



INFRASTRUCTURE SERVICES COMMITTEE

Thursday, July 19, 2018
SCRD Boardroom, 1975 Field Road, Sechelt, B.C.

AGENDA

CALL TO ORDER: 9:30 a.m.

AGENDA

1. Adoption of Agenda

PETITIONS AND DELEGATIONS

2. Evan Guiton, Strawless Coast
Regarding Potential ban on single-use plastic items
3. Dion Whyte, Persephone Brewing Co.
Regarding Development Variance Permit DVP00039 (Annex A)

REPORTS

4. Senior Planner
Development Variance Permit DVP00039 (Persephone) and Proposed
Liquor Licence Endorsements for a Lounge and Picnic Area
(Voting – A, B, D, E, F) Annex A
pp 1 – 57
5. Senior Planner
Provincial Referral 103014586 - 001 TMK / DM Roads (Johnson)
(Voting – A, B, D, E, F) Annex B
pp 58 – 67
6. Chief Administrative Officer
E-Comm Emergency Communications for British Columbia
Incorporated - Dispatch Services Agreement
(Voting – All) Annex C
pp 68 – 70
7. General Manager, Infrastructure Services
Renewal Licence Tenure Agreements – South Pender Water
(Voting – All) Annex D
pp 71 – 72
8. General Manager, Corporate Service / Chief Financial Officer
Recycle BC Program - Financial Impacts
(Voting – All) Annex E
pp 73 – 77
9. Infrastructure Q2 Report
(Voting – All) Annex F
pp 78 – 90
10. General Manager, Planning and Community Development
Cannabis Legalization – Bylaw Amendments
(Voting – All) Annex G
pp 91 – 117

COMMUNICATIONS

11. Recycle BC, dated July 11, 2018
Regarding Curbside Statement of Work for Electoral Area B and D
(Voting – All)
- Annex H
pp 118 - 119

NEW BUSINESS

IN CAMERA

THAT the public be excluded from attendance at the meeting in accordance with Section 90 (1) (k) of the *Community Charter* “negotiations and related discussions respecting the proposed provision of a municipal service...”.

ADJOURNMENT

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Infrastructure Services Committee – July 19, 2018

AUTHOR: David Rafael, Senior Planner

SUBJECT: DEVELOPMENT VARIANCE PERMIT DVP00029 (PERSEPHONE) AND PROPOSED LIQUOR LICENCE ENDORSEMENTS FOR A LOUNGE AND PICNIC AREA – AREA F

RECOMMENDATIONS

1. **THAT the report titled Development Variance Permit DVP00029 (Persephone) and proposed Liquor Licence Endorsements for a Lounge and Picnic Area – Area F be received;**
2. **AND THAT DVP00029 be issued to relax Section 1021.7 (3) (a) (ii) (indoor seating capacity) of Zoning Bylaw No. 310 from 30 to 65 be issued subject to:**
 - a) **receipt of confirmation from Vancouver Coastal Health that a wastewater treatment system for the alcohol production facility and ancillary uses has been approved and installed;**
 - b) **registration of a covenant on title that:**
 - i. **requires a minimum of 12 secure bicycle parking spaces;**
 - ii. **minimum of 80 on-site parking spaces be provided;**
 - iii. **limits the food and beverage lounge business hours to the following:**
 - **Summer Hours (May Long Weekend through Thanksgiving)**
Monday - Wednesday 11:00 a.m. – 7:00 p.m.
Thursday - Sunday 10:00 a.m. – 9:00 p.m.
 - **Winter Hours (After Thanksgiving to May Long Weekend)**
All days of the week 11:00 a.m. – 7:00 p.m., with the exception of the night of December 31st and until 1:00 a.m. on the morning of January 1st;
 - iv. **indoor amplified and outdoor non-amplified music is permitted from 2:00 p.m. to 4:00 p.m. on weekends, with the exception of the night of December 31st and until 1:00 a.m. on the morning of January 1st;**
3. **AND THAT the proposed Lounge Endorsement be supported subject to the conditions established in DVP00029 (including that the indoor lounge seating not exceed 65 and outdoor lounge area not exceed 50 square metres);**
4. **AND THAT the proposed Picnic Endorsement be supported subject to a maximum of 150 people;**

5. AND FURTHER THAT the Board resolution along with a copy of the staff reports dated June 14, 2018 and February 8, 2018 be sent to:

- a) Agricultural Land Commission;**
- b) Vancouver Coastal Health Authority; and**
- c) British Columbia Liquor Control and Licensing Branch.**

BACKGROUND

Persephone Brewing Company (Persephone) has been operating a brewery at 1053 Stewart Road since 2013. Persephone has previously applied to the Agricultural Land Commission (ALC) for non-farm use to permit the brewery. The Board resolved to support the non-farm use application (Resolution 256/16 – Recommendation 3) on June 23, 2016. The ALC ruled not to approve the non-farm use on December 19, 2016. The ALC did not support the application and provided Persephone a two-year time frame to comply with Agricultural Land Reserve (ALR) regulations or relocate from the site.

On November 19, 2017, Agricultural Land Reserve regulations regarding breweries were amended. The regulation now enables alcohol production facilities on farms over two hectares to operate within the ALR provided they source at least 50% of the primary farm product used in their alcohol production from on site and other B.C. farms.

Persephone is working to resolve outstanding issues relating to the use of the property as a brewery in order to be in compliance with ALR regulations and SCRD bylaws. On July 3, 2018 ALC confirmed that Persephone is now in compliance (Attachment A).

On January 5, 2018 Persephone applied for a development variance permit to vary provisions in the AG zone and proposes to apply to the BC Liquor Control and Licensing Branch (LCLB) for amended and endorsements as follows:

Variance	Requirement	Proposed
number of seats in the indoor food and beverage service lounge	30	65
Maximum outdoor food and beverage service lounge area	50 square metres	122.5 square metres

LCLB Endorsements	Current	Proposed
Liquor	Manufacturer Tasting Room	Lounge
Picnic Area	30 people maximum	190 people

Persephone has indicated the intent of this application is to match current operating practices rather than increase the intensity of use.

The differences between a tasting room endorsement and a lounge endorsement is set out in the section on BC LCLB Endorsements below. LCLB process requires that the application is submitted for local government review prior to submission to the LCLB.

At the February 22, 2018 Regular Board meeting the following resolution was adopted:

075/18 **Recommendation No. 4** Persephone Brewing Company DVP00029 and LCLB Endorsements

THAT the report titled Persephone Brewing Company DVP00029 and LCLB Endorsements– Electoral Area F be received;

AND THAT Development Variance Permit DVP00029 be referred to the following agencies:

- i. Skwxwú7mesh Nation;
- ii. All Rural Area Advisory Planning Commissions;
- iii. Town of Gibsons;
- iv. District of Sechelt;
- v. SCRD Agricultural Advisory Committee;
- vi. Agricultural Land Commission; and
- vii. Owners/Occupiers within 100 metres of the subject property.

Persephone has provided additional information after the February 8, 2018, Planning and Community Development Committee (Attachment B).

The purpose of this report is to provide information on the application, report on referral comments and obtain direction from the Planning and Community Development Committee on moving forward with the development variance permit application and proposed LCLB endorsements for Persephone.

DISCUSSION

Referrals and Public Consultation

Advisory Group Referrals

The development variance permit application and LCLB endorsements were referred to all five Advisory Planning Commissions and the Agricultural Advisory Committee. Copies of the

meeting minutes and a table setting out the comments provided in regard to specific questions are included in Attachment C.

Each of the advisory groups, with the exception of the Egmont/Pender Harbour APC, either supported or did not object to the proposed development variance permit and LCLB endorsements. Conditions were suggested to limit the hours of operation, to address noise concerns, and that SCRD should re-evaluate or cancel the variance if complaints/infractions take place. It is possible to establish hours of operation through a condition in the variance or by a covenant. However, it is not possible to reconsider or cancel a development variance permit once it is issued.

Referral to owners and occupiers within 100 metres

The SCRD received 8 letters/e-mails from residents in proximity to Persephone. Each letter raises concerns about the proposals. Correspondence is included in Attachment D. In summary the concerns are:

1. Drainage and Water Quality - Wastewater is causing algal growth in ditch and there may be impact on groundwater and wells. Water from vats is used for irrigation. Sediment/sludge from beer production is going into a pond and then into road ditch. Possible impact on wildlife (fish) and harm to trees. Increase in water into road ditches.
2. Noise and Hours of Operation - Late night noise.
3. Traffic and Parking - Traffic creates safety concerns and a traffic study should be done. Access to driveways is blocked from time-to-time despite no parking signs put up by Persephone.
4. Brewery and Non-Farm Use - Frustration that Persephone has been able to operate in contravention of ALR and other rules for the past 5 years.

Other comments include:

5. Picnic Area – One letter indicated no support to increase picnic area capacity from 30 to 190.
6. Other Nuisances and Concerns - Comments regarding odour, litter, and behaviour and safety for children. Area for consuming alcohol not identified outdoors. Possible impact on wildlife.
7. Commercial Use - Residents did not anticipate living next to an expanding brewery which may seem to be operating like a pub.
8. Technical Issues - Violations of LCLB regulations regarding serving size limits alleged. The area identified for growing grain is less than two hectares and not suitable for agriculture.
9. Consultation Process and Decision Timeline - Complicated consultation by combining variance with endorsements.

Agency Referrals

SCRD consulted the agencies noted in the February 22nd Board Resolution. During the consultation process comments were raised regarding Persephone's drainage such as impact on road side ditches, potential contamination of surface water and parking. Staff followed up these concerns with provincial staff at the Ministry of Forest, Lands, Natural Resource Operations and Rural Development, Ministry of Transportation and Infrastructure and Vancouver Coastal Health. The following table summarizes referral comments:

Government/Agency	Comments
Skwxwú7mesh Nation	Referral sent on March 19, 2018 and re-referred on May 9, 2018. No response has been received to date.
Town of Gibsons	Referral sent on April 5, 2018. No response has been received to date.
District of Sechelt	Referral sent on April 5, 2018. No response has been received to date.
Agricultural Land Commission	<p>The referral response is included in full in Attachment D.</p> <p>ALC has determined that Persephone is in compliance.</p> <p>In responding to the referral, prior to making that determination, ALC did not comment on specific aspects regarding the requested variance or the proposed endorsements. ALC requested that should the ALC determine Persephone is a farm use that the DVP be re-referred for additional comment.</p> <p>Staff re-referred the variance and proposed endorsements to ALC on July 3rd after the letter of farm compliance was received. It was anticipated that the variance comments would accompany this letter of compliance, however this was not the case.</p>
Vancouver Coastal Health (VCH)	<p>VCH is aware of issues related to wastewater from the brewery entering the drainage ditch and is working with Persephone to address wastewater issues. VCH requires submission of a signed and sealed 'letter of certification' from an engineer that the waste water system (for spent brewery water) has been installed to the proper standard, as per the as-built drawings, and will not cause a health hazard. The works could be completed in about a month once installation starts.</p> <p>Persephone confirmed that filing for the upgraded wastewater system is in the process of being updated.</p>
Ministry of Transportation and Infrastructure (MOTI)	No concerns.

Ministry of Forest, Lands, Natural Resource Operations and Rural Development (FLNRORD)	FLNRORD is working with Persephone to address concerns raised regarding water quality under the <i>Water Sustainability Act</i> . No specific concerns are noted at this time.
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Liquor Control and Licencing Branch Endorsements Consultation Requirements

LCLB requests that local governments conduct public consultation when considering endorsement applications. LCLB confirmed that the form of public consultation is to be determined by the local government. LCLB also recommended to include copies of any staff reports to support to Board resolutions in the response.

SCRD Bylaw No. 522 (Procedures and Fees) sets notification area distances for variance permits and rezoning/OCP amendment applications at 100 metres, with the exception of 50 metres for properties in the R1 and R2 zones. As the issues related to the DVP and the proposed endorsements are directly related, the notification process for DVPs (100-metre radius) was applied for the endorsements. This improves efficiency and ensures all issues were presented to the owners/occupiers within the notification area.

Analysis

Staff's analysis of feedback considers the scale and organization of commercial activities in view of both the AG Zone/ALR Regulations and the surrounding neighbourhood.

Parking, Traffic and Public Transit

Parking and traffic are concerns on the site and some suggestions were made during the referral process to reduce impacts. One suggestion regarding requiring provision of bicycle parking could be achieved by a covenant registered on title.

Referral comments suggested that public transit should be promoted and that the bus stop be moved closer. The bus stops on North Road are relatively close to Persephone (westbound stop is 150 metres and eastbound stop is 60 metres from the intersection). Bus service along North Road is limited as there is no service after 8:30 p.m. on weekdays and no service on weekends or holidays. No additional service is currently planned. An alteration of service would need to be considered in the context of service provision as a whole.

SCRD may request as a condition of a development variance permit that a traffic study be conducted by Persephone as there may be occasions, such as at the end of an event, when traffic volume is particularly heavy and may be above 100 vehicle trips per hour. Experience from previous studies indicates that focus is on safe and efficient traffic flow at intersections. Examples of improvements that have been identified in studies include adding traffic lights or a right turn lane at an intersection, improving sight lines or adding a left turn lane into a property. Thus a study is unlikely to address concerns regarding parking and traffic safety caused by poor

driving on Stewart Road adjacent to Persephone. Staff do not recommend requiring a traffic study.

MOTI has indicated that parking issues have been addressed by Persephone. However, there are likely to be occasions when there is overflow parking on Stewart Road. Vehicles are permitted to park on the side of a road, within the right-of way, providing traffic is not impeded or access to property is not blocked. Persephone provides 80 on-site spaces and there is space for additional parking. Care needs to be taken with requiring additional parking to ensure it does not impact farming capability of the ALR site.

Persephone noted that shuttle bus pick-up locations are used when customer volume is expected to increase during an event. Provision of shuttle buses is a helpful measure that could reduce parking and traffic impacts on Stewart Road and surrounding area.

Drainage and Water Contamination

Provincial agencies are working with Persephone to address concerns regarding possible water contamination and drainage issues. This may address concerns about potential well-water contamination. MOTI is satisfied that the roadside ditches and the road are not impacted by effluent runoff.

Referral comments stated concerns about impact of increased water flow on trees on nearby properties. Staff have followed up with appropriate provincial ministries.

Noise and Hours of Operation

Regarding hours of operation, SCRD can limit hours as a condition of the variance permit or as the subject of a covenant registered on title. Ceasing operation at 9:00 p.m. has been suggested in referral comments.

Persephone stated that the current operating hours are:

Summer Hours (May Long Weekend through Thanksgiving):

Monday - Wednesday 11:00 a.m. – 7:00 p.m.

Thursday - Sunday 10:00 a.m. – 9:00 p.m.

Winter Hours (After Thanksgiving to May Long Weekend)

All days of the week 11:00 a.m. – 7:00 p.m., with the exception of the night of December 31st and until 1:00 a.m. on the morning of January 1st.

Outdoor music occurs most often on the weekend in the afternoon and is not amplified. Not using amplification is also a restriction to all picnic area endorsements per LCLB. Indoor music most often occurs in the afternoons on the weekends and may be amplified. In discussions with staff, Persephone noted that there is no intention to alter these hours.

SCRD *Noise Control Bylaw No.597* applies and there are restrictions regarding outdoor music that LCLB apply through the endorsements. The quiet hours are between 11:00 p.m. and 7:00 a.m. except on the night of December 31st and until 1:00 a.m. on the morning of January 1st.

Information provided by Persephone noted that the Lounge endorsement will permit music from 2:00 p.m. to 4:00 p.m. on weekends.

Staff consider that the hours of operation at Persephone are consistent with SCRD and LCLB standard. It is recommended that the above noted hours of operation and a 4:00 p.m. end time for outdoor/indoor music on weekends with allowance for later time on New Year's Eve could be included in a covenant to be registered on title if the development variance permit application is approved.

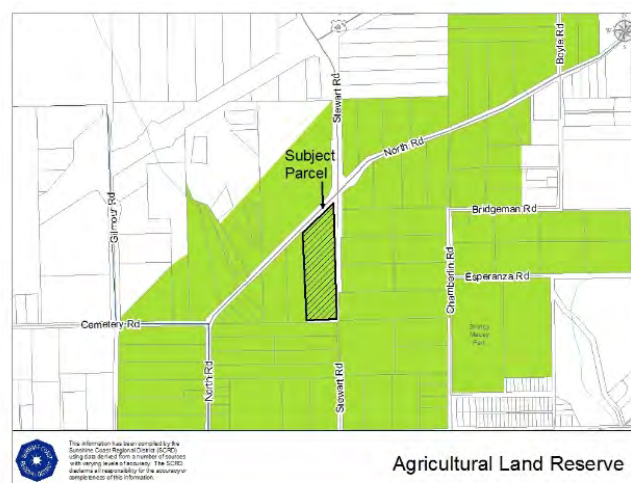
Commercial Activity on ALR in the Neighbourhood

Some residents noted concern regarding the introduction of commercial activity into a residential area. However, Persephone and the surrounding area is located within the ALR and the AG Zone. Agriculture is a primary and important use in the AG Zone and ALR.

ALR regulations allow for a range of commercial activities associated with agriculture. This may result in activities that could impact residential neighbours. The *Farm Practices Protection (Right to Farm) Act* gives farm operations protection from nuisance complaints, such as odour arising due to fertilizing growing areas or drainage. Any nuisance concerns arising from a farm operation need to be referred to the British Columbia Farm Industry Review Board.

The Province has designated alcohol production facilities as a farm use that cannot be prohibited within the ALR (*Agricultural Land Reserve Use, Subdivision and Procedure Regulation*). A food and beverage service lounge is an ancillary use to the production facility. As the ALC has determined the brewery meets the requirements to be a farm use SCRD cannot prohibit it but may regulate it and the ancillary lounge. The AG zone in Zoning Bylaw No. 310 sets regulations for a brewery's food and service beverage lounge. Persephone has applied to SCRD to vary these regulations.

While the area surrounding Persephone is primarily used as residential, it is within the ALR and AG zone and therefore intended for agriculture which includes related commercial activities as shown in the following map:



Consultation Process

Consultation on the variance conforms to the procedures set out in Procedures and Fees Bylaw No. 522 which requires that notifications are mailed and hand delivered, where possible, to owners and occupiers of parcels within 100 metres of the subject property. There are no SCRD procedures set out in Bylaw No. 522 or any other bylaw regarding public notification for consideration of LCLB endorsement applications.

It is strategic to merge the DVP and endorsement consultation as the issues are connected. A copy of the report provided to the referral agencies, which included the report considered at the February 8, 2018 Planning and Community Development Committee, was placed on the SCRD website and the notification letters provide a link to the website.

BC LCLB Endorsements

Persephone proposes to amend the current liquor licence issued as a manufacturer. The proposed endorsements will expand the activities permitted under the current liquor licence. Persephone has stated that the use of the site will not alter as the level of activity has been at about the level the proposed endorsements will authorize. The following table extracted from Manufacturer Licence Terms and Conditions Handbook (Handbook), Dec 2017 (Province of BC) shows a comparison between the current manufacturer's licence (which includes a tasting room), a lounge endorsement and a picnic endorsement. Details of the LCLB regulations can be found in the Handbook; extracts can be found in Attachment E along with links to the LCLB website and Handbook.

	Manufacture Licence - Tasting Room/Area	Lounge Endorsement	Picnic Endorsement
Hours	Set aside one or more interior areas where you may sell or serve samples of your products to your patrons between 9 a.m. and 11 p.m.	The lounge may be located indoors or on a patio or both. Food must be available to patrons in the lounge. Hours for special event areas and lounges are 9 a.m. to 4 a.m. the following day, subject to limitation by the Branch	May be open from 9 a.m. until half an hour after sunset. Liquor may not be consumed past this time and all patrons must be cleared within a further half an hour
Patron Limits			Has a total person capacity of 30 persons, unless otherwise noted on your licence
Drink Size	Samples are a small amount intended to demonstrate what the product tastes like <ul style="list-style-type: none"> Brewery/Cider: a maximum individual serving size of 125 ml of beer or cider. Multiple servings (e.g. flights) are permitted to a total maximum of 375 ml per person per day. 	<p>Draught beer and cider:</p> <ul style="list-style-type: none"> Single servings of no more than 24 oz (682 ml) Smaller servings of multiple brands, as long as the total served at one time is no more than 24 oz (682 ml) Pitchers or other multiple serving containers, as long as it is shared by two or more patrons and contains more than 60 oz (1.7 litres) <p>Bottled beer:</p> <ul style="list-style-type: none"> Maximum two standard-sized or one large-sized (up to 24 oz or 682 ml) bottle of beer per patron at a time. <p>Amounts are also set for wine and distilled liquor.</p> <p>Can sell liquor from other manufactures provide total sale value does not exceed 20% of sales in a quarter.</p>	The endorsement permits patrons to bring samples or drinks purchased from your other endorsement areas outside to consume (there is no sale or service in the picnic area). Although patrons may consume drinks purchased from your endorsement areas in the picnic area, the picnic area must not be used as an overflow area of a lounge.
Other Activities	Take patrons on guided tours of your establishment between 9 a.m. and 11 p.m. While on a guided tour, your tour route is considered a service area which permits the service or sale of samples to persons on the tour.	Live or recorded music, radio, television and dancing are permitted in your lounge and special event area, unless it is otherwise restricted by the Branch or unsuitable for minors. Entertainment is permitted in the picnic area as long as there is no amplified sound (see Attachment B for more detail)	Entertainment is permitted in the picnic area as long as there is no amplified sound in or adjacent to the picnic area.

A Lounge Endorsement does not require that a restaurant is operated on the premises, however food must be available to patrons. The AG zone does not permit a restaurant as a stand-alone use, though it does permit a food and beverage service lounge as an ancillary use to a brewery. Therefore food can be prepared on site or brought in from off-site to serve in the lounge. Staff consider that this may include use of a food truck.

Staff understand that while LCLB considers input from local governments it is not obliged to adopt a government's recommendation into an endorsement.

Options

Options have been split into two sets to address the development variance permit (Options DVP1 to DVP2) and the proposed LCLB endorsements (Options LCLB1 to LCLB3). There is overlap between the two sets as the direction taken for the DVP is reflected in the recommendation for the proposed endorsements. This will reduce the potential for the SCRD and LCLB to issue permits with a different set of conditions.

Development Variance Permit Options

Option DVP1: Issuance of DVP00029 is subject to registration of a covenant and confirmation of installation of waste water treatment system

The requested variance is intended to reflect the level of activity that has taken place for several years. The currently-permitted outside lounge area and indoor seating capacity, within the Ag zone are less than that permitted by ALR regulations.

The proposal to increase indoor seating capacity from 30 to 65 would support poor weather and winter operation.

Based on referral comments, AG Zone/ALR Regulations and in consideration of scale of operation and neighbourhood issues the outdoor lounge area should not be varied and not exceed 50 square metres as set out in the AG zone parameter. The outdoor lounge is supplemented by the picnic area.

The Picnic Endorsement provides flexibility to Persephone to continue to operate with outdoor use.

The current hours of operation and times for indoor and outdoor music will be included in a covenant registered on title.

Staff recommend that the covenant require a minimum of 12 secure bicycle parking spaces be provided.

Parking is a concern and no minimum number of spaces for a brewery with a lounge and picnic are set out in Zoning Bylaw No. 310. The covenant will establish a minimum on-site parking requirement of 80 spaces.

VCH and FLNRORD are working with Persephone to address water contamination issues. Installation of an approved treatment system should be a condition to be achieved prior to issuance of DVP00029.

This is staff's recommended option.

Option DVP2: Deny Development Variance Permit No. DVP00029

There are neighbourhood concerns about Persephone with respect to noise, water contamination, parking and traffic. The AG zone allows for a food and beverage service lounge at lower levels of use than desired by Persephone. The provisions within the AG zone were adopted in September 2016 with an intention of establishing small scale food and beverage service lounges as part of alcohol production facilities. Persephone could continue to operate but at a smaller scale than proposed.

LCLB Endorsement Options

Option LCLB1: Support the proposed Lounge and Picnic Area Endorsements subject to terms of DVP00029 (including that indoor seating not to exceed 65 and outdoor area not to exceed 50 square metres) and for 150 people for the picnic area

The AG zone permits an ancillary food and beverage service lounge to a brewery. Thus an application for a lounge endorsement should be supported. SCRD could set out limits for occupancy and hours of operation for the LCLB to consider for inclusion in the endorsement. These should match those set out for DVP00029 and the covenant.

The February 8, 2018 staff report provided an analysis that linked the number of people with on-site parking provision, number of people in the lounge areas and the numbers permitted for an event by the ALC (maximum of 150 people and no more than 10 events per year). In this prior report, staff recommended and continue to recommend that the picnic area maximum only be increased to 150 people, rather than the proposed 190.

This is staff's recommended option.

Option LCLB2: Support the proposed Lounge and Picnic Area Endorsements subject to terms of DVP00029 and for 190 people for the picnic area

With regard to the picnic area the increase to 190 will allow for larger events that are likely to be infrequent. Care will need to be taken to ensure that ALR regulations regarding the 150 maximum number of people attended an event are not breached. In some circumstances Persephone will need to apply to the ALC for a non-farm use (over 10 events or over 150 people).

Allowing a maximum of 190 people would allow flexibility should Persephone get authorizations for a larger event from the ALC.

Option LCLB3: Further regulate the Lounge Endorsement and do not support the Picnic Area Endorsement

There are neighbourhood concerns regarding Persephone. The ALC determined the brewery is a farm use and a food and beverage service lounge is a permitted ancillary use. The SCRD may regulate the use but not prevent it by, for example, limiting area and number of seats. Thus the lounge endorsement should not be opposed entirely but could be restricted by for example, limiting area and number of seats.

The SCRD may oppose the proposed picnic area endorsement.

Organization and Intergovernmental Implications

As the proposal and issues relate to several agencies the Board's resolution along with copies of staff reports dated February 8, 2018 and July 12, 2018 should be sent to Agricultural Land Commission, Vancouver Coastal Health Authority and British Columbia Liqueur Control and Licensing Branch.

The Building Division has issued a building permit to Persephone to address required building upgrades. The Gibsons and District Volunteer Fire Department provided input regarding the Persephone's building permit application.

STRATEGIC PLAN AND RELATED POLICIES

Review of the application for the development variance permit and draft applications for Lounge and Picnic Area Endorsements supports the SCRD Value of transparency.

CONCLUSION

Persephone applied to vary regulations set out in the AG zone regarding food and beverage service lounge to increase the number of seats permitted in the indoor area from 30 to 65; increase the outdoor lounge area from 50 square metres to 122.5 square metres. As well, local government review of a proposed LCLB lounge and picnic endorsement was requested.

Through a referral and notification process, concerns were raised by local residents regarding, noise, traffic, parking, water contamination and other issues.

Staff propose conditions to be secured by a covenant registered on title that should mitigate some these concerns. Vancouver Coastal Health and other provincial agencies are working with Persephone to address water issues.

Staff recommend issuance of the development variance permit and support for LCLB endorsements subject to the following conditions:

1. Prior to issuing DVP00029, confirmation from VCH that an approved wastewater treatment system is installed and operating;
2. DVP00029 be issued to increase the number of seats from 30 to 65 in the indoor lounge area and not increase the outdoor lounge area;
3. Covenant be registered on title to set hours of operation and hours that music is played, minimum of 80 parking spaces and at least 12 bicycle parking spaces are installed;
4. Lounge Endorsement be issued by LCLB subject to conditions set out in DVP00029;
5. Picnic Endorsement be issued by LCLB subject to limiting the maximum number of people to 150; and
6. Board resolution along with a copy of staff reports dated February 8, 2018 and July 12, 2018 be sent to:
 - a) Agricultural Land Commission;
 - b) Vancouver Coastal Health; and
 - c) British Columbia Liquor Control and Licensing Branch.

Attachments

Attachment A - Additional Information from Persephone in Response to PCDC Feb 8, 2018

Attachment B - Advisory Group Referral Responses

Attachment C - Referral Responses from Owners and Occupiers

Attachment D - Referral Response from Agricultural Land Commission and letter confirming compliance

Attachment E - Extracts from Liquor Control and Licensing Branch website and manufacturer handbook

Reviewed by:			
Manager	X – A. Allen	Finance	
GM	X – I. Hall	Legislative	
CAO	X – J. Loveys	Mgr Transit and Fleet	X - G. Dykstra

Staff Report to Infrastructure Services Committee - July 19, 2018
Development Variance Permit DVP00029 (Persephone) and proposed Liquor Licence
Endorsements for a Lounge and Picnic Area – Area F

ATTACHMENT A



Agricultural Land Commission
201 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

July 3, 2018

ALC C&E File 50260

Email

Brian Smith
Persephone Brewing Company Inc.
958 Reed Road
Gibsons BC V0N1V7

Dear Property Owner

File Closure

CIVIC ADDRESS:	1053 STEWART ROAD
LEGAL:	LOT A DISTRICT LOT 914 PLAN LMP20836
PID:	019-112-076
(the "Property")	

This letter serves to inform you, that the Agricultural Land Commission (the "ALC") has determined that alcohol production facility located on the Property appears to be operating in compliance with the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* (the 'Regulation'). At this time it appears that the Owner of the Property is growing at least 2.0 hectares of both barely and apples as part of their farm operation.

Considering the above information, I am satisfied that there is no evidence of any non-compliant activity occurring on the Property at this time. Our file is now closed.

Please note that Section 2(2.1)(b) of the Regulation clearly states that the primary farm product grown by the farm must be used to make the alcohol produced on-site. To maintain compliance with the Regulation please ensure the barely and apples grown by the Owner on the farm are processed and then fermented in on-site.

Thank you for your cooperation with this matter. If you require further information please do not hesitate to contact me.

This letter does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

Sincerely,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read "DAVID ASSELS".

David Assels
Compliance and Enforcement Officer

ATTACHMENT B

Additional Information from Persephone in Response to PCDC Feb 8, 2018

Email dated Feb 22, 2018

Dear Mr. Rafael,

I would like to take the opportunity to respond to several comments made by Directors at today's Planning and Development Committee meeting regarding Persephone Brewing Company and the information provided in your report entitled "Persephone Brewing Company DVP00029 and LCLB Endorsements - Electoral Area F". Please note that I have attempted to summarize the gist of these comments as accurately as possible in my own words. It is my hope that these comments will be incorporated into future staff reports for clarification purposes.

Occupancy Concerns

Several comments made by Directors lead me to believe there is a perception that our lounge endorsement application and our application to amend the picnic area capacity of 30 persons (effective Jan 23, 2017) will lead to an increase in the amount of traffic and occupancy at Persephone Brewing Co. This is not the case. Since opening Persephone Brewing has limited occupancy in our Tasting Room to 65 persons consistent with ALC policy. Our Tasting Room occupancy was subsequently set at 72 persons (seated) or 190 persons (standing) by the Fire Department in July 2014 (see submitted, stamped floor plan), however we continued to limit indoor occupancy to 65 persons. **No change to this occupancy level is being requested.**

With respect to occupancy within our picnic areas, neither the ALC nor the LCLB limited occupancy within licensed picnic areas prior to January 23, 2017, and Persephone Brewing operated accordingly since we opened. During peak usage (busy summer days when community events are taking place at the farm), our picnic areas have always accommodated as many as 200 persons, however average usage is substantially less than this during the summer. The occupancy limit of 30 persons imposed by the LCLB on Jan 23, 2017 represents a severe reduction in occupancy relative to historical usage of the picnic areas. Our application to amend this to 190 persons was intended to allow Persephone to continue to operate as it has since opening and accommodate peak usage during the summer (thereby facilitating continued access to these spaces for community groups, fundraisers and events in the summer). Staff's recommendation contained in their report to the PDC to limit occupancy within our Picnic Areas to 150 persons so as to align with ALC policy regarding events on ALR lands is both appropriate and manageable for Persephone Brewing as this will accommodate typical high season usage in those areas.

Parking

A parking plan showing the layout of approximately 80 parking spaces was provided to the SCRD, and presented to Directors in past staff reports, as part of our non farm use application to the ALC. Please advise if you require us to re-submit this parking plan. Comments made at today's meeting suggest that Directors may still believe that parking is a significant issue and only being actively monitored/controlled by Persephone Brewing staff during large on site events. Throughout this past summer, and as standard operating practice going forward,

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Persephone schedules at least one staff person to monitor and control parking every weekend from the beginning of July through end of August. We are not aware of any parking related complaints since this practice was put in place.

Brewery Water Treatment & Reuse

Director Winn's comments that our brewery drainage water goes into a lagoon which generates problematic odours is no longer accurate. The previous brewery water treatment system (which has been filled with Vancouver Coastal Health) included a treatment lagoon. That system indeed proved problematic due to odours and as a result an improved treatment system was installed in July 2017. The new system consists of a custom engineered physical/biological treatment plant with full ozone/UV sterilization designed specifically for brewery water and represents an investment of over \$100,000. Odours have ceased to be an issue since installation of this system (note that farm operations such as moving compost piles once a year do generate odours on occasion and this may be incorrectly associated with brewery water treatment. The new treatment system is designed to produce and store water capable of being pumped through our drip irrigation system so this resource can be reclaimed for more efficient crop irrigation.

Permitted Activities in a Lounge

Several comments at the meeting suggested an assumption that if Persephone's Tasting Room becomes a Lounge it would essentially operate as a Pub. While it is true that the LCLB's Terms and Conditions for a licensed brewery lounge permit a number of activities typically found in pubs and bars (e.g. games of skill such as pool tables & darts, games of chance (e.g. lottery/keno etc.), sporting events etc.), Persephone Brewing does not wish or intend to operate its Lounge as a pub but rather wishes to continue operating as a family friendly destination. Pubs, for example, tend to be open late whereas Persephone's hours of operation are not planned exceed 7pm (winter) or 9pm (summer). What is more, even under our current Tasting Room endorsement we can have later hours, and have historically not done so. Pubs are typically filled with big screen TV's to allow the broadcasting of sporting events which whereas Persephone does not, and will not, have any TV screens on premise to broadcast such events. Pubs typically run a full service kitchen with table service whereas Persephone would continue to partner with Farm to Feast to provide local, sustainable food options for patrons and would continue to offer counter service to patrons only which is consistent a small scale tap rooms operation.

Persephone's reasons for pursuing the lounge endorsements are to (a) allow for the reinstatement of music inside the tap room between 2:00pm and 4:00pm on weekends (which we are no longer able to do under our current Tasting Room license), (b) to allow patrons a variety of serving sizes for our beers rather than limiting serving sizes to 12.5 oz, and (c) to allow Persephone to support other local manufacturers by providing "guest taps" featuring their cider or beer provided these do not amount to more than 20% of on site sales.

On Site Food Truck vs. Full Service Kitchen

As stated above, while food service (and associated kitchen facilities) is a permitted activity in brewery lounges, Persephone Brewing has no plans to develop a full service commercial kitchen at this time and plans to continue to partner with Farm to Feast to provide limited, local, and sustainably sourced food options for patrons.

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Relationship with the Sunshine Coast Association for Community Living

Director Milne's comments regarding Persephone Brewing's community impact and associated relationship with the Sunshine Coast Association for Community Living (SCACL), loosely paraphrased as "If you scrape off the thin veneer of the relationship between Persephone Brewing and SCACL, the reality isn't very pretty." were both unprofessional, and unwarranted. SCACL's partnership with Persephone has provided, and continues to provide:

- meaningful employment and skills development opportunities for a number of SCACL's members served (i.e. adults living with developmental disabilities)
- opportunities for SCACL's members served to engage in activities at the farm and brewery (e.g. hops harvest, hop planting, garlic planting and harvest, staff parties, etc.)
- a source of funds to support that engagement as well as other SCACL programs and services (100% of net revenues from every one of our major events - approximately \$20,000 in 2017), and
- space to develop and operate other farm and non farm based social enterprises geared towards providing work and engagement opportunities for SCACL's members served (e.g. Bottle Me and farm fresh egg enterprise which involves SCACL operating a flock of laying hens at the farm).

Many of Persephone's staff are contributing members of the Sunshine Coast Association for Community Living, and our Head Brewer currently sits on SCACL's Board of Directors. SCACL has nominated Persephone Brewing Company for a Community Living Associations WOW Award and Social Enterprise of the Year Award (both of which were subsequently received by Persephone), further supporting the degree to which our partnership has had a positive and meaningful impact for both partners. SCACL's Executive Director, Glen McClughan, can likely provide additional comment and his own perspective on the nature and value to SCACL of the current partnership between SCACL and Persephone Brewing.

As always, please don't hesitate to contact me at your convenience should you have any questions.

Kind regards,

Dion Whyte
General Manager
Persephone Brewing Co.

ATTACHMENT C

Advisory Group Referral Responses

	Is the proposed food and beverage service lounge seating/occupancy appropriate?	Is the proposed picnic area capacity of 190 (proposed) or 150 (suggested by SCRD staff) appropriate?	Is there sufficient on-site parking (80 spaces)?	Are there any conditions the SCRD should establish to reduce possible impacts on the neighbourhood?	Does the referral agency have any additional comments or a recommendation?
Area A APC	No	number is too high and there will be a large impact for surrounding neighbours with noise and parking	No response	Reducing the number of people in the picnic area will reduce the possible impact on the neighbourhood	If this variance is approved and complaints and infractions happen then the variance should be cancelled.
Area B APC	Yes	150	Yes	<ul style="list-style-type: none"> noise control (limited hours) no on-street parking odor control from the brewing process 	No response
Area D APC	It was thought the capacities proposed per area were appropriate for standing, sitting and eating	190 as long as the total seating capacity did not exceed the ALR Regulation	It can be difficult to find a place to park at Persephone sometimes.	Nothing further to add	<ul style="list-style-type: none"> Pave the road and have street parking "built to work". The road to the bypass could handle parking on either side. Promote transit use to clientele. Include bicycle parking spots in the plan. Need adequate lighting for parking areas.
Area E APC	Yes.	190	Yes	<ul style="list-style-type: none"> a) applicant continue the practice of monitoring the parking b) signs in place that will be maintained c) if public inconvenience and a safety issue, the SCRD should come back and re-evaluate this 	a bus stop be maintained in this area
Area F APC	Yes	No consensus	Yes	<ul style="list-style-type: none"> a) ending events at 9:00 pm; b) working with neighbours; c) having staff control the parking d) can variance say "will not be operated as a pub" 	<ul style="list-style-type: none"> Minimize light pollution to neighbours at night Expand the consultation area beyond 100 metres if the effluent water were not re-used for irrigation, the odour of yeast would not be a problem Concern about possible future use of the facility upon sale of the property if the zoning changes enable a larger facility with different activities
SCRD Agricultural Advisory Committee	No response	190 supported	Yes	No response	parking signage for additional parking required at all entrances to the farm

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Agricultural Advisory Committee, March 27, 2018

Recommendation No. 2 *Development Variance Permit Application DVP00029 & LCBC Endorsement, Electoral Area F (Persephone Brewing Company).*

The Agricultural Advisory Committee recommended that the report titled Development Variance Permit Application DVP00029 & LCBC Endorsement, Electoral Area F (Persephone Brewing Company) be received;

AND THAT Persephone Brewing Company be limited to the existing 80 parking spaces without hard-surfacing and expansion;

AND FURTHER THAT the AAC supports the increased 190 seating capacity in the picnic area.

Key points of discussion:

- Senior Planner, David Rafael introduced Persephone Brewing Company, CEO, Brian Smith to the AAC.
- The Senior Planner noted that the AAC is to consider site-planning requests that could enable Persephone to come into compliance with the SCRD zoning regulations to operate as a brewery with the ALR.
- AAC to consider when making a decision towards this application regarding the proposed food and beverage lounge, impact on farming, seating capacity of 190 or the 150 seating capacity proposed by the SCRD appropriate in the picnic area, 65 indoor seating capacity, 80 onsite existing parking spaces and any negative impacts.
- Mr. Smith noted that the SCRD staff report was well prepared, the reason for attending this meeting was to answer any comments or questions the AAC have pertaining to this DVP application.
- AAC members suggested that parking signage for additional parking required at all entrances to the farm.
- The 80 parking spaces have been onsite since year one of the farms opening.
- Question is 80 parking spaces sufficient, or should it be reduced?
- Mr. Smith is not looking to increase the onsite parking in the future.
- A shuttle is used for larger events to transport people to and from to minimize the parking constraints on the farm.
- The onsite work yard is in the composting area and not in the parking areas.
- On-street parking is minimal due to signage supplied by Persephone and desire to not negatively impact adjacent residents.
- Persephone plans to plant barley this spring in the lower field to comply with ALC regulations

The proposed food truck will support local farms for food sourcing

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Egmont / Pender Harbour (Area A) Advisory Planning Commission, March 28, 2018

Development Variance Permit Application DVP00029 & LCBC Endorsement – Electoral Area F (Persephone Brewing Company)

Answers to the questions from the Area A APC as to the impact of Zoning Bylaw No. 310 are as followed:

- The APC does not feel the food and beverage service lounge seating/occupancy is appropriate.
- The proposed picnic area capacity of 190 (proposed) or 150 (suggested by SCRD staff) – The APC feels this number is too high and there will be a large impact for surrounding neighbours with noise and parking.
- Reducing the number of people in the picnic area will reduce the possible impact on the neighbourhood.
- If this variance is approved and complaints and infractions happen then the variance should be cancelled.

Area B - Halfmoon Bay Advisory Planning Commission, March 27, 2018

Development Variance Permit Application DVP00029 & LCBC Endorsement-Electoral Area F (Persephone Brewing Company)

The APC discussed the staff report regarding Development Variance Permit Application DVP00029 & LCBC Endorsement-Electoral Area F (Persephone Brewing Company). The following concerns/points/issues were noted:

- We are asked to comment on this application because it is ALR land, any changes there will affect ALR here in Halfmoon Bay.
- Have there been any parking issues? Think a lot of people bike there and walk.
- The issue of parking seems to have been addressed with the accommodation of 80 on site spots.
- Like what they're doing, except for the picnic area against neighbouring property might need rethinking.
- They are doing a thriving business, employing local people and are providing a family oriented facility.
- As long as they keep to their claim that they want to be family oriented with early closing hours...is there a way of putting time restrictions on their operations?
- Don't have a problem with the variance request, and the owners seem to be agreeing with the SCRD proposed 150 outdoor picnic seating.
- Think that 190 people is a lot on a property this size.
- The 150 limit could have a huge impact on them financially without concrete reasoning for this reduction.
- The 150 seems reasonable given the analysis and calculations that have been done to come to this number.

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- Suggest that we support the staff recommendations for 150.
- In a facility in Powell River, seating for a gathering of 200 people seems like a good number.
- The required food truck is a spinoff business that this business can support.

Recommendation No. 1 *Development Variance Permit Application DVP00029 & LCBC Endorsement-Electoral Area F (Persephone Brewing Company)*

Regarding Development Variance Permit Application DVP00029 & LCBC Endorsement-Electoral Area F (Persephone Brewing Company), the APC recommends the following in response to the “key questions to consider” on page 22.

1. Is the proposed food and beverage service lounge seating/occupancy appropriate?
Yes
2. Is the proposed picnic area capacity of 190 (proposed) or 150 (suggested by SCRD staff) appropriate?
The APC supports staff recommendations
3. Is there sufficient on-site parking (80 spaces)?
Yes
4. Are there any conditions the SCRD should establish to reduce possible impacts on the neighbourhood?
The APC suggests the following:
 - a) noise control (limited hours)
 - b) no on-street parking
 - c) odor control from the brewing process

Area D – Roberts Creek Advisory Planning Commission, March 19, 2018

Development Variance Application DVP00029 & LCBC Endorsement – Electoral Area F (Persephone Brewing Company)

The APC discussed the staff report regarding Development Variance Application DVP00029 & LCBC Endorsement – Electoral Area F (Persephone Brewing Company).

Mr. Brian Smith, applicant, was present to respond to questions and comments of the APC.

Points from discussion included:

- Parking – It can be difficult to find a place to park at Persephone sometimes. Big trucks may take up a lot of space in the parking lot, so parking can seem tight. There is lots of space to park on the road. “Bad” parking on the street could be improved if the road were paved. Have street parking “built to work”; examine off-site parking. The road to the bypass could handle parking on either side. Promote transit use to clientele. Include bicycle parking spots in the plan. Need adequate lighting for parking areas.
 - Applicant pointed out that during the summer, Saturdays, and special events, staff was assigned to manage parking and the flow of cars. Weekday parking usually is

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not an issue. A large percentage of visitors are families with children, so safety is important to Persephone. Signage to help with parking has been installed. Applicant was reluctant to push a street through for paved street parking in light of likely resistance of neighbours. When hosting events, the applicant organizes shuttle service to transport clientele to and from Persephone, lower Gibsons and the ferry. Streetlight bulbs have been changed at North road and Stewart road so it is now fairly well lit.

- Proposed food and beverage service lounge seating/occupancy – Recommended standards for space requirements at events were discussed. It was thought the capacities proposed per area were appropriate for standing, sitting and eating.
 - Applicant explained music is played only until 4:00 or 5:00 pm; if outdoors it is not amplified. Persephone provides snacks, not food services, which are provided by a food truck. Picnic area is well used.
- Proposed picnic area capacity – A capacity of 190 persons was acceptable to the APC, as long as the total seating capacity did not exceed the ALR Regulation. It was noted the 65 seating capacity applies to both indoor and outdoor areas.
- Conditions to reduce possible impacts on the neighbourhood – APC members thought Persephone had been doing well at addressing issues, and had nothing further to add.

Area E – Elphinstone Advisory Planning Commission, March 28, 2018

Development Variance Application DVP00029 & LCBC Endorsement – Electoral Area F (Persephone Brewing Company)

The APC discussed the staff report regarding Development Variance Application DVP00029 & LCBC Endorsement – Electoral Area F (Persephone Brewing Company) at 1053 Stewart Road, West Howe Sound.

The applicant provided background and an overview of the brewing operation and its applications to change from a tasting room endorsement to an indoor food and beverage service lounge, and to expand the outdoor picnic area occupancy. Actions to address the two key complaints of neighbours in Persephone's first year, parking and noise, were described. Persephone operates within noise bylaw hours; usually closed by 7:00 pm, and 9:00 pm on weekends and in the summer.

The APC discussed questions from the staff report as follows:

1. Is the proposed food and beverage service lounge seating/occupancy appropriate?

The applicant responded to APC members' inquiries:

- There would be no expansion of the space. Changes include the different activities permitted with the lounge license, like bringing in live music; there is a difference in terms of the size of the beer (tasting room, 12 oz. beer; lounge, 16-18 oz.).
- Did not see this as an increase in traffic nor anticipate crowds of people.
- There are no plans for a restaurant or kitchen. Food is currently served from a food truck, a local business committed to supporting Sunshine Coast farms. There is a wood-fired pizza oven on the property.

- Also serve non-alcoholic beverages.
- Some of the rules have changed. Capacity used to be assessed by area, and now it is by occupancy numbers.
- The operation fits well within the occupancy threshold, and fits well with the number of parking spots. During the week the lot is not full. Staff manages parking at busy times. When busy, parking overflow goes onto the side roads.
- Sometimes the brewery runs a shuttle to the ferry terminal and lower Gibsons. There is a transit stop at Stewart and North, and a planned increase in public transit services. Clientele also use taxis or carpool to avoid drinking and driving.
- In addition to 80 parking spots, there is a location that could be used for staff parking, in the composting area. If this were a restaurant, 45 parking spots would be required for this number of people.

In summary, the APC regards the proposed food and beverage service lounge occupancy to be appropriate. The proponent will be continuing to operate as they have been. It is not an increase in the number of people who will be occupying the space.

2. *Is the proposed picnic area capacity of 190 (proposed) or 150 (suggested by SCRD staff) appropriate?*

Comments from APC members included:

- On weekends, there are a lot of children. It is one of the few places you can go on the coast that includes kids. 190 is appropriate. Sometimes people bring two to four kids. You can sit, relax and have a beverage; your kids can play. It is one of the few businesses that allow for the opportunity to go outside as a family and be together.
- Originally there were issues. There has been turnover in the neighbourhood in the last few years. Would recommend this (variance request). There is better policing on Persephone's part; it keeps public perception onboard. There is additional staff to deal with parking.

The APC regards the capacity of 190 as an appropriate number, as it will include children as well as adults. There have been no complaints from neighbours in the last four years.

3. *Is there sufficient on-site parking (80 spaces)?*

The APC considers 80 spaces is sufficient on-site parking. The applicant has provided a math equation in the documents indicating how much parking a restaurant would be required to provide; the applicant is providing almost double that.

4. *Are there any conditions the SCRD should establish to reduce possible impacts on the neighbourhood?*

- The APC recommends that the applicant continue the practice of monitoring the parking. There are signs in place that will be maintained. The conditions in place are proving sufficient due to the lack of complaints in the last four years.
- If the traffic and parking becomes a question of public inconvenience and a safety issue, the SCRD should come back and re-evaluate this.

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- The APC recommends that, in order to minimize traffic disruptions, a bus stop be maintained in this area.

Area F – West Howe Sound Advisory Planning Commission, March 27, 2018

Development Variance Application DVP00029 & LCBC Endorsement – Electoral Area F (Persephone Brewing Company)

The APC discussed the staff report regarding Development Variance Application DVP00029 & LCBC Endorsement – Electoral Area F (Persephone Brewing Company).

The applicant noted that:

- Occupancy numbers requested for the picnic area variance and lounge license are below the numbers of the ALC.
- Usually Persephone Brewery holds one big event a year in August, with other events in other locations. A lot of other organizations host events at the site, in the range of occupancy at 150 to 190 maximum.
- Rationale around occupancy of 190 as maximum requested for picnic area: based on observations over the last 4.5 years; good balance with 80 parking spaces; no desire to increase parking spaces due to preference to farm the land. There appeared to be a good balance in terms of the neighbours, customers and agricultural use.
- Explained that the 190 occupancy request was suitable for the rural area; the 30 person rate from the LCLB was an arbitrary number recently set, mainly applicable to urban settings, and open to requests for variance. The picnic area previously was regulated relative to a square footage area, not by occupancy numbers. Applicant indicated that in the picnic area the 190-person occupancy would apply all the time; in practice, this would be mainly in sunny weather on Saturday and Sunday.
- The tasting room has been at an occupancy of 65 since its beginning, based on fire inspection and safety. Some of the regulations are more recent. Persephone does not treat the outdoor area as a lounge area; only in the indoor tasting room is lounge service being considered. There are two areas: a picnic area outside and the indoor tasting area. People take their own drinks outside to the picnic area, where there is no table service.
- Regarding its ALC non-farm use application, Persephone would start growing barley this spring to be in compliance with ALC regulations by December 2018.
- Discussed current ALC policy on breweries.

Members addressed questions from the staff report as follows:

1. Is the proposed food and beverage service lounge seating/ occupancy appropriate?

- There appeared to be consensus of APC members that the proposed food and beverage service lounge seating/ occupancy was appropriate, as no objections were expressed.

2. Is there sufficient on-site parking (80 spaces)?

- Members thought there was sufficient parking on-site.

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- Question about spaces for staff parking. Applicant noted most staff walk or ride; staff could park in the compost area adjacent to farm vehicles.
 - Comment that one of the biggest issues of the neighbours was parking, and now that has been fixed.
3. *Is the proposed picnic area capacity of 190 (proposed) or 150 (suggested by SCRD staff) appropriate?*
- One member remarked that the 190-person occupancy request for the picnic area felt like a good number balancing the 80 parking spaces.
 - One member expressed concern about the request to jump from LCLB's 30 persons for the picnic area to 190.
 - One member thought 190 was high, and proposed not allowing a large picnic area and that 30 people is reasonable on a farm.
 - Three members thought 190 was acceptable; it was noted that 190 was under the thresholds of the ALC.
4. *Are there any conditions the SCRD should establish to reduce possible impacts on the neighbourhood?*
- Comment that applicant appears to be doing everything they can do to address issues: ending events at 9:00 pm; working with neighbours; having staff control the parking.
 - Lobby to install a traffic light at Stewart Road and North Road.
 - Limit hours of operation as per current hours, i.e., no later than 9:00 pm.
 - Minimize light pollution to neighbours at night by requiring special ("dark skies") lighting on site (lighting that is directed downwards).

The following additional points were noted:

- Discussion on the regulatory processes regarding the related applications to the SCRD, Agricultural Land Commission (ALC) and BC Liquor Control and Licensing Branch (LCLB).
- Concern about limited consultation area; recommendation to expand consultation area beyond 100 m from property, to from North to Reed to Chamberlin.
- Water treatment and reuse and reducing the odour – It was noted that if the effluent water were not re-used for irrigation, the odour of yeast would not be a problem.
- Concern about possible future use of the facility upon sale of the property if the zoning changes enable a larger facility with different activities. Discussion about applying restrictions, being prescriptive, definitive. Live sporting events were an example of an activity for which it would be difficult to curtail noise.
- Question regarding whether the variance could say "will not be operated as a 'pub'".

The Chair thanked the applicant for attending the meeting.

ATTACHMENT D

Referral Responses from Owners and Occupiers

Mark Hiltz (Stewart Road)

2018 May 7 Sunshine Coast Regional District Board

Re: Written comment concerning the application of DVP 00029, Picnic area amendment, Alcohol
Manufacturer Licence (305517) Lounge Endorsement Proposal

Process: Thank you, the Board, for reaching out to the community to understand the neighbourhood concerns before you make these very important decisions on this major project. I understand that this consultation is to help fix the non-compliance problems concerning the Company's (Persephone Brewing Company) alcohol manufacturing operations beginning in May 2013. The SCRDC and the Agricultural Land Commission "has been put in a difficult position" (page 5 ALC Decision 2016 December 19) regarding the Company's alcohol manufacturing facility. While the SCRDC does not have Code of Conduct for Members of the Board & Senior Management I believe your decisions in this matter are to serve the public interest. "It has come to our attention that while the District has a wide variety of disaggregated policies, there is no formal Code of Conduct". (Letter from Bill Cox, External Auditor, April 20, 2018). If there was a clear Code of Conduct perhaps we would not be in the current situation. The public engagement process is further complicated by combining the Development Variance Permit, building permit issues, picnic area size, agriculture concerns, and lounge endorsement liquor licensing into one omnibus confusing public consultation. The public interest is best served by clarity not confusion.

Clean Water Source: I am a 25 year resident of our neighbourhood living in a multigenerational household. My greatest immediate concern is the protection of the water source from which our household and others draw water. The area is in the West Howe Sound Official Community Plan Aquifer Protection and Stormwater Management DPA#4. The Company's wastewater is entering the groundwater and surface receiving waters as evident from the odour and sludge forming in nearby water channels. As you know ground hydrology is complex and the cumulative effects are difficult to predict and may take years to recognize before the damage is identified. The best practice is to keep a water source clean because purifying water is expensive. The risk to the Soames and Gibsons aquifer needs consideration. Please refer to the Township of Spallumcheen situation which is documented in 2016 BCIPC No. 36 <https://www.oipc.bc.ca/investigation-reports/1972>. The Company's wastewater discharge needs to stop, referrals sent to the Ministry of Environment and Vancouver Coast Health, and bonding to provide for an alternative water source and cleanup.

History: Until my neighbour told me about the public consultation I thought the Company as a neighbour, made fine tasty beer, and followed the SCRDC Good Neighbour Guides. I live 110 meters from the Company and did not receive a notice. After speaking with SCRDC staff I find that the Company's record tells something different. The Company bought the property as a 2 bedroom, 6250 square foot, 2 story single family dwelling (SFD) in May 2013. Alcohol was being sold by September 2013. The current building permit 1301 (conversion of SFD to commercial building) should have been completed before September 2013) not May of 2018. Non-compliance of nearly 5 years does not send a message that good neighbours need to follow the rules.

Agriculture and food security: In 2014 the southern property was logged and the land cleared for a field for hops and a wastewater lagoon. The 2015 hop plantings died. The field has a high water table not well suited to growing hops which needs well-drain soils. (see Hop Yard Collective Technical report 1). The field was replant with hops in 2016/17 after extensive and ongoing drainage works and continues to struggle with production. This field is about 1.6 hectares (Google Earth measurement) and is intended to be planted with 2.0 hectares of barley in addition to the hops in March 2018 to comply with Agriculture Land Commission. (Company's ALR Compliance 2018 plan). I had hoped that the Company would be a leader with innovative cultivation practices on the southern field. While the

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alcohol manufacturing operation flourishes with increased production, expansion and new employees, the expanded farm land remains a challenge. The previous Flower Farm spent significant labour and money to improve the land now occupied by the upper hop field and market garden. I understand the challenges of our local and highly variable soil conditions as I operate a subsistence farm with fruits, vegetables, nuts, native plants and trees, and micro-livestock.

Alcohol licensing: My understanding is the Company's alcohol manufacturing licence allows selling samples of 125 ml (4 oz) per serving with a total of 375 ml (12 oz) per person per day. The Company is allowed to give away as much free beer as it wants as long as people do not become intoxicated. The SCRD March 12 staff report states the Company now sells serving sizes up to 12.5 oz. The onsite store endorsement allows sales of the Company's manufactured alcohol. The picnic area endorsement allows onsite purchased alcohol to be consumed in one of 4 picnic areas for a total of 30 people. The 30 person number was set by the LCLB Policy Directive No.16-17 in October 2016 to minimize disturbance to a nearby residences. Residences are now as close as 30 meters of the picnic area. The Company can apply in the future to the LCLB to increase the number without charge. The Lounge Endorsement would allow selling of serving sizes up to 24 oz, pitchers of 60 oz (1.7 litres), as well as spirits and wines. Having LCLC049A form as part of the major project website information package would be very helpful as it includes many useful details regarding the Lounge Endorsement proposal such as operating hours. There is conflicting information in staff report (page 8 of 10) regarding the terminology of tasting room endorsement and lounge endorsement. The RCMP, ICBC, and Ministry of Transportation (MOTI) should have referrals and submit written comments regarding traffic, accident history, noise and other disturbances. It is well known the excess alcohol consumption can bring out the less pleasant human behaviours.

Community Health and Safety: I worry that the Company intends to direct customers to the Visitor Information Park (VIP) which has 6 parking spaces (Company January 4, 2018 letter page 3) and southern parts of Stewart Road. The concern is that VIP's current signage says "unoccupied vehicles will be towed at the owners expense" and the one kilometre roundtrip walk along Highway 101 also requires 4 pedestrian crossings without marked crosswalks. The Stewart/North Road/Highway 101 intersection carries well over 4000 vehicle per day ([MOTI traffic data program](#)). It is also the main corridor for commercial trucks and logging trucks. This is a serious safety concern especially to families with walking children. Southern portions of Stewart Road are gravel and dust control is a concern especially for the unmaintained Class 8 road. I recently visited the Company with friends and was concerned with free flow of people throughout the site which has compressed gas cylinders, liquid nitrogen, confined spaces, industrial and farm machinery. Children are curious and encouraged to be curious in our fast changing world and site safety is concerning. The Ministry of Transportation (MOTI), Gibsons Fire Department should receive referral and submit written comments as well as the Gibsons and District Chamber of Commerce which operates the VIP.

Drainage: After the Company cleared land in 2014, drainage from land exceeded the undeveloped historical flow and overwhelmed a 350 mm culvert which replaced the historical 15 cm deep swale. Surface water channels were dug deeper to accommodate the increased flows. MOTI policy: Drainage to the provincial highway right-of-way will not be permitted to exceed the undeveloped historical flow. See https://www.th.gov.bc.ca/permits/Environmental_Requirements.asp and MOTI right of way access permits for Stewart Road.

Sincerely, Mark Hiltz. Stewart Road resident

Staff Report to Infrastructure Services Committee - July 19, 2018
Development Variance Permit DVP00029 (Persephone) and proposed Liquor Licence
Endorsements for a Lounge and Picnic Area – Area F

Patricia Beale (Stewart Road)

TO
Sunshine Coast Regional District
1975 Field Road
Sechart BC V0N 3A1

FROM

Patricia Beale
943 Stewart Rd
Gibsons BC
V0N 1V7

PATRICIA
BEALE
IS
OPPOSED TO
THIS DVP
RE: PERSEPHONE

RE: The expansion of Persephone Brewing Company
on Farm land @ 1053 Stewart Rd. Gibsons BC.

Dear Sirs & Madams:

As I live at lot 2 DL 691 just below Judy Coffey's land
at 69375 Lot 1 DL 691 and am within your 100 meter waters
at the south of lot 1069 currently owned by Persephone Brewing Co.

When I moved here in 1976, to be with Al Cook who had bought
this property in 1974 from Paul Johansson. He had logged some trees
so we could build a house & shop. He added me to the title in 1999 as
deed title. Properties must be approved by the British Columbia Conservation
Act. My application to the Land Reserve Commission was approved in
2001.

As I understand that the current property @ 1053 Stewart Rd./
North Road. is currently owned by Persephone Brewing Co. This
brewing has expanded its production to selling cases of beer
at liquor stores and has enlarged their factory by at least ten
times its original beginning as a brewery.

I have noticed that their big farm field is unproductive.
This is no wonder since I have watched them spray their left over of
brewery waste ~~on~~ their fields in the past. Now their fields will grow
some grass but it won't grow hops.

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2.

They are currently growing hops above their brewery on an sprayed
land. This land has been farmland for a long time. It is one of the
reasons that we bought our land, and Al's parents had bought the lot at
968 North Rd. which comes straight above my land. Now that time has
flown by and his parents have passed away and Albert's wife has passed
away this lot belongs to Judy Cook, Albert's wife. She has been checking on
her trees and property by driving up Stewart Rd to the back of her property.

As it turns out the Persephone Co. is running a map of water down the
west side of their property and along the adjoining ditch along Judy's property
to a big pond and then along to Stewart Rd. (Her trees will be the most toxic
and then more) On Stewart Rd. the ditch runs down hill. The Persephone
crew has installed an underground pipe under Stewart Rd. beginning just
above my entrance road then coming out in a diagonal motion to Al's
former property of ten acres just across from my land. What is really sad is
his fir tree. The polluted water running down hill went right over the base
of the fir tree the tree beside it may also die. They have killed the big pond as
well! Because of the huge amount of toxic polluted water from Persephone
I am expecting more of both Judy's trees and mine to die. Now that they have killed
a big fir tree. There are more fir trees whether or not water is going!

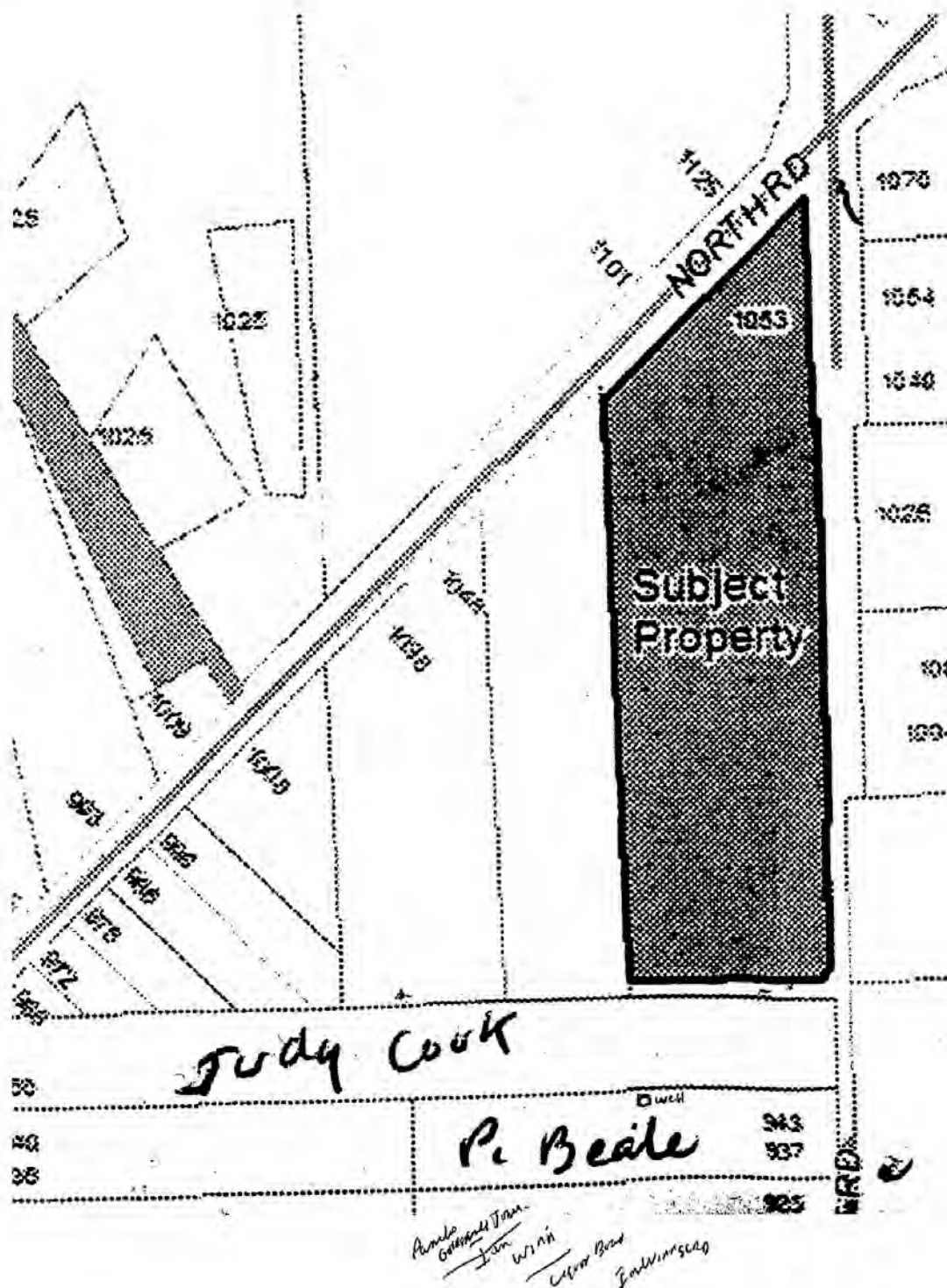
I am totally against any more pollution coming onto my land. We are on
watered land and both Judy & myself have fruit. The cedar trees must be alive!
I own four big fir trees. One that is grand! What about my well water??

I am totally against having farmland being used in such a way!
Also I am not happy about the noise from the pub during the evenings. Why
don't they move somewhere else?? It was bad enough last year but they plan to
double or triple their guests now. They will turn the farm land into a parking lot
and annoy us with their very loud music.

There is the fact that my well was established by my former husband
Allen Cook encased in 4 ft cement circles each 4 feet deep. The water has been great
for many years. I made the latest well house and keep an eye on the water.
Who knows if it may be condemned soon because of the runoff from Persephone??

Yours truly

Patricia Beale



April Crooks (Eaglecrest Drive) and Judy Cook (Stewart Road)

April 14/2018

① Persephone Brewing Company
1053 Stewart Road Nelson BC.

Please be advised that any division of land with the agricultural land Reserve must be the subject of an application to the Agricultural Land Commission to make sure rules are followed. Information can be obtained by accessing Commission website at www.alc.gov.bc.ca.

Received a letter from Sunshine Coast Regional District concerning the changes Persephone Brewing Company wants to do.
District Lot 914 Lot A Plan M/P 20836
1053 Stewart Road Nelson BC.

Concerns - They want to increase the indoor seating from 30 to 65 seats and outdoor Area from 50 sq. meters to 122.5 sq. meters.

If they could do that why can't they fix how they discard the sediment from making Beer.

(9)

The sediment what we seen is going into a pond and from there it's running down trenches and then goes into the ditch. And they have beds of straw in the ditches to filter the sediment. So say they allowed to get away with that.

What about people that lives or would like to build a home in that area and knowing or finding out how Persephone Breweries is discarding their sediment which runs into a ditch.

There's lots of families that has lived in that area for many years and they're upset.

Before Persephone Breweries was allowed to open their doors they should of made sure the sediment would of been discarded different.

Not to run into the ditch. The rules are for everyone.

My friends and I came over and took pictures of this slimy sticky sludge that runs into the ditch along side my property. It was very upsetting to see that.

③

There has been people that had complained but nothing was done. There's a family member and his friend putting a fence around his property and stepped in this sludge. He didn't know what it was until he looked into it and found out it was this sludge draining onto his property from Persephone. He said the smell was awful.

He told me I need to come over he said it's running along side my property.

He said to maybe that's why he sees no ducks in his pond anymore maybe this sludge has made its way there to.

There's people that has lived there for years and all they have is well's for there everyday use. So what if this sludge makes it into there well's they are very worried about it.

What a joke how could that of been allowed to be past. It seems fishy to most of us why they were

④

allowed to open there days for business. Some people have said maybe the inspector was a friend and closed his or her eyes to where the sediment was going.

If it was anyone else they would never of gotten away with it.

How do we know this sludge isn't going to reach the ocean because everything runs down hill and god knows what it could cause undersea. How is that okay.

Everyone has to follow the rules for a reason.

Now about the noise there are many families living all around Persephone alot of them have children and what about the people that have to work in the morning and get wake up by the loud music when they have a Band playing there.

Last summer 2017 they're music was so loud it sounded like they were in my back yard.

5

Another time I was at my friend's place on Eagle Crest about 10:00 P.M., I was leaving we were talking outside and we heard loud music. I said someone is having a party, well when I got home and it only takes me less than five minutes to get home. All the way home I heard loud music.

Then I realized when I got out of my truck I knew it was coming from Persephone. I called my friends to tell them the music was coming from Persephone Place.

The traffic and drinking and drinking goes on till 2:00 or 3:00 AM or later. That's only on a Band night. People have complained but they say it just goes on deaf ears.

I was told people living close to Persephone Brewery said some of their trees have died. I wonder why.

⑥

People are very concerned about this sludge draining into the ditch.

This needs to be looked into and realized people's property is not affected by the sediment draining into the ditch.

This should not be allowed at anytime. We are tax payers we deserve to know if everything is on the up and up and is up to code and all is legal.

Please pay attention to people's concerns

Sending a copy to

Nicholas Simmon M.P.

and to

Pam Goldsmith Joan's M.P.

Wendy Fox Payer's

Ad like this letter to be read and addressed as soon as possible.

Thank You
April Crooks

514 EAGLECREST

Judy Cook
RR9-950 North Rd
Edmonton BC

Staff Report to Infrastructure Services Committee - July 19, 2018

Development Variance Permit DVP00029 (Persephone) and proposed Liquor Licence Endorsements for a Lounge and Picnic Area – Area F

Chad Joe (Stewart Road)

From: Chad Joe

Sent: Wednesday, May 09, 2018 12:23 PM

To: Planning Department <Planning.Department@scrd.ca>

Subject: Persephone Development Variance Permit Application

Good morning David

I attempted to meet with Brian, however he wasn't available until Friday. He did give me some helpful info regarding the changes at his farm. Here is what Brain texted me with regards to the application.

"Sure. Friday afternoon? In short, nothing will be changing. Our occupancy load will not be increasing. There are still 80+ parking spots on site. Signage is staying the same. We always ask big groups to have volunteers. We always have staff outside managing cars on Saturdays and Sundays. And for our one big event we hire a shuttle that circles the community picking up and dropping off. Local govt has suggested directing cars to park on the southern section of Stewart Road but we have resisted out of courtesy to yours and others access. Sent from my iPhone"

I don't share the same opinion that there will be no impact on parking. Adding more seating adds more traffic. Traffic on weekend have been an issue from day one and after being run off the road on several occasions and 18 months of pleading with Brain it took my 71yr old mother to be run off the road and enough was enough, the Yield sign was replaced with a stop sign. Here are some thing that I feel need to be addressed regarding safety and respect to the neighbors in the area.

- Before anymore foolish decision are made in regards to Persephone Farm and Brewing, a traffic study needs to be implemented for the Safety of all.
- Due to the heavy traffic where the vehicles exit the property the road is constantly was boarded and potholed. That portion of the road also services two other properties and shouldn't have to be subjected to these extreme road condition when it the farms activity causing the road issues. This could be mitigated be having the farm change their access to the paved portion of the road or simply pave the road to the end of the exiting road. Again, a traffic study would most likely sort that out as well.
- As Brian mentioned in his text. Local government has suggested the farm utilize the south side of Stewart Rd. If this is in fact a true statement local government hasn't a clue what the neighbors have put up with, with little or NO support from the SCRD. Countless time the neighbors have been impacted by the farm. Accesses blocked or limited because on the lack of planning and respect from Brian and the farm. Its taken years to just get Brain to put up the no parking signs and it still happens from time to time. It would happen every weekend if the signs were removed.

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Brain would have a lot more support if he had more respect for the surrounding homes and the people that own them. Also keeping in mind, no one lives at Persephone. If Brian and all of you at the SCRD were dealing with rotten odors 24 -7, traffic congestion, parking, noise issues and getting run off the road by people clearly not paying attention or drunk, you'd hope that it would get sorted out ASAP. Right? At the end of the day its all about SAFTEY! There are children playing on the grounds coupled with drinking, parking and congestion. It sound like a recipe for disaster, without a professional eye looking and correcting poor planning. If the SCRD chooses to go forward with the application without a traffic study and there was an injury or a fatality, have this email serve you as notice. You may not be able to stop and incident , but it's both the SCRD's and Brain Smith's obligation and responsibility to do your due diligents when it comes to safety moving forward with this application.

Chad Joe

1008 Stewart Rd.

Gibsons

Staff Report to Infrastructure Services Committee - July 19, 2018
Development Variance Permit DVP00029 (Persephone) and proposed Liquor Licence
Endorsements for a Lounge and Picnic Area – Area F

Gord Dieroff (Stewart Road)

Gord Dieroff

1070 Stewart Rd.
Gibsons, B.C.

8th May, 2018

To the Sunshine Coast Regional District,

I would like to express my strong opposition to the proposed expansion being sought by the Persephone Brewing Company to change from tasting room to lounge. My concerns on this issue are these:

1. Noise and noise pollution- From the time the company started up, our quiet, little street has changed dramatically. Truck traffic with the deliveries of goods, customer traffic, and special events traffic. With this increased expansion, our residential area is becoming increasingly more commercial which I do not want! I chose to live here for the peace and quiet, not to end up living next to a bar/lounge. I believe that a bar, which is what the company is really trying to build is not suited for a residential area of ALR land but should be in town in a designated commercial area for this reason. I have no issue with the manufacturing of beer on the farm site.
2. Parking issues- With an expansion of the size that the company is applying for, I am wondering where more people who visit will be able to park their vehicles and where more trucks for increased deliveries will also park? As it is now, there is inadequate parking space on the site causing cars to park out on the Stewart Rd clogging the street making access to my own driveway, and my neighbours, a problem. Why does the Regional District not demand the company build adequate parking on site? The company has cleared land. "Parking solutions" have been a bandaid approach at best.
3. Hours of Operation- If the expansion is granted then this will be the first step to acquiring permission to be open for longer hours of operation. This area we live in is still a residential area, not a commercial area and we do not want the public to be allowed to drink until 11pm, 12pm or possibly 2am in the morning as bars and lounges are allowed to do. The noise and traffic will also be a problem if the lounge licence is granted. The owner of the company is not a farmer and does not live on site so will not have to live with the disturbances created by the company becoming a lounge and expanding the number of people that can be on site.. The issues I'm concerned about will not affect the owner and his family personally as it will myself and my neighbours. Understandably, the owner is a businessman who

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wants to increase his bottom line and I understand that point of view and do not have issue with that unless the companies actions and changes to the site affect my quality of life on my personal property and home.

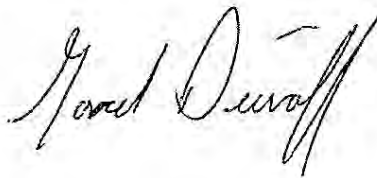
4. Cleared land on the south end of the company property- Another concern is the mess at the back of the company property where the land is saturated and the water and sediment run off where there has been an unsuccessful attempt to grow more hops for the past 2 years. Does the Regional District not monitor the effluent run off? Do you agree that bales of hay are really adequate for slowing down the flow of sediment coming from the company? Strong odour coming from the run-off leads me to ask if the company septic is working properly. Property owners downhill from the companies land are subjected to strong unpleasant odours and rely on well-water for their drinking water. Will the run off of sediment eventually pollute the wells?
5. Persephone's Brewing Company is not a farm nor do they currently function as a farm under the ALR guidelines and regulations. The majority of staff work in the service area of the company serving beer and food, not working the farm as farm hands. The small percentage of hops being grown at this time does not meet the ALR regulations, they do not grow the percentage required of barley either. As a result the company is a manufacturing facility/tasting room which should be regulated accordingly and inspected by the Liquor Control Board staff on a more regular basis.
6. How Persephone's Brewing Company conducts the business now- My last concern is about how the company is running the business in the manner of a lounge already without having the licensing to do so. No action by the Regional District has been taken to stop the company from conducting business however they want. They are following their own mandate. The company has began building and renovation changes and I wonder if they have the proper permit required and have it posted conspicuously for the public to easily see. They have recently started Friday Night Fires after 5 pm with a new fire pit installed close to the cedar clad building and am also wondering if they have had a fire inspection to make sure the pit is within safe distance from the main building.

In conclusion, I feel that the company has gone ahead and done whatever they have wished with little or no concern for the residents that live in close proximity to the company prior to acquiring proper permits, or following the rules and regulations all businesses must follow that are set out by the SCRD, the ALR² etc. The company waits for the rules to be changed to suit their needs while simply receiving a "slap on the hand" facing no consequences for plowing ahead and they continue to operate however they wish. I feel that

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Persephone Brewing Company has been lauded in the press, in the community and by the Regional District all the while not acting in “good faith” to the community and their neighbours by following the regulations and rules. I do support new business opportunities in the community that I live in and have supported Persephone Brewing Company as well, feeling that they are a great addition to the commerce and industry of the community, that they are a fun place for local families and tourists to enjoy, as long as they follow the rules and act as good neighbours to the people who are directly affected by the running of the business.

Sincerely,

A handwritten signature in black ink, appearing to read "Gerald Duroff". The signature is written in a cursive, flowing style with a large initial 'G' and a long, sweeping tail.

Staff Report to Infrastructure Services Committee - July 19, 2018

Development Variance Permit DVP00029 (Persephone) and proposed Liquor Licence Endorsements for a Lounge and Picnic Area – Area F

Hamid Marati (Stewart Road)

From: aria holdings ltd. merati

Sent: Wednesday, May 09, 2018 7:56 AM

To: Planning Department <Planning.Department@scrd.ca>

Subject: PERSEPHONE BREWING COMPANY/PLAN LMP20836

ATTN: SUNSHINE COAST REGIONAL DISTRICT

I am writing in regards to Persephone Brewing Company's application for a development variance permit in which to expand their company and in essence expand and branch out to more of an undercover pub.

I and my family own and reside at 1026 Stewart Road and such expansion plans worry me immensely. Already the area has seen changes once Persephone has occupied the premises. It is no longer a quiet residential quarter as it once was. Furthermore, parking is often an issue as there is a lack of space to already accommodate their current customer base.

Increasing their seating space indoors and outdoors would only add to the problem and I sincerely hope you take in mind the residents who have been residing on their properties long before Persephone and had no anticipation of residing next to an expanding brewery.

Many Regards,
Hamid Merati.

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Jennifer Drysdale (Stewart Road)

Jennifer Drysdale
1070 Stewart Rd
Gibsons, BC
V0N 1V7

May 8, 2018

To the Sunshine Coast Regional District,

I oppose the application for a development variance that Persephone Brewing Company has asked for through the SCRD.

My concerns are as follows:

1. Noise and traffic increase to an area that is already inadequate for the numbers of cars and people visiting the business. This small bit of Stewart Rd. cannot supply increased numbers of cars with parking space and parking on North Rd is not possible nor safe.
2. Increase of hours of operations later than 9pm until possibly 2 am if allowed to operate as a lounge. This is still a residential area and we are directly affected by how the company conducts business. Is there enough police/RCMP available to deal with any safety concerns or disturbances that may arise due to late hours and more alcohol consumption? I have no objection to the company running a tasting room in accordance with the rules and regulations set out by the SCRD and ALR but I do not wish to live next door to a lounge or bar that is open after 9 pm and feel that a lounge would be better suited to a commercial area.
3. Increase of people permitted inside the building and on the picnic areas because of noise and possible safety concerns. Persephone is said to be a community and family oriented business which means children are welcome on site so it needs to be safe for them especially and everyone else visiting the business. There does not seem to be clearly marked designated areas for visitors consuming alcohol at this time. People can wander where they wish while enjoying an alcoholic beverage.
4. Concern for the increase in water volume (flooding) and sediment being drained off the property that is produced during the beer making process and how that impacts the neighbours downhill from the company. Many of those properties rely on well water for their drinking water and there is concern the wells will be contaminated. The odour produced from the making of beer will likely increase and is already an issue for some property owners in the vicinity especially during the hot summer season when the odour is more pungent.
5. Lastly, I'm dismayed that the company has been able to conduct business as they wish though they are in non-compliance with the ALR etc., that they can break the rules and not face any consequences. If they receive a license for a lounge, what will that mean

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for the future of the residents who live here? How will it impact the quality of life for myself and my neighbours?

For the record, I've never been against Persephone being my neighbour and growing their business. I want them to be successful and believe that growth and development can be very positive for building a vibrant community. I also enjoy an occasional brew and gourmet pizza at their establishment and for the most part have felt positive about having them across the street from where I live. It is a great place to have a group meeting, to hold community events and to bring visiting family and friends to visit and enjoy. As a close neighbour, I ask that they run the business in accordance to the rules and regulations that all commercial business like theirs is expected to follow, in good faith. I don't feel this has been the case so felt it necessary to write this letter to voice my concerns and the reasons I oppose the expansion.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Wyszdale". The signature is fluid and cursive, with the first letter "J" being large and prominent.

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Development Variance Permit DVP00029 (Persephone) and proposed Liquor Licence Endorsements for a Lounge and Picnic Area – Area F

Name Withheld by Request (Stewart Road)

May 9, 2018

Dear Sunshine Coast Regional District directors and staff,

I'm writing in regard to DVP00029 and the two BC Liquor Control and Licensing Branch (LCLB) endorsements for the Persephone Brewing Company (PBC) located at 1053 Stewart Road in West Howe Sound.

I appeal to SCRD directors and staff to put the DVP and LCLB endorsement for a lounge on hold until the Agriculture Land Commission (ALC) reviews *and* approves the measures that PBC has initiated to be in compliance with ALC regulations.

I'm requesting SCRD directors and staff to reconsider your support for the endorsement to increase the picnic area from 30 to 190 people.

I reside downstream from the PBC property. Since 2013, I've endured noise, traffic, drunk people, litter, and overwhelming odors from the PBC.

Is this a farm?

A brewery is only allowed on agricultural land as an ancillary use. Hence, the "farmer" is meant to grow an agricultural crop first and then s/he can use that crop to produce an alcohol product, like beer or wine. First comes the farm; second, the brewery or winery.

When PBC purchased the land and registered the company late in 2012, breweries weren't even allowed as an ancillary use on farmland. The ALC regulations only changed to allow breweries in 2015. Hence, right from the beginning, PBC has ignored the laws and regulations governing agricultural land.

See page 6, paragraph 13, ALC file no. 55596, Reasons for decision, retrieved at: <https://www.alc.gov.bc.ca/assets/alc/assets/applications-and-decisions/search-for-applications-and-decisions/2016-decision-minutes/55596d1.pdf>

Serving size matters

PBC also chooses to ignore LCLB regulations for Manufacturer's Licenses. According to the "Liquor Manufacturer Terms & Conditions," manufacturers of beer can only sell a limited volume of beer for sampling purposes, namely, "a maximum individual serving size of 125 ml of beer or cider. Multiple servings (e.g. flights) are permitted to a total maximum of 375 ml per person per day."

See page 10 of Liquor Manufacturer Terms & Conditions, retrieved at: <https://www2.gov.bc.ca/assets/gov/employment-business-and-economic-development/business-management/liquor-regulation-licensing/guides-and-manuals/manufacturer-handbook.pdf>

Currently, PBC sells 355 ml glasses of beer and they don't limit the number of glasses per person. They also regularly fill growlers for people to consume onsite in the picnic areas. This is a clear violation of LCLB regulations.

What happened to the hops?

Like many people, I initially supported PBC's plan to grow hops and make beer. But since 2013, it's become clear that growing hops is not as important as PBC's business plan would suggest because very little time and effort has been invested in actually growing hops.

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For example, The PBC business plan projected that the company would be growing and producing 8000 pounds of hops by August 2017.

See page 20 of SCRD Staff Report, "ALR Non-Farm Use Application No. F-49 (Persephone Brewing Company, Inc.) Electoral Area F," retrieved at: <http://www.scrd.ca/files/File/Community/Planning/Major%20Projects/2016-Jan-21%20Final%20PDC%20Report%20w%20Attachments%20ALR%20Application%20No.%20F-49%20Persephone.pdf>

Today, the South hops field should be in full production whereas it's barely getting started.

In 2013, PBC planted the North field which borders North Rd. and Stewart Rd. The hops grew well on this site because the previous owner Petals Flower Farm had done extensive work to improve the drainage in this field which has a layer of heavy clay just beneath the topsoil.

In 2015, PBC planted hops in the South field. However, the plants died. During the winter this field has large puddles because the drainage is poor; it's likely the hops rhizomes rotted in the ground.

PBC did not re-plant the field in 2016. In 2017, PBC planted about one third of the South field.

In 2018, it looks like some of the hops have survived and some have died. But PBC is a long way from producing 8,000 pounds of hops per year.

PBC are on record saying they will plant barley between the hop rows by the end of March 2018. As of May 9th, no barley has been planted.

The invoice for barley from TerraLink indicates PBC has ordered 100 pounds of barley. The specifications on the invoice clearly state that 75 pounds of barley will plant one acre of land. It sure looks like PBC hasn't purchased enough barley to plant the 2 hectare minimum that's required by the ALC regulation.

What about the wastewater?

Since 2014, a foul-smelling, brown growth has appeared in ditches and ponds downstream from PBC. I spoke with the owner of PBC in the spring of 2017 and was told that the brown sludge was there because of yeast and other suspended solids in the wastewater from the brewing process. I was reassured that a new treatment system was being designed to remediate this issue.

One year later, the new treatment system is in place and the brown sludge is still flourishing in the ditch and pond.

The PBC property is within an aquifer protection zone. I rely on a well for potable water, as do several of my neighbours. I'm concerned about the long term effect of PBC's effluent/wastewater on the groundwater that supplies my well. I'm worried about the wildlife, frogs, water fowl, etc., downstream from PBC.

Please put the brakes on this application and take more time to understand what's happening on the ground before making a final decision.

Sincerely,

Stewart Road, West Howe Sound. See Photos attached.

Staff Report to Infrastructure Services Committee - July 19, 2018
Development Variance Permit DVP00029 (Persephone) and proposed Liquor Licence
Endorsements for a Lounge and Picnic Area – Area F

Puddles on the South hops field. The soil is heavy clay. PBC hasn't installed any drainage works.



PBC patrons frequently toss their cans on the road side.



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Brown algae growing in the ditch:



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Spraying brewery wastewater on the South field where no hops are growing, November 4, 2016.



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Endorsements for a Lounge and Picnic Area – Area F

ATTACHMENT E



Agricultural Land Commission
201 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

April 20th, 2018

Reply to the attention of Kamelli Mark
ALC Application: 55596
Local Government File: DVP00029

Sunshine Coast Regional District

DELIVERED BY ELECTRONIC MAIL

Re: Persephone Brewing Company Development Variance Permit DVP00029
and proposed LCLB Endorsements – Electoral Area F

Property: PID: 019-112-076 1053 Stewart Road

Thank you for forwarding a draft copy of the Development Variance Permit DVP00029 (the "DVP") and the proposed LCLB Endorsements for review and comment by the Agricultural Land Commission (ALC). The following comments are provided to help ensure that the DVP and the proposed LCLB Endorsements are consistent with the purposes of the Agricultural Land Commission Act (ALCA) and Agricultural Land Reserve Use, Subdivision and Procedure Regulation (the "Regulation"), and any decisions of the ALC.

The ALC has determined that the DVP and the proposed LCLB Endorsements are related to ALC Application 55596, Resolution #437/2016. Resolution #437/2016 refused the applicant's proposal to continue to operate Persephone Brewing as a non-farm use (tasting room, food truck, and associated outdoor seating areas) and allowed the applicant up until December 19, 2018 to relocate the non-compliant operation. However, since the issuance of Resolution #437/2016, the Regulation has changed and it is possible that Persephone Brewing may be considered a permitted farm use provided that they can demonstrate compliance under the updated Regulation.

As per s. 18(a)(i) of the ALCA, a local government may not permit non-farm use of agricultural land unless it is explicitly permitted by the ALCA, the Regulation, or a decision of the ALC. ***The ALC advises the Sunshine Coast Regional District (SCRD) that the issuance of the DVP and the support of the proposed LCLB endorsements are premature and that they should be delayed until the ALC determines whether or not Persephone Brewing is in compliance with the Regulation.*** Please be advised that the ALC is currently working with Persephone Brewing in order to make this determination.

Staff Report to Infrastructure Services Committee - July 19, 2018
Development Variance Permit DVP00029 (Persephone) and proposed Liquor Licence
Endorsements for a Lounge and Picnic Area – Area F

ALC File: 55596

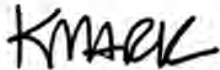
Should the ALC make the determination that Persephone Brewing is in compliance with the Regulation, the ALC recommends that the SCRDC re-refer the DVP and proposed LCLB endorsements to the ALC for updated comments.

The ALC strives to provide a detailed response to all bylaw referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC to any draft bylaw provisions cannot in any way be construed as confirmation regarding the consistency of the submission with the ALCA, the Regulation, or any Orders of the Commission.

If you have any questions about the above comments, please contact the undersigned at 604-660-7005 or by e-mail (Kamelli.Mark@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION



Kamelli Mark, Regional Planner

Enclosure:

- Staff Report for Persephone Brewing Company DVP00029 and LCLB Endorsements – Electoral Area F

cc: Ministry of Agriculture

55596m2

ATTACHMENT F

Extracts from Liquor Control and Licensing Branch Website and Manufacturer Handbook

LCLB website: <https://www2.gov.bc.ca/gov/content/employment-business/business/liquor-regulation-licensing>

With a winery, brewery, or distillery licence you may:

- have a dedicated sampling area to provide samples to the public
- provide guided tours to patrons and serve them samples on the tour, and
- apply for one on-site retail store at your winery, brewery or distillery

Lounge

A lounge is an indoor or patio area where customers can purchase and consume product made on-site and a limited amount of products purchased from the Liquor Distribution Branch. This endorsement is subject to local government/First Nation consultation and requires an additional 7-12 months to process. You may operate your manufacturing site (once the licence is issued) while this endorsement application is ongoing.

Picnic Area

In a picnic area, liquor is restricted to that served or sold from the on-site store or other endorsements (if applicable). This endorsement will require local government/First Nation sign-off and requires 1-4 months to process.

Manufacturer Licence Terms and Conditions Handbook, Dec 2017 (Province of BC)

<https://www2.gov.bc.ca/assets/gov/employment-business-and-economic-development/business-management/liquor-regulation-licensing/guides-and-manuals/manufacturer-handbook.pdf>

Manufacturer Licence (page 10)

Once you have your manufacturer licence, you must maintain your equipment and continue to manufacture onsite each year in order to maintain the licence. You are required as part of the licensing process to own or have at least a one-year lease on your production equipment. You must maintain this equipment and continue to produce onsite.

Your basic licence permits you to:

- Sell your products to licensees as permitted through your manufacturing agreement with the Liquor Distribution Branch.
- Market and promote your products offsite to licensees and the public.
- Set aside one or more interior areas where you may sell or serve samples of your products to your patrons between 9 a.m. and 11 p.m.
- Take patrons on guided tours of your establishment between 9 a.m. and 11 p.m. While on a guided tour, your tour route is considered a service area which permits the service or sale of samples to persons on the tour. The tours are permitted in any area of your business but are only permitted outside if there are exterior features related to manufacturing, e.g. a vineyard.

Samples (page 10-11)

Samples are a small amount intended to demonstrate what the product tastes like. Without a lounge or special event area endorsement you can only sell a limited volume of liquor for sampling purposes.

You must follow these limits when selling samples:

- Winery: a maximum individual serving size of 50 ml of wine. Multiple servings (e.g. flights) are permitted to a total maximum of 150 ml per person per day.
- Brewery/Cidery: a maximum individual serving size of 125 ml of beer or cider. Multiple servings (e.g. flights) are permitted to a total maximum of 375 ml per person per day.
- Distillery: a maximum individual serving size of 15 ml of spirits. Multiple servings (e.g. flights) are permitted to a total maximum of 45 ml per person per day. The volume limits for spirits do not include any mix added to the samples, e.g. tonic water.

Please note that “selling” includes any form of indirect sale, such as charging patrons for a tour that comes with a sample, offering liquor with the purchase of food, or charging for entertainment that includes liquor in the price. The maximum sample amounts per person per day apply regardless of where the liquor is provided, i.e. in a designated sampling area or on a guided tour or both.

If you provide free samples to your customers, the maximum individual serving sizes listed above still apply. There are no specified limits on the total volume of free samples you may provide, however you must never serve or sell samples to the point of intoxication.

Where Customers May Consume Liquor (page 13)

Customers cannot bring their own bottles of wine or other liquor to consume at your facility, but customers may take away unfinished bottles of wine (only), as long as the bottles are re-sealed. You may only sell and serve in the licensed area(s) and sampling area of your facility, or on a guided tour, and self-service is not permitted.

- If you have an additional licence on your manufacturer site, a patron may purchase a drink in one licensed establishment (for example, a restaurant) and then take it into an adjoining establishment (for example, a lounge) if you own both establishments
- Customers may take their drinks to the picnic area, but you cannot serve in the picnic area
- Patrons may take liquor into the washroom, as long as they are not walking through an unlicensed area (such as a lobby) and you are properly supervising the washrooms
- Professional entertainers may consume liquor while on stage, as long as they do not become intoxicated

Endorsements (page 17)

You can apply for four additional endorsements – a store, lounge, special event area and picnic area. If you do not have any endorsements on your manufacturing licence, you may only manufacture and permit guided tours and sampling at your site.

Picnic Area Endorsement (page 19 to 20)

You may apply to the Branch for a picnic area endorsement. The endorsement permits patrons to bring samples or drinks purchased from your other endorsement areas outside to consume (there is no sale or service in the picnic area). The picnic area:

- May be open from 9 a.m. until half an hour after sunset. Liquor may not be consumed past this time and all patrons must be cleared within a further half an hour.
- Must have sufficient line of sight from the interior to manage the area, or you must have other strategies in place to supervise patrons.
- Must have signage to indicate the person capacity and to indicate that the area is for consumption only (not a service area).
- Must be open to the elements (no roofs, walls or heaters) and have a clearly defined boundary.
- Has a total person capacity of 30 persons, unless otherwise noted on your licence.
- Is not permitted to have amplified sound in or adjacent to the picnic area.

Although patrons may consume drinks purchased from your endorsement areas in the picnic area, the picnic area must not be used as an overflow area of a lounge.

Lounge and Special Event Area Endorsements

Lounge endorsement (page 20)

You may apply to the Branch for a lounge endorsement. This endorsement is subject to local government/First Nation and public consultation. The lounge permits the sale and service of liquor for onsite consumption. The lounge may be located indoors or on a patio or both. Food must be available to patrons in the lounge.

Hours of Sale (page 20)

Hours for special event areas and lounges are 9 a.m. to 4 a.m. the following day, subject to limitation by the Branch. Patrons must leave within a half hour of liquor service ending in your service endorsement areas.

If you have a special event area or lounge, you may serve liquor until 4 a.m. on January 1, regardless of your normal closing hour (as long as food is available to customers), unless local bylaws prohibit it.

On the night of a time change (spring or fall), you must operate according to the hours in effect at the start of the Saturday business day, and wait to change your clocks (forward or back) until after your liquor service hours have ended for that business day.

Selling Liquor

You may sell any kind of liquor for onsite consumption in your approved lounge or special event area, as long as the cost to purchase liquor from another manufacturer/s does not exceed 20% of the total value of liquor purchased for the lounge or special event area in any given quarter.

Staff Report to Infrastructure Services Committee - July 19, 2018

Development Variance Permit DVP00029 (Persephone) and proposed Liquor Licence Endorsements for a Lounge and Picnic Area – Area F

Drink Sizes (page 20-21)

You must encourage moderate consumption at all times and not serve a customer a single serving larger than the maximum serving sizes specified below.

Distilled liquor:

- Single servings of no more than 3 fl oz (85 ml) per person at a time
- Drinks that two or more patrons intend to share may be served in pitchers or similar, but the maximum of 3 fl oz per person must be maintained
- You cannot sell or serve whole bottles of distilled liquor (“bottle service”)

Draught beer and cider:

- Single servings of no more than 24 oz (682 ml)
- Smaller servings of multiple brands, as long as the total served at one time is no more than 24 oz (682 ml)
- Pitchers or other multiple serving containers, as long as it is shared by two or more patrons and contains more than 60 oz (1.7 litres)

Bottled beer:

- Maximum two standard-sized or one large-sized (up to 24 oz or 682 ml) bottle of beer per patron at a time.

Wine:

- Single servings of 10 oz (284 ml) or smaller servings of multiple brands, as long as the total served at one time is no more than 10 oz (284 ml)
- The standard 750 ml bottle if it is to be consumed by at least two people and with food
- Non-refillable containers of 0.75 litres to 1.5 litres, or in refillable containers of no more than 1.5 litres

The maximum single serving size can be divided into two or more different types of drinks, as long as the total does not exceed two standard drinks. For example, you may serve a patron a 12 oz sleeve of beer and a 5 oz glass of wine (or alternately 1.5 oz spirits) at the same time. You may not serve a patron more than this amount even if the patron claims to be ordering for the entire table (for example the order is taken at the service bar).

Entertainment and Events (page 22-23)

Live or recorded music, radio, television and dancing are permitted in your lounge and special event area, unless it is otherwise restricted by the Branch or unsuitable for minors. Entertainment is permitted in the picnic area as long as there is no amplified sound.

You may also:

- Host a live radio, television or web broadcast from your establishment
- Provide games of skill (such as darts, pool and video games) and games of chance (including card games), but for amusement only – no payoffs or prizes of any kind are permitted

Staff Report to Infrastructure Services Committee - July 19, 2018

Development Variance Permit DVP00029 (Persephone) and proposed Liquor Licence Endorsements for a Lounge and Picnic Area – Area F

- Hold tournaments of skill and contests, and include information about these in any advertising, and offer prizes that may include money or the winner's name being entered into a draw, as long as:
 - o Patrons may enter without making a purchase or ordering a drink
 - o You do not offer or give liquor as a prize and your event does not involve the consumption of liquor
 - o You do not require the winners to be present to collect their prize
 - o Your event does not involve a contact sport
 - o Neither you, your immediate family or your staff may enter
 - o You do not charge an entry fee for contests (although you can for tournaments)
- Show movies, as long as the primary focus of your lounge does not shift to that of a movie theatre, and all movies are shown in accordance with the Motion Picture Act and its regulations. You cannot show movies that are unrated, restricted or adult rated.
- Apply to the Branch to host contact sport events on your premises. Such events must be approved in advance, must not involve patrons and you must take steps to protect both patrons and staff.
- Allow a licensed social occasion casino or licensed bingo events for charitable purposes, as long as:
 - o The events are held in an area covered by a special event area or lounge endorsement
 - o They are hosted by a charitable organization licensed by the Gaming Policy and Enforcement Branch
 - o The charitable organization's gaming licence is posted in a prominent location in the endorsement area
 - o Prizes do not include liquor or tokens redeemable for liquor
 - o The endorsement area where liquor service and consumption takes place is sufficiently enclosed to ensure the gaming area is clearly defined and to prevent patrons from taking liquor outside the area
 - o Liquor is served to the patrons of the charitable event under the regular terms and conditions of the licensed area
 - o Minors are not permitted in the area where the social occasion casino or bingo is held

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Infrastructure Services Committee – July 19, 2018

AUTHOR: David Rafael, Senior Planner

SUBJECT: Provincial Referral 103014586 – 001 TMK / DM Roads (Johnson) - Electoral Area A

RECOMMENDATIONS

THAT the report titled Provincial Referral 103014586 – 001 TMK / DM Roads (Johnson) - Electoral Area A be received;

AND THAT the following comments be forwarded to the Ministry of Forests, Lands, Natural Resources Operations, and Rural Development:

- a. SCRD cannot recommend support or refusal of this proposed road way use through District Lot 4694, Provincial File 103014586 – 001 without further information. The following are SCRD comments and concerns:
 - i. In accordance with the Province of BC's Develop With Care Guidelines, prior to commencing any land-altering activity a Bio-Inventory of the proposed tenure area should be conducted by a Registered Professional Biologist with Species at Risk experience during active time for local species. Any Species at Risk and Critical Habitat should be identified. Bio Inventory data should be shared with the SCRD;
 - ii. If Species at Risk are found in the Bio-Inventory, the proposed application may need to be changed or abandoned in order to protect species and their habitat.
 - iii. Prior to commencing any land-altering activity a Riparian Area Assessment is required by the Province of BC for any proposed work within 30 metres of any mapped or unmapped streams and wetlands;
 - iv. Prior to commencing any land-altering activity SCRD requires a Geotechnical Assessment for the works proposed within the identified Geotechnical Assessment Area: Watercourse Hazard Probability Moderate;
 - v. The proponent will require an application for authorization from the Province of BC for Section 11 of the *Water Sustainability Act* for works in a stream;
 - vi. SCRD recommends that any tree clearing activity take place during non-nesting season for birds. A permit is required under Section 34 of the BC Wildlife Act for vegetative clearing during bird nesting season;
 - vii. Water quality, fish, aquatic species and their habitat should not be impacted by construction or maintenance activities, materials, or fuel storage;
 - viii. Ensure that the *shíshálh* Nation is consulted and that all activities undertaken comply with the *Heritage Protection Act*;

- ix. A survey of the property line between Lot 1 and Provincial land is recommended to determine whether the proposed crossing of South Sakinaw Creek is located private land or Provincial land.
- b. Pertaining to future road-building activity that extends onto private Lots 1 and 2:
 - i. Prior to commencing any land-altering activity a Bio Inventory of the proposed road building area should be conducted by a Registered Professional Biologist with Species at Risk experience during active time for local species. Any Species at Risk and Critical Habitat should be identified. Bio Inventory data should be shared with the SCRDC;
 - ii. If Species at Risk are found in the Bio-Inventory, the proposed application may need to be changed or abandoned in order to protect species and their habitat.
 - iii. Prior to commencing any land-altering activity within 30m of a mapped or unmapped stream or wetland on private property, the SCRDC requires a Development Permit Application for Riparian Area Assessment;
 - iv. Prior to commencing any land-altering activity SCRDC requires a Geotechnical Assessment for the works proposed within the identified Geotechnical Assessment Area: Watercourse Hazard Probability Moderate;
 - v. In support of fewer crossings of South Sakinaw Creek which is fish bearing, SCRDC recommends DM road only with an easement across Lot 2 to enable access to Lot 1;
 - vi. Any bridge constructed for pedestrians or vehicles on private property will require a Building Permit, as per SCRDC Building Bylaw 687;
 - vii. SCRDC recommends that if the applicant intends to cross South Sakinaw Creek to access Lot 1 this application should be referred to Department of Fisheries and Oceans, Fisheries Protection Program.

BACKGROUND

The SCRDC received a Provincial referral from the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) for specific permission for TMK and DM Roads. The referral is enclosed for reference as Attachment A. A location map and application summary is provided below.

Table 1 - Application Summary

Owner / Applicant:	Garth Ross Johnson
Purpose:	Road way use for light vehicles to access private property
Tenure Type:	Licence of Occupation
Tenure Length:	More than 30 years
Tenure Size:	1.5 Ha, (road length 770m)
Location:	North east side of Sakinaw Lake, South Sakinaw Creek
Legal Description:	District Lot 4694
Electoral Area:	Egmont / Pender Harbour
OCP Land Use:	Rural Residential C
Land Use Zone:	Rural Residential 1 A (RU – 1A)
Comment deadline:	July 31, 2018

The applicant has applied to construct a road across District Lot 4694 (Provincial land) in order to access 2 private waterfront lots on Sakinaw Lake. Road construction is proposed to be approximately 0.77km across Provincial land (TMK Road) and splits into 2 separate roads in order to access private property (DM Road, TMK Road). Access to the proposed road is via existing Forest Service Roads.

The applicant's primary access to their property is by water. Provincial mapping also shows that a shared roadway extending from Garden Bay Road (constructed to serve the Sakinaw Woods subdivision) extends to the subject property.

SCRD has many concerns with this application. Support of this application is conditional upon results of the Bio-Inventory of the area and corresponding mitigation strategies to protect species and their habitat.

The purpose of this report is to provide information on the referral and a response to FLNRORD.



Figure 1 – Location of land subject to application

DISCUSSION

District Lot 4694 is the subject of the tenure application. The District Lot is located between the applicant properties to the west, which front Sakinaw Lake, and a larger parcel of Provincial land to the east.

South Sakinaw Creek is a fish bearing creek that flows west through the southern portion of this Provincial land, and through the proposed tenure application area. The headwaters of South Sakinaw Creek are in Spipyus Provincial Park. South Sakinaw is one of three creeks that directly connect the mountain ecosystems of Spipyus Park to Sakinaw Lake. Figure 1 above shows the location of the proposed tenure on the Sunshine Coast, BC.

The area has both rich diversity and has had significant ecological impact. The area has experienced significant logging activity (see Figure 2) and yet the Sensitive Ecosystem Inventory (SEI) indicates that old growth forest exists in the tenure area.

The proposed TMK road spans the width of District Lot 4694, south of South Sakinaw Creek, crossing 2 Riparian Areas and one Geotechnical Assessment Area where creek flooding and or erosion - prone areas are identified.

If the proponent's Licence of Occupation is granted the proposal is for a further 2-pronged extension of the road onto private waterfront Lots #1 and #2. If this proceeds, TMK road is proposed to extend onto Lot 1 and cross South Sakinaw Creek. DM road would access Lot #2.

A survey of the property line between Lot 1 and Provincial land (PID 015-854-264) is recommended to determine whether the proposed crossing of South Sakinaw Creek is located private land or Provincial land.

Analysis

The Official Community Plan (OCP) for Egmont / Pender Harbour indicates that the land use designation in the proposed tenure area is Rural Residential. The OCP also indicates Riparian Assessments Area and Geotechnical Assessment Areas exist in the tenure area and on Lots 1 and 2. The requirements for Riparian Assessment Areas and the Geotechnical Assessment Area are summarized below. More information can be found in the Official Community Plan for Egmont / Pender Harbour.

- **Riparian Area Assessment:** Riparian Assessment Areas are indicated by the green hatch that follows South Sakinaw Creek in Figure 2 below. In keeping with the Province of BC's Riparian Areas Regulation (RAR), under the *BC Wildlife Act*, the proponent will be required to commission a Riparian Area Assessment for any proposed works within 30m of any mapped or unmapped wetlands and streams on public or private property:
 - For works proposed within 30m of a mapped or unmapped stream or wetland on Provincial land, the report is submitted to the Province.
 - The report is a written summary of the field assessment. Field study and the corresponding report are completed by a Qualified Environmental Professional with riparian experience.
 - If the proposed works receive approval, the applicant must ensure that water quality, fish, aquatic species and their habitat of any mapped or unmapped streams or wetlands are not impacted by maintenance or construction activities, materials or fuel storage.
- **Geotechnical Assessment Area (GAA):** In addition to the Riparian Assessment Area for South Sakinaw Creek, there is also a GAA for Watercourse Hazard, of moderate probability, indicated by the yellow area near South Sakinaw Creek. GAAs for Watercourse Hazards are in place to identify that creek banks in this area are prone to erosion as well as susceptible to flash flooding. Appropriate analysis and mitigation measures are required before development. More information about this GAA can be found in the Egmont / Pender Harbour OCP.
 - A field assessment and corresponding report from a Geotechnical Engineer who specializes in in-stream works is required before land altering activity.
 - In addition, the shoreline area at the mouth of South Sakinaw Creek on Lot 1 is identified as high hazard probability for erosion (GAA). While this is outside the proposed development area, it is noted that upstream changes to South Sakinaw Creek may have the potential to negatively affect the wetland function and increase

the potential for hazardous downstream impacts in high erosion prone areas. Field assessments should include analysis of downstream impacts.

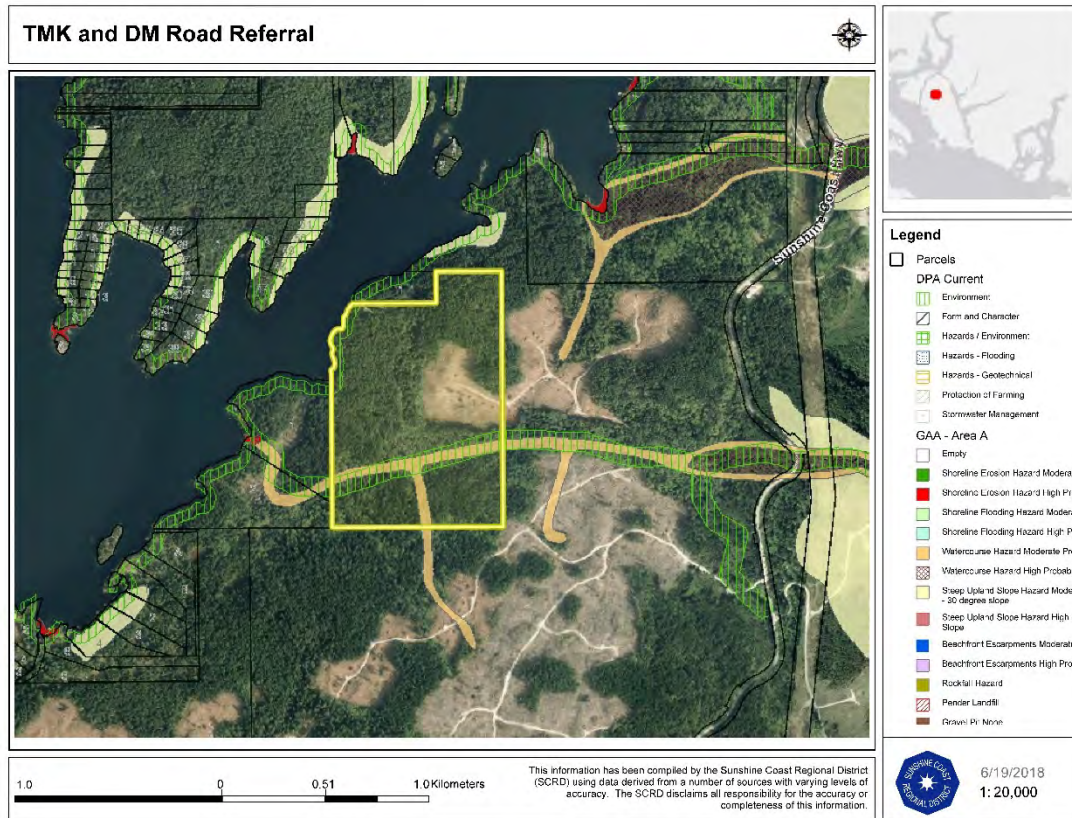


Figure 2 – Location of Development Permit Areas and Geotechnical Assessment Areas on land subject to application. Note that imagery is dated 2014

- **Zoning Bylaw 337:** The zone for the proposed tenure area is Rural Residential 1A (RU-1A), which is the same zoning as the properties that benefit from the proposed road. The large parcel of provincial land to the south and east is zoned Rural Resource 2A (RU-2A).

Figure 3 below shows a map of the proposed tenure application area, South Sakinaw Creek, Development Permit Areas, riparian areas and wetlands.

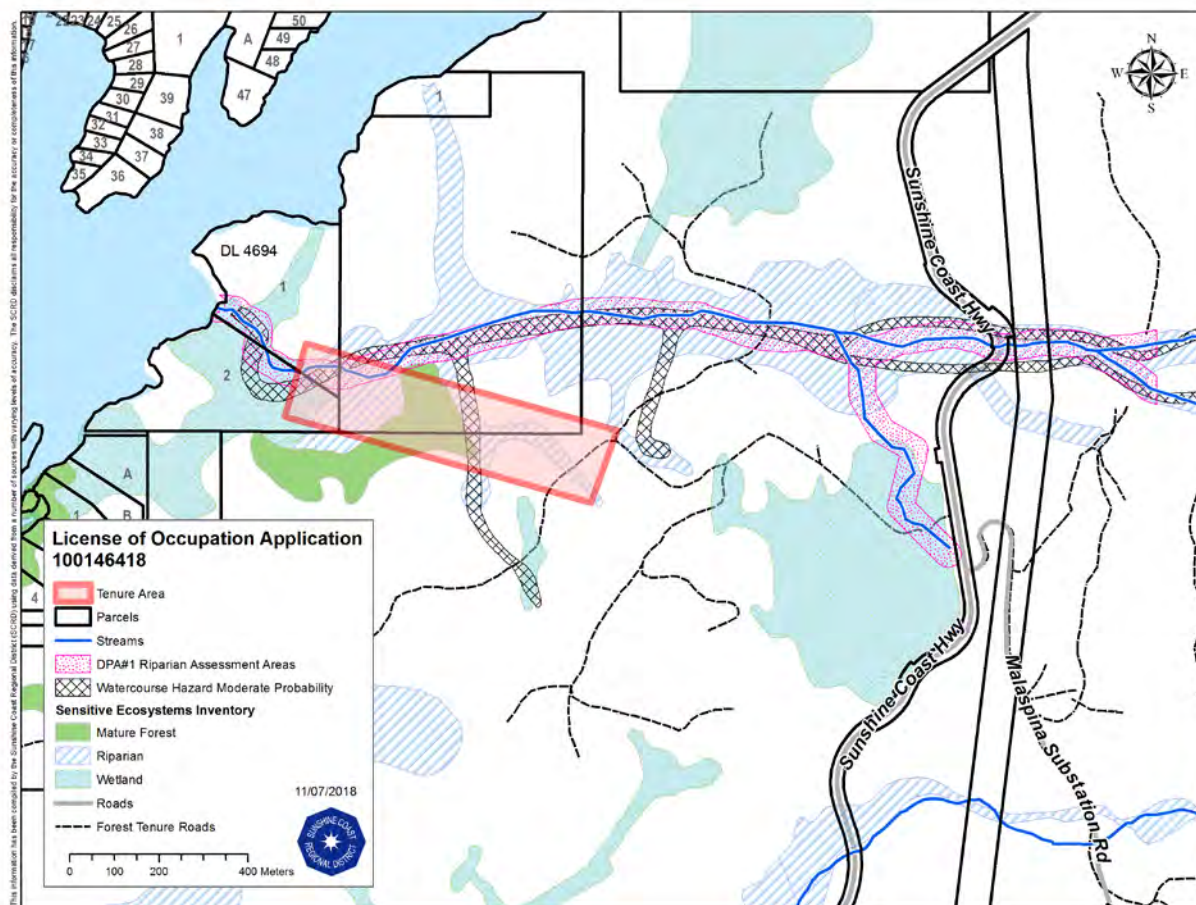


Figure 3 – Location of Development Permit Areas, Geotechnical Assessment Areas, wetlands, riparian areas and proposed tenure area on land subject to application.

The area to the north, east and south of the proposed tenure has experienced significant ecological impact from logging. The creek appears to form one of three ecological corridors between Spipiyus Provincial Park and Sakinaw Lake. Aligned with SCR D’s strategic value to embed environmental leadership, any development in this area is recommended to focus on maintaining or increasing the ecological integrity of South Sakinaw Creek and associated wetlands. The following recommendations for field study and regulated activity are in support of ecological integrity for South Sakinaw Creek:

- **Bio Inventory:** SCR D recommends a Bio Inventory by a Registered Professional Biologist to inventory species in the tenure area, according to the Province of BC’s [Develop With Care Guidelines](#). The scheduling of field study should be aligned with active times for bird, mammal, fish, reptile and amphibian populations. As part of the field survey, Red and Blue listed species and their Critical Habitat should be identified in the proposed tenure area. Such field study is also recommended for private property Lots 1 and 2 where road building / other development is proposed.
 - “Critical Habitat” means habitat that is important for: (a) sustaining a subsistence, commercial, or recreational fishery, or (b) any species at risk (e.g. terrestrial or

aquatic red and blue-listed species, those designated by the Committee on the Status of Endangered Wildlife in Canada, or those SARA-listed species), or (c) its relative rareness, productivity, or sensitivity (e.g. eelgrass meadows, kelp forests, foreshore salt marsh vegetation, herring spawning habitat, and potential forage fish spawning beach habitat);

- Red listed species or ecosystems are those at risk of being lost (extirpated, endangered, threatened)
 - Blue listed species or ecosystems are those of special concern
 - Any Red or Blue listed species are protected by the BC Wildlife Act and also by the Federal Species at Risk Act (SARA).
- **Birds, eggs and nest trees:** Birds, eggs and nest trees are protected by Section 34 of the BC Wildlife Act. Migratory birds are also protected federally by the *Migratory Bird Convention Act*. The applicant currently proposes cutting trees for road building during bird nesting season. SCRD recommends tree-cutting activity take place during non-nesting season. However, if the applicant schedules cutting during nesting time, a review and permit will be required by Ministry of Environment under Section 34.
 - **Western Painted Turtle:** Sakinaw Lake is known habitat for Western Painted Turtle, a red-listed species. The Pacific Coast population of Western Painted Turtles, of which Sakinaw populations are a part, are considered to be Critically Imperiled.* Wetlands or other nearby sandy upland areas could be nesting habitat, of particular focus would be those within 150m of the lake. Painted turtles and their habitat are protected by BC's Wildlife Act and by the Federal Species at Risk Act.
- * At very high risk of extinction due to extreme rarity (often 5 or fewer populations), very steep declines, or other factors. At high risk of extinction due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors.*
- **Considerations for Road Building on private Lots 1 and 2:** Should the proponent be granted the License of Occupation and proceed with extending the proposed roads onto Lots #1 and #2, it is currently proposed to cross South Sakinaw Creek on Lot 1 with a bridge. The following are early comments on this proposal:

- Development Permit: For works proposed within 30m of a mapped or unmapped stream or wetland on private property, a Riparian Assessment is required as part of a Development Permit Application, required by the SCRD. The assessment report is also submitted to the Province of BC.
- In support of protecting fish habitat in South Sakinaw Creek, SCRD recommends DM road only (existing old road) with an easement across Lot 2 to enable access to Lot 1. This would eliminate the need to cross South Sakinaw Creek.
- Building Permit: Should the applicant proceed with the proposal to extend TMK road to access Lot 1, any bridge for pedestrians or vehicles on private property will require a Building Permit, as per Building Bylaw 687.

- Refer to Department of Fisheries and Oceans (DFO): Should the applicant proceed with the proposal to extend TMK road to access Lot 1, SCRD recommends that the applicant refer this proposal to DFO for comment.

Heritage Conservation Act

In order to meet the requirements of the *Heritage Conservation Act* regarding potential archeological sites, the applicant is required to engage in early and on-going consultation with the shíshálh Nation and ensure that all activities undertaken comply with the Heritage Conservation Act.

Options

The Province requests SCRD decide on one of the following options in response to the referral:

1. Interests unaffected
2. No objection to approval of project.
3. No objection to approval of project subject to the conditions outlined below.
4. Recommend refusal of project due to reasons outlined below.
5. N/A

Staff cannot recommend support or refusal of the project without further information. Comments are outlined in the Recommendations.

Consultation

The Province is responsible for referring this application to the *shíshálh* Nation, SCRD and other agencies it identifies as appropriate and posts an advertisement in the Coast Reporter to enable comments from the public. The applicant should initiate early and ongoing engagement with the *shíshálh* Nation.

The Egmont / Pender Harbour Advisory Planning Commission will review this application at its meeting on July 25, 2018. Comments from the Advisory Planning Commission will be forwarded to FLNRORD.

Timeline for next steps or estimated completion date

The Province extended the deadline to comment on this application to July 31, 2018 in order to obtain a Board Resolution. The Resolution will be forwarded to FLNRORD and the final decision will be made by the Province.

STRATEGIC PLAN AND RELATED POLICIES

Strategic Plan Values: Embed Environmental Leadership

CONCLUSION

The SCRD has been provided an opportunity to comment on a Provincial Referral Application (103014586 – 001) for a Licence of Occupation for TMK and DM roads Planning analysis shows that SCRD will require a Development Permit for Riparian Area Assessment, and Geotechnical Area Assessment before proposed work commences.

Staff Report to Infrastructure Services Committee - July 19, 2018

Provincial Referral 103014586 – 001 TMK / DM Roads (Johnson) - Electoral Area A

Page 10 of 10

There are a number of questions to resolve in order to ensure this proposal can maintain the ecological integrity of the area around South Sakinaw Creek. Field survey during active times by a Registered Professional Biologist will assist in addressing these questions.

Staff cannot recommend support or refusal of the project without further information. Comments are outlined in the Recommendations.

Attachments

Attachment A – Referral Package

Reviewed by:			
Manager	X – A. Allen	Finance	
GM	X – I. Hall	Legislative	
CAO	X – J. Loveys	Other	

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Infrastructure Services Committee – July 19, 2018

AUTHOR: Janette Loveys, Chief Administrative Officer
Bill Higgs, Fire Chief, Special Projects

SUBJECT: **E-COMM EMERGENCY COMMUNICATIONS FOR BRITISH COLUMBIA INCORPORATED – DISPATCH SERVICES AGREEMENT**

RECOMMENDATION(S)

THAT the report titled E-Comm Emergency Communications for British Columbia Incorporated – Dispatch Services Agreement be received;

AND THAT the Dispatch Services Agreement be approved;

AND THAT the 2018-2022 Financial Plan be amended to reflect the revised levy-per Schedule D of agreement;

AND FURTHER THAT the delegated officials be authorized to execute the Agreement.

BACKGROUND

Local fire services have been active on the Sunshine Coast for decades. Most are incorporated under the auspices of the Sunshine Coast Regional District (SCRD).

These are namely the Gibsons and District Volunteer Fire Department, the Roberts Creek Volunteer Fire Department, the Halfmoon Bay Volunteer Fire Department, and most recently the Egmont Volunteer Fire Department. Both the Sechelt Fire Department and Pender Harbour Fire Departments are incorporated and established under improvement districts.

One of the most critical components of fire service is dispatch. Dispatch has been provided by various means in the past including local fire departments dispatched by a local alarm monitoring company.

This came to an end around 20 years ago when an agreement was negotiated with Vancouver Fire and Rescue Services (VFRS) to answer and dispatch for fire calls, the 9-1-1 Emergency Service was established by the SCRD.

In the year 2000 E-Comm Communications for British Columbia (E-Comm) was established and a modern post disaster facility was opened on East Hastings in Vancouver. It was well known that once opened, E-Comm would eventually become the primary answering and dispatch facility for 9-1-1 and the emergency services in the lower mainland and beyond. Today they are the primary answering point for 9-1-1 and dispatch for close to half the Province of British Columbia.

The first agency to transition to E-Comm was Vancouver fire rescue service which includes the Sunshine Coast fire rescue services.

DISCUSSION

Obtaining a dispatch services agreement with E-Comm is a priority due to the fact that fire services on the Sunshine Coast are essential and require an effective dispatch system.

In 2002 an agreement was drafted for dispatch services, though there is no executed final version of this agreement on record.

After that it becomes a little unclear as to why no further effort was made to rectify this item. The fee for services has been kept up-to-date though there is no specific agreement for service.

A dispatch services agreement has now been negotiated. This draft agreement confirms items such as service levels, performance criteria and cost projections.

All the Sunshine Coast Fire Chiefs have been engaged in this process and discussions. Particular interest was paid to the service levels and performance criteria by the Fire Chiefs. They jointly recommend approval of the agreement.

The Chief Administrative Officer (CAO) and staff have met a few times with the senior E-Comm staff to discuss the agreement.

FINANCIAL IMPACTS

Below is a summary of the revised levy costs for the dispatch service. The costs for 2017 have already been expensed and the remaining five years have a built in escalator of 3.5% per year.

Levy Estimates by Calendar Year				
Time Period	% Increase	Annualized Levy by Calendar Yr	Pro-rata # of Months	Levy by Calendar Year
2017 Jan 1 - Dec 31	n/a	\$ 40,180	12.00	\$ 40,200 as invoiced
2018 Jan 1 - Dec 31	3.50%	\$ 41,590	12.00	\$ 41,600
2019 Jan 1 - Dec 31	3.50%	\$ 43,050	12.00	\$ 43,100
2020 Jan 1 - Dec 31	3.50%	\$ 44,560	12.00	\$ 44,600
2021 Jan 1 - Dec 31	3.50%	\$ 46,120	12.00	\$ 46,100
2022 Jan 1 - Dec 31	3.50%	\$ 47,730	12.00	\$ 47,700

Currently, Emergency Telephone-911 [220] has a portion of this service budgeted, however, there is a \$12,000 shortfall to meet the Dispatch and Fire CAD services. Therefore, the new agreement and escalation costs of 3.5% per year will need to be amended in the 2018-2022 Financial Plan.

STRATEGIC PLAN AND RELATED POLICIES

The SCRD's mission "to provide leadership and quality services to our community through effective and responsive government" shows commitment to ensuring that there are effective and organized management of critical fire services for the Sunshine Coast.

CONCLUSION

One of the most critical components of fire service is dispatch. The first agency to transition to E-Comm for answering and dispatching fire calls (the 9-1-1 Emergency Service) was Vancouver fire rescue service which includes the Sunshine Coast fire rescue services.

Obtaining a dispatch services agreement with E-Comm is a priority as fire services on the Sunshine Coast are essential and require an effective dispatch system. A dispatch services agreement has now been negotiated.

This draft agreement confirms items such as service levels, performance criteria and cost projections. Staff recommend the dispatch services agreement be approved and executed.

Reviewed by:			
Manager		CFO/Finance	X-T. Perreault
GM		Legislative	
CAO		Other	

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Infrastructure Services Committee Meeting – July 19, 2018

AUTHOR: Remko Rosenboom, General Manager, Infrastructure Services

SUBJECT: LICENCE RENEWAL OF TENURE AGREEMENTS – SOUTH PENDER WATER

RECOMMENDATION(S)

THAT the report titled Licence Renewal of Tenure Agreements – South Pender Water be received;

AND THAT an application be submitted for renewal of tenure for Licence of Occupation No. 241022 – Gulfview Reservoir, Licence of Occupation No. 241023 – McNeil Lake to Haslam Creek lake line, and Licence of Occupation No. 241012 – Harris Lake to McNeil Lake weir and channel, for a 30-year term.

BACKGROUND

The SCRD has three (3) individual Licences of Occupation for crown land tenure within the South Pender Harbour Water Service Area (SPHWSA) that are scheduled to expire in March 2019, and require an application for renewal tenure.

The purpose of this report is to identify the areas of land which the licences include and to recommend that an application be submitted for renewal tenure for all three licences.

DISCUSSION

The SCRD currently holds Licence of Occupation No. 241022 with the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (MFLNRORD). The location is on crown land adjacent to 12754 Gulfview Road in Pender Harbour. The land is currently utilized for the placement and operation of a domestic water storage reservoir (Gulfview Reservoir) that provides community water supply in the region. This licence is scheduled to expire on March 15, 2019.

The SCRD currently holds Licence of Occupation No. 241023 with MFLNRORD which is located on crown land within the McNeil Lake intake location and assessment area. The boundaries of the land tenure application include the area surrounding the water supply line that connects the McNeil Lake intake to the South Pender Water Treatment Plant, and Haslam Creek. This licence is scheduled to expire on March 31, 2019.

The SCRD currently holds Licence of Occupation No. 241012 with MFLNRORD which is located on crown land within the Harris Lake and McNeil Lake area. The boundaries of the land tenure application include an area of land that contains a wooden weir, gate valve and channel that connects Harris Lake to McNeil Lake so that water can be released into McNeil Lake as a backup water supply source for community water supply in the region. This licence is scheduled to expire on March 31, 2019.

All of the above mentioned licences govern land that includes SCRD infrastructure that is essential for the community water supply in the area.

The existing tenure agreements for all three Licences of Occupation were previously for a 10-year term, however MFLNRORD may accept applications that include a term up to 30 years. It is recommended that the SCRD apply for the maximum term of 30 years.

Financial Considerations

The fee to renew each tenure agreement between the SCRD and MFLNRORD is \$210.00. The total cost of \$630.00 will be funded by the SPHWSA (Function 366).

Timeline for next steps or estimated completion date

The existing tenure agreements between the SCRD and MFLNRORD expire on March 15 and 31, 2019. If the SCRD wishes to renew the tenure agreements a Board resolution must be submitted along with additional documentation to the Ministry by September 30, 2018.

STRATEGIC PLAN AND RELATED POLICIES

This recommendation reflects the set of values identified in the Strategic Plan, to Embed Environmental Leadership through the responsible management of the region's water supply and distribution system.

CONCLUSION

The SCRD currently holds Licences of Occupation on three areas of land with tenure issued by MFLNRORD that is being utilized to manage the supply and distribution of drinking water within the South Pender Harbour Water Service Area. These licences are scheduled to expire in March 2019.

This report recommends that the SCRD apply for renewal tenure for Licence of Occupation Nos. 241022, 241023, and 241012 for a 30-year term.

Reviewed by:			
Manager	X-S. Walkey	Finance	
GM	X-R. Rosenboom	Legislative	
CAO	X-J.Loveys	Other	

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Infrastructure Services Committee – July 19, 2018

AUTHOR: Tina Perreault, General Manager Corporate Services / Chief Financial Officer

SUBJECT: RECYCLE BC PROGRAM FINANCIAL IMPACTS

RECOMMENDATION(S)

THAT the report titled Recycle BC Program Financial Impacts be received;

AND THAT the SCRD proceed with a new contract with Recycle BC to provide depot recycling services for residential packaging and paper products for a 5 year period;

AND FURTHER THAT the delegated authorities be authorized to execute the contract prior to October 1, 2018 deadline.

BACKGROUND

At the April 19, 2018 Infrastructure Service Committee meeting, staff provided a report regarding upcoming changes to the Recycle BC Program, whereas, the Sunshine Coast Regional District's (SCRD) contract with Recycle BC, to provide depot recycling services for residential packaging and paper products in three areas on the Sunshine Coast, is set to expire on November 30, 2018. Any new contract with Recycle BC would start on November 30, 2018 and have a 5 year term (December 2023).

At the April 26, 2018 Regular Board meeting a resolution was passed (137/18) to seek confirmation from Recycle BC that Electoral Areas B, D, E and F are eligible to join Recycle BC's curbside recycling program.

The SCRD's depot operation contracts with Gibsons Recycling, GRIPS and Salish Soils are aligned to conclude on November 30, 2018 and will require renewal.

The purpose of this report is to highlight the financial implications of the updated Recycling BC Program for the depot services and seek direction on the contract renewal for the October 1, 2018 deadline. Impacts and next steps related to the depots and curbside recycling services for Electoral Areas B, D, E and F are included.

DISCUSSION

Recycle BC concluded their public consultation period on May 14, 2018 and staff participated in subsequent information sessions (webinars) in June and July 2018. The information sessions covered timelines, process for new agreement, as well as changes to the financial incentives and payment methodology.

Per Recycle BC, the timelines and process for the new agreement are as follows:

- June 22, 2018 –Release of final Depot Statement of Work (SOW) and new offer to collectors. Offer extends to all depot locations currently included in the Recycle BC program.
- October 1, 2018 –Deadline to submit signed SOW
- November 30, 2018 –Effective date of new SOW
- December 31, 2023 –End date of new SOWs (5 year and one month term)

If the above deadlines are not met, Recycle BC cannot guarantee inclusion in the program and if a signed SOW is not submitted by October 1, 2018, Recycle BC will consider the new agreement offer not accepted.

The current Recycle BC program offers financial incentives for depot recycling based on the following:

- Tonnage by material type;
- Per household for education and service administration.

The total financial incentives for the materials received at each depot is variable based on the tonnage and type of material received.

Additionally, for depot recycling services, there are differing rates based on whether or not the depot is in a community where the majority of residents have curbside recycling services. Depots in communities without curbside recycling services receive higher incentive rates.

Currently the depots in Pender Harbour and Gibsons are receiving higher incentive rates than the depot in Sechelt as the District of Sechelt has curbside recycling services. Under the new contract, Recycle BC has set an 80% threshold to determine which incentive rates apply to the depots. Given this amended threshold, only the Sechelt depot is within the threshold and will receive the higher incentive rates.

Financial Implications

The majority of the material type's rates per tonne were increased, with the most significant increases to lighter weight materials such as film plastic and polystyrene.

Starting January 1, 2019, a new category of material will be collected at all Recycle BC depots: other flexible plastic. This includes materials such as crinkly plastic, zipper lock bags, chip bags and mesh produce bags. The rate will be the same as film plastic and Recycle BC anticipates the same tonnage as film plastic.

Table 1 – Summary of Recycle BC Financial Incentives for depot recycling

Material Type	Current Rate per tonne	New Rate per tonne
Printed paper, cardboard, other paper	\$80	\$80
Containers: metal, plastic, mixed	\$120	\$130
Glass	\$80	\$90
Polystyrene – white	\$175	\$800
Polystyrene – coloured	\$175	\$800
Film plastic	\$175	\$500
Other flexible plastic packaging	n/a	\$500

In 2014, the SCRD first implemented the Recycle BC Program for depot recycling services, the SCRD Board directed that the financial incentives for service administration be used to offset internal administration costs and the financial incentives for education be used for education and be included in the budget (Recommendation # 068/15). These amounts are currently \$28,700 per year.

Baling incentives are also paid directly to the depots themselves, if the depot chooses to bale. The baling incentives are in addition to the monthly contract rates.¹ The financial implication of this option would be due to the change in threshold used by Recycle BC. The incentives received for the Sechelt Depot would be at a higher rate than currently.

Currently depot recycling services are funded by taxation and the financial incentives provided by Recycle BC.

Utilizing the 2017 tonnage materials received and applying the new rates, the changes in the rates received for the depots are included in Table 2.

Table 2 – 2019 Forecast Material Incentives

Depot	Tonnage	2017²	Forecast 2019³	Difference 2019-2017
Pender	144	\$13,144	\$17,956	\$4,851
Sechelt	247	\$18,345	\$31,371	\$13,026
Gibsons	813	\$75,439	\$107,274	\$31,835
Non-material incentives	n/a	\$28,700	\$28,000	\$(700)
Total	1,204	\$135,628	\$184,601	<u>\$49,012</u>

The forecasted increase in incentives of approximately \$49,000 from Recycle BC is one factor to the overall financial outlook for recycling and solid waste services. The SCRD still needs to renew its contracts for the three depots in late 2018, determine the financial implications of curbside collection services, and make decisions on other contracts and services for the solid

¹ 2017 Baling Incentives: Gibsons Recycling Depot was paid approximately \$61,100 and GRIPS was paid approximately \$4,800. Salish Soils does not bale.

² 2017 tonnage utilized based on full year of service- 2018 in progress

³ This includes the Other Flexible Plastic Packaging material category which is mandatory Jan 1, 2019.

waste service. Until these processes and values are known, staff are unable to conclude a comprehensive financial outlook for the service.

Eligibility Electoral Areas under Recycle BC Program

As per the report Recycle BC Revised Program Plan – Update received at the April 19, Infrastructure Services Committee meeting the eligibility criteria for new curbside program have changed to:

- A curbside garbage collection program was in place by May 2014;
- The community represents an incorporated municipality; and
- The community has a minimum population of 5,000 residents.

In response to a letter sent to Recycle BC on May 15, 2018 requesting the eligibility of all four Electoral Areas, Recycle BC replied on July 11, 2018 confirming that only Electoral Area B and D meet all three eligibility criteria.

Recycle BC indicated that the SCRD could initiate a contract for curbside collection in Electoral Areas B and D at any time. This allows time for the SCRD to await the outcome of the Request for Proposal for Curbside Collection Services for all areas (B, D, E, and F) and assess the overall financial implications after the tendering process is completed and prior to any contract with Recycle BC or a contractor for curbside collection services is executed. Staff will bring this information back to the Board for their consideration and before confirming the financial feasibility of the desired level of curbside recycling collection.

Intergovernmental and Stakeholder

Staff continue to meet and share information with staff in all four local governments and the three depot owners. On July 9, discussions were held with the four governments with respect to collaboration on tendering processes for curbside. Another meeting is set for July 24, 2018 with staff. Staff recently met with the depot owners as a group and individually to discuss concerns and respond to questions. Reports related to the depot contacts will be forthcoming.

Timeline for next steps

In addition to renewing the Recycle BC contract to provide depot recycling services for residential packaging and paper products by October 1, 2018, there are a number of other deadlines approaching that staff are preparing for. They include:

- August 2018 – Issuance of Request for Proposal for Curbside Collection Services
- September 2018 – Renewal of contracts with SCRD Recycling Depots
- December 1, 2018 – start date of new contracts with Recycle BC and SCRD Recycling Depots
- January 1, 2019 – start date for the collection of other flexible plastic packaging at depots

- March 1, 2018 – Target implementation date for curbside collection services

STRATEGIC PLAN AND RELATED POLICIES

Recycling collection services supports the Strategic Priority of Embed Environmental Leadership.

SCRD's Solid Waste Management Plan's target of 65%-69% diversion identifies bi-weekly garbage, food scraps collection and bi-weekly recycling collection services.

CONCLUSION

The SCR D's contract with Recycle BC to provide depot recycling services for residential packaging and paper products in three areas on the Sunshine Coast is set to expire on November 30, 2018. Any new contract with Recycle BC would start on December 2018 and have a 5 year term. The SCR D must submit a signed SOW by October 1, 2018.

The updated Recycle BC program resulted in an overall increase of the incentives received under the current depot model in the amount of \$49,000, therefore, staff recommend proceeding with signing the revised SOW with Recycle BC prior to the October 1, 2018 deadline. For the SCR D the amount received in the future will depend on if curbside collection services for recyclables is implemented in some or all of the Electoral Areas.

The SCR D also requested confirmation from Recycle BC that Electoral Areas B, D, E, and F are eligible to join Recycle BC's curbside recycling program. Recycle BC sent a letter dated July 11, 2018 confirming that only Electoral Area B and D meet all three eligibility criteria, however, a Request for Proposal for Curbside Collection Services for all areas (B, D, E, and F) will be issued to assess the overall financial implications prior to any contract with Recycle BC or a contractor for curbside collection services is executed.

Reviewed by:			
Manager	X – R. Cooper	Finance	
GM	X – R. Rosenboom	Legislative	
CAO	X – J. Loveys	Other	

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Infrastructure Services Committee – July 19, 2018

AUTHOR: Remko Rosenboom, General Manager, Infrastructure Services

SUBJECT: INFRASTRUCTURE SERVICES DEPARTMENT – 2018 Q2 REPORT

RECOMMENDATION(S)

THAT the report titled Infrastructure Services Department – 2018 Q2 Report be received.

BACKGROUND

The purpose of this report is to provide an update on activities in the Infrastructures Services Department for the First Quarter (Q1) of 2018: April 1 – June 30.

The report provides information from the following divisions: Water, Waste Water, Solid Waste, Recycling, Green Waste, Transit and Fleet.

Utilities Division [365, 366, 370]

PROJECTS - CAPITAL WORKS

- **Water main replacement program**
 - North and South Pender Harbour Water Main Replacement
 - Contract awarded and work to commence in September – expected completion is February 2019. The deadline for the Clean Water and Wastewater Fund (CWWF) grant for these projects has been extended to March 31, 2019.
 - Chapman Creek Bridge Water Main Replacement
 - The 200mm water main attached to the Chapman Creek Bridge is in need of replacement due to age and corrosion. Surveying has been completed and preliminary design has been received and is under review. Construction will take place in Fall 2018.
 - Mason Road Water Main Replacement
 - The 200mm ductile iron water main has been installed and tested. SCRD utilites complimented by contracted machinery have changed all of the water services from the old asbestos water main to the new ductile iron water main. All asbestos water main has now been replaced in the District of Sechelt.

- Eastbourne Water Main Replacement
 - Design for the replacement of a 400 meter section of the Eastbourne water main is complete. The work will replace a small diameter and on surface waterline with a buried 50mm HDPE water main. An RFQ for the installation of the water main will be completed and advertised early Q3 2018
- Henry Road Water Main Replacement
 - Design and permitting is underway to replace 480 meters of 150mm asbestos cement water main with 200mm ductile iron water main between Russell and Reed Road in Gibsons.
- **Water Projects**
 - Soames Chlorination Project
 - Hydro is connected and final adjustments are underway. Staff have confirmed the operation of the station with Vancouver Coastal Health. Commissioning will take place late July 2018.
 - Groundwater – Phase 2
 - Contract awarded. Project to commence soon with expected completion at the end of Q4 2018.
 - Raw Water Reservoir
 - Tender closed June 29. In the final stages of the award process and report to come forward to Committee.
- **Wastewater**
 - Square Bay Waste Water Plant
 - Construction of a new wastewater plant at Square Bay has begun with completion targeted for early September. The main structure concrete was poured in mid-June, civil works are completion are expected in mid-July with major equipment delivery to follow.
 - Canoe Road Waste Water Field and Collection System Replacement
 - The contract for engineering has been awarded for the design of a replacement septic field and collection system for the Canoe Road wastewater service area. Detailed design is currently in progress. The RFP for construction will be issued in the Summer of 2018 and it is anticipated that construction will be completed in the Fall of 2018. This project is being funded in part by the Clean Water and Wastewater Fund (CWWF) Provincial/Federal grant program. The deadline for the CWWF grant has been extended to March 31, 2019.

- Merrill Crescent Waste Water Field Replacement
 - The contract for engineering has been awarded for the design of a replacement septic field for the Merrill Crescent wastewater service area. Detailed design is currently in progress. The RFP for construction will be issued in the Summer of 2018 and it is anticipated that construction will be completed in the Fall of 2018. This project is being funded in part by the Clean Water and Wastewater Fund (CWWF) Provincial/Federal grant program. The deadline for the CWWF grant has been extended to March 31, 2019.
- YMCA/Langdale Waste Water Plants
 - Continuation of data assessment from the trial integration of both systems. Staff will continue to work with the YMCA on implementation of the transition.
- Curran Road
 - A summary report was received with recommendations to replace all of the aging outfall pipe weights on the Curran Road outfall. A scope of work and funding review for these weights replacement is underway.
- Exposed Water Main Rehabilitation
 - Various sections of exposed water service mains (primarily creek crossings) within the Regional Water Service Area were inspected by engineering consultants in 2015 and identified as being in need of remediation. The 2018 budget includes a project to hire a contractor to clean, paint and repair these exposed sections in order to limit future deterioration and extend the life of the assets. Staff are currently in the process of drafting an RFP for this work. It is anticipated that the tender for construction will be issued in the Summer of 2018 and work will be completed by the end of the year.
- Drought Management Plan
 - Early July staff were able to inspect the above water sections of the siphons and noticed that some minor repairs were required and will be completed shortly. An inspection of the inlet valves and the siphon section in the lake will take place by the end of July. The newly hired manager of the Chapman Creek Hatchery invited staff for a tour of the facility. Staff will continue to engage with the hatchery manager on their water supply and flows in Chapman Creek.
 - Stage 2 water restriction are in effect as of July 5 given decreasing water levels in Chapman Lake and an above average warm weather forecasts by Environment Canada. Chaster well was activated early July to augment the water supply from Chapman Creek.

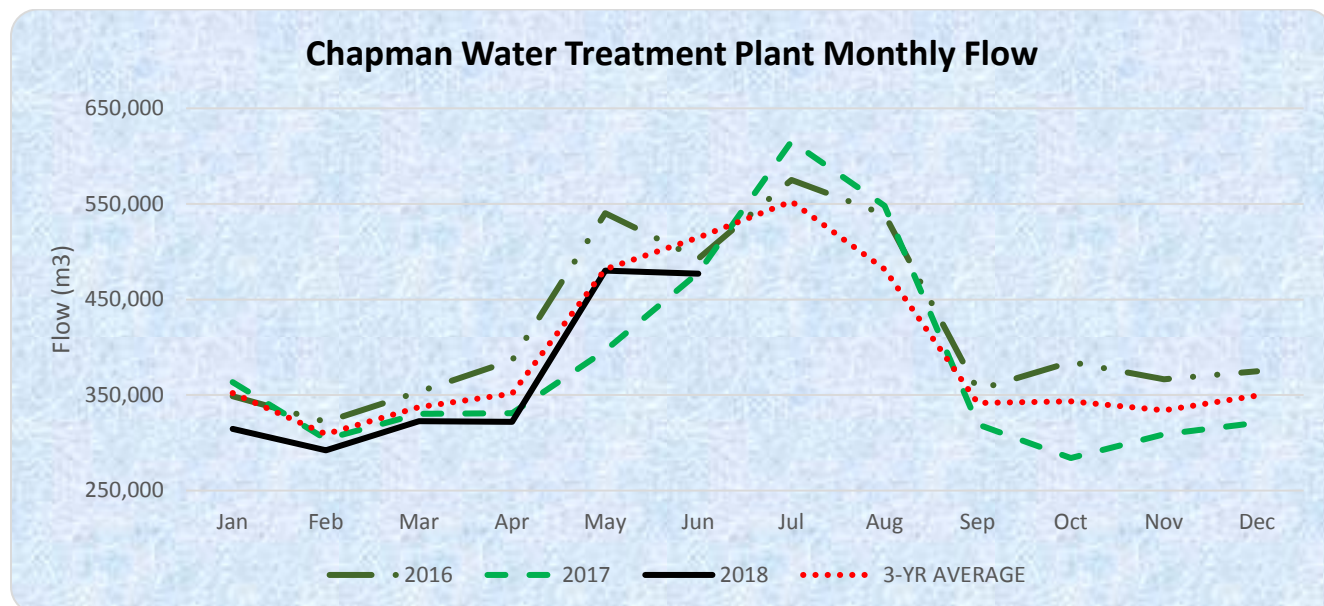
Universal Metering program:

Phase 2 is 99% complete. Staff have installed another 43 meters since the Q1 Report and now have 44 meter installs left to install in order to complete the project. In preparation for phase 3 of this program, staff recently met with technical staff from the District of Sechelt and the Sechelt Indian Government District.

OPERATIONS - WATER DISTRIBUTION SYSTEM

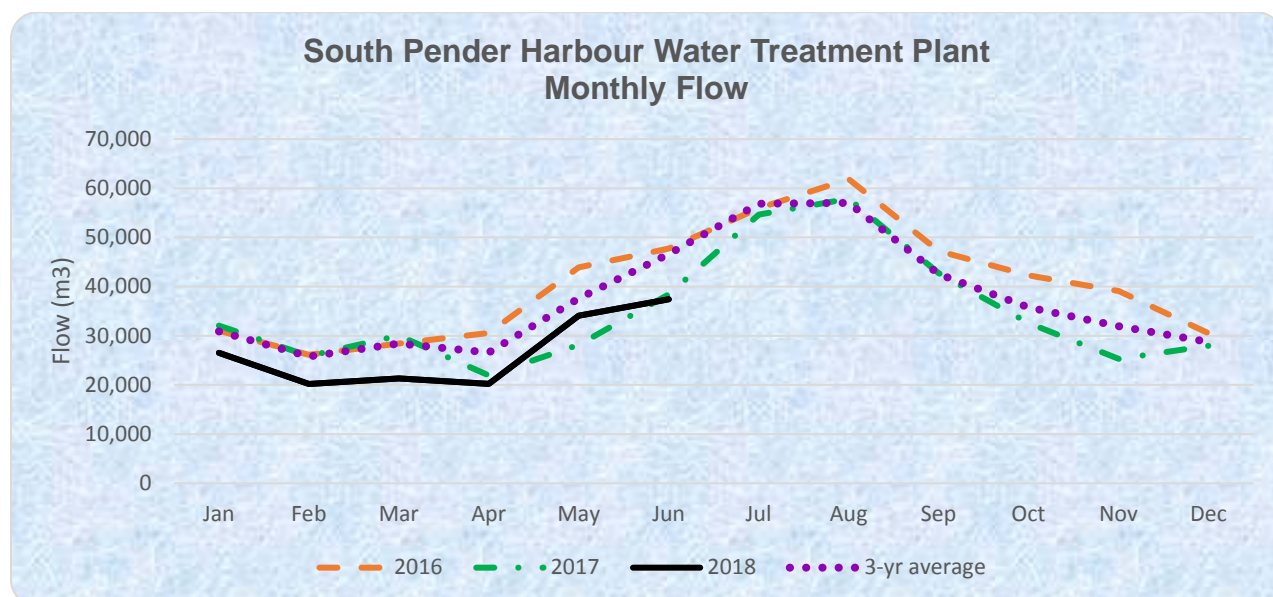
CHAPMAN WATER TREATMENT PLANT

In the Q2 2018, the Chapman Creek Water Treatment Plant produced and supplied 1,279,118 m³, a 3.5% decrease over the three year average.



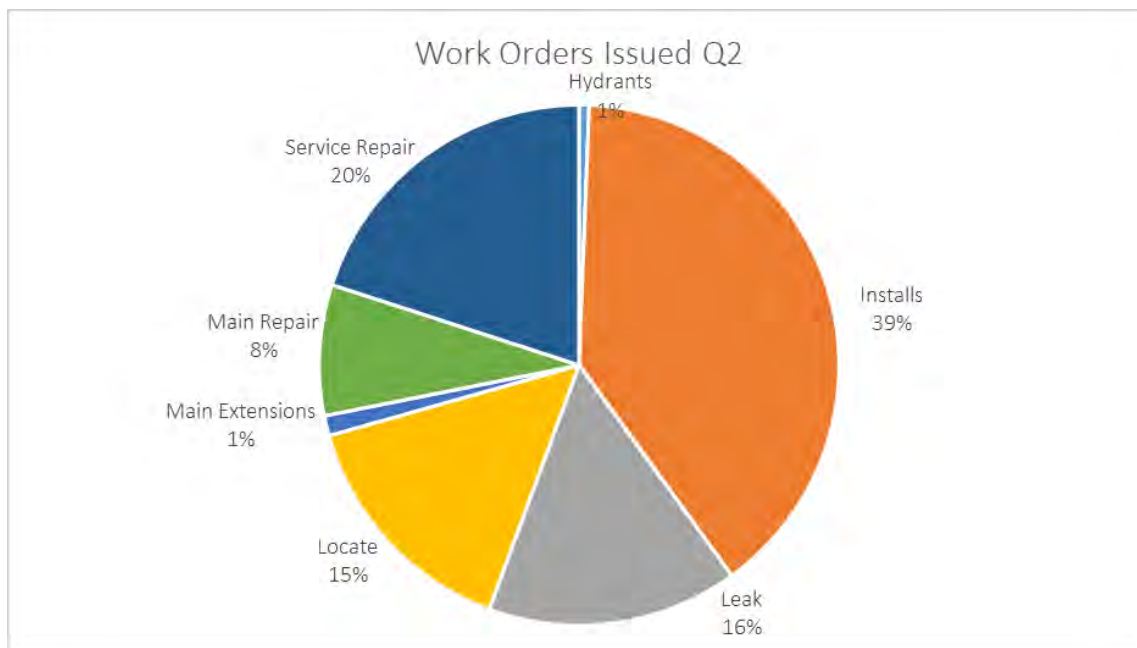
SOUTH PENDER WATER TREATMENT PLANT

In the Q2 2018, the South Pender Water Treatment Plant produced and supplied 91,367 m³, a 3.5% increase over the three year average.



Utility Services

Work Orders Issued in Q2 2018



Transportation and Facilities [310, 312, 345, 350]

PROJECTS

Transit

Fare sales have increased by approximately 10% over last year at this time, reflecting greater ridership. While still slightly below the increase budgeted with expansion, the fare sales revenue trend (and by proxy, ridership) show initial signs of growth improvement.

Particularly with the addition of summer ferry travelers, standing loads into Gibsons are now a regular occurrence on weekends, and mid-sized Vicinity buses are no longer being used on the weekends for the Route 1 and Route 90. With only one bus meeting the ferry on weekends the added capacity of the larger bus is necessary. Increased travel by seniors during weekdays is also being noticed.

The additional ridership along with summer roadwork activities is making on-time performance more challenging, particularly on the long routes; adjustments are being reviewed for October. The same transit schedule will be in place through the October 8th Thanksgiving weekend.

Fleet Services

Three new paratransit vehicles were received and prepared for service as replacement for older models. Several larger bus repairs were completed, along with vehicle tenders reviewed for proper specifications. GDVFD fire truck pump repair and maintenance was completed and SCRD bi-annual fire truck maintenance is set to begin in late July. Final installation of CCTV's on buses, along with Automated Passenger Counters (APC's) is also due to be facilitated in late July.

Solid Waste [350, 351, 352, 355]

PROJECTS

BC Product Stewardship Council

In Q2 2018, Solid Waste staff participated in 5 BC Product Stewardship Council (BCPSC) meetings by conference call and two meetings in person.

Specific meetings included:

- Presentation by the Regional District of Kitimat Stikine on program service gaps to the Stewardship Agencies of British Columbia (SABC) – April 24, 2018
- Call to Recycle on overall program – May 8, 2018
- Tire Stewardship BC regarding plan update consultation – May 15, 2018
- Stewardship Plan Performance Targets: Public Consultation Webinar – May 16, 2018
- BCPSC AGM at RCBC Conference – May 30, 2018
- BCPSC Meeting with Steward Agencies of British Columbia meeting at RCBC Conference – May 30, 2018
- BC Used Oil Management Association (BCUOMA) regarding Draft Stewardship Plan Consultation – June 7, 2018

Recycling Council of BC

From May 30 – June 1, 2018, staff attended the annual Recycling Council of BC Conference in Whistler, BC.

Sessions attended included tours of the Whistler Reuse-It Centre and new Regional Recycling Facility and presentations on organics diversion, extended producer responsibility programs, textiles reuse and diversion, ICI recycling, options for reuse, repair and the sharing economy and engagement best practices.

As well, staff participated in two RCBC Board Meetings in person at the RCBC Conference. Specific meetings included:

- RCBC AGM – May 30, 2018
- RCBC Board Meeting – May 30, 2018

Recycle BC: Revised EPR Plan Consultation and Depot/Curbside Contract

In Q2 2018, Recycle BC conducted consultation to review the key components of the draft revised Packaging and Paper Product Extended Producer Responsibility Plan as well as held meetings to discuss the service agreement contracts coming into effect end of November 2018. Staff attended the following specific webinar sessions:

- Recycle BC Program Plan – April 17, 2018
- Recycle BC Incentive Value and Payment Methodology – June 12, 2018
- Recycle BC Depot Agreement Overview – June 27, 2018
- Recycle BC Curbside and Multi-Family Agreements Overview – June 27, 2018

Recycling Forum – Simon Fraser University

In Q2 2018, staff participated in one Recycling Forum for local government and higher education staff hosted by Simon Fraser University. Topics presented included green events, single-use item reduction, food packaging and procurement for waste reduction and organics contamination and mitigation strategies. The forum was held on April 27, 2018.

Regional Organics Diversion Strategy

Staff continue the planning work for the commercial sector ban on organics and recyclables, including a draft approach and implementation plan for the landfill disposal bans.

In Q2 2018, one pre-ban stakeholder engagement session was hosted by SCRD Solid Waste Services staff to solicit feedback on the proposed approach. The session was held April 25, 2018.

Seven local solid waste hauling companies received invitations to the session and representatives from four companies attended. The seven companies received a copy of the presentation and the feedback received after the session.

The tone of the meeting was positive and SCRD staff received constructive feedback from haulers' on key concerns and suggestions. Haulers were supportive of the SCRD's plan to ban organic waste and recyclable materials from the landfill.

Two pre-ban engagement sessions were held on July 10, 2018, one for Member Municipalities and one for SCRD Site and Facility Staff. One additional session for commercial food generators was held July 11, 2018. Feedback from these sessions will be incorporated into future reports.

Waste Reduction Initiatives Program (WRIP) – 2018 Recipients

The call for 2018 WRIP Applications closed on Friday, May 11. Two applications were received by the deadline.

One application did not meet the preferences outlined in the WRIP Criteria and Guidelines document and therefore was not evaluated. The other application met all the criteria and was approved for full funding, outlined below.

2018 WRIP Recipients and Project Summary			
Organization Name	Project Name	Area Served	Funds Received
Serendipity Childcare Development Society	On-site composting and organic waste diversion project for the society's child care centre.	Madeira Park	\$522.16

AVICC Illegal Dumping Resources – 2018 Communications Plan

Staff have started to work on implementing the AVICC Illegal Dumping Resources Communications Plan, presented to the SCRD Board at the May 17, 2018 Infrastructure Services Committee meeting.

Communications initiatives include monthly social media paid advertisements of the AVICC Stop Illegal Dumping video and monthly radio ads to provide information on how to report an illegal dumpsite via 91.7 Coast FM.

Recycling Depot Operators Meeting

SCRD staff hosted a meeting with all three recycling depot operators on the Sunshine Coast (GRIPS, Salish Soils and Gibsons Recycling Depot) to discuss operations, education and outreach on June 19, 2018.

2018 Wildsafe BC Program

The 2018 WildSafe BC Community Coordinator for the Sunshine Coast was hired by WildSafeBC and the Coordinator started in May 2018 and will continue until November 2018.

WildSafeBC Staff, including the Provincial Coordinator, Sunshine Coast Program Coordinator and the Provincial Bear Smart Program Coordinator hosted a meeting on June 19, 2018 with Bylaw Officers from the SCRD, Town of Gibsons and District of Sechelt and Solid Waste staff from the SCRD and District of Sechelt. The purpose of the meeting was to introduce staff and offer WildSafe BC Program support and resources.

2018 Islands Clean Up Residential Garbage and Recycling Service

The 2018 Islands Clean Up planning is underway and is scheduled as follows:

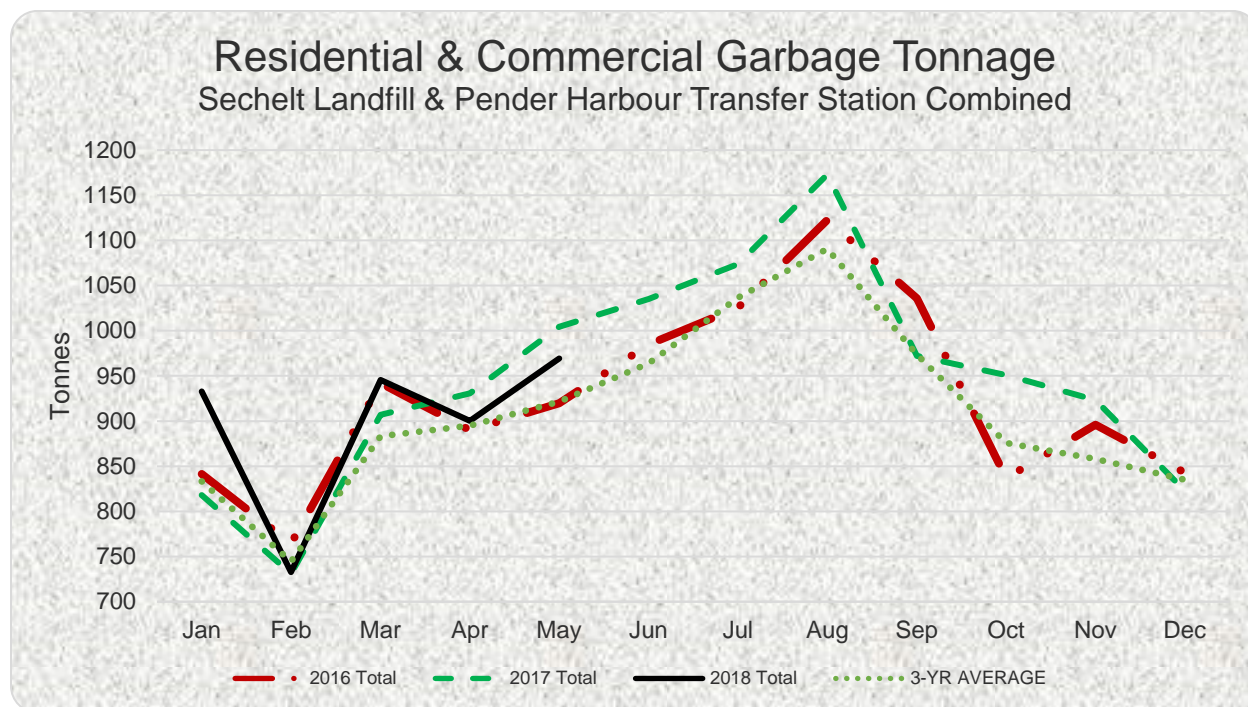
- Gambier Island and Anvil Island Flag Stop – July 7, 2018
- Nelson Island Flag Stop – July 14, 2018
- Trail, Thormanby Islands Flag Stop – August 11, 2018
- Keats Island and Surrounding Islands Flag Stop – August 25, 2018
- Keats Island On-land – August 25, 2018
- Gambier Island On-land – August 25, 2018

The first Islands Clean Up service event was held on Saturday, July 7, 2018 servicing Gambier and Anvil Island Flag Stops. The service event ran smoothly with 37 registered 'flag stops', similar to prior years.

A summary of all service events will be included in the Q3 Quarterly report.

OPERATIONS

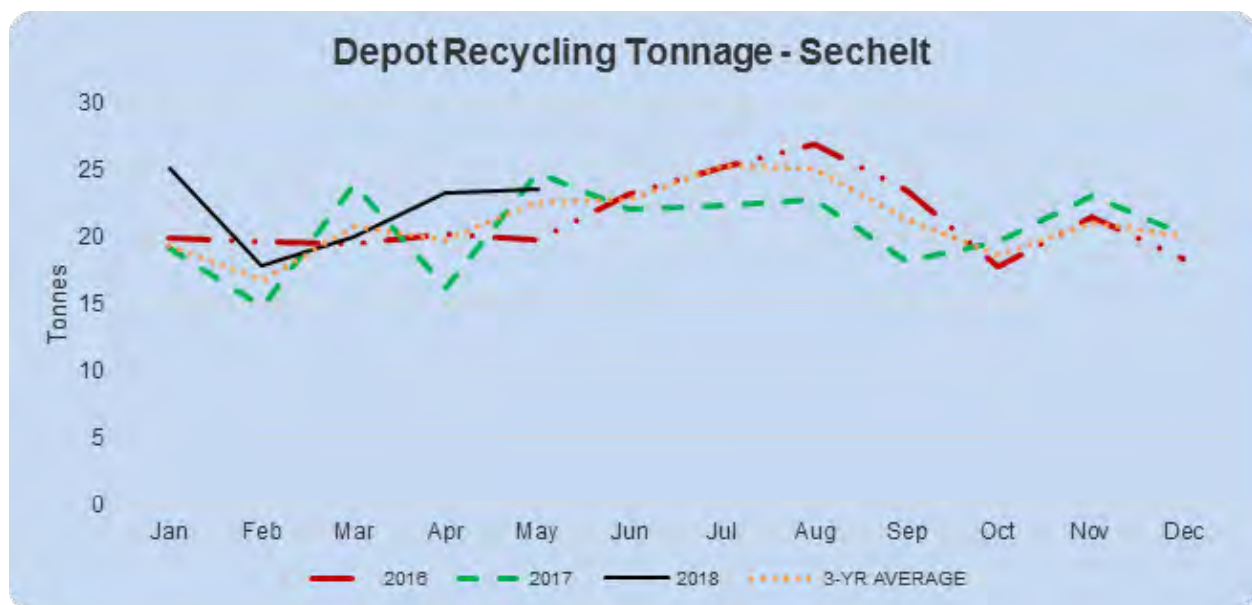
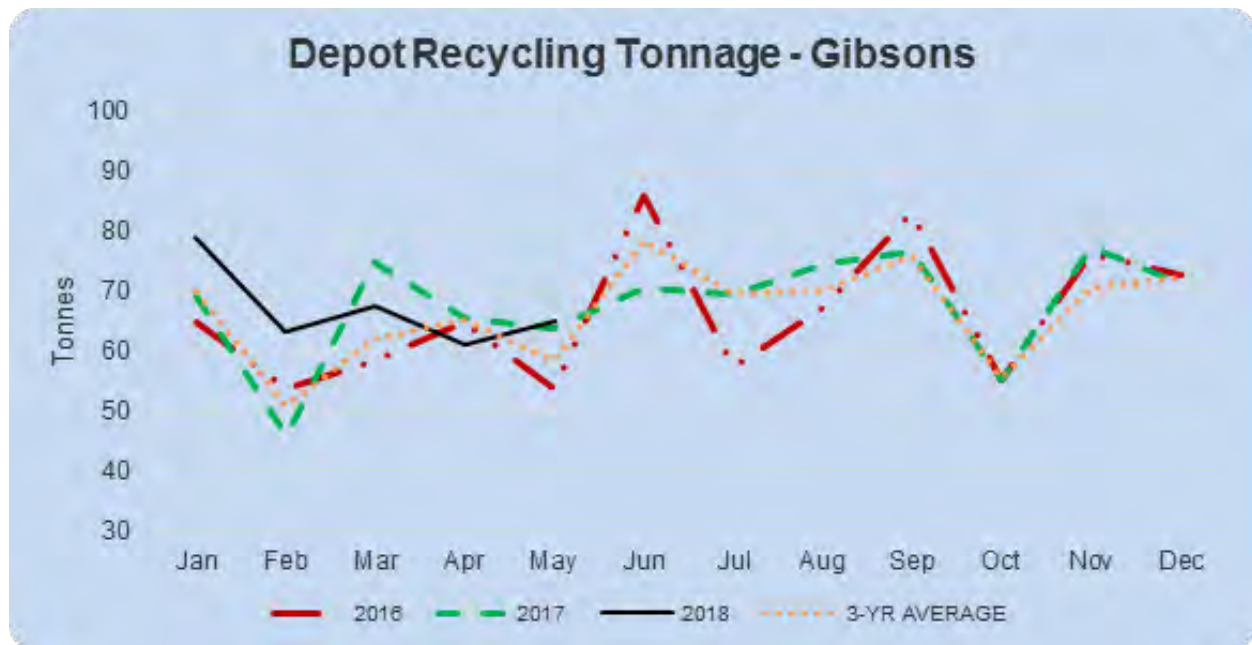
Statistics - Landfill

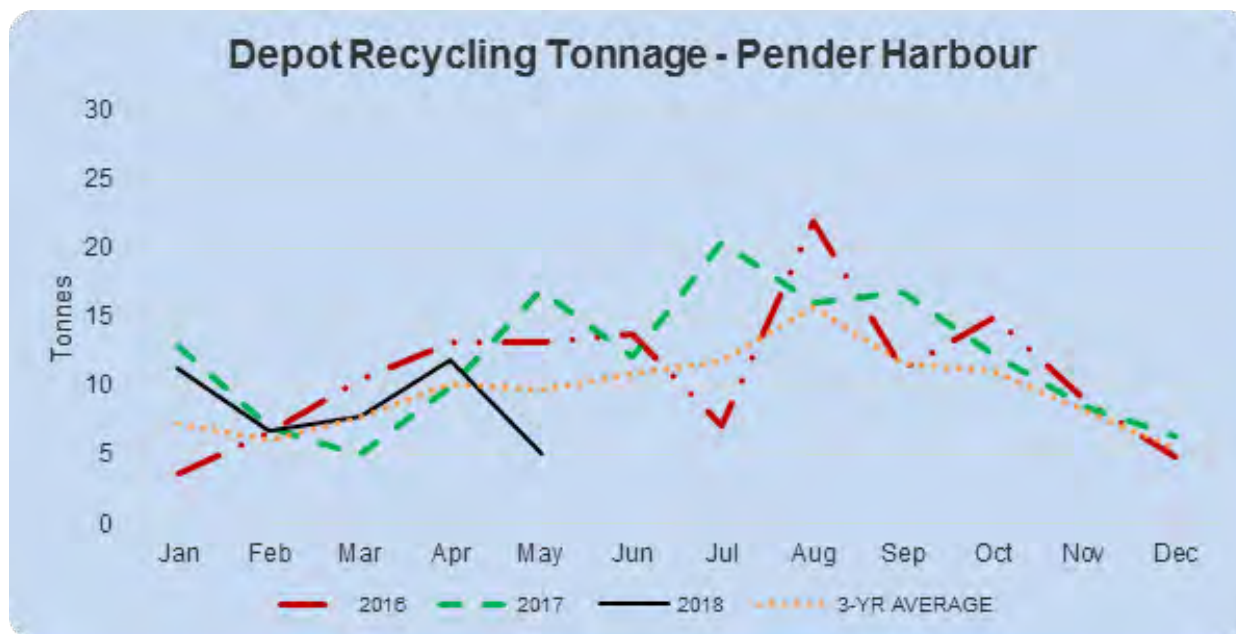


**Does not include other landfilled items such as construction waste, asbestos or furniture.*

Statistics - Recycling

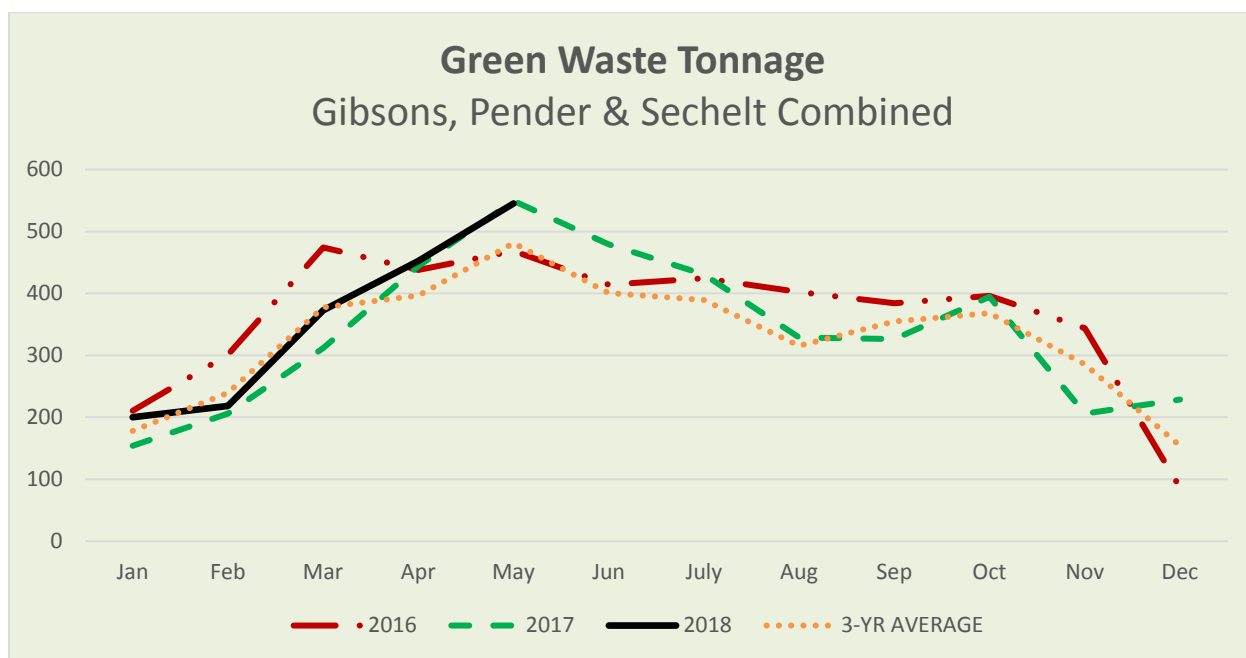






* Data provided by RecycleBC (formerly called MMBC) and is updated as data is received.

Statistics - Green Waste



*Combined totals for Sechelt Landfill, Pender Harbour Transfer Station, Town of Gibsons Green Waste Facility and residential self-haul at Salish Soils.

Greenhouse Gas Emissions

2017 Sechelt Landfill emissions were assessed and reported on following new Environment and Climate Change Canada (ECCC) thresholds for GHG reporting for landfills. The Sechelt Landfill contributed 19,781 tonnes of CO₂e in 2017. Landfills emitting more than 10,000 tonnes must report.

These emissions come from stationary fuel combustion (such as propane building heat), on-site transportation (gasoline and diesel for machinery), and waste emissions (primarily methane from organic waste). Waste emissions constitute 99.6% of total landfill emissions.

Landfill emissions are out of scope for the Traditional Service Inventory the SCRD reports to the Province as part of its Climate Action Charter commitments.

Infrastructure Community Events/Outreach

Date	Community Event	Topic
April 22	Roberts Creek Earth Day Festival	<ul style="list-style-type: none"> • Organics Diversion • Recycling Tips • Pitch-In Canada • Water Conservation • DMP • Chapman Expansion
May 1	L'École du Pacifique Elementary School visit to SCRD	<ul style="list-style-type: none"> • Organics Diversion • Recycling Tips • Water Conservation • Water Supply
May 6-12	Compost Awareness Week – Compost giveaway and tour of Salish Soils from 12:00pm – 3:00pm	<ul style="list-style-type: none"> • Organics Diversion • Free compost sample giveaway • Home composter prize draw
May 6-12	Drinking Water Awareness Week	<ul style="list-style-type: none"> • Tours of Chapman Creek Water Treatment Plant • Water Plans
May 24	Local Government Awareness Week	<ul style="list-style-type: none"> • Water Conservation • DMP • Water Supply • Organics Diversion • Recycling Tips
June 9	Sunshine Coast Home Show	<ul style="list-style-type: none"> • Water Conservation • DMP • Water Supply • Organics Diversion • Recycling Tips
June 13	Elphinstone Community Association	<ul style="list-style-type: none"> • SCRD Solid Waste Services and Programs

July 1	Canada Day Sechelt	<ul style="list-style-type: none"> • Organics Diversion • Recycling Tips • Water Conservation • DMP • Water Supply
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Drinking Water Week

During Drinking Water Week, the SCRD hosted five tours of the Water Treatment Plant for Advisory Planning Committee members, Community Associations, and members of the public. A total of 65 members of the public toured the facility and spoke with Utilities staff to learn about the water system.

Rainwater Harvesting Rebate Program

Staff are finalizing details of the Rainwater Harvesting Rebate Program. Program design, eligibility criteria, application forms, and a communication plan are under development. A program is expected to be launched in Q3 of 2018.

Reviewed by:			
Manager	X – S. Walkey X – G. Dykstra X – R. Cooper X – D. Crosby	Finance	
GM	X – R. Rosenboom	Legislative	
CAO	X – J. Loveys	Other	

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Infrastructure Services Committee – July 19, 2018

AUTHOR: Janette Loveys, Chief Administrative Officer

SUBJECT: CANNABIS LEGALIZATION – BYLAW AMENDMENTS

RECOMMENDATION(S)

THAT the report titled Cannabis Legalization – Bylaw Amendments be received for information.

BACKGROUND

The following recommendation was made at the July 12, 2018 Planning and Development Committee meeting:

Recommendation No. 12 *Cannabis Legalization – Bylaw Amendments*

The Planning and Community Development Committee recommended the following motion be postponed to the Infrastructure Services Committee meeting of July 19, 2018 for consideration:

WHEREAS once the *Cannabis Act* is in effect, existing cannabis production and retail facilities may attempt claim legal non-conforming status;

THAT staff prepare bylaw amendments to prohibit the production and retail of commercial (*non-medicinal*) cannabis being established as a lawful use in Residential and Rural zones;

AND THAT the work be completed on a schedule that would allow for adoption prior to the *Cannabis Act* implementation;

AND THAT staff amended Bylaw 310 language around the terms Marijuana and Medical Marijuana to reflect the upcoming regulatory regime;

AND THAT definitions of Horticulture and Home Occupation be amended as necessary to reflect main motion;

AND FURTHER THAT staff report to a future Committee meeting on public engagement processes in consideration of providing production opportunities in locations and to the degree acceptable to the community, including opportunities presented by the Bylaw 310 Review Process.

The report titled Cannabis Legalization – Regional District Bylaw Comparison, as received at the July 12, 2018 Planning and Development Committee, is attached for reference (Attachment A).

DISCUSSION

At the July 12, 2018 Planning and Development Committee meeting, the Committee identified an opportunity to have more discussion on cannabis legalization on the Sunshine Coast. Staff have brought forward the recommendation for consideration.

CONCLUSION

A recommendation was made at the Planning and Community Development Committee meeting of July 12, 2018 with respect to Cannabis Legalization – Bylaw Amendments. The full report titled Cannabis Legalization – Regional District Bylaw Comparison is attached for reference. Staff have brought forward the recommendation for further discussion and consideration.

Reviewed by:			
Manager		Finance	
GM	X – I. Hall	Legislative	X – A. Legault
CAO		Other	

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Planning and Community Development Committee – July 12, 2018
AUTHOR: Ian Hall, General Manager, Planning and Community Development
SUBJECT: CANNABIS LEGALIZATION – REGIONAL DISTRICT BYLAW COMPARISON

RECOMMENDATIONS

THAT the report titled Cannabis Legalization – Regional District Bylaw Comparison be received for information.

BACKGROUND

The SCRD Board adopted the following resolution on June 28, 2018:

202/18 **Recommendation No. 5** *Cannabis – SCRD Land Use Regulations*

AND THAT the topic of Cannabis Land Use Regulations be added to the next available Committee meeting for discussion, along with information on the status of the Squamish Lillooet Regional District and Comox Valley Regional District bylaws including their rationale for pursuing the proposed amendments.

DISCUSSION

Following the Board's direction, the status of the Squamish Lillooet Regional District (SLRD) and Comox Valley Regional District (CVRD) bylaws pertaining to cannabis regulations are provided in this report and enclosed as Attachment A and Attachment B.

Squamish Lillooet Regional District (Attachment A)

Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999, Amendment Bylaw No. 1544-2017, No. 1545-2017, No. 1546-2017 and No. 1547-2017 regarding Cannabis Regulations were adopted on May 23, 2018.

The bylaw:

- Unless otherwise expressly permitted prohibits cannabis retail in all zones including zones which broadly permit retail sales/stores or use, farm retail sales/retail sales of farm products, convenience store, or accessory retail use/auxiliary retail sales.
- Replaces former references to *medical marihuana production facility with cannabis production facility*.
- Defines cannabis as meaning cannabis as defined in the Cannabis Act
- Defines cannabis production facility as a premise used for cultivation, processing, testing, destroying, storing or distribution of cannabis authorized by a licence issued by Health Canada.

The SLRD approach to preparing for cannabis legalization, as described on the SLRD website, is as follows:

PREPARING FOR CANNABIS LEGALIZATION

In order to be ready for cannabis legalization, the SLRD is taking the following steps to prepare:

- 1. Update SLRD Electoral Area Zoning Bylaws – current proposed zoning amendments. The SLRD is taking an incremental approach to the regulation of cannabis in the Electoral Areas – maintaining the status quo for both retail and production while considering new uses through site-specific zoning amendment processes (once the Cannabis Act comes into effect).*
- 2. Seek Public Feedback – take the survey ([link](#)). And once the Cannabis Act comes into effect and the full framework for legalization is established, the SLRD will be exploring further community engagement opportunities.*
- 3. Develop and Implement Regulations - regulations will take into account public feedback and will be explored in depth following the legalization of cannabis (when the full Federal and Provincial regulatory framework is revealed).*

Next Steps

(Once Cannabis Act comes into effect)

- 1. Develop a public engagement and communication strategy for each of the four Electoral Areas to obtain community input and feedback regarding retail sales of cannabis.*
- 2. Potentially develop and implement zoning regulations, taking into account public feedback and cannabis legalization framework.*
- 3. Update the Electoral Area Official Community Plans; specifically, there is a medical marihuana production facility development permit area covering each Electoral Area.*
- 4. Continue to monitor, seek public feedback and revise regulations as necessary.*

Comox Valley Regional District (Attachment B)

Comox Valley Regional District Bylaw No. 537, being the “Comox Valley Zoning Bylaw, 2005 Amendment No.74 to Prohibit Non-Medical Cannabis Retail and Production received First and Second Readings on June 5, 2018. A public hearing was held on June 28, 2018. Third and Final Reading of the bylaws are proposed at the July 24, 2018 CVRD Board Meeting. More information is found on the CVRD website ([link](#)).

The bylaw:

- Replaces, in definitions, medical marihuana with cannabis.
- Expands/redefines prohibition of medical marijuana production in all zones with prohibition of cannabis production and wholesale or retail sale of cannabis in all zones.

- States that as a use permitted on conditions: *“the establishment of medical marihuana production on ALR lands in relation to farming for consistency within the Agricultural Land Commission Act, its regulations and orders of the Commission must not be permitted unless by a rezoning of the land.”*
- Revises regulations related to medical cannabis production on ALR lands to state that it is not permitted unless by a Temporary Use Permit or rezoning of the land, in accordance with Official Community Plan policies.

The CVRD approach to preparing for cannabis legalization is as follows:

- Although the planning department is in the process of a comprehensive review of the Zoning Bylaw, the new Zoning Bylaw will not be in place by August 2018 and therefore there could be a window under which production and retail could lawfully be established (i.e., retail use, agricultural use).
- The proposed approach is a two-step process of precautionary zoning with the “door closed” until federal and provincial regulations are established, and then the Comox Valley Regional District (CVRD) can “open the door” to provide access in locations and to the degree that is acceptable to the community.
- To address implementation of cannabis legalization, staff recommend that the Zoning Bylaw be amended specifically to prohibit non-medical cannabis production and retail to prevent non-medical cannabis related uses from being established as a lawful use. Any location that is proposed for the production or retail sale of non-medical cannabis would require a rezoning or a Temporary Use Permit.

Organizational and Intergovernmental Implications

To be determined pending Committee discussion and Board direction.

Consultation and Timeline for Next Steps

To be determined pending Committee discussion and Board direction.

STRATEGIC PLAN AND RELATED POLICIES

N/A

CONCLUSION

Local governments are considering steps to address community needs and impacts related to the legalization of cannabis.

Examples of bylaw amendments from SLRD and CVRD are provided for Committee information.

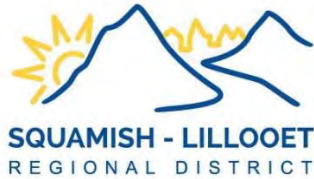
Staff continue to monitor the regulatory framework associated with cannabis legalization and will provide further updates as federal and provincial decisions are made.

Attachments:

Attachment A - Squamish Lillooet Regional District Zoning Amendment Bylaw No. 1544-2017, No. 1545-2017, No. 1546-2017 and No. 1547-2017 – Cannabis Regulations Third Reading and Adoption

Attachment B - Comox Valley Regional District Staff Report – Zoning Bylaw Amendment to Prohibit Non-Medical Cannabis Retail and Production, May 8, 2018

Reviewed by:			
Manager		Finance	
GM		Legislative	
CAO	X – J. Loveys	Human Resources	



REQUEST FOR DECISION

Zoning Amendment Bylaw No. 1544-2017, No. 1545-2017,
No. 1546-2017 and No. 1547-2017 – Cannabis Regulations
Third Reading and Adoption

Meeting Date: May 24, 2018

To: SLRD Board

RECOMMENDATIONS:

THAT Bylaw No. 1544-2017, cited as "Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999, Amendment Bylaw No. 1544-2017" be read a third time.

THAT Bylaw No. 1545-2017, cited as "Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013, Amendment Bylaw No. 1545-2017" be read a third time.

THAT Bylaw No. 1546-2017, cited as "Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1546-2017" be read a third time.

THAT Bylaw No. 1547-2017, cited as "Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016, Amendment Bylaw No. 1547-2017" be read a third time.

THAT Bylaw No. 1544-2017, cited as "Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999, Amendment Bylaw No. 1544-2017" be adopted.

THAT Bylaw No. 1545-2017, cited as "Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013, Amendment Bylaw No. 1545-2017" be adopted.

THAT Bylaw No. 1546-2017, cited as "Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1546-2017" be adopted.

THAT Bylaw No. 1547-2017, cited as "Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016, Amendment Bylaw No. 1547-2017" be adopted.

KEY ISSUES/CONCEPTS:

The Board made the following resolutions at its April 18, 2018 Board meeting:

THAT first reading of Bylaw No. 1544-2017, cited as "Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999, Amendment Bylaw No. 1544-2017" be rescinded.

THAT first reading of Bylaw No. 1545-2017, cited as “Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013, Amendment Bylaw No. 1545-2017” be rescinded.

THAT first reading of Bylaw No. 1546-2017, cited as “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1546-2017” be rescinded.

THAT first reading of Bylaw No. 1547-2017, cited as “Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016, Amendment Bylaw No. 1547-2017” be rescinded.

THAT Bylaw No. 1544-2017, cited as “Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999, Amendment Bylaw No. 1544-2017” be read a first and second time.

THAT Bylaw No. 1545-2017, cited as “Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013, Amendment Bylaw No. 1545-2017” be read a first and second time.

THAT Bylaw No. 1546-2017, cited as “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1546-2017” be read a first and second time.

THAT Bylaw No. 1547-2017, cited as “Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016, Amendment Bylaw No. 1547-2017” be read a first and second time.

THAT pursuant to section 464 of the Local Government Act, the public hearing regarding the following bylaws be waived:

- *Bylaw No. 1544-2017, cited as “Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999, Amendment Bylaw No. 1544-2017”,*
- *Bylaw No. 1545-2017, cited as “Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013, Amendment Bylaw No. 1545-2017”,*
- *Bylaw No. 1546-2017, cited as “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1546-2017”, and*
- *Bylaw No. 1547-2017, cited as “Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016, Amendment Bylaw No. 1547-2017”.*

THAT notice of the waiver of the public hearing regarding the following bylaws be given in accordance with section 467 of the Local Government Act:

- *Bylaw No. 1544-2017, cited as “Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999, Amendment Bylaw No. 1544-2017”,*
- *Bylaw No. 1545-2017, cited as “Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013, Amendment Bylaw No. 1545-2017”,*
- *Bylaw No. 1546-2017, cited as “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1546-2017”, and*
- *Bylaw No. 1547-2017, cited as “Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016, Amendment Bylaw No. 1547-2017”.*

THAT SLRD staff develop a public engagement and communication strategy for each of the four Electoral Areas to obtain community input and feedback regarding retail sales of cannabis (once legalized).

Notice of Waiving of Public Hearings

Notice was provided in the Squamish Chief, Pique Newsmagazine (May 10th and 17 editions) and Lillooet News (May 9th and 16th editions). The opportunity to present written submission was highlighted on the SLRD website and social media.

Information Referrals

Information referrals were provided to member municipalities and First Nations as an “FYI” to our neighbouring jurisdictions to communicate how the SLRD is preparing for the federal legalization of cannabis.

Public Survey

A public survey is open seeking feedback from the public on the areas that local government can regulate (retail outlets, public consumption, and personal cultivation). Input will help the SLRD develop and implement regulations (following the legalization of cannabis) to best meet the communities’ desires and also achieve objectives established by the federal and provincial governments. The online survey is linked here: www.slrd.bc.ca/CannabisRegulations

Social Media

Notice of the Waiving of the Public Hearings and opportunity for Public Feedback on SLRD cannabis regulations was communicated through SLRD Facebook and Twitter platforms.

RELEVANT POLICIES:

Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999
Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013
Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002
Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016

BACKGROUND:

In April 2017, the Government of Canada introduced Bill C-45 (the *Cannabis Act*) and Bill C-46 (the Act to amend the *Criminal Code*) with plans to make non-medical cannabis legal in Canada by July 2018. The *Cannabis Act* is currently sitting at second reading, with June 7 the deadline for the Senate to pass the legislation, as agreed upon by the Senate leaders and government. While the proposed *Cannabis Act* provides an overall framework for cannabis legalization and regulation, it also provides authorities for all levels of government. Generally, the *Cannabis Act* provides authority for the Federal government to regulate commercial cultivation, processing, and sales (by phone or online), with Federal licences required for these activities. Provincial governments will have authority to establish age limit, distribution and retail models, among others. Local governments will have authority to regulate certain aspects like retail location and rules, regulatory compliance, public consumption, and land use/zoning. As such, local governments are preparing for cannabis legalization through regulatory updates.

A key concern is the potential for legal non-conformity or “grandfathering” (as per section 528 of the *Local Government Act*) of cannabis retail operations. To address this concern, the proposed zoning amendments would prohibit cannabis retail in the SLRD Electoral Areas now, ahead of the Federal and Provincial changes thereby ensuring that potential cannabis retail/sales

operations do not have an argument for legal non-conformity. It should be recognized that as the SLRD does not have the authority to issue business licences, zoning is the only authority the SLRD can exercise to regulate where and how cannabis is sold. The subject zoning amendments also propose new definitions and seek to clarify existing cannabis production (cultivation/processing) regulations.

ANALYSIS:

Summary of Proposed Amendments:

- Exclude the sale of cannabis as a part of retail uses (currently permitted in commercial zones, some industrial zones, and under some home business/home craft provisions) by prohibiting *cannabis retail* in the Electoral Area zoning bylaws. This will address concerns about legal non-conformity and will compel any prospective cannabis retail sales outlets to apply for a rezoning, thus allowing for public input and Board decision-making. It also acknowledges that regional districts have a more limited authority to regulate compared to municipalities which have broader authority under the Community Charter and powers such as business licensing.
- Replace all references to *medical marihuana production facility* with *cannabis production facility*. The *Cannabis Act* and subsequent Federal licences for cultivation and processing (production) will not distinguish between medical cannabis production and non-medical/recreational cannabis production. This will mean that in the SLRD cannabis production will be permitted as per the current *medical marihuana production facility* zoning regulations, which went through an extensive public process. Additionally, it should be noted that the *Marihuana for Medical Purposes Regulations* (MMPR) are no longer in effect.
- Add definition of cannabis, cannabis retail, and cannabis production facility.

See Appendices B, C, D, and E for the full proposed zoning amendments.

SLRD Approach

The following has been communicated as the SLRD approach to preparing for cannabis legalization.

PREPARING FOR CANNABIS LEGALIZATION

In order to be ready for cannabis legalization, the SLRD is taking the following steps to prepare:

1. Update SLRD Electoral Area Zoning Bylaws – current proposed zoning amendments. The SLRD is taking an incremental approach to the regulation of cannabis in the Electoral Areas – maintaining the status quo for both retail and production while considering new uses through site-specific zoning amendment processes (once the Cannabis Act comes into effect).
2. Seek Public Feedback – take the survey (linked above)! And once the *Cannabis Act* comes into effect and the full framework for legalization is established, the SLRD will be exploring further community engagement opportunities.
3. Develop and Implement Regulations - regulations will take into account public feedback and will be explored in depth following the legalization of cannabis (when the full Federal and Provincial regulatory framework is revealed).

Next Steps

(Once Cannabis Act comes into effect)

1. Develop a public engagement and communication strategy for each of the four Electoral Areas to obtain community input and feedback regarding retail sales of cannabis.
2. Potentially develop and implement zoning regulations, taking into account public feedback and cannabis legalization framework.
3. Update the Electoral Area Official Community Plans; specifically, there is a medical marihuana production facility development permit area covering each Electoral Area.
4. Continue to monitor, seek public feedback and revise regulations as necessary.

REGIONAL IMPACT ANALYSIS:

Cannabis legalization and regulation will have impacts across the regional district, though impacts and concerns may vary between urban and rural/remote areas. Authorities also vary between municipalities and regional districts. As such, the SLRD approach may differ from that of some of the member municipalities.

OPTIONS:

Option 1

Give third reading and adopt “Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999, Amendment Bylaw No. 1544-2017”.

Give third reading and adopt “Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013, Amendment Bylaw No. 1545-2017”.

Give third reading and adopt “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1546-2017”.

Give third reading and adopt “Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016, Amendment Bylaw No. 1547-2017”.

Option 2

Do not give third reading or adoption of “Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999, Amendment Bylaw No. 1544-2017” and refer back to staff for clarification or revision.

Do not give third reading or adoption of “Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013, Amendment Bylaw No. 1545-2017” and refer back to staff for clarification or revision.

Do not give third reading or adoption of “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1546-2017” and refer back to staff for clarification or revision.

Do not give third reading or adoption of “Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016, Amendment Bylaw No. 1547-2017” and refer back to staff for clarification or revision.

Option 3

As per Board direction.

Preferred Option

Option 1

APPENDICES:

Appendix A: Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999, Amendment Bylaw No. 1544-2017

Appendix B: Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013, Amendment Bylaw No. 1545-2017

Appendix C: Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1546-2017

Appendix D: Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016, Amendment Bylaw No. 1547-2017

Submitted by: C. Daniels, Planner

Reviewed and Approved by: L. Flynn, Chief Administrative Officer

**SQUAMISH-LILLOOET REGIONAL DISTRICT
BYLAW NO. 1544-2017**

A bylaw of the Squamish-Lillooet Regional District to amend the Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999 (Electoral Area A)

WHEREAS the Board of the Squamish-Lillooet Regional District wishes to amend Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999;

NOW THEREFORE, the Regional Board of the Squamish-Lillooet Regional District, in open meeting assembled, enacts as follows:

1. This bylaw may be cited for all purposes as "Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999, Amendment Bylaw No. 1544-2017".
2. Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999 is amended by inserting a new section 4.16 into Section 4 General Regulations as follows:

Cannabis Retail

4.16 Unless expressly permitted in this bylaw, *cannabis retail* is prohibited in all zones including zones which broadly permit retail sales/stores or use, farm retail sales/retail sales of farm products, convenience store, or accessory retail use/auxiliary retail sales.

- (a) By replacing all references to *medical marihuana production facility* with *cannabis production facility*.
- (b) By deleting the term and definition "*medical marihuana production facility*" from Section 1 Definitions.
- (c) By adding new terms and definitions to Section 1 Definitions in alphabetical order, as follows:

CANNABIS means cannabis as defined in the *Cannabis Act*.

CANNABIS RETAIL means the sale of cannabis.

CANNABIS PRODUCTION FACILITY means a premise used for cultivation, processing, testing, destroying, storing or distribution of cannabis authorized by a licence issued by Health Canada.

READ A FIRST TIME this	20 th day of	SEPTEMBER, 2017.
FIRST READING RESCINDED this	18 th day of	APRIL, 2018.
READ A FIRST TIME, as amended, this	18 th day of	APRIL, 2018.
READ A SECOND TIME this	18 th day of	APRIL, 2018.
PUBLIC HEARING WAIVED on the	18 th day of	APRIL, 2018.
READ A THIRD TIME this	23 rd day of	MAY, 2018.
ADOPTED this	23 rd day of	MAY, 2018.

Jack Crompton
Chair

Kristen Clark
Corporate Officer

**SQUAMISH-LILLOOET REGIONAL DISTRICT
BYLAW NO. 1545-2017**

A bylaw of the Squamish-Lillooet Regional District to amend the Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013

WHEREAS the Board of the Squamish-Lillooet Regional District wishes to amend Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013;

NOW THEREFORE, the Regional Board of the Squamish-Lillooet Regional District, in open meeting assembled, enacts as follows:

1. This bylaw may be cited for all purposes as “Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013, Amendment Bylaw No. 1545-2017”.
2. Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013 is amended by inserting a new section 4.16 into Section 4 General Regulations as follows:

Cannabis Retail

4.16 Unless expressly permitted in this Bylaw, *cannabis retail* is prohibited in all zones including zones which broadly permit retail sales/stores or use, farm retail sales/retail sales of farm products, convenience store, or accessory retail use/auxiliary retail sales.

- (a) By replacing all references to *medical marihuana production facility* with *cannabis production facility*.
- (b) By deleting the term and definition “*medical marihuana production facility*” from Section 1 Definitions.
- (c) By adding new terms and definitions to Section 1 Definitions in alphabetical order, as follows:

CANNABIS means cannabis as defined in the *Cannabis Act*.

CANNABIS RETAIL means the sale of cannabis.

CANNABIS PRODUCTION FACILITY means a premise used for cultivation, processing, testing, destroying, storing or distribution of cannabis authorized by a licence issued by Health Canada.

READ A FIRST TIME this	20 th day of	SEPTEMBER, 2017.
FIRST READING RESCINDED this	18 th day of	APRIL, 2018.
READ A FIRST TIME, as amended, this	18 th day of	APRIL, 2018.
READ A SECOND TIME this	18 th day of	APRIL, 2018.
PUBLIC HEARING WAIVED on the	18 th day of	APRIL, 2018.
READ A THIRD TIME this	23 rd day of	MAY, 2018.
ADOPTED this	23 rd day of	MAY, 2018.

Jack Crompton
Chair

Kristen Clark
Corporate Officer

**SQUAMISH-LILLOOET REGIONAL DISTRICT
BYLAW NO. 1546-2017**

A bylaw of the Squamish-Lillooet Regional District to amend the Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002

WHEREAS the Board of the Squamish-Lillooet Regional District wishes to amend Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002;

NOW THEREFORE, the Regional Board of the Squamish-Lillooet Regional District, in open meeting assembled, enacts as follows:

1. This bylaw may be cited for all purposes as “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1546-2017”.
2. Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002 is amended by inserting a new section 4.26 into Part 4 General Zoning Provisions and Regulations as follows:

Cannabis Retail

4.26 Unless expressly permitted in this Bylaw, *cannabis retail* is prohibited in all zones including zones which broadly permit retail sales/stores or use, farm retail sales/retail sales of farm products, convenience store, or accessory retail use/auxiliary retail sales.

- (a) By replacing all references to *medical marihuana production facility* with *cannabis production facility*.
- (b) By deleting the term and definition “*medical marihuana production facility*” from Part 1 Interpretation.
- (c) By adding new terms and definitions to Part 1 Interpretation in alphabetical order, as follows:

CANNABIS means cannabis as defined in the *Cannabis Act*.

CANNABIS RETAIL means the sale of cannabis.

CANNABIS PRODUCTION FACILITY means a premise used for cultivation, processing, testing, destroying, storing or distribution of cannabis authorized by a licence issued by Health Canada.

READ A FIRST TIME this	20 th day of	SEPTEMBER, 2017.
FIRST READING RESCINDED this	18 th day of	APRIL, 2018.
READ A FIRST TIME, as amended, this	18 th day of	APRIL, 2018.
READ A SECOND TIME this	18 th day of	APRIL, 2018.
PUBLIC HEARING WAIVED on the	18 th day of	APRIL, 2018.
READ A THIRD TIME this	23 rd day of	MAY, 2018.
ADOPTED this	23 rd day of	MAY, 2018.

Jack Crompton
Chair

Kristen Clark
Corporate Officer

**SQUAMISH-LILLOOET REGIONAL DISTRICT
BYLAW NO. 1547-2017**

A bylaw of the Squamish-Lillooet Regional District to amend the Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016

WHEREAS the Board of the Squamish-Lillooet Regional District wishes to amend Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016;

NOW THEREFORE, the Regional Board of the Squamish-Lillooet Regional District, in open meeting assembled, enacts as follows:

1. This bylaw may be cited for all purposes as “Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016, Amendment Bylaw No. 1547-2017”.
2. Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016 is amended by inserting a new section 4.24 into Section 4 General Regulations as follows:

Cannabis Retail

4.24 Unless expressly permitted in this Bylaw, *cannabis retail* is prohibited in all zones including zones which broadly permit retail sales/stores or use, farm retail sales/retail sales of farm products, convenience store, or accessory retail use/auxiliary retail sales.

- (a) By replacing all references to *medical marihuana production facility* with *cannabis production facility*.
- (b) By deleting the term and definition “*medical marihuana production facility*” from Section 1 Definitions.
- (c) By adding new terms and definitions to Section 1 Definitions in alphabetical order, as follows:

CANNABIS means cannabis as defined in the *Cannabis Act*.

CANNABIS RETAIL means the sale of cannabis.

CANNABIS PRODUCTION FACILITY means a premise used for cultivation, processing, testing, destroying, storing or distribution of cannabis authorized by a licence issued by Health Canada.

READ A FIRST TIME this	20 th day of	SEPTEMBER, 2017.
FIRST READING RESCINDED this	18 th day of	APRIL, 2018.
READ A FIRST TIME, as amended, this	18 th day of	APRIL, 2018.
READ A SECOND TIME this	18 th day of	APRIL, 2018.
PUBLIC HEARING WAIVED on the	18 th day of	APRIL, 2018.
READ A THIRD TIME this	23 rd day of	MAY, 2018.
ADOPTED this	23 rd day of	MAY, 2018.

Jack Crompton
Chair

Kristen Clark
Corporate Officer

DATE: May 8, 2018**FILE:** 3360-20 / RZ 1CV 18**TO:** Chair and Directors
Electoral Areas Services Committee**FROM:** James Warren
Acting Chief Administrative OfficerSupported by James Warren
Acting Chief Administrative Officer**J. Warren****RE: Zoning Bylaw Amendment to Prohibit Non-Medical Cannabis Retail and Production****Purpose**

To recommend an amendment to the Zoning Bylaw that would prohibit the production and distribution of non-medical cannabis in anticipation of federal legalization.

Recommendations from the Chief Administrative Officer:

1. THAT the board endorse the external agency referral list outlined in Appendix A;

AND THAT the board give first and second readings of Bylaw No. 537, being the “Comox Valley Zoning Bylaw, 2005, Amendment No. 74”, Appendix B attached to staff report dated May 8, 2018, which proposes an amendment to the Zoning Bylaw to address implementation of the legalization of cannabis;
2. THAT staff report back to the Electoral Areas Services Committee with a fulsome analysis of options regarding regulations once the *Cannabis Act* and related regulations have been approved and made available to the public.

Executive Summary

- The federal government is in the process of passing legislation to legalize non-medical cannabis through the *Cannabis Act* anticipated in August 2018. The focus is on the legalization of non-medical cannabis activities including production, distribution and consumption.
- Medical cannabis will still be regulated separately under the existing *Access to Cannabis for Medical Purposes Regulation* (ACMPR), which may be revisited once the *Cannabis Act* has become law.
- On April 26, 2018, the province introduced cannabis legislation that lays out the regulatory framework for implementation of legalized cannabis in BC:
 - BC’s *Cannabis Distribution Act* (Bill 31-2018) will establish BC’s jurisdiction over wholesale distribution of cannabis and provide authority for government-run retail sales.
 - BC’s *Cannabis Control and Licensing Act* (Bill 30-2018) will establish licensing of private retailers, and restrictions on the possession, personal cultivation and consumption of cannabis by adults and prohibitions of minors.
- Although the planning department is in the process of a comprehensive review of the Zoning Bylaw, the new Zoning Bylaw will not be in place by August 2018 and therefore there could be a window under which production and retail could lawfully be established (i.e., retail use, agricultural use).

- The proposed approach is a two-step process of precautionary zoning with the “door closed” until federal and provincial regulations are established, and then the Comox Valley Regional District (CVRD) can “open the door” to provide access in locations and to the degree that is acceptable to the community.
- To address implementation of cannabis legalization, staff recommend that the Zoning Bylaw be amended specifically to prohibit non-medical cannabis production and retail to prevent non-medical cannabis related uses from being established as a lawful use. Any location that is proposed for the production or retail sale of non-medical cannabis would require a rezoning or a Temporary Use Permit.

Prepared by:

Concurrence:

R. Holme**A. Mullaly**

 Robyn Holme, MCIP, RPP
 Long Range Planner

 Alana Mullaly, M.Pl., MCIP, RPP
 Acting General Manager of Planning and
 Development Services Branch
Stakeholder Distribution (Upon Agenda Publication)

None	
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Background/Current Situation

The federal government is in the process of adopting the *Cannabis Act* (Bill C-45) and related impaired driving amendments to the *Criminal Code* (Bill C-46). These new regulations focus on the legalization of non-medical cannabis activities including production, distribution and consumption.

Under the proposed federal framework the provinces have some flexibility around the legalization of non-medical cannabis. To this end, B.C. has introduced two bills, currently at first reading. The bills include direction on home cultivation limits, possession limits and public space consumption. Further, the bills include direction on the proposed public retail model and indicate that local governments will be authorized to prohibit non-medical cannabis uses, or to supplement regulations should they choose.

Despite the information the province has provided in relation to the intended approach for the implementation of legalized non-medical cannabis, the provincial legislation has not been approved. As changes may arise as the two implementing bills move through the house, the specifics of the regulatory framework that local government will be working within remain relatively unclear.

Medical Marihuana Regulatory Framework

Medical cannabis will still be federally regulated separately under the existing ACMPR. The CVRD Rural Official Community Plan (OCP) and Zoning Bylaw regulate medical cannabis; no changes are proposed to the OCP framework at this time. Presently, production of medical marihuana requires a site-specific zoning amendment and can proceed without an amendment to the OCP if the proposed location is in either the Agricultural or Resource designation. Staff is not proposing any change to the fundamentals of this framework.

Non-Medical Cannabis Local Government Regulatory Framework

Generally, legal counsel has recommended that local governments initially establish a zoning bylaw prohibition of cannabis retail and production and then take time to work with their respective communities to establish a locally appropriate regulatory framework.

Prohibiting cannabis related uses prior to legalization of non-medical cannabis will ensure no potentially unwanted or inappropriate uses are established in the electoral areas. Given that the provincial bills were granted first reading on April 26, 2018 (and not made publically available prior to that date), staff recommend implementing interim zoning regulations to prohibit all non-medical cannabis related uses. This will allow sufficient time to review the provincial legislation (once approved), consult with citizens, stakeholders, external agencies and First Nations and develop CVRD appropriate changes to the Zoning Bylaw and other related bylaws, if necessary.

The proposed amendment to the Zoning Bylaw will be sufficient to prohibit the growing, cultivation, production, processing, storage and sale of non-medical cannabis in the electoral areas.

Next Steps

An inter-departmental working group of staff in planning and development, bylaw compliance, community services branch, human resources and communications will be established to review the legislative framework and assess options for the CVRD. The working group will bring forward an implementation strategy with recommendations to the executive management team in June to receive further direction. Staff will report back to the Electoral Areas Services Committee (EASC) with a fulsome analysis of options regarding regulations once the *Cannabis Act* and provincial legislation are in place.

Policy Analysis

Part 14 of the *Local Government Act* (RSBC, 2015, c. 1) (LGA) provides the framework for local government authority over planning and land use management.

Options

The board may:

1. Authorize external agency referrals; grant first and second reading of the proposed Zoning Bylaw amendment; direct staff to report back to EASC with a fulsome analysis of options regarding regulations once the *Cannabis Act* and related regulations have been approved and made available to the public.
2. Maintain the status quo.

Staff recommends Option 1, as the proposed Zoning Bylaw amendment responds to legal advice, and mitigates potential risk related to not having regulations in place (i.e. establishment of lawful non-conforming uses).

Financial Factors

There are no immediate financial implications associated with this report. The Zoning Bylaw amendment was prepared in house by staff. The CVRD will bear the expenses of staff time, newspaper advertisements and costs related to a public hearing.

Legal Factors

The content of the proposed amendment has been reviewed by counsel as part of the comprehensive Zoning Bylaw review.

Regional Growth Strategy Implications

There are no directly related Regional Growth Strategy implications related to staff's proposed approach.

Intergovernmental Factors

The proposed two-step process of precautionary zoning with the “door closed” until federal and provincial regulations are established, and then a community-driven “opening of the door” to provide access in locations and to the degree that is acceptable to the community is akin to the approach that the Town of Comox has recently undertaken.

The City of Courtenay is in the process of reviewing options and may bring forward changes to their Zoning Bylaw later this spring. The Village of Cumberland already put a regulatory framework in place in 2016 to prohibit non-medical and medical cannabis retail use.

Appendix A contains a list of the external agencies to which the proposed Zoning Bylaw amendment be forwarded. The Zoning Bylaw amendment will also be referred to First Nations in accordance with the Referrals Management Program.

Interdepartmental Involvement

Planning staff have consulted with various CVRD departments including community parks, recreation services, communications, bylaw compliance and human resources. Departmental comments have been included in this report.

Citizen/Public Relations

The proposed bylaw amendment will be forwarded to Electoral Area A, B and C Advisory Planning Commissions (APC) and the Agricultural APC for comment. Public consultation will be undertaken in accordance with the LGA. If the board concurs with staff's recommendation to proceed to public hearing, staff will aim to schedule a hearing date in early July. This would enable the board to consider bylaw adoption prior to the anticipated August approval of the federal *Cannabis Act*.

Attachments: Appendix A – “External Agency Referral List”
Appendix B – “Bylaw No. 537”

Agency and First Nations Referral List

- ☒ The following agencies will receive a referral of the proposed Development Permit Area amendments.

First Nations

<input checked="" type="checkbox"/>	K'ómoks First Nation	<input checked="" type="checkbox"/>	Homalco Indian Band
<input checked="" type="checkbox"/>	We Wai Kai Nation of the Laich-Kwil-Tach Treaty Society	<input checked="" type="checkbox"/>	Wei Wai Kum / Kwiakah First Nation of the Kwiakah Treaty Society

Federal Departments and Agencies

<input type="checkbox"/>	Canadian Coast Guard	<input type="checkbox"/>	Public Works and Government Services Canada
<input type="checkbox"/>	Department of National Defence (CFB Comox)	<input checked="" type="checkbox"/>	RCMP
<input type="checkbox"/>	Fisheries and Oceans Canada	<input type="checkbox"/>	Transport Canada Navigable Waters
<input type="checkbox"/>	Indian and Northern Affairs Canada		

Provincial Ministries and Agencies

<input checked="" type="checkbox"/>	Agricultural Land Commission	<input type="checkbox"/>	Ministry of Municipal Affairs & Housing
<input type="checkbox"/>	BC Assessment	<input type="checkbox"/>	Ministry of Forests, Lands and Natural Resource Operations & Rural Development
<input type="checkbox"/>	BC Parks	<input type="checkbox"/>	Ministry of Energy and Mines
<input type="checkbox"/>	BC Ferry Services Inc.	<input type="checkbox"/>	Ministry of Environment & Climate Change Strategy
<input type="checkbox"/>	BC Transit	<input type="checkbox"/>	Ministry of Tourism, Arts and Culture
<input type="checkbox"/>	Ministry of Indigenous Relations & Reconciliation	<input type="checkbox"/>	Ministry of Transportation and Infrastructure
<input checked="" type="checkbox"/>	Ministry of Agriculture	<input type="checkbox"/>	Ministry of Forests, Lands and Natural Resource Operations BC Wildfire Services

Local Government

<input type="checkbox"/>	Comox (Town of)	<input type="checkbox"/>	Alberni-Clayoquot Regional District
<input type="checkbox"/>	Courtenay (City of)	<input type="checkbox"/>	Strathcona Regional District
<input type="checkbox"/>	Cumberland (Village of)	<input type="checkbox"/>	Regional District of Mount Waddington
<input type="checkbox"/>	Islands Trust	<input type="checkbox"/>	Regional District of Nanaimo

Other

<input checked="" type="checkbox"/>	Agricultural Advisory Planning Commission	<input type="checkbox"/>	Comox Valley Economic Development Society
<input type="checkbox"/>	School District No. 71 (Comox Valley)	<input checked="" type="checkbox"/>	Vancouver Island Health Authority (Environmental Health)
<input checked="" type="checkbox"/>	Advisory Planning Commission B Lazo North	<input type="checkbox"/>	Union Bay Improvement District
<input checked="" type="checkbox"/>	Advisory Planning Commission C Puntledge-Black Creek	<input checked="" type="checkbox"/>	Advisory Planning Commission A Baynes Sound – Denman/Hornby Islands

Bylaw No. 537
Comox Valley Regional District

STATUS

Title: Comox Valley Zoning Bylaw, 2005, Amendment No. 74

Applicant: Comox Valley Regional District

Electoral Area: Electoral Area A, B and C

File No.: 3360-20 / RZ 1CV 18

Purpose: To amend Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005”, to prohibit the production and distribution of non-medical cannabis

Participants: All Electoral Areas



Application Received:	Date:	
Electoral Areas Services Committee:	Date: Recommendation:	
Comox Valley Regional District Board:	Date: Decision:	
Comox Valley Regional District Board	Date: Decision:	
Public hearing:	Date:	
Comox Valley Regional District Board:	Date: Decision:	
Ministry of Transportation and Infrastructure	Required: Date Sent: Date Approved:	No
Comox Valley Regional District Board: Decision:	Date:	

Comox Valley Regional District
Bylaw No. 537

**A Bylaw to Amend the “Comox Valley Zoning Bylaw, 2005”
being Bylaw No. 2781**

The board of the Comox Valley Regional District, in open meeting assembled, enacts the following amendments to the “Comox Valley Zoning Bylaw, 2005,” being Bylaw No. 2781:

Section One Text Amendment

- 1) Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005,” is hereby amended as set out in Schedule A attached to and forming part of this bylaw.

Section Two Title

- 1) This Bylaw No. 537 may be cited as the “Comox Valley Zoning Bylaw, 2005, Amendment No. 74”

Read a first time this	day of	201X.
Read a second time this	day of	201X.
Public hearing held this	day of	201X.
Read a third time this	day of	201X.

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 537, being the “Comox Valley Zoning Bylaw, 2005, Amendment No. 74,” as read a third time by the board of the Comox Valley Regional District on the XX day of XX 20XX.

Corporate Legislative Officer

**Approved by the Ministry of Transportation and
Infrastructure this**

day of **201X.**

Adopted this

day of **201X.**

Chair

Corporate Legislative Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 537, being the “Comox Valley Zoning Bylaw, 2005, Amendment No. 74,” as adopted by the board of the Comox Valley Regional District on the XX day of XX 20XX.

Corporate Legislative Officer

Schedule A

Section One Text Amendments

- 1) Part 200, “Interpretation”, is hereby amended by deleting the definitions of “Medical marihuana production”, “Retail”, “Wholesale”, “Agricultural Use”, “Agricultural Products” and inserting the following new definitions in alphabetical order:

“Agricultural use”

Means the use of land, buildings or structures for the growing, rearing, producing, harvesting, packing, storing and wholesaling of agricultural crops or raising livestock; includes processing crops grown on the land, the storage and repair of farm machinery and implements of husbandry used on that farm, and the storage, sale and processing of agricultural products harvested, reared or produced by the agricultural use. For the purpose of this Bylaw, Agriculture also includes apiculture and aquaculture, but specifically excludes intensive agriculture and cannabis production.

“Cannabis”

Has the same meaning as in the *Cannabis Act* (Canada), subject to any prescribed modifications.

“Cannabis production”

Means the commercial production, cultivation, synthesis, harvesting, altering, propagating, processing, packaging, storing and distribution of plants or scientific research of cannabis or cannabis products under the *Cannabis Act*.

“Cannabis production (medical)”

Means the commercial production, cultivation, synthesis, harvesting, altering, propagating, processing, packaging, storing and distribution of plants or scientific research of cannabis or cannabis products for medicinal purposes in accordance with a license issued by Health Canada under the *Access to Cannabis for Medical Purposes Regulation* (ACMPR).

“Plant nursery and greenhouse”

Means the use of land or buildings for growing, cultivating, harvesting, storing and sale of flowers, trees, bushes, bedding plants, and may include the sale of related gardening products and materials but specifically excludes cannabis production.

“Retail sales”

Means the sale of goods to the general public and the accessory maintenance and repair of goods sold, but excludes vehicular fuels and cannabis.

“Wholesale”

Means establishments or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies and includes the maintenance and repair of such goods that are sold, but excludes the wholesale distribution of cannabis.”

- 2) Part 302(2) “Uses Prohibited In All Zones” be amended by deleting:

“x) Medical marihuana production, or any component thereof, except as expressly permitted elsewhere in this bylaw”

and replacing it with the following text:

“x) Cannabis production, or any component thereof.

xi) Wholesale or retail sale of cannabis.”

- 3) Part 303 (3) (viii) “Uses Permitted on Conditions” be amended as follows:

“viii) Cannabis Production (medical)

The establishment of medical marihuana production on ALR lands in relation to farming for consistency within the *Agricultural Land Commission Act*, its regulations and orders of the Commission must not be permitted unless by a rezoning of the land.”

- 4) Part 303 (2) “Farm Use Regulations” be amended by inserting the following new text after Part 303(2)(iv):

“v) Cannabis Production (Medical)

The establishment of cannabis production (medical) on ALR lands in relation to farming for consistency within the *Agricultural Land Commission Act*, its regulations and orders of the Commission must not be permitted unless by a rezoning of the land.”

- 5) Part 304 “Home Occupations”, Part 306 “Domestic Business”, and Part 307 “Domestic Industrial Use” be amended by replacing all instances of “medical marihuana” with “cannabis.”

- 6) Part 300 “General Regulations” be amended by deleting:

“316 Medical Marihuana Production

1. The establishment of medical marihuana production, or any component thereof, on non-ALR lands must not be permitted unless by a rezoning of the land, in accordance with official community plan policies”

and inserting the following:

“316 Cannabis Production (Medical)

1. The establishment of cannabis production, or any component thereof, on non-ALR lands must not be permitted unless by a Temporary Use Permit or rezoning of the land, in accordance with Official Community Plan policies”.



July 11, 2018

Attention: Bruce Milne

Sunshine Coast Regional District
1975 Field Road
Sechelt, BC
V0N 3A1

Dear Bruce,

Thank you for your letter dated May 15, 2018.

Please consider this letter formal confirmation that Recycle BC is prepared to sign a Curbside Statement of Work (SOW) with the Sunshine Coast Regional District (SCRD) for Electoral Areas B and D if the SCRД wishes to establish a curbside recycling program for packaging and paper product in those areas.

As you may recall, the SCRД originally signed a Curbside SOW with Recycle BC (then operating as Multi-Material BC) for Electoral Areas B and D in 2013, but the agreement was terminated after the SCRД decided to not implement the program. Given Recycle BC's original commitment to curbside collection in Electoral Areas B and D, we are prepared to support the implementation of a curbside recycling program in those two areas. The timeline for such an implementation would be at the SCRД's discretion, and is not subject to the October 1, 2018 deadline associated with signing a new Depot SOW that was communicated to the SCRД.

If the SCRД would like to implement such a curbside program, we would require a minimum of a 90 day period between the signing of a new Curbside SOW with Recycle BC, in addition to approval of a detailed transition plan, and the service commencement date.

If the SCRД declines to implement a curbside recycling program in Electoral Areas B and D and formally communicates as such, Recycle BC would be prepared to include these two areas in our next Request for Proposals (RFP) for areas where Recycle BC operates curbside services directly. The next RFP is likely to be in late 2018 or early 2019. It is important to note that this process does not guarantee that Recycle BC will award a contract for curbside service in Electoral Areas B and D.

Electoral Areas E and F are not eligible to join the Recycle BC program as curbside service areas. Recycle BC has proposed eligibility criteria in our updated Program Plan for communities that



RECYCLEBC

wish to establish new curbside recycling programs, which Electoral Areas E and F do not meet. If the SCRDC wishes to establish curbside recycling in Electoral Areas E and F, those materials would need to be managed outside of the Recycle BC program.

Please do not hesitate to reach out to me if you have any questions or wish to discuss further.

Thank you.

Sincerely,

Jordan Best

Director, Collection
Recycle BC

Cc Tamara Burns, VP Supply Chain, Recycle BC