community Development Committee – February 9, 2017

AUTHOR: Trevor Fawcett, Parks Planning Coordinator

SUBJECT: Egmont Community Club Agreement to Operate Klein Lake Campground

RECOMMENDATIONS

THAT the report titled Egmont Community Club Agreement to Operate Klein Lake Campground be received;

AND THAT the SCR D support a Partnership Agreement between Recreation Sites BC and the Egmont Community Club to operate Klein Lake Campground.

BACKGROUND

The SCR D manages Klein Lake recreation site through a partnership with Recreation Sites BC. The 25-site Klein Lake campground is located within this site.

At the September 12, 2013 Regular Board meeting, the SCR D Board adopted the following recommendation:

392/13 **Recommendation No. 10** *Partnership Agreement Recreation Sites and Trails*

THAT the report from the Parks Planning Coordinator regarding New Document Review for the Renewal of the Partnership Agreement for Klein Lake, Secret Cove, Big Tree and Sprockids Recreation Sites and Trails be received;

On July 11, 2014 the SCR D entered into a Partnership Agreement with an independent contractor, the Egmont Community Club (ECC), to manage the campground facilities within the Klein Lake Recreation Site. The 3 year agreement expires April 30, 2017. The agreement has a clause allowing for a two year contract extension.

The SCR D has had Partnership Agreements with Recreation Sites BC since 2010. During that period the ECC has been contracted to manage the campground for the SCR D. This partnership has been very successful providing excellent service while improving the amenities and user experience at the campground.

DISCUSSION

Under the terms of the existing agreement, the ECC is responsible for operating and maintaining the Klein Lake campground. The SCR D works with Recreation Sites BC maintaining roads, signage and managing danger trees within the broader recreation site.

Recreation Sites BC sets the site fees for camping within their parks. Over the last 7 years of operation the ECC has reported an average revenue of approximately \$20,000.00 per season. All revenue raised from fees must be used to operate or improve the site.

In the summer of 2016 the SCRD initiated discussion with the ECC and Rec Sites BC about the benefits of ECC contracting directly with Rec Sites BC to operate the Klein Lake Campground. The existing Partnership Agreement between Recreation Sites BC and SCRD would stand, the SCRD would continue to be responsible for the remainder of the Klein Lake Recreation Site.

On December 19, 2016 the SCRD received a letter (Attachment A) from the ECC Board indicating their willingness to contract directly with Rec Sites BC.

The agreement between ECC and Rec Sites BC would be a one-year term. In 2018, when the agreement between the SCRD and Rec Sites BC expires the Board would be asked for direction on future agreements.

Having ECC work directly with Rec Sites BC would provide a clear, direct and efficient arrangement that would support community ownership and self-determination, key principles of community development. The most obvious change to the public, ECC and SCRD would be clearer lines on communication. Either party would directly contact the party responsible instead of channeling through the SCRD.

Benefits to the SCRD include:

- more efficient operation of the campground;
- reduction of Parks resources required to operate Klein Lake;
- liability insurance moved to province;

Benefits to the ECC:

- direct reporting to Rec Sites BC;
- more effective communication with campground users;
- more efficient decision making process;
- more effective control over campground operations;

The major benefit to all parties involved in this agreement is improved efficiency in operations and communications. Transfer of duties will be seamless with no effect on the public's enjoyment of the campground or the SCRD's overall agreement with Rec Sites BC.

Financial Implications

Function 650 includes \$2500.00 in base budget for road grading and miscellaneous repairs at the campground. This funding could be reassigned to other park maintenance needs including those within the Klein Lake recreation site. Recent practice has indicated that FLNRO co-ordinates the required work and maintenance and the removal of the SCRD budget is not expected to have an impact on the operations of the campground.

The SCRD does not benefit from revenue collected from camping fees. All revenue generated from camping fees must be used to operate or improve the site. ECC submits financial records each year listing revenue and costs.

Communications Strategy

If the ECC assumes the Partnership Agreement for the campground, the SCRD would need to remove or amend references to the campground from online media and brochures. Signs within the campground would be changed to remove reference to the SCRD.

STRATEGIC PLAN AND RELATED POLICIES

The Parks and Recreation Master Plan recommends that the SCRD “Encourage opportunities for the appropriate organizations to provide upgraded amenities in parks”.

CONCLUSION

The Egmont Community Club has contracted with the SCRD to operate the Klein Lake Campground for the last 7 years. The ECC has done an excellent job maintaining the campground and improving the camping experience for visitors.

To improve efficiency in operations and communication this report recommends that the SCRD supports Rec Sites BC to contract directly with Egmont Community Club to operate and maintain the Klein Lake campground. The ECC supports this recommendation and the continued cooperation between the SCRD and the Province to provide a safe and family oriented camping experience at Klein Lake.

Reviewed by:			
Manager	X- AA	Finance	
GM	X - IH	Legislative	
CAO	X-JL	Other	

Attachment A: Letter from Egmont Community Club

ATTACHMENT A

Tom Silvey
Egmont Community Club

December 19th, 2016

Mr. Trevor Fawcett
Parks Planning Coordinator
Sunshine Coast Regional District

Dear Mr. Fawcett:

I am writing this letter to express our organization's interest in signing a new contract to continue to provide management and maintenance services at the Klein Lake campsite.

While our contract has in the past been with the SCRD Parks Department, we understand and acknowledge the SCRD's desire to withdraw from the management of the campsite, in which case we are willing to sign the new contract directly with Recreation Sites and Trails BC and their representatives.

We are under the assumption that the SCRD's responsibilities under the previous contracts such as the provision of liability insurance, road grading, signage, and danger tree removal within the site will be transferred to and assumed by RSTBC, and express our support based on this being the fact.

Our organization is very happy and proud to have had the opportunity to provide management and maintenance services in partnership with SCRD Parks over the years at the Klein Lake campsite and we would like to express our deepest gratitude to you for your efforts to establish and maintain the site as a safe and family oriented camping experience in our area.

Yours Truly,

Tom Silvey, President
Egmont Community Club

SUNSHINE COAST REGIONAL DISTRICT**AREA A - EGMONT/PENDER HARBOUR
ADVISORY PLANNING COMMISSION****January 31, 2017**

RECOMMENDATIONS FROM THE AREA 'A' ADVISORY PLANNING COMMISSION
MEETING HELD IN THE LIBRARY AT PENDER HARBOUR SECONDARY SCHOOL, 13639
SUNSHINE COAST HWY, MADEIRA PARK, BC

PRESENT:	Chair	Absent
	Area A Alternate Director	Les Falk
	Members	Tom Silvey Alex Thomson Randy Picketts Sean McAllister Dennis Burnham Peter Robson Gordon Politeski Janet Dicken Alan Skelley
ALSO PRESENT:	Recording Secretary	Kelly Kammerle
	Public	2
REGRETS:		Frank Mauro Catherine McEachern Jane McOuat Gordon Littlejohn

CALL TO ORDER 7:05 p.m.

AGENDA The agenda was adopted as amended.

Elections:

Les Falk was in attendance in the absence of Frank Mauro. Mr. Falk started the meeting stating that Geoff Craig has stepped down as Chair for the Area A APC and that a new Chair and possible Vice Chair was to be elected tonight. Mr. Alan Skelley was nominated for Chair and won by acclamation. Janet Dicken was nominated for Vice Chair and won by acclamation. Once the elections were finalized Mr. Skelley chaired the remainder of the meeting.

DELEGATIONS Marianna Bekei Subdivision Application SD000011 13087 Claydon Lane.
Paul Hansen Bylaw (BYL00005) and OCP00002 (West Coast Wilderness Lodge) were both present to answer questions from the Area A APC.

MINUTES

3.1 Area 'A' Minutes

The Area 'A' APC minutes of November 30, 2016 were approved as circulated.

3.2 Minutes

The following minutes were received for information:

- Halfmoon Bay (Area B) APC Minutes of November 22, 2016
- Elphinstone (Area E) APC Minutes of November 23, 2016
- West Howe Sound (Area F) APC Minutes of November 22, 2016
- Planning and Community Development Minutes of November 10, 2016 & December 8, 2016

REPORTS

5.1 Subdivision Application SD0000141 (Bekei) 13087 Claydon Lane

The APC discussed the staff report regarding Subdivision Application SD0000141 (Bekei).

The APC recommends Approval of Subdivision Application SD0000141 (Bekei) 13087 Claydon Lane with the following comments:

- SCRD conditions are met

5.2 Board of Variance: Review of Opportunities

The APC discussed the staff report regarding Board of Variance: Review of Opportunities.

The APC recommends the staff report regarding Board of Variance: Review of Opportunities be received for information.

5.3 Crown Referral 2411819 (McAskill) Private Moorage Nelson Island

The APC discussed the staff report regarding Crown Referral 2411819 (McAskill) Private Moorage Nelson Island.

The APC recommends Approval of Crown Referral 2411819 (McAskill) Private Moorage Nelson Island with the following comments:

- SCRD recommendations are met.

5.4 Crown Referral 2411776 (Russell) For A Private Moorage on Georges Island

The APC discussed the staff report regarding Crown Referral 2411776 (Russell) Private Moorage Nelson Island.

The APC recommends Approval of Crown Referral 2411776 (Russell) Private Moorage Nelson Island with the following comments:

- SCRD recommendations are met.

5.5 Zoning Amendment Bylaw (BYL00005) and Official Community Plan Bylaw (OCP00002) (West Coast Wilderness Lodge)

The APC discussed the staff report regarding Zoning Amendment Bylaw (BYL00005) and Official Community Plan Bylaw (OCP00002) (West Coast Wilderness Lodge)

The APC recommends support of Bylaw (BYL00005) and OCP00002 (West Coast Wilderness Lodge) with the following comments:

- This APC is asking that staff expedite the current land use designation.

NEW BUSINESS

- The APC would like to invite the Manager, Planning and Development to the April APC Meeting to discuss any zoning changes to the OCP.

DIRECTOR'S REPORT

- The Area A Alternate Director Les Falk provided a verbal report of his activities.

NEXT MEETING February 28, 2017

ADJOURNMENT 8:15 p.m.

SUNSHINE COAST REGIONAL DISTRICT**AREA B - HALFMOON BAY
ADVISORY PLANNING COMMISSION****January 24, 2017**

RECOMMENDATIONS FROM THE AREA B ADVISORY PLANNING COMMISSION MEETING
HELD IN THE COOPERS GREEN COMMUNITY HALL AT COOPERS GREEN PARK, 5500
FISHERMAN ROAD, HALFMOON BAY, BC

PRESENT:	Chair	Frank Belfry
	Members	Alda Grames Joan Harvey Elise Rudland Bruce Thorpe Walter Powell Barbara Bolding Jim Noon
ALSO PRESENT:	Area B Director Recording Secretary Public	Garry Nohr Katrina Walters 0
REGRETS:	Members	Wendy Pearson Lorn Campbell Eleanor Lenz

CALL TO ORDER 7:00 p.m.

Nominations for APC Chair-as per Bylaw No. 453, Section 8 (i) (ii)

Nomination for Chair by acclamation:

Motion:

To nominate Frank Belfry as Halfmoon Bay APC Chair for as per Bylaw No. 453, Section 8 (i) (ii).

Carried Unanimously

MINUTES3.1 Area B Minutes

The Area B APC minutes of November 22, 2016 were adopted as presented.

3.2 Minutes

The following minutes were received for information:

- Egmont / Pender Harbour (Area A) APC Minutes, November 30, 2016
- Elphinstone (Area E) APC Minutes, November 23, 2016
- West Howe Sound (Area F) APC Minutes, November 22, 2016
- Planning and Community Development Committee Minutes, November 10 and December 8, 2016

REPORTS

5.1 Subdivision Application SD000009 (Denham) 7906 Fawn Road and 7895 Southwood Road

The APC discussed the staff report regarding Subdivision Application SD000009 (Denham). The following concerns/points/issues were noted:

- A few years ago there was discussion about an agreement between the two properties and this application might be finalizing it.

Recommendation No. 1. *Subdivision Application SD000009 (Denham)*

Regarding *Subdivision Application SD000009 (Denham)*, the APC approves the conditions prescribed by the SCRD (Conditions to be Incorporated into MOTI Preliminary Layout Approval MOTI File No. 2016-06163).

5.2 Board of Variance: Review of Opportunities

The APC received the report entitled 'Board of Variance: Review of Opportunities'.

APC Discussion and Comments:

- How many applications go directly to the Board of Variance as opposed to the SCRD DVP?
- The Board of Variance is inclusive of the whole coast and is a part of the Ministry, not the SCRD.
- Believe that the Board of Variance will only accept clear cases of hardship. For situations that aren't clearly hardship, applicants have to go through the Development Variance Permit process.
- It is confusing as a newcomer to understand the difference between the two.
- Why is 'consideration of opportunities' an issue? The province is changing the rules for variances.

DIRECTOR'S REPORT

Director Nohr presented the Director's report.

NEXT MEETING Feb 28, 2017

ADJOURNMENT 8:20 p.m.

SUNSHINE COAST REGIONAL DISTRICT**AREA D - ROBERTS CREEK
ADVISORY PLANNING COMMISSION****January 16, 2017**

RECOMMENDATIONS FROM THE AREA D ADVISORY PLANNING COMMISSION MEETING
HELD IN THE ROBERTS CREEK LIBRARY AT 1044 ROBERTS CREEK ROAD, ROBERTS
CREEK, BC. AT 7:00 PM.

PRESENT:	Chair	Bill Page
	Members	Gerald Rainville Marion Jolicoeur Dana Gregory
ALSO PRESENT:	Director of Area D	Mark Lebbell
	Recording Secretary Public	Peggy Martin 3
REGRETS:	Members	Heather Conn
		Nicola Kozakiewicz Barry Morrow

CALL TO ORDER 7:05 p.m.

AGENDA The agenda was adopted as presented.

DELEGATIONS Melanie Robinson, Wally Robinson, and Dave Brackett spoke for
Subdivision Application SD000012 (Robinson) 1463 Margaret Rd.,
Roberts Creek, BC

MINUTES3.1 Area D Minutes

The Area D APC minutes of October 17, 2016 were approved.

3.2 Minutes

The following minutes were received for information:

- Egmont/Pender Harbour (Area A) APC Minutes of October 26, 2016 and November 30, 2016.
- Halfmoon Bay (Area B) APC Minutes of October 25, 2016 and November 22, 2016.
- Elphinstone (Area E) APC Minutes of October 26, 2016 and November 23, 2016.
- West Howe Sound (Area F) APC Minutes of October 25, 2016 and November 22, 2016.
- Planning and Community Development Committee Minutes of October 13, 2016, November 10, 2016 and December 8, 2016.

BUSINESS ARISING FROM MINUTES AND UNFINISHED BUSINESS N/A REPORTS

5.1 Subdivision Application SD000012 (Robinson) 1463 Margaret Rd., Roberts Creek, BC

Wally Robinson, husband of the owner of District Lot 1321, Plan 3199 made a presentation. His sister is considering moving here and there was sufficient land on their property (5 acres) to subdivide off a one-acre piece for this purpose. Septic approval has been obtained and the water line and meter is installed. Other properties in the area have been subdivided into 4 lots, but that is not possible here because the water table is so close to the surface and the very rocky terrain. An existing single family home and several auxiliary buildings are located on the remaining property. The subdivision would create two lots on a 5-acre property. There are no panhandles involved. All criteria for setbacks from the road are met.

Recommendation No. 1: *To permit the subdivision at 1463 Margaret Rd., Roberts Creek, as proposed.*

5.2 Board of Variance: Review of Opportunities

There was great concern expressed by APC about the operation of the Board of Variance, particularly because they have the ability to declare what is a major or minor variance, they are not required to seek substantial community opinion, and there is no appeal of their decisions.

If the BOV are indeed looking at truly minor variances, then an appeal process probably is not required. But if they can declare major issues expressed in our Bylaws and OCP as being minor, and when the notification area is very small, then there is reason for concern. The BOV becomes an all-powerful dictatorial triumvirate. Decisions that benefit the applicant become suspect without the application of natural justice (that is, when the community is denied the right to a fair hearing).

- Considering the power that the BOV has to declare principles expressed in our bylaws and OCP as 'minor' and to determine 'hardship' they must operate at the highest level of honesty and integrity. Perhaps a 'swearing in' needs to be applied, with an understanding that with increased power there is increased legal consequences. This is not uncommon when individuals are given great power to act independently and when their decisions cannot be appealed.
- Since members of the BOV are appointed by SCRD, the SCRD must provide clear guidance and reiterate whatever guidance the Province provides. The BOV should be given instruction (examples) on what can be considered a 'minor variance'. SCRD should be able to provide the BOV with examples of 'minor variances' that would likely not raise concerns in the community. There also needs to be examples of variances that are not 'minor' explained to BOV members and also to a prospective applicant.
- The SCRD needs to cite relevant bylaws and passages from effected OCPs in the formal application submitted to the BOV.
- The SCRD should provide examples of what constitutes 'hardship'? If existing bylaws, including the OCP, concerns about sea level rise and the geology/geology of a site dictate that it impossible to build on a site, is it a 'hardship' that the applicant cannot build on the site, or is it a matter of fact?
- A basic question for SCRD – Is it expected that every lot in the regional district, regardless of geography, ocean setback, soil structure and instability, water table, road setbacks, etc. must be buildable? Is paying taxes on a lot a guarantee that you can build on that lot? This would help

us understand the determination of 'hardship'.

- The SCRD should explore legal opinion on whether BOV decisions can be appealed if a case can be made that the variances granted by the BOV were not 'minor' and were therefore outside the mandate of the BOV. This is a very important issue – in our minds, a 'minor' change should have a minor effect on a property. A 'major' change would have a major effect on a property – for example, resulting in a major increase in the property value. Such actions, where a major change is made under the aegis of the BOV should be reviewed legally, to determine if it was justified and the BOV acted in good faith.
- SCRD needs to state to the BOV members that a variance that results in increased property value or results in making a building possible where it was not possible before must be considered major changes and must be referred to APC as the first level of review. There needs to be more levels of local government involved in such a major decision and there needs to be significant public review and commentary. It cannot be the decision of 2 or 3 people to grant such a thing.
- What is the quorum required in a BOV meeting? Is it 1, 2 or 3? If it is less than 3, the BOV can make final decisions with a lower level of scrutiny than APC (which is only advisory!) and absolutely must be dealing with minor issues.
- There needs to be more public advertisement of applications being put forward to the BOV. This could be as simple as posting on the SCRD website the letter sent to neighbouring properties.
- The posting above must invite public input, provide a deadline, and must provide an appropriate address for correspondence to make sure that all public input is included at the BOV meeting.
- The BOV must consider the public input in their decision making.
- The area for mailing needs to be expanded (50 m is inadequate). Considering the sizes of properties on the Coast, maybe the notice should be sent to the 6 nearest neighbours, rather than a certain distance from the applicant's property. If one or more of these neighbours is also the applicant, then the number needs to be increased appropriately.
- SCRD must post the minutes of the BOV on their website. These minutes need to state why a decision was made, not just that it was granted/denied. However, just posting the minutes and not the earlier letter to neighbours does not invite public input, which would be futile at this point anyway.
- The SCRD needs to review BOV decisions to be sure they are functioning within their mandate. If there is cause for concern, action must be taken.
- One BOV for all of the Sunshine Coast is a bad idea. It is very important that the OCP of each Area or District be considered seriously. It would be better to have a separate BOV for each District and one for each Area of the SCRD, to try to ensure that decisions reflect the values of each community. Alternatively, one BOV could be struck for SCRD, would have at least 5 members (one from each Area), so that 1 of the 3 members in the triumvirate would be from the Area relevant to the application.
- A major concern about having a BOV and the APC considering the same types of applications is fairness. There needs to be 'standards of fairness' that apply to both BOV and APC and the applicants they serve. If major variances can be considered either by APC or when the BOV declares major is really minor, then there will be many more decisions made contrary to existing bylaws and OCP, without public input and without appeal.

NEW BUSINESS N/A

DIRECTOR'S REPORT

The Director's report was received.

Director Lebbell reiterated that he could be contacted via his website for further discussion.

NEXT MEETING February 20, 2017

ADJOURNMENT 8:45 p.m.

SUNSHINE COAST REGIONAL DISTRICT**AREA F – WEST HOWE SOUND
ADVISORY PLANNING COMMISSION****January 24, 2017**

RECOMMENDATIONS FROM THE WEST HOWE SOUND (AREA F) ADVISORY PLANNING COMMISSION MEETING HELD AT ERIC CARDINALL HALL, 930 CHAMBERLIN ROAD, WEST HOWE SOUND, BC

PRESENT:	Chair Members	Fred Gazeley Laura Houle Maura Lavery Doug MacLennan Bob Small
ALSO PRESENT:	Director Alternate Director Recording Secretary Delegation, ALR00003 & DVP0006 Public	Ian Winn Kate-Louise Stamford Diane Corbett Bob Bottieri 4
ABSENT:	Member	Lee Selmes

CALL TO ORDER 6:58 p.m.

AGENDA

1.1 The amended agenda was adopted. Discussion of item 5.3 was moved to before 3.1.

ROUNDTABLE INTRODUCTIONS**DELEGATION**2.1 Bob Bottieri, ALR00003 for Non-Farm Use in the ALR & DVP0006 for a Distillery

Mr. Bottieri, Applicant, described a proposal for a small “field to flask” farming and craft distillery operation and a request to relax the Agricultural Land Commission (ALC) condition and SCRD Zoning Bylaw No. 310 condition that at least 50% of the farm products used in the production be farmed on the property. He noted that:

- This would be a small farm with distillery attached, much like a boutique winery in the Okanagan, with a small tasting room of 200 square feet, operated by the owner applicants, who would reside on the property.
- There was no intention to serve alcohol or provide food and entertainment.
- Intention: that most sales occur off of the property.
- Bonniebrook Industries would take effluent; nothing would be going into the

groundwater. There would be no vapours or smells. Possibility of sieving off the grain as animal feed.

- It is not feasible to grow on the property the grain required for the distilled product. The grain product would be obtained from the Peace River area.
- There would be an increase in farming of the land should the distillery application be approved. The owners planned to farm crops, such as juniper, blackberries and lavender, which would grow well here and could be sold, in addition to being flavourings for the distilled products. Looking at developing a lavender farm.
- Building C, location of the distillery, would be accessed by a path from the parking area within the property. There would be no parking provided at building C on Chamberlin Road.
- The applicant, having taken the Serving It Right course as a requirement of the BC Liquor Control Branch, acknowledged the responsibility of the owner regarding the state of inebriation of visitors leaving their establishment.
- Has approval from BC Liquor Control Branch to be a craft distillery; has to have 100% BC product.
- If the holding of events and weddings were the “deal breaker”, the applicant would take that off the table.
- In the event of weddings, applicant would rent the overflow parking lot at the ferry terminal and bring people to the property by shuttle. This would make it easier for people coming from the mainland, just to take the ferry over. The wedding would be a special events license.

REPORTS

5.3 ALR00003 for Non-Farm Use in the ALR & DVP00006 (Bottieri/Girard) for a Distillery at 943 Chamberlin Road

The APC discussed the staff report on ALR00003 for Non-Farm Use in the ALR and DVP00006 DVP (Bottieri/Girard) for a Distillery at 943 Chamberlin Road.

The Chair noted this application was discussed at the November APC meeting; since that time, the Agricultural Land Commission (ALC) had denied the Non-Farm Use in the ALR application of Persephone Brewery.

The applicant was present for approximately one hour, during which he described the vision and responded to inquiries from APC members and the public regarding the proposed distillery and farm operation.

The following concerns and questions were noted:

- Support for the ALC’s 50% rule. Concern about setting a precedent for not having to farm (i.e. waiving the 50% requirement) that would shift the agricultural land regulations. There is a need to protect agricultural land. Most of the income would be from nonfarm products, with small percentage of product being farmed on the property.
- Concerns: noise, increased traffic, speeding traffic, having alcohol near a playing field. On Chamberlin Road there are a lot of people who walk, including families, dog walkers, people who want to walk on flat ground rather than hills; there are soccer games, a kids’ park – there could be a conflict of uses.
- There are a number of similar business startups on the lower coast that produce craft alcohol beverages, like beer, cider and spirits; concern about a trend of pub-hopping and alcohol tasting, and drinking and driving.

- Question about visibility of proposed new building “C” on Chamberlin Road and signage to be used.
- DVP is registered on title and carried with the land, unless re-zoned.
- Question for staff: With DVP, you cannot vary the use. With a waiving of the 50% requirement for farm product (i.e., if you do not grow the 50%), would that not vary the use?
- If there were to be “public assembly”, the applicant would have to rezone for PA use.
- Support for business development on the coast.
- Question about why the Temporary Use Permit was not offered as an option in the staff report.
- Vagueness in regulations, lack of enforcement; difficult to stop operation once it starts.

Recommendation No. 1 *ALR00003 for Non-Farm Use & DVP00006 for Distillery*

The APC recommended Option 2: Do not support ALR00003 and deny issuance of DVP00006, for the following reasons:

- support for the Agricultural Land Commission’s 50% rule and protection of agricultural land: there would be a small percentage of product actually produced on the farm to be used for the distillery; concern about setting a precedent around not having to farm in the ALR;
- potential conflict of uses: concern regarding proximity of the distillery to sports fields, kids’ park and pedestrian uses along Chamberlin Road, especially in the summer months, and potential for increased traffic, including speeding drivers, and people driving under the influence of alcohol.

It was noted the ditch adjacent to Persephone Brewery contained a lot of brown algae and nutrients coming off the property. The example of a brewery near Parksville, BC was described, where the brewery had to get a permit from the Ministry of Environment. The *BC Environmental Management Act*, Section 120(3) indicates that it is an offence to discharge waste from a prescribed industry or activity without proper authorization.

Recommendation No. 2 *Referral of Brewery and Distillery Applications*

That applications for breweries or distilleries be referred by the SCRD to the Ministry of Environment to ensure oversight of wastewater effluent from brewery and distillery processes.

MINUTES

3.1 West Howe Sound Advisory (Area F) APC Minutes of November 22, 2016

The Area F APC minutes of November 22, 2016 were approved as circulated.

3.2 Minutes received for information:

- Egmont Pender Harbour (Area A) APC Minutes of November 30, 2016
- Halfmoon Bay (Area B) APC Minutes of November 22, 2016
- Elphinstone (Area E) APC Minutes of November 23, 2016
- Planning & Community Development Committee Minutes of November 10, 2016 and December 8, 2016

BUSINESS ARISING FROM MINUTES AND UNFINISHED BUSINESS

REPORTS

5.1 Board of Variance: Review of Opportunities

The APC received for information the staff report regarding a review of Board of Variance (BoV) opportunities. Discussion ensued.

The following points were raised:

- APCs may have a broader view on variances than Boards of Variance, since there are more than three members as is in the case of the BoV.
- There was a question about why there would be two parallel systems.
- Joining with municipalities for a Board of Variance could make the process more confusing since members would have to learn more OCPs.
- If there have been no complaints about the Board of Variance, why change it?
- To help inform the discussion, it would have been helpful to have examples in the staff report of numbers/frequency of BoV and DVP applications and the kinds of variances requested for each. What is a “minor” variance? Clarify variance requests allowed for BoV and DVP.

5.2 Subdivision Application SD000014 (Nairne) 876 and 880 Marine Drive

The APC discussed the staff report regarding Subdivision application SD000014 (Nairne) 876 and 880 Marine Drive. The following points were noted:

- The APC gets a lot of these applications, especially in Granthams.
- Would be concerned if the lot line got moved over the septic field of the other house, but we don't know where that is since the septic field is not marked on the map.
- This realignment doesn't interfere with the septic system. The covenants aren't shown on the map.
- As the applicant was not present, the APC did not have the benefit of questioning regarding the plan.

Recommendation No. 3 *Subdivision Application SD000014 (Nairne)*

The APC recommended approval of the lot line change for the following reasons:

- it is a minor amendment to the line, not a significant change;
- the same person owns both lots, and is adding value to one lot by making its waterfront portion bigger, and possibly mitigating issues for pathways; and
- the application conforms to subdivision regulations.

NEW BUSINESS

DIRECTOR'S REPORT

Director Winn reported on recent activities.

NEXT MEETING February 28, 2017

ADJOURNMENT 8:50 p.m.

**SUNSHINE COAST REGIONAL DISTRICT
POLICING COMMITTEE
January 19, 2017**

MINUTES OF THE SUNSHINE COAST POLICING COMMITTEE MEETING HELD IN THE CEDAR ROOM OF THE SUNSHINE COAST REGIONAL DISTRICT 1975 FIELD ROAD, SECHELT, BC.

PRESENT:

(Voting Members)

Director, Electoral Area E, Chair
Director, Electoral Area A
Alternate Director, Electoral Area D
Director, Electoral Area B, SCRD Chair
Director, Electoral Area F
Councillor, District of Sechelt
School District #46 Trustee

Lorne Lewis
Frank Mauro
Michelle Morton
Garry Nohr
Ian Winn
Doug Wright
Greg Russell

ALSO PRESENT:

(Non-Voting)

RCMP
ICBC
Crimestoppers
SCRD Chief Administrative Officer
SCRD, Admin. Assist. Infrastructure Services
Media – Coast Reporter
Media – The Local

S/Sgt. Vishal Mathura
Harvey Kooner
Mary Bittroff
Janette Loveys
Tracey Hincks
Sean Eckford
Donna McMahon

CALL TO ORDER 1:30 p.m.

AGENDA The agenda was adopted as presented.

PETITIONS AND DELEGATION**MINUTES****Recommendation No. 1** *Minutes*

The Sunshine Coast Policing Committee recommended that the minutes of October 20, 2016 be received.

COMMUNICATIONS**REPORTS****Recommendation No. 2** *Monthly Crime Statistics – October 2016*

The Sunshine Coast Policing Committee recommended that the RCMP Monthly Crime Statistics for October 2016 be received.

Recommendation No. 3 *Monthly Crime Statistics – November 2016*

The Sunshine Coast Policing Committee recommended that the RCMP Monthly Crime Statistics for November 2016 be received.

Staff Sergeant Mathura discussed a Pedestrian Safety Awareness Campaign. The RCMP and ICBC collaborated to help pedestrians stay safe and ensure visibility at night.

Recommendation No. 4 *Helping Pedestrians to Stay Safe Campaign*

The Sunshine Coast Policing Committee recommended that the handout titled Helping Pedestrians to Stay Safe be received.

Recommendation No. 5 *RCMP Monthly Report*

The Sunshine Coast Policing Committee recommended that RCMP Monthly Report for the period 2016-11-01 to 2016-12-31 be received.

Staff Sergeant Mathura gave a verbal report on crime on the Sunshine Coast.

Highlights of Reporting Period:

- *The court injunction issued against protesters trying to stop logging on Mount Elphinstone was one of the biggest summer challenges.*
- *Rash of thefts in Halfmoon Bay. RCMP identified suspects but many items are believed already sold.*
- *Remembrance Day ceremonies in Madeira Park, Gibsons and Sechelt were well attended.*
- *RCMP Youth Liaison attended training about the damaging impacts of gender stereotyping which can lead to bullying, violence and other forms of abuse. Empowering ways to confront, interrupt, and prevent gender violence such as challenging a would-be perpetrator or reporting an incident was discussed.*
- *Snow in December resulted in many traffic calls and several minor accidents.*
- *Emergency Response Team executed a search warrant in Sechelt. Two arrests were made.*
- *There has been an increase in Fentanyl related overdoses since mid-December. Each police officer is trained in using Naloxone and carries two doses with them at all times.*

NEW BUSINESS / ROUNDTABLE**Fentanyl**

Discussion ensued regarding Fentanyl. It was noted that Fentanyl is highly potent and caution should be used when administering first aid to a person suspected of using it as one grain can be fatal. Fentanyl is not police reportable however the RCMP is communicating with hospital staff to get accurate statistics. Fentanyl can be absorbed by through the skin.

The Committee was advised that the cost of Naloxone is \$20/kit (2 doses). The Province covers costs for the RCMP. All Sunshine Coast first responders are equipped with kits and

trained on how to administer. Sechelt hospital has the naloxone needle kits and local school principals and staff are trained with the spray.

RCMP Staffing Levels

Sunshine Coast RCMP Staffing Levels are at 100%.

Service Dog

A new 8-week old puppy will be coming to the detachment. The puppy will be socialized before entering a formal service dog training program.

ICBC

During Distracted Driving month, ICBC did a campaign with Gibsons Elementary called Think of Me - Leave Your Phone Alone. Drivers suspected of using a cell phone while driving were pulled over and given a warning ticket created by the Elementary School students.

Road Safety Speaker Kevin Brooks will be telling his story at Capilano University on April 19. Topics include: Speed, Impaired driving, distracted driving, dangerous driving and alternatives to getting home safely.

Crimestoppers

Please contact Mary Bittroff if you have anything you would like to advertise through Crimestoppers.

Scooter Safety

Scooter safety is a growing concern in Sechelt. A workshop on scooter use safety may be helpful.

ADJOURNMENT 2:25 p.m.

January 17, 2017

Local Government
Sent via email

Dear Local Government:

Re: Provincial Private Moorage Policy Update

The purpose of this letter is to advise you of recent changes to the provincial Private Moorage land use policy. The Ministry of Forests, Lands and Natural Resource Operations (FLNRO) has conducted a review of the private moorage program with the objectives of reducing red-tape and streamlining administration, while maintaining public safety and environmental standards.

Under the revised policy, upland foreshore property owners or Crown lessees may construct and use a single dock for personal use without submitting an application if they meet specified terms and conditions of a General Permission. While the use of a General Permission has been in place provincially for several years, it is now being expanded to cover a broader category of docks, including those in marine waters. Owners proposing to construct larger docks or docks located in more sensitive locations will be required to apply for tenure, which will be subject to the application review process.

The South Coast Natural Resource Region has also established “Application Only” areas where **all** private moorage proposals will continue to require the submission of an application for review by FLNRO (see attached map). Over the next few months, regional staff will be carrying out a review of the ‘Application Only’ areas and applying the General Permission provision to a larger portion of the South Coast Natural Resource Region.

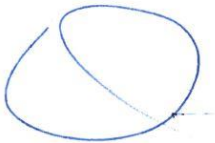
The changes to the Private Moorage policy do not affect local government zoning or bylaws. Local zoning bylaw requirements must be met regardless of whether a dock is constructed under a General Permission. Prospective dock owners must continue to obtain consent from local governments as directed by the local zoning bylaws.

The rules and regulations of the *Water Sustainability Act*, including “works in and about a stream (waterbody)”, and those of other agencies, such as Federal Fisheries and Oceans Canada, and Transport Canada, continue to apply to all docks permissible under FLNRO’s private moorage policy.

The Private Moorage policy and supporting documents are available on the public website at:
<http://www2.gov.bc.ca/gov/content/industry/natural-resource-use/land-use/crown-land/crown-land-uses/residential-uses/private-moorage>

If you have questions or would like further information or clarification please send a written request to Catherine Allard, A/Section Head Land Authorizations at
Catherine.Allard@gov.bc.ca.

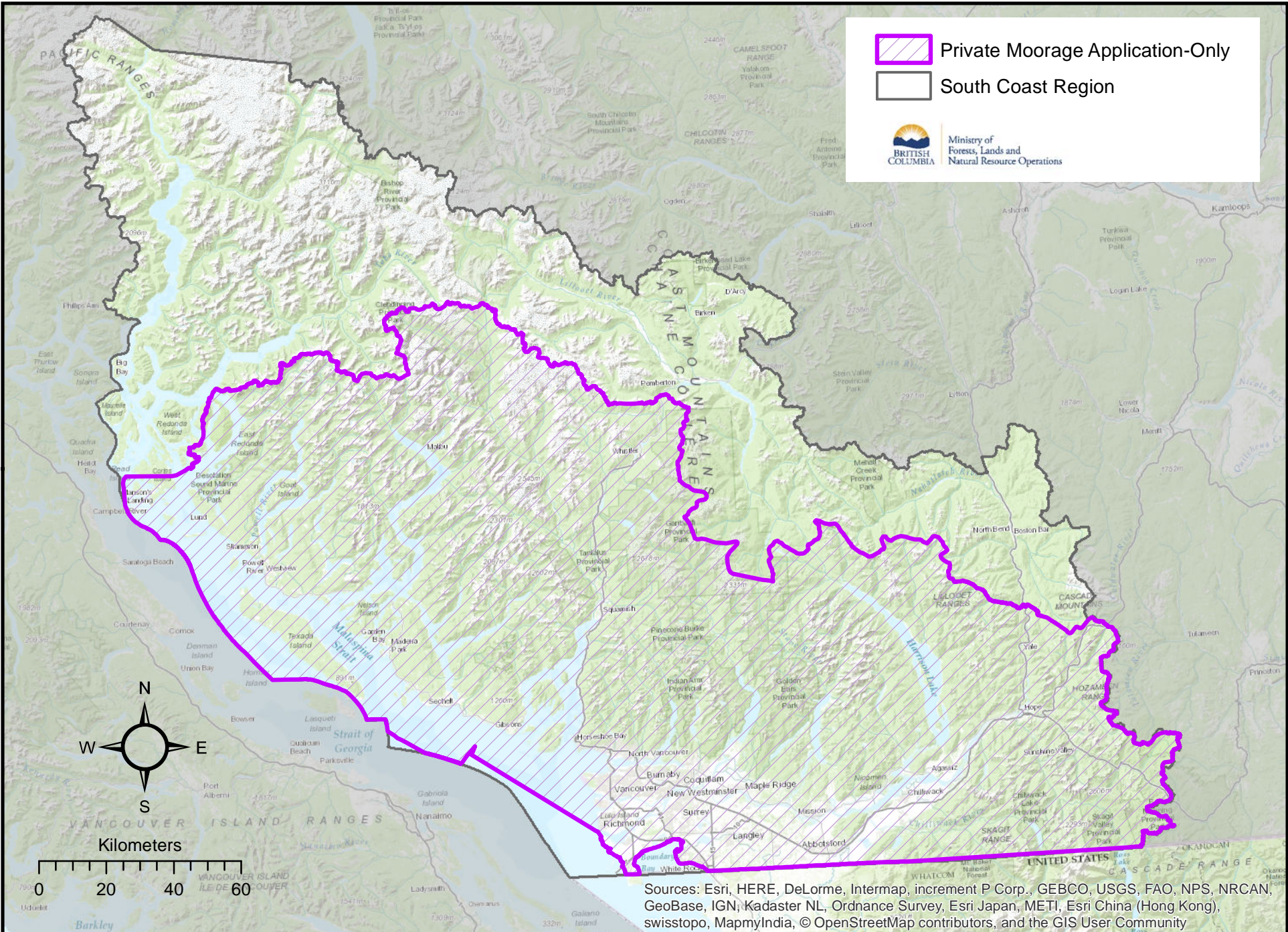
Yours truly,

A handwritten signature in blue ink, appearing to read 'Donna Myketa', with a stylized loop and a horizontal line extending to the right.

Donna Myketa
A/Director of Authorizations
Ministry of Forests, Lands and Natural Resource Operations

Attached: Application Only Areas (map)

South Coast Private Moorage Application-Only Areas: January 2017





Ref: 105456

January 24, 2017

Garry Nohr
 Chair
 Sunshine Coast Regional District
 1975 Field Road
 Sechelt, BC V0N 3A1
 Email: info@scrd.ca

Dear Chair Nohr:

Re: Meeting Request regarding Broadband and Cellular Connectivity on the Sunshine Coast

Thank you for your letter of December 7, 2016, to Minister Virk regarding connectivity on the Sunshine Coast. Minister Virk has asked that I respond on his behalf.

We understand how important broadband and cellular connectivity are to citizens living in rural communities. Network BC within the ministry is working with other levels of government and the private sector, including large and small Internet service providers, in order to connect communities. Recently, through the provincially funded Connecting British Columbia program, administered by Northern Development Initiative Trust, an Internet service provider was granted funding to improve Internet connectivity on Gambier and Keats Islands and Port Mellon. There is also a new federal broadband program called Connect to Innovate currently accepting applications. More information on this program can be found at this link

<https://www.canada.ca/en/innovation-science-economic-development/programs/computer-internet-access/connect-to-innovate.html>.

There may be options to build new cellular sites to expand cellular coverage in the Sunshine Coast if capital contributions from other sources are available. We encourage local governments in the area to reach out to TELUS and Rogers to consider where opportunities may exist through cost and spectrum sharing arrangements. Please contact Aurora Sekela, TELUS Ambassador at (604) 836-8788 or at Aurora.Sekela@TELUS.com. For Rogers, please contact Glenn Alsaker, Manager of Wireless Access Planning at (604) 431-1504 or at glenn.alsaker@rci.rogers.com.

I am copying Howard Randell, Executive Director of Network BC, who will reach out to you directly to discuss the specific needs of your area.

Thank you again for identifying the need for improved connectivity for the Sunshine Coast.

Sincerely,



Bette-Jo Hughes
Associate Deputy Minister and
Government Chief Information Officer

pc: Honourable Amrik Virk, Minister of Technology, Innovation and Citizens' Services
TIACS.Minister@gov.bc.ca

John Jacobson, Deputy Minister
John.Jacobson@gov.bc.ca

Howard Randell, Executive Director, Network BC
Howard.Randell@gov.bc.ca

Network BC
NetworkBC@gov.bc.ca