



PLANNING AND COMMUNITY DEVELOPMENT COMMITTEE

Thursday, September 6, 2018
SCRD Boardroom, 1975 Field Road, Sechelt, B.C.

AGENDA

CALL TO ORDER 9:30 a.m.

AGENDA

1. Adoption of Agenda

PRESENTATIONS AND DELEGATIONS

2. Kris Sneddon, Sunshine Coast Mountain Adventures Ltd. (INVITED) Verbal
Regarding Sunshine Coast Mountain Adventures Provincial Tenure Application.
3. Mark Hiltz, Resident Verbal
Regarding Development Variance Permit DVP00029 Application (Persephone).

REPORTS

4. Senior Planner – Provincial Referral 102649829-002 Sunshine Coast Mountain Adventures – Consultation Summary and Revised Recommendations Annex A
(Rural Planning) (Voting – A, B, D, E, F) pp 1 - 10
5. Manager, Planning and Development – Development Variance Permit DVP00029 (Persephone) and Proposed Liquor Licence Endorsements for a Lounge and Picnic Area – Electoral Area F Annex B
Electoral Area F (Rural Planning) (Voting – A, B, D, E, F) pp 11 - 67
6. Senior Planner – Zoning Bylaw Amendment No. 310.177, 2018 – Elphinstone Crossing Estate Phase Two – Public Hearing Report and Consideration for Third Reading Annex C
Electoral Area F (Rural Planning) (Voting – A, B, D, E, F) pp 68 - 94
7. Senior Planner – OCP Amendments - Densification Strategies to Support Affordable Housing - Public Hearing Report and Consideration for Third Reading and Adoption Annex D
Electoral Areas B, D, E, F (Rural Planning) (Voting – A, B, D, E, F) pp 95 - 134
8. Manager, Planning and Development – Approach to Cannabis Legalization (Rural Planning) (Voting – A, B, D, E, F) Annex E
pp 135 - 145
9. Senior Planner – Potential for a Temporary Movable Small Home Pilot Project in Rural Areas Annex F
(Rural Planning) (Voting – A, B, D, E, F) pp 146 - 155
10. Senior Planner – Provincial Referral CRN00061 for a Private Moorage (Solberg Hills) – Electoral Area A Annex G
Electoral Area A (Rural Planning) (Voting – A, B, D, E, F) pp 156 - 200

11. Senior Planner – Provincial Referral CRN00062 for a Log Handling Facility (Black Mount Logging) – Electoral Area F
Electoral Area F (Rural Planning) (Voting – A, B, D, E, F) Annex H
pp 201 - 274
12. Planning Technician – Provincial Referral CRN00063 2412049 for a Private Moorage Facility (Thomson) – Electoral Area A
Electoral Area A (Rural Planning) (Voting – A, B, D, E, F) Annex I
pp 275 - 299
13. Planning Technician – Frontage Waiver for Subdivision SD000028 (Hammond) – Electoral Area F
Electoral Area F (Rural Planning) (Voting – A, B, D, E, F) Annex J
pp 300 - 303
14. Sunshine Coast Regional District Policing Committee Minutes of July 19, 2018
(Voting – All) Annex K
pp 304 - 306
15. Natural Resource Advisory Committee Minutes of July 18, 2018
(Regional Planning) (Voting – All) Annex L
pp 307 - 310
16. Electoral Area A (Egmont/Pender Harbour) APC Minutes of July 25, 2018
Electoral Area A (Rural Planning) (Voting – A, B, D, E, F) Annex M
pp 311 - 312
17. Electoral Area D (Roberts Creek) APC Minutes of July 16, 2018
Electoral Area D (Rural Planning) (Voting – A, B, D, E, F) Annex N
pp 313 - 315
18. Electoral Area F (West Howe Sound) APC Minutes of July 24, 2018
Electoral Area F (Rural Planning) (Voting – A, B, D, E, F) Annex O
pp 316 - 317

COMMUNICATIONS

19. Brian Smith, CEO/Co-Owner, Persephone Brewing Company dated August 25, 2018. Annex P
Regarding Persephone Brewing Company DVP Application. pp 318 - 323

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 that are at their preliminary stages...”

ADJOURNMENT

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Planning and Community Development Committee – September 6, 2018
AUTHOR: Yuli Siao, Senior Planner
SUBJECT: Provincial Referral 102649829-002 – Sunshine Coast Mountain Adventures - Consultation Summary and Revised Recommendations

RECOMMENDATIONS

1. **THAT the report titled Provincial Referral 102649829-002 – Sunshine Coast Mountain Adventures - Consultation Summary and Revised Recommendations be received;**
2. **AND THAT the following comments be forwarded to the Ministry of Forests, Lands, Natural Resource Operations and Rural Development:**

Subject to the following conditions, the Sunshine Coast Regional District has no objection to Provincial Referral 102649829-002:

- a) Conduct a public information meeting and respond to any development and operation concerns and questions which may be raised by the community.
 - b) Comments received from the shíshálh and Skwxwú7mesh Nations be addressed.
 - c) Provide an emergency management plan to the SCRD for comment.
 - d) Incorporates fire protection measures in the tenure management plan.
 - e) A statement be added to the tenure management plan that explicitly prohibits fishing and hunting in the tenure areas.
 - f) Access to the trails within the proposed tenure be separated from other existing trails and forest service roads in lower elevations to prevent mechanized vehicles from accessing tenure areas of this project.
 - g) Conduct an environmental impact assessment of mountain biking activities in the alpine and sub-alpine areas after one year of operation and deploy remedial measures if necessary.
 - h) Detailed information be provided in the tenure management plan on baseline data and parameters for monitoring changes in the alpine and sub-alpine areas.
 - i) Detailed information be provided in the tenure management plan regarding helicopter flight paths, operation timing and noise mitigation measures.
 - j) Consult local nature, conservation and environmental groups for their input on the backcountry and project management practice.
3. **AND THAT once all comments have been reviewed and addressed the proposed operations be carried out in accordance with the amended tenure management plan,**

amended environmental management plan and amended emergency management plan as approved by the Province.

4. AND FURTHER THAT the recommendation be forwarded to the Regular Board meeting of September 6, 2018.

BACKGROUND

On June 14, 2018, the SCRD Board adopted the following resolution:

193/18 **Recommendation No. 7** *Provincial Referral 102649829-002 – Sunshine Coast Mountain Adventures*

THAT the report titled Provincial Referral 102649829-002 – Sunshine Coast Mountain Adventures be received;

AND THAT staff request an extension to the comment deadline from the Province in order to provide more time for review of the application and referral to SCRD Advisory Committees;

AND THAT the applicant:

- i. be invited to attend SCRD advisory committee meetings;
- ii. be invited to present as a delegation to a future Standing Committee meeting;
- iii. be requested to host a public information meeting regarding the proposal.

Pursuant to this resolution, staff obtained a comment deadline extension from the Province for September 14, 2018, and advised the applicant of the Board's directives. The applicant attended meetings of the Egmont/Pender Harbour, Halfmoon Bay, Roberts Creek and West Howe Sound Advisory Planning Commissions (APC) and the Natural Resource Advisory Committee. The applicant did not attend the Elphinstone Advisory Planning Commission meeting due to schedule conflict with another advisory committee meeting. The Elphinstone APC reviewed the proposal and provided similar comments on common topics as other committees.

Comments from those meetings are summarized in the following section. The applicant did not hold a public information meeting. The applicant has registered as a delegation to appear at the September 6, 2018 Planning and Community Development Committee meeting.

DISCUSSION

Summary of Advisory Committee Comments

Most advisory committees consulted indicate support for Provincial approval of the proposal subject to various conditions to be met or concerns to be addressed. Key concerns are summarized as follows:

Benefit for Tourism

Most committees acknowledge the economic benefit this operation can bring to tourism on the Sunshine Coast. However, if trips do not originate or end on the Sunshine Coast, such benefit may not be fully captured. The applicant indicates that options for pick up and drop off in Vancouver may be considered. Some form of assurance is recommended by the committees to ensure that the operation remains on the Coast and future owners maintain the intent and principles of the business. Should owner or other aspects of the business change in the future, the tenure and its contractual obligations with the Province will remain with the business.

Impact on Wildlife and Environment

This is a common concern among the committees. The applicant plans to conduct a Species at Risk Assessment (SARA) and deploy best practice to protect wildlife. The applicant's environmental consultants plan to conduct studies to lay out areas for the best flight paths to minimize disturbance to wildlife.

To mitigate impacts on the environment, particularly impacts on the alpine and sub-alpine areas and by mountain bikes and mechanized vehicles, the committees recommend physical barriers to prevent mechanized vehicles from entering the trails, conducting an assessment after one year of operation, deploying remedial measures, and providing more information on baseline data to monitor the condition of the alpine and sub-alpine areas. Some committees also recommend the prohibition of fishing and hunting by Sunshine Coast Mountain Adventure's clients in the tenure areas.

Emergency and Fire

According to the applicant, the tour operation will establish trails and provide guides on every trip. The operation will have a complete rescue program for any situations that require rescue, including fire. Many safety issues tourists may encounter in the backcountry can be resolved or prevented by having a tour guide who will accompany each group along the journey. All flight routes have satellite phone reception. Reporting landslide or fire will be quicker because more eyes will be on the back country. The applicant is to provide an Emergency Management Plan to address many of those issues in detail.

Noise Impact on Residential Areas

With an air base in the Sechelt Airport area, helicopters will inevitably have a noise impact on nearby residential areas. The applicant intends to use a type of helicopter (A-Star) that generates significantly less noise than medivac or helicopters used for fire fighters. The usual pick up and drop off time will be between 10 am and 2 pm. Flight path planning will seek to avoid or distance from residential areas in addition to sensitive wildlife and cultural heritage sites. Detailed information regarding flight paths, operation timing and noise mitigation should be added to the tenure management plan.

Consultation with Community and Local Groups

In addition to conducting a public information meeting for the community, the committees recommend that the applicant consult local nature, environmental and conservation groups to gain specific knowledge of the backcountry environment and project management practice.

Based on the above feedback, there appears to be general support from advisory committees for the project if critical issues raised are managed and monitored and further consultation with the community is conducted. Staff recommend that additional conditions be provided to the Province to address environmental management, trail access, noise mitigation and consultation with local groups.

STRATEGIC PLAN AND RELATED POLICIES

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

- Incorporate land use planning and policies to support local economic development.
- Create and use an “environmental lens” for planning, policy development, service delivery and monitoring.

CONCLUSION

Following the Board’s direction, the applicant consulted advisory committees to gauge community reception of the proposed mountain adventure tourism operation. Most committees support the proposal subject to a number of key conditions with respect to environmental management, trail access, noise mitigation and consultation with local groups, as discussed in this report.

Staff recommend that additional conditions be added to the response to the Province. In order to meet the deadline of September 14, 2018 for a response to the Province, the recommendations should be forwarded to the September 6, 2018 Board meeting for consideration.

Attachments

Attachment A – Advisory Committee Comments

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

Attachment A Advisory Committee Comments

Egmont / Pender Harbour Advisory Planning Commission

Recommendation No. 1 *Provincial Referral 102649829-002 (Sunshine Coast Mountain Adventure)*

APC recommends approval of Provincial Referral 102649829-002 with the following comments and concerns:

- SCRD conditions are met
- Addressing any comments from shíshálh and Skwxwu7mesh Nations

Concerns:

- Lack of consultation with local nature/environmental groups
- Damage to environment through trail building/maintenance and human activities
- Disturbance to wildlife from helicopters, bikers, hikers and humans in area
- 5 people per helicopter means over 1,000 round trips once the business is operating at full capacity
- Clients accessing the trails from Coal Harbour may well bring limited economic benefits.

Halfmoon Bay Advisory Planning Commission

The APC discussed the staff report regarding Provincial Referral 102649829-002 Sunshine Coast Mountain Adventures. The following concerns/points/issues were noted:

- Support developing relationship with various tourism operators.
- The proposal is good and the application is low impact.
- Concerned about the number of trips.
- Concerned about the impact of noise on wildlife: goats, grizzly and wolves.
- Would like to see boundaries set in place to ensure that the intent is maintained by possible future owners if the business is sold.
- Support the local jobs it could generate; could we ensure jobs for locals?
- Would like to see some way of ensuring local tourism benefits i.e. (trips have to start or end in Sechelt)
- Regarding garbage, sewer and drinking water: would like to see more detail on that in the plan.
- Guidelines and best practices: what mechanisms are in place to ensure any operators are following through with the plan?
- Could have an operating charter or principles that the company is accountable to.
- Community mentioned concerns about the bike paths in sensitive areas; have to be cognisant of these areas.
- Thinking of flight paths and protecting wildlife, but also what about people in town, are there limited flight paths? Concerned about noise.
- Make sure the shíshálh Nation has been involved.
- Propose to support the application with the concerns already listed.

Recommendation No. 1. Provincial Referral 102649829-002 Sunshine Coast Mountain Adventures

Regarding Provincial Referral 102649829-002 Sunshine Coast Mountain Adventures, the APC recommends that the application be supported with note of the concerns listed above.

Roberts Creek Advisory Planning Commission

The following concerns/points/issues were noted:

- Paul Toszczak introduced the project and he and Ken Sneddon provided the following information in response to members' questions:
- They have been to all APC's except Area E and may not do a public meeting.
- They require a tenure from the Province to operate the tourism business. They can land on crown land but not in parks without permission.
- Helicopter or plane operators are responsible for people they drop off. From a safety and liability perspective they want to work on establishing trails and providing guides in every case. Properly sanctioned means having established trails and guides.
- They would have a complete rescue program for any situations that require rescue situations, including fire. A lot of safety issues are covered by having a guide. Airspan operates seven helicopters and can be at the Sechelt Hospital emergency room within an hour from any proposed site. All routes have satellite phone reception.
- The business would be similar to heli-skiing. There are interesting sites such as an old mine. It will appeal to people who don't want to plan a camping and hiking trip. Locations are reachable by hiking but are very long hikes
- Groups would be comprised of four people plus one guide. Numbers in proposal are high because they based on established areas in BC with this business. They estimate that there will be five groups in the first year.
- Applied for lease for 10 to 15 years and can apply to renew.
- Trips will cost about \$1500 per day per person. Would be about 2% of annual revenue of Airspan.
- Vancouver clients are targeted by having Coal Harbour pick up. Would Vancouver pickup mean less business for the Coast? Economic development would still be in the form of employment of one guide and purchase of supplies.
- What is projection of use? It is expected business would grow slowly as has been the case with Westcoast Wilderness Lodge business and Whistler services, which are not at capacity.
- There is not a maximum use in tenure. They are not planning to actively market. They will have a presence at a bike shop in Sechelt and a Facebook page. Access to certified guides is the pinch point and will limit number of excursions. Guides are certified by Canadian Mountain Guides Association
- Mountain biking is similar to heli-skiing in that a guide sets out trail and gives riders parameters. They are planning to do a SARA (species at risk assessment) proactively.
- Will have provisions to assess fitness of prospective participants.
- A number of sites already have helipads.
- Wildlife protection – they will probably use the management plan of Yoho Park which identifies areas and times where there will be no interaction.
- How does helicopter noise affect wildlife – the general rule of thumb is 1000 ft over population, 500 ft. in other areas. Environmental consultants will conduct studies and lay

out areas for the best flight paths. Airspan currently does wildlife counts with government biologists.

- Types of helicopters – With A-Star the noise print is significantly quieter than medivac or helicopters used for fire fighters. They currently take off from Sechelt airport 8 to 10 times a day. Usual time of drop off and pick up would be between 10:00 a.m. and 2:00 p.m.
- How many unsanctioned visitors can they capture by offering this service – this is unknown.
- Advantages would be quicker reporting for landslide or fire because more eyes will be on the back country.
- Monitoring – plan to do this on a biannual basis to evaluate.
- What if someone wanted to buy the business – they would hope to maintain the original intentions.
- Would use electric bikes. They have an easier footprint.
- There are pressures on the back country so it would be beneficial for the Province to develop a general land resource management plan.

Recommendation #1

Provincial Referral 10249829-002 – Sunshine Coast Mountain Adventures

The APC recommends that the application be supported subject to the recommendations in the staff report to the Planning and Community Development Committee dated June 14, 2018, and that there be another public meeting if the tenure is sold and changes owners.

Elphinstone Advisory Planning Commission

The following concerns were noted:

- Human interference in wildlife habitats and pristine wilderness with no human development.
- Scope and scale of the project.
- Fire hazard.
- Tours be guided.
- Dealing with emergencies (forest fires, bad weather, helicopter crash, etc.).
- Noise impacts on wildlife and human settlements.
- Any hunting component?
- That no dogs be permitted.
- Lack of information:
 - How the operation would be monitored and regulated.
 - Expectations about possible capacity of the operation.
 - How local outfitters/guides would fit into the picture.
 - How this would benefit the community.

Comments included:

- This is low impact compared to impacts of logging and gravel extraction in the province. It is a fairly limited modification to the environment, the additional traffic in all forms. Otherwise it is pretty benign environmentally. It would mean the area would be protected for its recreational values.

- It could be workable if there were yearly monitoring, particularly as the operation gets going. An independent body could look at it after a year or two, including looking at regulations controlling the use.
- It sounds like it could be interesting.
- It is another way for us to go after tourist dollars we aren't currently getting.
- Would like to hear opinions of local conservation experts who know the mountains in the area, who would know what kind of impact this would have.

Recommendation No. 2 *Sunshine Coast Mountain Adventures*

The Elphinstone APC recommended that the APC needs further information from the applicant regarding Sunshine Coast Mountain Adventures (Provincial Referral 102649829-002) to more fully understand the proposal.

West Howe Sound Advisory Planning Commission

Two representatives of the project were present. Paul Toszczak gave a brief overview of this proposal for a seasonal tourism operation in the lower Sunshine Coast, with an operational base and head office at Sechelt Airport in Wilson Creek and a storefront at Off the Edge Adventure Sports in Sechelt, that would transport tourists by helicopter to remote mountain areas for mountaineering activities. Mr. Toszczak described the rationale and intentions for the proposal and background on work done to date, and outlined features of proposed operations.

The following concerns and points were noted:

- Applicant should emphasize that it is just the trails they would have tenure on, not the whole land area outlined on the map.
- Concern that the applicant does minimal impact on the natural environment in the development of a trail network.
- Support for having guides who can communicate with the clients, keep people from going off the trail, and educate about the ecosystem, flora and fauna, and fire safety.
- There is concern in Whistler area about the volume of use by mountain bikes in the backcountry, due to poor planning.
- Concern that mountain bikers stay on the trail. An alpine meadow is very fragile and cannot recover as in lower elevations.
- Concern that the sound of a helicopter can be very disturbing for wildlife.
- Concern about impacts on mountain goats. The applicant should gather data on mountain goat population numbers and kidding areas, and work to avoid conflict with mountain goats.
- We should be doing whatever we can to promote healthy recreation, support local business, and promote people coming here.
- It is an excellent idea; a lot of work was done in getting the information together.

Recommendation No. 1 *Provincial Referral 102649829-002 – Sunshine Coast Mountain Adventures*

The APC recommended that Provincial Referral 102649829-002 – Sunshine Coast Mountain Adventures go to the next stage, subject to meeting the conditions of scheduling a public meeting, and addressing shishálh and Skwxwú7mesh Nation comments and the requirements of the permit.

Natural Resource Advisory Committee

Key points of discussion:

- The applicants gave a detailed introduction on the project.
- September 14, 2018 is the staff deadline to submit comments to the Province.
- Applicant is against short term drop off and pickups.
- Option for drop off and pick up in Vancouver, B.C, under review.
- Chair wondered if the staff has any issues with the referral.
- Environmental Management Plan, one thing that is not mentioned should be no fishing or hunting allowed.
- Applicant indicates no hunters allowed in helicopters in B.C., fishing trips may be by helicopter, neither activity is included under this application.
- Is there an intention for building huts, overnight structures?
- Applicant confirmed that they have made application for temporary structures (helipads) which can also be used for tenting.
- Removable helipads would be demobilized after the season.
- Environmental damage for introducing mountain bikes into the alpine or sub alpine, no issue for hiking.
- Designated trails only.
- ATV's entering into the proposed trails, a physical barrier to be in place for access into the higher alpine.
- Structured program preferred instead of a hazardous approach for mountain biking.
- Some control as the proposed referral is for guided trips.
- Have the Tetrahedron Outdoor Club or any other clubs been approached for consultation?
- The applicant noted a Species at Risk Act (SARA) inspection would be done, best practices around wildlife would evolve around Canadian National Park Rocky Mountain handbook.
- There are planes and helicopter flying in and out of the area since the mid 1990's.
- There may be a fixed wing tenure on Phantom Lake.
- Recreational users (ATV /motorized users) are concerned that the suggested trail system will impede their right for recreational access.
- Trails in the area are already used now.
- Would rather a controlled approach for the trails than uncontrolled.
- Is the company going to be responsible for damages outside of their trail systems?
- Monitoring needs to happen daily up in the trails. How will it be controlled?
- The SARA report will identify species at risk and areas to avoid.
- Applicant noted there are existing trails, little trail systems will be made.
- Revenue base from this tenure, less than \$100,000 per season.
- Overall this application is a good thing, it is very light use and little disturbance involved.
- 80 people a year, but being optimistic. Approximately 200 users a year in the future.
- More concern over impact to the sub alpine and alpine areas expressed by NRAC members.
- Regarding the Madrone's report, NRAC member is concerned that the report uses the wording of others under their name with no citation noted.

Recommendation No. 2 *Provincial Referral 102679829-002 – Sunshine Coast Mountain Adventures*

The Natural Resource Advisory Committee recommended that the proponent add a statement in their Tenure Management Plan that explicitly prohibits bringing in clients for fishing and hunting.

Recommendation No. 3 *Provincial Referral 102679829-002 – Sunshine Coast Mountain Adventures*

The Natural Resource Advisory Committee recommended that the Sunshine Coast Mountain Adventure conduct an assessment of the impact of mountain biking on the alpine and sub-alpine areas after 1 year operation and carry out remedial measures if required.

Recommendation No. 4 *Provincial Referral 102679829-002 – Sunshine Coast Mountain Adventures*

The Natural Resource Advisory Committee recommended that access to the trails of this project be separated from other existing trails and forest service roads in lower elevations to prevent mechanized vehicles from accessing tenure areas of this project.

Recommendation No. 5 *Provincial Referral 102679829-002 – Sunshine Coast Mountain Adventures*

The Natural Resource Advisory Committee recommended that more information be provided in the tenure management plan on baseline data and parameters for monitoring changes in the alpine and sub-alpine areas.

Recommendation No. 6 *Provincial Referral 102679829-002 – Sunshine Coast Mountain Adventures*

Regarding Provincial Referral 102679829-002 Sunshine Coast Mountain Adventures, the NRAC supports SCRD recommendations, subject to the noted conditions.

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Planning and Community Development Committee – September 6, 2018

AUTHOR: Andrew Allen, Manager, Planning and Development

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. requires a minimum of 80 on-site parking spaces;
 - iii. limits the food and beverage lounge business hours to the following:
 - Summer Hours (Friday of Victoria Day long weekend through Monday of Thanksgiving long weekend)
No earlier than 10:00 a.m. and no later than 9:00 p.m.
 - Winter Hours (Tuesday after Thanksgiving long weekend to Thursday before Victoria Day long weekend)
No earlier than 11:00 a.m. and no later than 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 12:00 p.m. to 6:00 p.m. on Saturday and Sunday, 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 this staff report as well as previous dated February 8, 2018 and July 19, 2018 be sent to:
 - a) **Agricultural Land Commission;**
 - b) **Vancouver Coastal Health; and**
 - c) **British Columbia Liquor and Cannabis Regulation Branch.**
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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. On July 3, 2018 ALC confirmed that Persephone is now in compliance (Attachment A)

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 January 5, 2018 Persephone applied for a development variance permit to vary provisions in the AG Zone and proposes to apply to the recently re-named BC Liquor and Cannabis Regulation Branch (LCRB) for amended endorsements as follows:

AG Zone Use	Maximum	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

LCRB 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 reflect current operating practices rather than increase the intensity of use. The applications are intended to permit this.

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

This report outlines potential conditions of approval and response to LCRB endorsements based on the AG Zone within Zoning Bylaw No. 310, consultation as a result of the development variance permit and related referrals.

Options include supporting the application as proposed, a modified proposal, with site specific conditions or not support a variance and relying upon criteria established within the AG Zone. The picnic area endorsement is not specifically related to the AG Zone but does relate to the ability to host special events within the ALR, pursuant to Agricultural Land Commission policies.

It is recommended that the Board choose an option, which can be communicated to the LCRB to ensure that SCRD input can be contributed to the final decision pertaining to operation of agricultural and permitted alcohol production facilities on the property.

At the July 26, 2018 Regular Board meeting the following resolution was adopted:

237/18 **Recommendation No. 4** *DVP00029 (Persephone) and Proposed Liquor Licence Endorsements for a Lounge and Picnic Area*

The Infrastructure Services Committee recommended that the report titled *DVP00029 (Persephone) and Proposed Liquor Licence Endorsements for a Lounge and Picnic Area* be received;

AND THAT the staff report and recommendation as amended be deferred to the September 13, 2018 Planning and Community Development Committee meeting for consideration as follows:

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 include not opening any earlier or closing any later than 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;

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);

AND THAT the proposed Picnic Endorsement be supported subject to a maximum of 150 people;

AND FURTHER THAT the Board resolution along with a copy of the staff reports dated July 19, 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.

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

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

THAT the report titled Persephone Brewing Company DVP00029 and LCRB 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 LCRB endorsements.

DISCUSSION

Referrals and Public Consultation

Advisory Committee Referrals

The development variance permit application and LCRB 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 advisory committee, with the exception of the Egmont/Pender Harbour APC, either supported or did not object to the proposed development variance permit and LCRB 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 or infractions occur. It is possible to establish hours of operation through a condition in the variance and supplemented by a covenant. However, it is not possible to reconsider or cancel a development variance permit once it has been issued.

Referral to property 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 a lack 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 LCRB 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 also consulted with external agencies as directed by 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 E.</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)	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.

	Persephone confirmed that filing for the upgraded wastewater system is in the process of being updated.
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.

Liquor and Cannabis Regulation Branch Endorsements Consultation Requirements

LCRB requests that local governments conduct public consultation when considering endorsement applications. LCRB confirms that the form of public consultation is to be determined by the local government. There is an option for local governments to not conduct consultation and to have LCRB conduct their own process. However, it is not clear what weight SCRD comments would have in this process. Furthermore, there is a development variance permit request associated within the Endorsement and building on earlier consultation it makes sense for SCRD to use the development variance permit to initiate the consultation on the endorsement requests.

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 ensures all issues associated with the DVP are presented to the owners/occupiers within the notification area

Engagement was conducted in 2016 by SCRD in relation to a non-farm use application to the ALC.

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. A study is unlikely to address concerns regarding parking and traffic safety caused by poor driving and parking on Stewart Road adjacent to Persephone. Staff do not recommend including a traffic study as a condition of a development variance permit.

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

Persephone is working with Provincial agencies 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 agencies.

Noise and Hours of Operation

Regarding hours of operation, SCRDC 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.

Based on discussion at the July Committee meeting, the following revised operating hours are recommended:

1. Summer Hours (May Long Weekend through Thanksgiving):
10:00 a.m. – 9:00 p.m.
2. Winter Hours (After Thanksgiving to May Long Weekend)

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 LCRB. 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 LCRB 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 (Saturday and Sunday).

Staff consider that the hours of operation at Persephone are consistent with SCRD and LCRB standard. It is recommended that indoor amplified and outdoor non-amplified music is permitted from 12:00 p.m. to 6:00 p.m. on Saturday and Sunday, with the exception of the night of December 31st and until 1:00 a.m. on the morning of January 1st. This is recommended to be included in a covenant if the development variance permit application is approved.

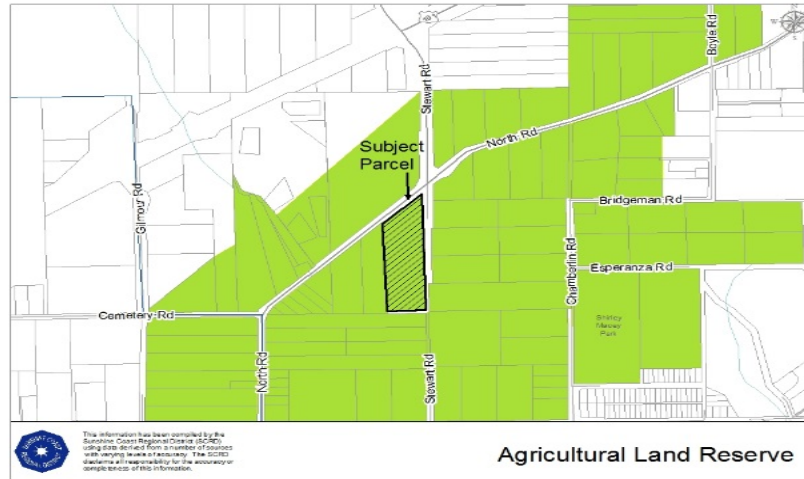
Impact of Farm Related Activity within ALR on the Neighbourhood

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, including alcohol production facility and special events. This may result in activities that could impact 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, which is less than the permitted size within the ALC regulation. Persephone has applied to SCRD to vary these regulations to meet the ALC 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 development variance permit 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 LCRB endorsement applications. However, in this case the issues are inter-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 LCRB 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 LCRB process requires that the applicant provides the local government with the application form for review. The local government reviews the application to confirm requirements such as zoning are met. The local government signs that it has received the application and returns it to the applicant who then submits it to LCRB. Local government review and signature can be delegated to staff or be the subject of a resolution. The review needs to include: gathering public input; consideration of noise; impact on the community; and take account of the location, person capacity and hours of operation of liquor service.

Alternatively the local government may choose to opt out of the review. LCRB will gather public input and will contact local government staff to ask for information to assist the review. If local government input is incomplete then LCRB may ask for additional comments or gather the required information.

SCRD can choose to comment on either of the endorsements (picnic and lounge) or opt out of the review. The SCRД can also make decision on the variance permit pending the outcome of the LCRB review and incorporate LCRB's conditions and recommendations.

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 LCRB regulations can be found in the Handbook; extracts can be found in Attachment F along with links to the LCRB 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>	<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).</p> <p>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.</p>
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 LCRB considers input from local governments it is not obliged to adopt a government's recommendation into an endorsement.

Options

Staff propose three options pertaining to the business operations of Persephone, which include both the development variance request to Zoning Bylaw No. 310 and the related response to two endorsement applications to the LCRB. Combining the conditions and creating the inter-

relation between the two will reduce the potential for the SCRD and LCRB to issue permits with a different set of conditions.

Selection of one option will then be used as the basis for the official SCRD comment on the two endorsement applications will give the best opportunity for SCRD conditions to be included in the final approval. Option 1 is the recommended option.

Option 1: Issuance of DVP00029, which is scaled-back version of the original application request, subject to registration of a covenant outlining conditions 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 ALC regulations and what has been occurring on site.

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

Based on neighbour notification and referral comments, AG Zone/ALC regulations and in consideration of scale of operation and neighbourhood issues, it is recommended that the outdoor lounge area not be varied and maintain the 50 square metre maximum as set out within Section 1021.7(3)(iii) of the AG Zone. The outdoor lounge area could be supplemented by the picnic area.

The Picnic Endorsement provides flexibility to Persephone to continue to operate with outdoor use. A recommended maximum for the picnic area is 150 people rather than the proposed 190.

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 potential water contamination issues. Installation of an approved treatment system should be confirmed to the SCRD and is recommended to be a condition to be achieved prior to issuance of DVP00029.

A specific development variance permit and associated covenant would ensure maximum seating, lounge area and picnic capacity and none of which could be increased without a future development variance permit and covenant amendment.

Option 2: Issuance of DVP00029 as proposed by applicant

This option could contain conditions as noted above but in addition to the increase of inside seating capacity would also include an increase in the outdoor lounge area from 50 square metres to 122.5 square metres and a picnic area capacity of 190 people.

Option 3: 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 requested 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. Along with the denial of the DVP the Board could also choose to not support an increase in picnic area capacity.

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 19, 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 LCRB lounge and picnic endorsement has been 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 many of the 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 LCRB 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 LCRB subject to conditions set out in DVP00029;
5. Picnic Endorsement be issued by LCRB 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 19, 2018 be sent to:
 - a) Agricultural Land Commission
 - b) Vancouver Coastal Health; and
 - c) British Columbia Liquor and Cannabis Regulation Branch.

Attachments

- Attachment A - Agricultural Land Commission letter confirming compliance (July 3, 2018)
- Attachment B - Additional Information from Persephone in Response to PCDC Feb 8, 2018
- Attachment C - Advisory Group Referral Responses
- Attachment D - Referral Responses from Owners and Occupiers
- Attachment E - Referral Response from Agricultural Land Commission (April 20, 2018)
- Attachment F - Extracts from Liquor and Cannabis Regulation 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 Planning and Community Development Committee – September 6, 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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Endorsements for a Lounge and Picnic Area – Area F

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.

Staff Report to Planning and Community Development Committee – September 6, 2018
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Endorsements for a Lounge and Picnic Area – Area F

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.

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- 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 SCRDP 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/EnvironmentalRequirements.asp> and MOTI right of way access permits for Stewart Road.

Sincerely, Mark Hiltz. Stewart Road resident

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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 Goff'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 as 9999 as
clear title. Properties must be approved by the British Columbia
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 overs of
brew-vals ~~glance~~ their fields in the past. Now their fields will grow
some grass but it won't grow hops.

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 Cook'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 it run off 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 stay 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 farmland 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 wells for there everyday use. So what if this sludge makes it into there wells 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

RR9-950 North Rd
Sibson BC

Staff Report to Planning and Community Development Committee – September 6, 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 Planning and Community Development Committee – September 6, 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 fluid and cursive, with a large, stylized initial 'G'.

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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:

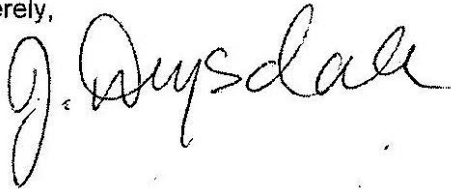
1. Noise and traffic increase to an area that is already inadequate for the numbers of cars and people visiting the business. This small bit of Stewart Rd. cannot supply increased numbers of cars with parking space and parking on North Rd is not possible nor safe.
2. Increase of hours of operations later 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 written in a cursive, flowing style with a large initial "J" and a long, sweeping underline.

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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.

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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.



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.



Staff Report to Planning and Community Development Committee – September 6, 2018
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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.

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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.

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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 Planning and Community Development Committee – September 6, 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 Planning and Community Development Committee – September 6, 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: Planning and Community Development Committee – September 6, 2018

AUTHOR: Yuli Siao, Senior Planner

SUBJECT: Zoning Bylaw Amendment No. 310.177, 2018 - Elphinstone Crossing Estate Phase Two - Public Hearing Report and Consideration for Third Reading

RECOMMENDATIONS

1. **THAT the report titled Zoning Bylaw Amendment No. 310.177, 2018 - Elphinstone Crossing Estate Phase Two - Public Hearing Report and Consideration for Third Reading be received;**
 2. **AND THAT Zoning Amendment Bylaw No. 310.177, 2018 be forwarded to the Board for Third Reading;**
 3. **AND FURTHER THAT prior to consideration of adoption of Bylaw No. 310.177, 2018 the following condition be met:**
 - a. **The applicant register a covenant with the SCRD on title of Plan BCP40761 District Lot 1354 Lot 3 that stipulates the location, purpose, use, furnishing, pavement material, landscaping, signage and maintenance of the picnic area to be dedicated for community amenity as described in Attachment F to this report.**
 - b. **A letter of undertaking signed by the applicant's solicitor be provided to the SCRD stating that prior to the final approval of the proposed subdivision of the subject property:**
 - i. **The applicant enters into a restrictive covenant with the SCRD and register it on title of each parcel resulted from the subdivision stating that no covenants shall be entered into or registered on title of each parcel to prohibit, restrict or limit uses permitted by applicable provisions of the zoning bylaw for the parcel.**
 - ii. **The applicant registers a covenant on title of each parcel resulted from the subdivision indicating that the parcel is outside of areas serviced by SCRD fire protection.**
 - iii. **The applicant, the Ministry of Transportation and Infrastructure and the SCRD will sign a covenant regarding the provision and maintenance of a trail along the north segment of a road right of way within the subdivision to be dedicated for community amenity as described in Attachment G to this report.**
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BACKGROUND

On May 24, 2018, the SCRD Board adopted the following resolution:

166/18 **Recommendation No. 5** *Sunshine Coast Regional District Zoning Amendment Bylaw No. 310.177, 2018*

THAT the report titled Zoning Bylaw Amendment No. 310.177, 2018 - Elphinstone Crossing Estate Phase Two Consideration for Second Reading be received;

AND THAT *Sunshine Coast Regional District Zoning Amendment Bylaw No. 310.177, 2018* be forwarded to the Board for Second Reading;

AND THAT a Public Hearing to consider *Sunshine Coast Regional District Zoning Amendment Bylaw No. 310.177, 2018* be scheduled for 7:00 pm, June 12, 2018, at Eric Cardinal Hall, located at 930 Chamberlin Road, West Howe Sound;

AND FURTHER THAT Director Lewis be delegated as the Chair and Director Winn be delegated as the Alternate Chair for the public hearing.

The Bylaw received Second Reading on May 24, 2018. A public hearing was held on June 12, 2018. This report summarizes comments received from the public hearing, and recommends Third Reading of the Bylaw and conditions to be met prior to adoption.

DISCUSSION

Public Hearing Summary

Eleven members of the public attended the public hearing. The Public Hearing Report can be found in Attachment A. One written submission was received prior to the closing of the public hearing (Attachment B). While there was no objection to the proposed bylaw, the main issue of discussion at this meeting focused on the building scheme for the development. The following is a summary of key issues and discussion on how they can be addressed.

Building Scheme

The building scheme for the first phase of the Elphinstone Crossing Estate development (Attachment C) appears to have expanded beyond the scope of a standard building scheme. In addition to building and landscape design, the scheme controls the number and size of dwellings, signage and uses. Particularly, the scheme prohibits certain farming practice, keeping of livestock and commercial business, whereas these uses are permitted in the RU2 (Rural Two) and AG (Agricultural) Zones of the zoning bylaw. This contradicts the zoning bylaw and the intent of the West Howe Sound Official Community Plan for this rural area to be an area for agricultural uses and mixed residential and commercial activities. As the east half of the property is within the Agricultural Land Reserve (ALR), the restriction on farming and livestock also conflicts with regulations of the ALR for this area where agriculture is the priority use. At the public hearing concerns were raised with respect to the potential impact of the scheme, if extended to the second phase, on affordability and economic vitality of the development.

To address these issues and concerns, the applicant provided a revised building scheme for the second phase (Attachment D). With the restriction on use, signage and the number of dwellings removed, the revised scheme does not conflict with the zoning bylaw. To ensure that no

covenants or building schemes contrary to the zoning bylaw will be imposed on the new parcels of the second phase of the subdivision, staff recommend that prior to final approval of the subdivision, a covenant be entered into between the owner and the SCRD to prevent such covenants or building schemes in the future.

ALR Parcels

As discussed in previous reports and at the public hearing, the two large lots (Lot 12 and Lot 13, Attachment E) within the Agricultural Land Reserve (ALR) on the east half of the property are crucial to balancing the overall density and achieving density neutrality for the whole development. It was recommended through the previous consultation process that no further subdivision of these lots should be allowed. Staff recommend that prior to final approval of the subdivision a covenant be entered into between the owner and the SCRD to prevent further subdivision of these lots in the future.

Fire Protection

A concern with fire protection was raised at the public hearing. The development is outside of areas serviced by regional fire protection and thus fire protection is the responsibility of the property owners. This is not an uncommon situation in similar rural areas. The conditions that are required in order to expand fire protection service to this area were also discussed at the hearing. Prior to the final approval of the subdivision, it is recommended that the applicant enter into a covenant to alert future purchasers of the lack of SCRD fire protection for the area.

Community Amenity

The applicant provided the design and specification (Attachments F and G) for the proposed picnic area and trail to be dedicated as a community amenity. The picnic area will be located in an area of about 615 square feet on Lot 3 adjacent to the intersection of Cascadia Parkway and Storvold Road. It will include a picnic table with seats, a planting bed, crushed stone paving, as well as signage. Parking spaces will be accommodated by oversized roadway apron next to the picnic area. The trail will be located within a 140-metre segment of the road right-of-way between Lots 13 and 14, at the north end of the new subdivision road. It will be a 1 metre wide walking path cleared of overgrown vegetation and marked with basic trail markers. Basic seasonal maintenance will be performed by the applicant.

As a condition for the final adoption of the bylaw and final approval of the subdivision, it is recommended that the applicant enter into a covenant to secure the provision and maintenance of the picnic area and trail.

STRATEGIC PLAN AND RELATED POLICIES

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

- Incorporate land use planning and policies to support local economic development.
- Create and use an “environmental lens” for planning, policy development, service delivery and monitoring.

CONCLUSION

Through the public hearing a number of key issues including the building scheme of the development, subdivision density, fire protection and community amenity contribution were further discussed and addressed. Overall there was no objection from the public to the proposed density-neutral subdivision. The applicant subsequently provided a revised building scheme to address concerns related to conflict with the zoning bylaw. A number of conditions are recommended to ensure that issues related to the building scheme, the large lots, community amenity contribution and fire protection are addressed prior to the final adoption of the bylaw.

Staff recommend that the Bylaw be presented to the Board for Third Reading, and the recommended conditions be met before consideration of adoption of the bylaw.

Attachments

Attachment A – Public Hearing Report

Attachment B – Public Submission

Attachment C – Building Scheme for Elphinstone Crossing Estate Phase 1

Attachment D – Proposed Building Scheme for Elphinstone Crossing Estate Phase 2

Attachment E – Proposed Subdivision Plan

Attachment F – Proposed Picnic Area Specification

Attachment G – Proposed Trail Specification

Attachment H – Zoning Amendment Bylaw for Third Reading

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

Attachment A Public Hearing Report

REPORT OF A PUBLIC HEARING HELD AT
Eric Cardinal Hall
930 Chamberlin Road, West Howe Sound, BC
June 12, 2018

Sunshine Coast Regional District Zoning Amendment Bylaw No. 310.177, 2018

PRESENT:	Chair, Area F Director	Ian Winn
ALSO PRESENT:	Senior Planner	Yuli Siao
	Recording Secretary	A. Ruinat
	Members of the Public	11
REGRETS:	Area E Director	Lorne Lewis

CALL TO ORDER

The public hearing for *Sunshine Coast Regional District Zoning Amendment Bylaw No. 310.177, 2018* was called to order at 7:10 p.m.

The Chair introduced staff in attendance and read prepared remarks with respect to the procedures to be followed at the public hearing. The Chair then indicated that following the conclusion of the public hearing the SCRD Board may, without further notice or hearing, adopt or defeat the bylaws or alter and then adopt the bylaws providing the alteration does not alter the use or increase the density. The Chair asked Yuli Siao, Senior Planner, Planning & Development, to introduce *Sunshine Coast Regional District Zoning Amendment Bylaw No. 310.177, 2018*.

PURPOSE OF BYLAW

The Senior Planner began by stating that the subject property is located at: District Lot 1354 Group 1 New Westminster District Except: Firstly; Part in Highway Plan 14999 Secondly; Part Subdivided by Plan BCP4076. The proposal is known as Phase Two of Elphinstone Crossing Estate located in West Howe Sound.

The Bylaw Amendment process timeline was summarized as follows:

- Application received on November, 2017
- Proposed bylaw received First Reading on January 25, 2018
- Public Information Meeting held on February 26, 2018
- Agency Referrals took place in February and March, 2018. Referred agencies include West Howe Sound Advisory Planning Commission, Vancouver Coastal Health, Skwxwú7mesh Nation, Ministry of Transportation and Infrastructure.

- Proposed bylaw received Second Reading on May 24, 2018
- Public Hearing held on June 12, 2018
- Public Hearing Report and Recommendation for Third Reading will be considered at a future Planning and Community Development Committee.
- Consideration of Adoption at a future SCRD Board meeting.

Proposed Rezoning Amendment

The main purpose of *Sunshine Coast Regional District Zoning Amendment Bylaw 310.177, 2018* is to change the Subdivision District for the west portion of the subject property from I (minimum 4 hectare per parcel) to G (minimum 1.75 hectare per parcel) to facilitate an 18-lot subdivision known as Phase Two of Elphinstone Crossing Estate located in West Howe Sound.

Zoning Bylaw No. 310 and West Howe Sound Official Community Plan (OCP) Policies

The property is split into two parts – western and eastern portions. Sunshine Coast Regional District Zoning Bylaw No. 310 designates the western portion of the subject property as Rural 2 zone (RU2) and the eastern portion as Agriculture zone (AG). The West Howe Sound OCP designates the western portion of the subject property as Rural Residential B and the eastern portion as Agricultural. The eastern portion of the subject property is within the Agricultural Land Reserve.

Subdivision District Proposal

Currently, the western portion of the subject property is designated I District, permits 4ha minimum lot size and could potentially yield up to 7 lots. The eastern portion is designated G District, permits 1.75ha minimum lot size and could potentially yield up to 11 lots. The subject property permits a potential total of 18 lots.

The application proposes to modify the subdivision density regulation: the western portion subdivision designation to be changed to G District with 1.75ha minimum lot size, and the eastern portion is to remain G District with 1.75ha minimum lot size. No further subdivision would be proposed on the two larger upper portion lots of the eastern portion.

Previously Addressed Issues

Density Exchange:

- Overall density unchanged – 18 lots
- More suitable allocation of lot size and use
- Higher density on the western part, lower density on the eastern part.
- Rationale – the land is more suitable for smaller lot rural residential subdivision on the western portion of the subject property

Fire Protection:

- No regional district fire protection
- Private fire protection to be considered by the owners

The applicant proposes to provide the following community amenity:

- Parking and picnic area near Lot 3 (Storvold Road and Cascadia Parkway junction)
- Trail connection on the north portion of the road to connect with a Forest Service Road

PUBLIC SUBMISSIONS PRIOR TO PUBLIC HEARING

The Senior Planner noted that one public submission was received prior to public hearing. The letter was received from Chad Hershler and Sandy Buck, 1747 Storvold Road and will be attached to the public hearing report as Appendix A.

The public submission included the following points:

- Concern about future road extension southwards (the current right of way that exists)
- Concern about the impact of extension of current covenants for Phase 1 onto Phase 2 that would be contrary to Smart Growth principles and zoning

The letter states:

“Given our current affordable housing, food security and environmental crises, we would argue that a diversity of building styles, innovative live-work arrangements and farming practices in our rural areas are even more important than ever. Any development moving forward should promote and encourage creativity and diversity in approaches to these issues, allowing for our local government to dictate the restrictions alone. It is our belief that the Elphinstone Crossing private covenants do the opposite to this: discouraging potential ideas, innovations and solutions to affordable housing, food security and an energy-efficient lifestyle.”

The Senior Planner, compared the Elphinstone Crossing Covenants from Phase 1 of the development to permitted uses of the RU2 zone of Zoning Bylaw 310, in terms of potential impact and discrepancies:

Covenant	Zoning Bylaw (RU2)	Potential Impact
Minimum dwelling size: 2000+ ft ²	No restriction	Exclude smaller dwellings
Enclosed garage for 2.5 bays Carport not allowed	No restriction	Preclude other building types or situations without garages
Mobile home not allowed	No restriction	Preclude cheaper but not necessarily worse buildings
No commercial business on the property Limit on livestock	Permits garden nursery, agriculture, keeping of livestock, home occupation, b & b, forest management, vehicle/equipment repair & maintenance, tourist info centre, campground, kennel, manufacturing, sawmill	Conflict with zoning

The Senior Planner noted potential draft conditions for consideration prior to adoption of the proposed bylaw as follows:

1. Covenant to prevent future subdivision of Lots 12 and 13
2. Covenant to secure community amenity contribution

3. Covenant to alert potential purchaser of no public fire protection
4. Possible condition to prevent private covenant provisions that conflict with OCP policies and zoning

The Senior Planner concluded his remarks, indicating that a report of the public hearing would be forwarded to a future Planning and Community Development Committee meeting for consideration.

The Chair called a first time for submissions.

PUBLIC SUBMISSIONS AT PUBLIC HEARING

Questions from the public were addressed as follows:

1. A member of the public inquired about the proposed trail.

Tim Rockford, Applicant responded by stating that the trail is offered as a community amenity contribution and would extend from the end of the built roadway northward to meet with a road allowance and through to the neighbouring district lot to the north. The applicant noted that there currently is a roughed in trail and the MOTI road allowance is not intended to be formally built.

2. A member of the public inquired about the difference between the private covenants versus public covenants. How are the private covenants enforced?

The Senior Planner clarified that private covenants are between the developer and purchaser of the property. The private covenants control the building schemes, building materials, landscaping. It is registered on title and stays with the land. The developer is the enforcer of the covenant. Legal counsel would have to be sought regarding enforcement of the private covenants if the developer was no longer around.

3. A member of the public asked that if the private covenant conflicts with the zoning bylaw, which one would take precedence. For example a farm commercial business is allowed on ALR land but not allowed per the private covenant.

The Senior Planner stated that the private covenants should be consistent with the zoning bylaw, in terms of the permitted uses. This question can be clarified by seeking legal counsel for opinion.

Chad Hershler, 1747 Storvold Road

Concerns have been outlined in the public submission and summarized during the presentation. Noted concerns with the southern road allowance, as there is a creek that runs through the area. Believes that the private covenants will dictate a certain look and feel of the neighbourhood and prevents more diversity. Would like to see the private covenants removed for the remaining lots.

Mark Storvold, 1737 Storvold Road

Stated that he would not support having a trailer park in that area and supports the private covenant that prohibits trailers.

Mark Hiltz, 925 Stewart Road

Does the private covenant restrict mobile homes in terms of pre-fabricated homes?

The Senior Planner stated that it is not clear, the covenant states “mobile homes” and does not specify pre-fabricated or modular homes.

Tim and Lisa Rockford, Applicants, 484 Marine Drive

The Applicant stated that the covenant regarding mobile homes refers to a building or structure built on wheels and can be moved on/off-site. A pre-fabricated home may be suitable upon review by the developer. The developer determines if the building plans are in conformance with the building scheme in place.

The Chair suggested that a clear definition of “mobile home” and consideration for modular homes, tiny homes, and various types of construction be updated in the list of covenants for Phase 2.

The Applicant stated that the covenants will be updated and further optimized for Phase 2 of the development, but essentially the building scheme will be a carry forward from Phase 1.

Lisa Rockford, Applicant, stated the rationale to extend the same private covenants from Phase 1 to Phase 2 as to be in keeping with the current property owner’s expectation of the future community development. To remove the mobile home exclusion, will not sit well with the existing owners.

The Senior Planner clarified that a trailer park would not be permitted in the RU2 zone due to limit of two dwellings and lot size. The zoning does not permit this type of development, however the building itself could be a manufactured, pre-fabricated type home.

Tim Rockford, Applicant, 484 Marine Drive

The Applicant stated the rationale for a building scheme that was not too onerous and creates consistency across the lots that comprise the Elphinstone Crossing development. A minimum building size of 2000 square feet or more is established. List of building materials that can be utilized to ensure homes have a minimum standard but allows for creativity, not cookie cutter. This allows protection and sense of security for the homeowners in terms of future property value and community feel. The homes in Phase 1 shows the range of diversity at Elphinstone Crossing.

In terms of agricultural uses, the applicant supports small scale agricultural activities for the lots. Large scale livestock commercial operations are not supported for this development. Supports agricultural activities in a realistic scale and where it is not too onerous for surrounding neighbours.

The two larger Lots 12 and 13 on the upper eastern portion of the subject property would have covenants to prevent further subdivision. These lots could be used for larger scale agricultural uses and have an updated building scheme to provide additional latitude for livestock and business opportunities.

The private covenants are within of the framework of the zoning regulations – but is a subset thereof. The covenants are clearly communicated to a potential purchaser. The Elphinstone Crossing development is in line with other property developments on the coast.

Chad Hershler, 1747 Storrøld Road

Questions the need for the private covenant and building scheme that restricts commercial use opportunities and the activities that can occur on the lots, as the RU2 zone and Official Community Plan already address this.

Laura Houle, 925 Stewart Road

Questions the legality of the private covenants regarding “no commercial business on the property” and “limit on livestock”. If the property is within the Agricultural Land Reserve, the *Right to Farm Act* prevents restrictions on farm activities (garden nursery or keeping of livestock) that

are allowable through zoning regulations. Strongly supports that the zoning allowance be maintained and there be no prevention of agricultural business opportunities on the lots.

Tim Rockford, Applicant, 484 Marine Drive

The Applicant stated support for a “reasonable limit” on the keeping of livestock. Lot 12 and 13 would be suitable for agricultural commercial business.

Lisa Rockford, Applicant, 484 Marine Drive

The Applicant noted that the covenants address the need for a balance between the keeping of large scale livestock and having hobby farm.

The Chair summarized the public submissions as follows:

- The covenants put in place for Phase 1 may or may not be put in place for Phase 2. The developer noted that there may be some revisions.
- Which takes precedence? The private covenants or the zoning bylaw. A legal opinion will be sought by SCRD staff on this matter.

The Chair noted the following considerations:

- Would a short term rental be restricted by the private covenants, if short term rentals are considered a commercial operation?
- If there is a garage, with a carriage house above it, could it be allowed as a B&B, or short term rental? Could there be stipulations placed on it for long term rental only?

The Chair called a second time for submissions

Mark Storvold, 1737 Storvold Road

Expressed support for the restrictions on the number of livestock allowed on a 5 acre parcel. Lived near a farm with more than a dozen animals and found it to be problematic.

Chad Hershler, 1747 Storvold Road

What are the current restrictions on the number of livestock in the RU2 zone? If there are limitations set out in the zoning bylaw, then they need to be followed. There should be no need for private covenants to address the issue of livestock

The Senior Planner read the following excerpt from the zoning bylaw 310 RU2 zoning regulations:

1011.2 with a parcel size exceeding 3500 square meters the additional permitted uses are:

(1) the keeping of livestock;

(2) the raising of fish for domestic consumption;

There is no specific mention of the number of livestock that is permitted.

The Chair noted that the SCRD Zoning Bylaw 310 is currently undergoing an extensive review process.

Tim Rockford, Applicant, 484 Marine Drive

The applicant stated, that as a developer, there would never be an attempt to allow a use that is not already within the zoning bylaw. The purpose of the property development model is to give certainty to prospective buyers about the development of the neighbourhood. Support agriculture and plan to do this with the larger lots on the upper eastern portion of the subject property. Secondary suites has not been addressed in the covenants, look to the SCRD for guidance on this topic.

Mark Hiltz, 925 Stewart Road

How do the private covenants relate to the proposed zoning amendment? Do the private covenants form part of the zoning amendment?

The Senior Planner stated that relationship between the private covenants and the zoning amendment will need to be clarified by legal counsel. The private covenants do not form part of the zoning amendment. The private covenants are between the property owner and the developer. The covenant between the SCRD and the developer regarding the restriction of further subdivision of upper lots of eastern portion will not form part of the bylaw, but is a condition prior to adoption.

Valerie Storvold, 1737 Storvold Road

Would the SCRD seek to expand the fire protection service boundary after a certain amount of development in one area?

The Chair explained that the Gibsons & District fire protection boundary ends at YMCA Road. Due to the changes in Provincial regulations, there are many restrictions as to what constitutes a volunteer fire department. To get a provincially recognized SCRD service for fire protection the fire hall needs to be located within a certain distance to respond, volunteer fireman available to respond to a call, training and equipment. A new fire hall would be needed for Langdale. Taxation issue for the people who are living beyond YMCA Road.

Laura Houle, 925 Stewart Road

Inquired if the Agricultural Land Commission has approved the subdivision of the eastern portion of the subject property that is in the Agriculture Land Reserve.


The Senior Planner noted that staff have submitted the SCRD Board resolution supporting the subdivision referral to the ALC. The ALC is reviewing the file but no decision has been made. If the ALC does not approve the application, the subdivision cannot go ahead.

CLOSURE

The Chair called a third and final time for submissions. There being no further submissions, the Chair announced the public hearing for proposed *Sunshine Coast Regional District Zoning Amendment Bylaw No. 310.177, 2018* closed at 8:16 p.m.

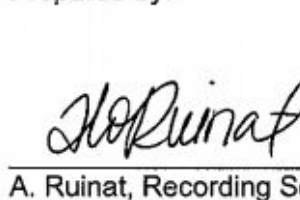
The Chair thanked everyone for attending the public hearing.

Certified fair and correct:



Ian Winn, Chair

Prepared by:



A. Ruinat, Recording Secretary

Attachment B

Public Submission

Chad Hershler and Sandy Buck
Property Owners
1747 Storvold Rd.
Gibsons, BC
V0N 1V6

June 8th 2018

To the SCRD Board of Directors,

**Re: Notice of Public Hearing for –
Sunshine Coast Regional District Zoning Amendment Bylaw No. 310.177, 2018**

As neighbours and property owners in the area (Lot F in the development map), we have two main areas of concern regarding the zoning amendment and the proposed development related to it.

1) The road infrastructure of the development, and
2) The long term vision for the neighbourhood as a whole (as determined by the private covenants placed on the current Elphinstone Crossing estate lots)

1) Regarding the road infrastructure, we want to ensure that there is no plan or permission granted for road access to the west end of our property. Currently, the map indicates a "ROAD" in this area, and we'd like to see this removed. No road would be permitted to go through there, as a portion of Hutchison Creek runs through this area.

2) Regarding the long-term vision for the neighbourhood, we are concerned that—should the private covenants detailed on Elphinstone Crossing's website extend to the 18 lot subdivision proposed—the flow, look and feel of our area will be restricted to one individual's vision while limiting its potential to support the "Smart Growth" principles as detailed in the West Howe Sound OCP and the core values for a Sustainable Community as detailed in "We Envision", the SCRD Sustainability Strategy.

These private covenants include (but are not limited to):

- 1) Plan approval by the developer
- 2) Minimum house size (2000 square feet for single-story, 2500 square feet for double-story, not including garage, deck or basement)
- 3) An "enclosed garage requirement" for a minimum 2.5 vehicles
- 4) A limit of 2 outbuildings with a maximum square footage.
- 5) A limit on single family dwellings, and no mobile homes allowed
- 6) No commercial business operations
- 7) Limit on livestock
- 8) No commercial signage on the lots themselves

While we understand that the proponent (Rockford Enterprises) is asking for a swap in density that is net neutral to the current OCP zoning, and that this swap means that land development is shifting from one area of the proponent's property to another, we believe that the growth of this subdivision (from 8 lots to 26) will have a large impact on the shape, look, feel and diversity of our neighbourhood. It will, to a large extent, *define* the shape, look, feel and diversity of the neighbourhood. It is for this reason, that we are concerned that these private covenants will hamper the ability for this neighbourhood to meet many of the Smart Growth principles and "We Envision" core values detailed below.

Some of the Smart Growth principles adopted by the West Howe Sound OCP include:

- Mixed land uses. Each neighbourhood has a mixture of homes, retail, business, and recreational opportunities.
- Build well designed compact neighbourhoods. Residents can choose to live, work, shop and play in close proximity. People can easily access daily activities, transit is viable, and local businesses are supported.

- Create diverse housing opportunities. People in different family types, life stages, and income levels, can afford a home in the neighbourhood of their choice.
- Encourage growth in existing communities. Investments in infrastructure (such as roads and schools) are used efficiently, and developments do not take up new land.
- Utilize smarter and cheaper infrastructure and green buildings. Green buildings and other systems can save both money and the environment in the long run.
- Foster a unique neighbourhood identity. Each community is unique, vibrant, diverse, and inclusive.
- Nurture engaged citizens. Places belong to those who live, work, and play there. Engaged citizens participate in community life and decision-making.

The core values from "We Envision" include:

Economic Vitality

- We understand and address the changing economy by supporting best practices, challenging our conventional approaches, and by fostering a culture of creativity, innovation, and learning.

Health and Social Well-Being

- We recognize that without a feeling of connection to community, people are less likely to act with the community interest at heart
- We nurture collective well-being, belonging and contribution
- We learn how to make decisions that consider our long-term future and that of our communities
- We promote that everyone on the coast get involved to live more sustainably

Cultural Vitality

- We celebrate the diversity of our community and engage people in issues that directly affect them
- We support a vibrant culture where residents create, enjoy and make accessible to all a diverse range of arts, heritage and cultural experiences

Environmental Responsibility

- We recognize that a healthy local economy, society, and culture depend on the support of the surrounding environment
- We leave the natural environment on the Coast better than it is now for our children and grandchildren
- We make decisions regarding our land and resources that reflect our understanding of the connection among all things.

We acknowledge that development in our area is inevitable, and we welcome new neighbours to our area. While development of Phase One of Elphinstone Crossing was permitted with the private covenants attached (and therefore cannot be removed), we respectfully request that the board permit the zoning bylaw amendment conditional to the removal of the private covenants to the 18 additional lots in Phase 2.

Given our current affordable housing, food security and environmental crises, we would argue that a diversity of building styles, innovative live-work arrangements and farming practices in our rural areas are even more important than ever. Any development moving forward should promote and encourage creativity and diversity in approaches to these issues, allowing for our local government to dictate the restrictions alone. It is our belief that the Elphinstone Crossing private covenants do the opposite to this: discouraging potential ideas, innovations and solutions to affordable housing, food security and an energy-efficient life-style.

We look forward to addressing this letter in person at the public hearing on Tuesday.

Yours truly,

Chad Hershler and Sandy Buck

Elphinstone Crossing covenants can be found at:
http://www.elphinstonecrossing.com/Lifestyle2_Covenants.html

Attachment C Building Scheme for Elphinstone Crossing Estate Phase 1

SCHEDULE OF RESTRICTIONS
Declared By T & L Rockford Enterprises Ltd. (Inc. No. BC0718597)
For Elphinstone Crossing Estates, Langdale, British Columbia
DECLARATION OF BUILDING SCHEME

Declaration of Covenants, Condition Restrictions, Reservations, Equitable Servitudes, Grants and Easements of Elphinstone Crossing, Langdale, British Columbia

Note: The covenants of Elphinstone Crossing were created to protect the character, aesthetic value and views throughout this development. By everyone adhering to these covenants, the long-term value of each owner's property in Elphinstone Crossing will be maximized.

WHEREAS:

A. The Lands to which this Building Scheme applies are the following:

<u>PID</u>	<u>DESCRIPTION</u>
027-903-176	Lot 1, District Lot 1354, Group 1, New Westminster District, Plan BCP 40761
027-903-184	Lot 2, District Lot 1354, Group 1, New Westminster District, Plan BCP 40761
027-903-192	Lot 3, District Lot 1354, Group 1, New Westminster District, Plan BCP 40761
027-903-206	Lot 4, District Lot 1354, Group 1, New Westminster District, Plan BCP 40761
027-903-214	Lot 5, District Lot 1354, Group 1, New Westminster District, Plan BCP 40761
027-903-222	Lot 6, District Lot 1354, Group 1, New Westminster District, Plan BCP 40761
027-903-231	Lot 7, District Lot 1354, Group 1, New Westminster District, Plan BCP 40761
027-903-249	Lot 8, District Lot 1354, Group 1, New Westminster District, Plan BCP 40761

B. The Lands constitute a eight (8) lot subdivision called "Elphinstone Crossing Estates" at Langdale, British Columbia, which has been designed to take maximum advantage of and respect for the natural elements of the Lands;

C. The "Developer" is T & L Rockford Enterprises Ltd (Inc. No. BC0718597), P.O. Box 40, Gibsons BC V0N 1V0

D. "Owner" shall mean the registered owner at any given time of a Lot within this Building Scheme and "Owners" shall mean more than one Owner.

1. Plan Approval

Before starting any site preparation or construction of any house or outbuilding on a Lot, an Owner must submit the following plans to T & L Rockford Enterprises Ltd. (the "Developer") or its designated agent(s) for Approval(s): building plans, site plans and fencing plans. Two copies of working drawings and specifications showing elevations, layout, siting, exterior color scheme and details of exterior materials must be submitted. Plans for fencing should also be appropriately detailed to show material types and locations. The submission of documentation for Plan Approval consideration should also contain the complete contact information for the Owner. The Owner is also known as the "applicant" in this Plan Approval process. Such building approval and any other approval which is required to be obtained hereunder by the Owner is called the "Approval" for such plans, siting and specifications.

No site preparation or construction of any house or outbuilding on a Lot shall commence before Approval of the plans defining such work is given. All site preparation and construction of improvements on the Lots must be in accordance with such Approval and if not, the Developer can require that any unapproved preparation or construction be remedied or removed.

Any Approval issued by the Developer is valid for thirty six (36) months from the date of issue and if construction has not begun within this 36 month time period, another submission for re-approval must be made to the Developer.

Nothing in this section derogates or abrogates an Owner's obligation to obtain all requisite municipal and other necessary approvals before starting site preparation or construction.

2. Size of Dwelling

No dwelling on any of the Lots shall contain less than the following square feet of living area (exclusive of garage, breezeway, basement and porches):

- Single Story Above Grade Dwelling: minimum of two thousand (2000) square feet
- Multi-Story Above Grade Dwelling: minimum of two thousand five hundred (2500) square feet

3. Enclosed Garage Required

Enclosed garage parking shall be required on every lot, either attached to the residence/dwelling or as an outbuilding, and be of sufficient size to house not less than two and a half (2.5) standard size automobiles, with a minimum size of 24ft x 24ft. No carports are permitted. The enclosed garage shall be completed by time the dwelling is occupied.

4. Outbuildings

A Lot owner may build up to a maximum of two (2) outbuildings on their Lot, which can be used for one or more of the following uses: garage, guest quarters, storage space, workshop space, animal shelter or barn. No other type of outbuilding will be allowed. The total combined footprint of all outbuildings shall not exceed two thousand six hundred (2600) square feet. The front wall of the outbuilding that is closest to the dwelling shall be set back from the rear or back wall of the dwelling further onto the lot by at least 5 meters. Lot owners shall comply with the setback requirements set out in this Statutory Building Scheme and also obtain all development, building and other required approvals.

5. Materials for Exterior Facings of Buildings

The approved exterior materials for the facing of exterior walls and roofs of all buildings are the following:
Exterior Walls of Dwelling: fiber cement board siding (Hardie Plank, Hardie Shingle, etc), solid wood siding, cedar shakes/shingles (real or synthetic/engineered versions), log, brick, stucco, or stone (real or synthetic/engineered versions).

Notes: Use of a combination of these approved exterior materials is recommended. In cases where site grading created a lookout or walkout basement, the exposed exterior walls of the lookout or walkout basement shall also be faced with these approved materials. No plywood, aluminum siding or vinyl siding shall be used for the facing of exterior walls.

Exterior Walls of Outbuildings: same as those listed for the dwelling (see above), with the addition of powder coat painted metal panel systems.

Exterior Roof of Dwelling & Outbuildings: 30-year (minimum) architectural asphalt shingle, cedar shakes/shingles (real or synthetic/engineered versions), powder coat painted standing seam metal panels, copper, tile, or slate (real or synthetic/engineered versions).

Note: Roof slopes must be a minimum of 4:12.

6. Dwelling and Outbuilding Setback Requirements

The dwelling and any outbuilding shall have a minimum setback from the Lot Lines, as follows:

Minimum Building Setback from Lot Line (meters)

<u>Lot #</u>	<u>Adjacent to Roadway</u>	<u>Side/Shared Lot Lines</u>	<u>Rear Lot Line</u>
1	30	10	10
2	30	10	10
4	15	10	10
5	15	10	10
6	15	10	10
7	15	10	10
8	15A / 10B	10	10

* Notes: (A = along Cascadia Parkway; B = along Arboretum Drive)

7. Time for Completing Construction

The work of constructing any approved residence or outbuilding on any Lot shall be done diligently and within eighteen (18) months from start to finish. For clarity, it is not necessary that construction of the dwelling and any outbuilding commence simultaneously, but it is a requirement that construction of each such individual structure be completed within 18 months once it has been started. The work of altering or remodeling any approved residence or outbuilding shall be done diligently and completed within nine (9) months from start to finish.

8. Temporary Abode During Initial Construction

A temporary abode, such as a camper, travel trailer or motor home, may be utilized on the Lot to provide residence only to the owners of the Lot during the course of construction of the dwelling for a period of up to eighteen (18) months. If the said dwelling is completed in less than eighteen (18) months, the temporary abode must cease being used as a residence. The use of a temporary abode is only available during construction of the dwelling and not during construction of any outbuildings. Mobile homes are not allowed on any Lots at any time.

9. Use

There shall be only one (1) single family dwelling constructed on any Lot and its primary purpose must be for residential use. No commercial business operations shall be conducted on the property.

No Lot shall be divided or re-subdivided.

Mobile homes are not allowed on any Lots at any time.

No vacant Lot may be used for commercial purposes, storage purposes or for temporary residences except as permitted by this Building Scheme.

No activity shall be allowed on any of the Lots or in any building thereon which may be an annoyance or nuisance to the occupiers of any of the Lots in this property development.

10. Junk, Machinery and Materials

No implements, machinery, lumber, or building materials, garbage, abandoned or unregistered vehicles, derelict boats, junk or unsightly materials of any kind shall be permitted to remain exposed upon any Lot so they are visible from the streets or any neighboring Lot, except as is necessary during a period of construction.

11. Fencing Materials

Chain link is not allowed for perimeter fencing. Barb wire or any form of above ground electrified fencing is not allowed.

12. Lighting

Any outdoor floodlights must be directed downward and the lighting outline must not extend beyond the perimeter of the Lot.

13. Driveway Materials

Driveways shall be constructed of asphalt, concrete, crushed granite, or pavers (brick or stone) and shall extend for

the entire length of the driveway from the street to the garage. All driveway construction and finishing must be completed within twelve (12) months of the dwelling being occupied.

14. Signage

No signs, billboards, notices or advertising of any kind shall be placed outside any improvements on any of the Lots or upon or on any building, fence or other structure on any Lot, within the exception of a conventional sized sign indicating that a Lot is for sale or a sign not greater than cumulative size of one (1.0) square meter giving the name of an Owner or the name of his or her Lot.

15. Livestock

Small scale hobby farming is allowed. A maximum of six (6) large livestock animals may reside on a Lot at any period of time. No commercial livestock farming operations shall be allowed on any Lot. Roosters and donkeys are not allowed. Manure shall not be stored within 30 meters of a lot line.

16. Landscaping

Owners of individual Lots within Elphinstone Crossing Estates, whether vacant or occupied, shall control weed, brush and other vegetation on their property. Landscaping shall be done within 18 months of the completion of construction of the dwelling on a Lot.

Tree/Vegetation Height Restriction: To protect the long-term panoramic views throughout the development, the following tree/vegetation height restrictions are being put in place. For those areas of the Lots outlined in heavy black outline on the Reference Plan certified completed and checked on February 18, 2009 by L.W. Penonzek, B.C.L.S. and registered as BCP 41684, a reduced copy of which is attached hereto as [Schedule "A"](#), the following height restrictions must be maintained:

- All individual trees, bushes or other vegetation must be kept to a height not exceeding six (6) meters;
- All groups of trees or bushes construed to be a hedge must be kept to a height not exceeding two-and-one-half (2.5) meters.

The property owner will be responsible for all costs required to enforce and maintain this tree/vegetation height limit for their particular Lot. Lot owners are encouraged to plan accordingly and select trees and bushes for landscaping in these height restriction areas that will reduce their maintenance activities and costs required to comply with these requirements.

For those areas of the Lots outside of this tree/vegetation height control region, tree heights are not restricted and lot owners may plant trees of their choice that naturally mature to heights well in excess of 6 meters (some examples: Western Red Cedar, Douglas Fir, Western Hemlock, etc.).

17. Approving Authority

Wherever and whenever the Approval or consent of the Developer is required to be obtained, such written Approval or consent may be given by a director, officer, engineer or architect of the Developer or a director, officer, engineer or architect of any of the Developer's successors, assigns or transferees.

Attachment D Proposed Building Scheme for Elphinstone Crossing Estate Phase 2

SCHEDULE OF RESTRICTIONS

Declared By T & L Rockford Enterprises Ltd. (Inc. No. BC0718597)
For Elphinstone Crossing Estates, Langdale, British Columbia

DECLARATION OF BUILDING SCHEME (DRAFT for Phase 2)

Declaration of Covenants, Condition Restrictions, Reservations, Equitable Servitudes, Grants and Easements of Elphinstone Crossing, Langdale, British Columbia

Note: The covenants of Elphinstone Crossing were created to protect the character, aesthetic value and views throughout this development. By everyone adhering to these covenants, the long-term value of each owner's property in Elphinstone Crossing will be maximized.

WHEREAS:

A. The Lands to which this Building Scheme applies are the following:

<u>PID</u>	<u>DESCRIPTION</u>
027-903-176	Lot 1, District Lot 1354, Group 1, New Westminster District, Plan BCP 40761
027-903-184	Lot 2, District Lot 1354, Group 1, New Westminster District, Plan BCP 40761
027-903-192	Lot 3, District Lot 1354, Group 1, New Westminster District, Plan BCP 40761
027-903-206	Lot 4, District Lot 1354, Group 1, New Westminster District, Plan BCP 40761
027-903-214	Lot 5, District Lot 1354, Group 1, New Westminster District, Plan BCP 40761
027-903-222	Lot 6, District Lot 1354, Group 1, New Westminster District, Plan BCP 40761
027-903-231	Lot 7, District Lot 1354, Group 1, New Westminster District, Plan BCP 40761
027-903-249	Lot 8, District Lot 1354, Group 1, New Westminster District, Plan BCP 40761

Update to list the PIDs and Descriptions for the 18 Lots for Phase 2 at Elphinstone Crossing

B. The Lands constitute an ~~eight (8)~~ **eighteen (18)** lot subdivision called "Elphinstone Crossing Estates – **Phase 2**" at Langdale, British Columbia, which has been designed to take maximum advantage of and respect for the natural elements of the Lands;

C. The "Developer" is T & L Rockford Enterprises Ltd (Inc. No. BC0718597), P.O. Box 40, Gibsons BC V0N 1V0

D. "Owner" shall mean the registered owner at any given time of a Lot within this Building Scheme and "Owners" shall mean more than one Owner.

1. Plan Approval

Before starting any site preparation or construction of any house or outbuilding on a Lot, an Owner must submit the following plans to T & L Rockford Enterprises Ltd. (the “Developer”) or its designated agent(s) for Approval(s): building plans, site plans and fencing plans. Two copies of working drawings and specifications showing elevations, layout, siting, exterior color scheme and details of exterior materials must be submitted. Plans for fencing should also be appropriately detailed to show material types and locations. The submission of documentation for Plan Approval consideration should also contain the complete contact information for the Owner. The Owner is also known as the “applicant” in this Plan Approval process. Such building approval and any other approval which is required to be obtained hereunder by the Owner is called the “Approval” for such plans, siting and specifications.

No site preparation or construction of any house or outbuilding on a Lot shall commence before Approval of the plans defining such work is given. All site preparation and construction of improvements on the Lots must be in accordance with such Approval and if not, the Developer can require that any unapproved preparation or construction be remedied or removed.

Any Approval issued by the Developer is valid for thirty six (36) months from the date of issue and if construction has not begun within this 36 month time period, another submission for re-approval must be made to the Developer.

Nothing in this section derogates or abrogates an Owner’s obligation to obtain all requisite municipal and other necessary approvals before starting site preparation or construction.

2. Size of Dwelling

No **primary single-family** dwelling on any of the Lots shall contain less than the following square feet of living area (exclusive of garage, breezeway, basement and porches):

- Single Story Above Grade Dwelling: minimum of two thousand (2000) square feet
- Multi-Story Above Grade Dwelling: minimum of two thousand five hundred (2500) square feet

If additional dwellings are allowed on a Lot based on SCRD Land Use Zoning, then the primary single-family dwelling must be identified as such and constructed prior to any additional allowed dwellings.

3. Enclosed Garage Required

Enclosed garage parking shall be required on every lot, either attached to the residence/dwelling or as an outbuilding, and be of sufficient size to house not less than two and a half (2.5) standard size automobiles, with a minimum size of 24ft x 24ft. No carports are permitted. The enclosed garage shall be completed by time the **primary** dwelling is occupied.

4. Outbuildings

~~A Lot owner may build up to a maximum of two (2) outbuildings on their Lot, which can be used for one or more of the following uses: garage, guest quarters, storage space, workshop space, animal shelter or barn. No other type of outbuilding will be allowed. The total combined footprint of all outbuildings shall not exceed two thousand six hundred (2600) square feet. The front wall of the outbuilding that is closest to the dwelling shall be set back from the rear or back wall of the dwelling further onto the lot by at least 5 meters.~~ **Lot owners shall comply with the following requirements set out in this Statutory Building Scheme (‘Materials for Exterior Facing of Outbuildings’, ‘Building Setback’); as well as also obtain all development, building and other required approvals.**

Note: Greenhouse Outbuildings, as a specialized structure type, are allowed but are not subject to these exterior material requirements (walls, roof).

5. Materials for Exterior Facings of Buildings

The approved exterior materials for the facing of exterior walls and roofs of all buildings are the following:

Exterior Walls of Dwelling: fiber cement board siding (Hardie Plank, Hardie Shingle, etc), solid wood siding, cedar shakes/shingles (real or synthetic/engineered versions), log, brick, stucco, or stone (real or synthetic/engineered versions).

Notes: Use of a combination of these approved exterior materials is recommended. In cases where site grading created a lookout or walkout basement, the exposed exterior walls of the lookout or walkout basement shall also be faced with these approved materials. No plywood, aluminum siding or vinyl siding shall be used for the facing of exterior walls.

Exterior Walls of Outbuildings: same as those listed for the dwelling (see above), with the addition of powder coat painted metal panel systems.

Exterior Roof of Dwelling & Outbuildings: 30-year (minimum) architectural asphalt shingle, cedar shakes/shingles (real or synthetic/engineered versions), powder coat painted standing seam metal panels, copper, tile, or slate (real or synthetic/engineered versions).

Note: Roof slopes must be a minimum of 4:12, **unless specifically approved otherwise.**

6. Dwelling and Outbuilding Setback Requirements

The dwelling and any outbuilding shall have a minimum setback from the Lot Lines, as follows:

Minimum Building Setback from Lot Line (meters)

<u>Lot #</u>	<u>Adjacent to Roadway</u>	<u>Side/Shared Lot Lines</u>	<u>Rear Lot Line</u>
1	30	10	10
2	30	10	10
4	15	10	10
5	15	10	10
6	15	10	10
7	15	10	10
8	15A / 10B	10	10

~~Notes: (A = along Cascadia Parkway; B = along Arboretum Drive)~~

Update for Phase 2 Lots (generally 15 / 10 / 10 meters)

7. Time for Completing Construction

The work of constructing any approved residence or outbuilding on any Lot shall be done diligently and within eighteen (18) months from start to finish. For clarity, it is not necessary that construction of the dwelling and any outbuilding commence simultaneously, but it is a requirement that construction of each such individual structure be completed within 18 months once it has been started. The work of altering or remodeling any approved residence or outbuilding shall be done diligently and completed within nine (9) months from start to finish.

8. Temporary Abode During Initial Construction

A temporary abode, such as a camper, travel trailer or motor home, may be utilized on the Lot to provide residence only to the owners of the Lot during the course of construction of the **primary** dwelling for a period of up to eighteen (18) months. If the said dwelling is completed in less than eighteen (18) months, the temporary abode must cease being used as a residence. The use of a temporary abode is only available during construction of the **primary** dwelling and not during construction of any outbuildings. ~~Mobile homes are not allowed on any Lots at any time.~~

9. Use

~~There shall be only one (1) single family dwelling constructed on any Lot and its primary purpose must be for residential use. No commercial business operations shall be conducted on the property.~~

No Lot shall be divided or re-subdivided **into additional parcels.**

~~Mobile homes are not allowed on any Lots at any time.~~

~~No vacant Lot may be used for commercial purposes, storage purposes or for temporary residences except as permitted by this Building Scheme.~~

No activity shall be allowed on any of the Lots or in any building thereon which may be a significant annoyance or nuisance to the occupiers of any of the **other** Lots in this property development.

10. Junk, Machinery and Materials

No implements, machinery, lumber, or building materials, garbage, abandoned or unregistered vehicles, derelict boats, junk or unsightly materials of any kind shall be permitted to remain exposed upon any Lot so they are visible from the streets or any neighboring Lot, except as is necessary during a period of construction.

11. Fencing Materials

Chain link is not allowed for perimeter fencing. ~~Barb wire or any form of above ground electrified fencing is not allowed.~~

12. Lighting

Any outdoor floodlights must be directed downward and the lighting outline must not extend beyond the perimeter of the Lot.

13. Driveway Materials

Driveways shall be constructed of asphalt, concrete, crushed granite, or pavers (brick or stone) and shall extend for the entire length of the driveway from the street to the garage. All driveway construction and finishing must be completed within twelve (12) months of the dwelling being occupied.

14. Signage

~~No signs, billboards, notices or advertising of any kind shall be placed outside any improvements on any of the Lots or upon or on any building, fence or other structure on any Lot, within the exception of a conventional sized sign indicating that a Lot is for sale or a sign not greater than cumulative size of one (1.0) square meter giving the name of an Owner or the name of his or her Lot.~~

15. Farming & Livestock

~~Small scale hobby farming is allowed. A maximum of six (6) large livestock animals may reside on a Lot at any period of time. No commercial livestock farming operations shall be allowed on any Lot. Roosters and donkeys are not allowed. Manure shall not be stored within 30 meters of a lot line.~~

Agricultural and Farming activities are allowed, but they must be conducted in a responsible and respectful manner that does not adversely impact adjacent properties. ~~Roosters and donkeys are not allowed~~ If operating a Kennel, noise adversely impacting neighboring properties shall not be permitted. Manure shall not be stored within 20 meters of a lot line.

16. Landscaping

Owners of individual Lots within Elphinstone Crossing Estates, whether vacant or occupied, shall control weed, brush and other vegetation on their property. Landscaping shall be done within 18 months of the completion of construction of the dwelling on a Lot.

Tree/Vegetation Height Restriction: To protect the long-term panoramic views throughout the development, the following tree/vegetation height restrictions are being put in place. For those areas of the Lots outlined in heavy black outline on the Reference Plan certified completed and checked on ~~(update to include Schedule "B" for Phase 2) February 18, 2009 by L.W. Penonzek, B.C.L.S. and registered as BCP 41684, a reduced copy of which is attached hereto as~~ Schedule "A", the following height restrictions must be maintained:

- All individual trees, bushes or other vegetation must be kept to a height not exceeding six (6) meters;
- All groups of trees or bushes construed to be a hedge must be kept to a height not exceeding two-and-one-half (2.5) meters.

The property owner will be responsible for all costs required to enforce and maintain this tree/vegetation height limit for their particular Lot. **As such**, Lot owners are encouraged to plan accordingly and select **appropriate varieties of** trees and bushes for landscaping in these height restriction areas that will reduce their maintenance activities and costs required to comply with these requirements.

For those areas of the Lots outside of this tree/vegetation height control region, tree heights are not restricted and lot owners may plant trees of their choice that naturally mature to heights well in excess of 6 meters (some examples: Western Red Cedar, Douglas Fir, Western Hemlock, etc.).

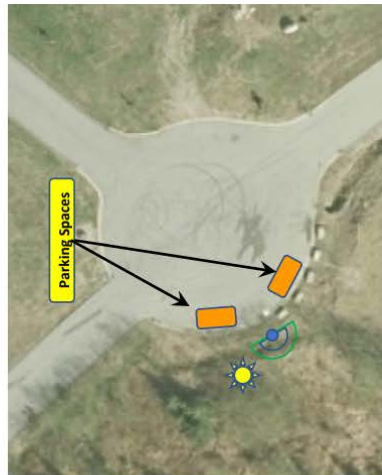
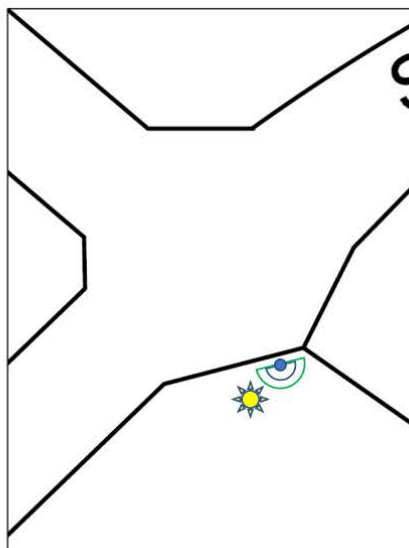
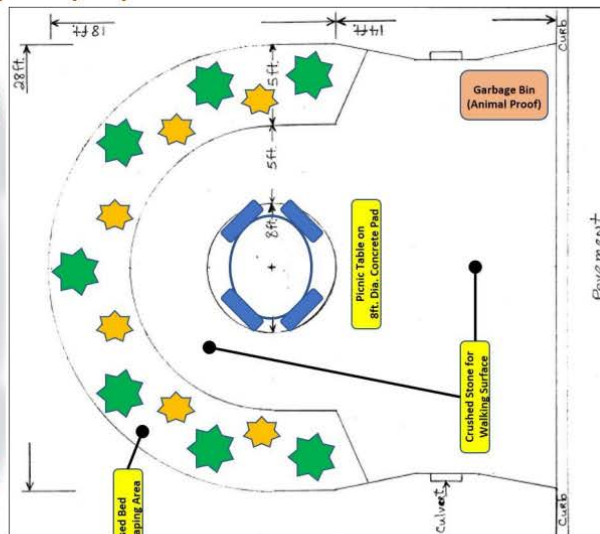
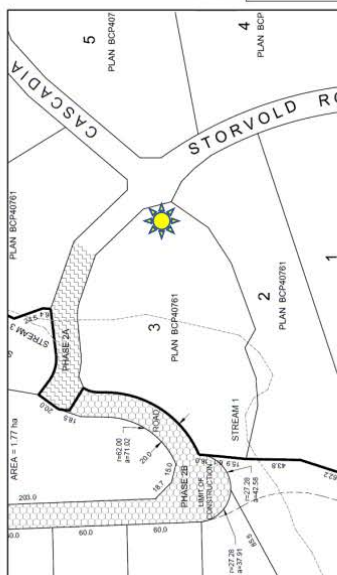
17. Approving Authority

Wherever and whenever the Approval or consent of the Developer is required to be obtained, such written Approval or consent may be given by a director, officer, engineer or architect of the Developer or a director, officer, engineer or architect of any of the Developer's successors, assigns or transferees.

Attachment F Proposed Picnic Area Specification

DL1354 – Elphinstone Crossing (Phase 2): Proposed Picnic Area (Community Amenity)

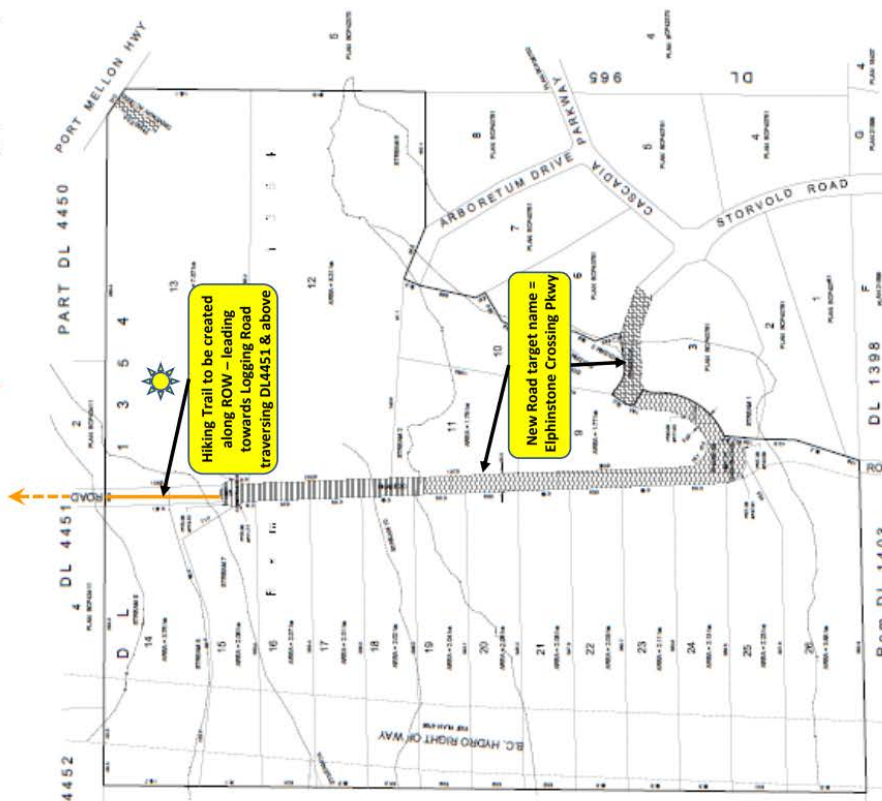
- Questions from SCRD Planning Team regarding the Picnic Area:
- Location, Dimension, Size: see Drawings, ~ 28 ft in Dia.
 - Driveway Access: Build Driveway that will directly access from greatly oversized Roadway Apron (Cul de Sac like)
 - Number of Parking Spaces: 2 parking spaces can be easily accommodated in oversized Roadway Apron (Cul de Sac)
 - Number of Picnic Tables and Benches: 1 Picnic Table (good size, seats 8 people)
 - Type of Pavement and Landscaping: Primary Walking Surface is Crushed Stone, also a Concrete Pad under Picnic Table
 - Signage: Elphinstone Crossing Picnic Area – Enjoy, but please clean up after yourself.
 - Maintenance practice: T&L Rockford Enterprises will build and maintain this Picnic Area (ongoing, as needed).



Attachment G

Proposed Trail Specification

DL1354 – Elphinstone Crossing (Phase 2): Proposed Hiking Trail (Community Amenity)



Questions from SCRD Planning Team regarding the Hiking Trail:

- Location: See Map at Left. This Hiking Trail would go from the northern terminus of the Roadway that we are building to service the upper portion of DL1354 for Phase 2 of Elphinstone Crossing Estates and then extend up to the northern edge of this DL1354 property, where it would then link up with the 'Creeks Road' ROW in the neighboring DL4451 that is roughed in and could serve as an interconnecting Hiking Trail - that then further ties into the Logging Road that runs through DL4451 and then extends further upslope to the flank of Mt. Elphinstone. Specifically this Hiking Trail would be planned for up-front, but not actually creating it until later in the segmented build-out of our Phase 2 expansion of Elphinstone Crossing (segment = 2C), when we get to the point of extending the Roadway to service the Lots in the NW corner of our DL1354 property (the roadway segment labeled 'Phase 2C' on our subdivision layout that we have proposed), because reasonably accessing that Hiking Trail would only be practical once we extend the built Roadway to that northern terminus that we are targeted to build here ('Phase 2C' segment - Limit of Construction), as that Roadway would then provide access to the southern trail-head of this Hiking Trail that I have proposed.
- Width: common Hiking Trail width (~ 1 meter in width)
- Length: approximately 140 meters in length
- Surface Condition: cleared of overgrowth down to natural base soil
- Signage: basic trail markers only (located ~ every 20 meters)
- Level of Maintenance: basic seasonal maintenance of this Hiking Trail within DL1354 will be performed by T&L Rockford Enterprises

Attachment H Zoning Amendment Bylaw for Third Reading

SUNSHINE COAST REGIONAL DISTRICT

BYLAW NO. 310.177

A bylaw to amend the *Sunshine Coast Regional District Zoning Bylaw No. 310, 1987*

The Board of Directors of the Sunshine Coast Regional District, in open meeting assembled, enacts as follows:

PART A – CITATION

1. This bylaw may be cited as *Sunshine Coast Regional District Zoning Amendment Bylaw No. 310.177, 2018*.

PART B – AMENDMENT

2. Schedule B of Zoning Bylaw No. 310, 1987 is hereby amended by amending the subdivision district from Subdivision District I to Subdivision District G for the west portion of District Lot 1354 Group 1 New Westminster District Except: Firstly; Part in Highway Plan 14999 Secondly; Part Subdivided by Plan BCP40761, as depicted on Appendix A, attached to and forming part of this bylaw.

PART C – ADOPTION

READ A FIRST TIME this	25 th DAY OF	JANUARY	2018
READ A SECOND TIME this	24 th DAY OF	MAY	2018
PUBLIC HEARING HELD PURSUANT TO THE <i>LOCAL GOVERNMENT ACT</i> this	12 th DAY OF	JUNE	2018
READ A THIRD TIME this	DAY OF	MONTH	YEAR
ADOPTED this	DAY OF	MONTH	YEAR

Corporate Officer

Chair



SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Planning and Community Development Committee – September 6, 2018
AUTHOR: Yuli Siao, Senior Planner
SUBJECT: **OCP Amendments – Densification Strategies to Support Affordable Housing – Public Hearing Report and Consideration for Third Reading and Adoption**

RECOMMENDATIONS

- 1. THAT the report titled OCP Amendments - Densification Strategies to Support Affordable Housing – Public Hearing Report and Consideration for Third Reading and Adoption be received;**
 - 2. AND THAT *Halfmoon Bay Official Community Plan Amendment Bylaw 675.4, 2017, Roberts Creek Official Community Plan Amendment Bylaw 641.8, 2017, Elphinstone Official Community Plan Amendment Bylaw 600.8, 2017 and West Howe Sound Official Community Plan Amendment Bylaw 640.2, 2017* be forwarded to the Board for Third Reading and Adoption.**
-

BACKGROUND

On June 28, 2018, the Planning and Community Development Committee adopted Recommendation 201/18 as follows:

Recommendation No. 6 *Halfmoon Bay OCP Amendment Bylaw 675.4, 2017, Roberts Creek OCP Amendment Bylaw 641.8, 2017, Elphinstone OCP Amendment Bylaw 600.8, 2017 and West Howe Sound OCP Amendment Bylaw 640.2, 2017*

THAT *Halfmoon Bay Official Community Plan Amendment Bylaw No. 675.4, 2017, Roberts Creek Official Community Plan Amendment Bylaw No. 641.8, 2017, Elphinstone Official Community Plan Amendment Bylaw No. 600.8, 2017 and West Howe Sound Official Community Plan Amendment Bylaw No. 640.2, 2017* be forwarded to the Board for Second Reading;

AND THAT the bylaws as of the date of the report be considered consistent with the SCRD's 2018-2022 Financial Plan and 2011 Solid Waste Management Plan;

AND THAT staff monitor and report the implementation and densification impacts of the bylaws with respect to the SCRD's 2018-2022 Financial Plan and 2011 Solid Waste Management Plan and the future versions of these Plans;

AND THAT a Public Hearing to consider *Halfmoon Bay Official Community Plan Amendment Bylaw No. 675.4, 2017, Roberts Creek Official Community Plan Amendment Bylaw No. 641.8, 2017, Elphinstone Official Community Plan Amendment Bylaw No. 600.8, 2017 and West Howe Sound Official Community Plan Amendment Bylaw No. 640.2, 2017* be scheduled for July 23, 2018 at 7:00 p.m. in the SCRD Board Room, located at 1975 Field Road, Sechelt, BC;

AND THAT Director Winn be delegated as the Chair and Director Lebbell be delegated as the Alternate Chair for the Public Hearing;

AND FURTHER THAT the revised Densification Strategies to Support Affordable Housing, if adopted by the Board, be incorporated into the *Egmont/Pender Harbour Official Community Plan Bylaw No. 708, 2017* for consideration at Second Reading.

Following the Second Reading of the revised bylaws, they were referred to all Advisory Planning Commissions (APC), and a public hearing was held on July 23, 2018. This report analyzes comments received from the APCs and the public hearing, and recommends that the further revised Bylaws be forwarded to the Board for consideration of Third Reading and Adoption.

DISCUSSION

APC Comments (June 2018)

The revised bylaws considered at Second Reading were referred to all APCs in June, 2018. Previously the APCs also reviewed the draft bylaws considered at First Reading (October, 2017). Areas D, E and F APCs indicate support for the revised bylaws considered at Second Reading. Areas A and B APCs discussed the bylaws but did not provide recommendations on the bylaws.

- Egmont / Pender Harbour APC:

The APC did not provide a recommendation on the bylaws. No further comments have been received to date.

- Halfmoon Bay APC:

Regarding Revised OCP Amendments-Densification Strategies to Support Affordable Housing-Considerations for Second Reading, the APC requests a copy of the document that may be used for review and returned to the SCRD. No further comments except minor grammatical suggestions have been received to date.

- Roberts Creek APC:

APC recommended that the Revised OCP Amendments be supported, and the SCRD develop a communication strategy and material regarding density bonusing so that applicants are aware of this option early in the process of consideration;

And that the SCRD seek funding from the federal and provincial governments for affordable housing projects.

- Elphinstone APC:

The APC recommended that Revised OCP Amendments – Densification Strategies to Support Affordable Housing be supported for the following reasons:

- This reads well and seems to cover everyone's concerns;
- Area E OCP bylaw looks like it has dealt with everything the APC has talked about.

- West Howe Sound APC:

The APC recommended that the revised bylaws considered at second reading be supported as the policies strike a balance between competing interests and provide a practical strategy to support affordable housing development while maintaining a sustainable environment and the character of the rural areas.

Public Hearing Summary

Twelve members of the public attended the public hearing. The Public Hearing Report can be found in Attachment A. Four written submissions were received prior to the closing of the public hearing (Attachment B). A number of issues were raised. They are discussed below.

Densification and Affordability

In one of the submissions, densification is regarded as a way to fuel short term rental instead of support affordable housing.

Housing affordability is an issue which requires many solutions. Densification is a strategy adopted by many communities worldwide to reduce housing cost per unit by sharing space, infrastructure and amenities. It is a responsible and sustainable way to manage growth and optimize the use of resources and reduce environmental footprint.

Short term rental is a phenomenon of the shared economy enabled by better communication between supply and demand, especially through internet technology. It is adopted by home owners as a means to tap into the unused or underused real estate potential of their properties. It supports the livelihood and makes housing more affordable for some, while reduces the supply of long term and affordable rental for others. Short term rental is not known to be a result of increased density, as it can easily occur in densely or sparsely populated neighbourhoods. In a separate project, the SCRD will consider policies to address regulations for short term vacation rental.

Densification and Infrastructure

Another submission equates densification with growth, and raises concerns about impacts on the environment and existing infrastructure such as water supply, transportation, public transit, waste disposal, etc.

Densification is distinct from growth (i.e. growth in population, business, development, etc.). While growth represents the overall increase in population in a region, densification is the concentration of population in certain parts of the region. A densification strategy optimizes the distribution of growth. While growth inevitably imposes pressure on the environment, infrastructure and available space, the proposed policies for densification are a strategy to manage growth wisely and distribute growth to the right places so that existing infrastructure and resources can be more efficiently utilized, costly expansion to other areas can be avoided and impact on the environment can be reduced.

Consistency with Halfmoon Bay OCP and LGA

One submission opposes the proposed policies, specifically for the Halfmoon Bay Official Community Plan (OCP), based on the belief that these policies are inconsistent with the OCP, and Sections 478 and 428 of the *Local Government Act* (LGA) regarding the effect of official community plan and the purpose of regional growth strategy respectively.

The submission believes that the essence of the Halfmoon Bay OCP is “low density”. However, there are diverse land uses in different areas of Halfmoon Bay in addition to low density residential uses, including mixed multi-family, commercial, institutional, tourist commercial, resource, recreation, and so forth. Although Halfmoon Bay is generally characterized by a low density residential settlement pattern, the OCP designates three Community Hubs where multiple land uses converge, including a mix of residential, commercial, tourism and recreation uses.

The current OCP sets density standards for various residential designations, focuses multi-family residential development in identified Community Hubs, and allows consideration of smaller parcels in residential designations. Developed upon the principles of these existing OCP policies, the proposed new policies provide stronger and clearer guidance for densification developments. They call for the continual application of existing standards for infill residential developments, direct higher density and multi-unit residential developments to Community Hubs, and set criteria for consideration of subdivisions of higher density in residential designations. These policies are consistent with the existing OCP and therefore consistent with Section 478 of the *Local Government Act*.

The proposed policies do not set specific density levels or call for a blanket density increase to alter the “low density” landscape of Halfmoon Bay, but rather provide criteria to evaluate densification developments based on location, technical feasibility and character of each area, and provide tools such as development permit area for form and character to ensure appropriate design and integration of higher-density developments, and density bonusing and housing agreement to support affordable housing. To clarify the intent of the policies, further revisions to the policies are recommended in the following section.

Densification in Halfmoon Bay

Several submissions oppose the proposed amendments to the Halfmoon Bay OCP based on concerns with inadequate infrastructure, service and amenity to support densification in Halfmoon Bay and the Community Hubs.

Similar to other areas of the Sunshine Coast, densification and infrastructure in Halfmoon Bay must go hand in hand. While the lack of infrastructure limits densification, improvement of infrastructure relies on densification. For example, without sufficient density to support ridership, new public transit facilities will not be viable; without sufficient density to generate revenue, new community sewage treatment plants will not be practical.

The proposed policies recognize such balance between densification and infrastructure. The availability of infrastructure such as sewage treatment, water supply, waste disposal, transportation and access to public transit and amenity is an important criterion in evaluating densification proposals in community hubs and other areas.

Need for Consistent Policies

There are submissions which question the need for consistent policies across the four OCPs.

While each community across the Sunshine Coast has a unique character, there are many similarities amongst them. They share the common challenge of affordable housing shortage.

The OCPs within SCRD rural communities share similar land use planning principles and have similar land use designations and policies. The four communities are under one single zoning bylaw. However, as these OCPs were developed over different times, terminology, structure and detail are different in each Plan. Although some policies related to density and affordable housing already exist in these Plans, there is a need to strengthen them. The purpose of a set of consistent policies is not to alter existing Plans, but to put the diffused policies of these Plans into clear focus through the lens of a densification approach. These policies provide common standards and tools that are applicable to similar situations across different areas. The application of common policies will not harm the individual character of each area, because each development proposal will be evaluated through consultation with each community and should reflect the needs of each community.

Additional Dwellings without Subdivision

A submission suggests that consideration should be given to allowing more dwellings on a larger lot (more than 1 acre) without subdivision to create separate parcels of land. For example, on a 1-acre lot, two dwellings are allowed by the zoning bylaw. In order to create four dwellings on this lot, it must be subdivided into two 0.5 acre lots, each containing two dwellings. The potential benefit of this scheme could be opportunities for shared utility, common elements (such as driveway) and open space and savings in not having to go through the subdivision process while achieving the same number of dwellings. This scheme will involve a different standard for lot size and density, and will require different criteria for lot layout, setback, as well as other technical requirements. It is best suited for a potential zoning regulation. Along with other suggestions on lot configuration received from previous consultations, this option should be further examined through the Zoning Bylaw 310 update process currently underway.

Further Revised Policies

Based on the above discussion, it is recommended the proposed policies be further revised to clarify the intent of the densification strategies in the preamble of the policies, and incorporate a minor grammatical enhancement. The further revised policies are as follows:

Densification Strategies to Support Affordable Housing

Densification is vital to increasing housing supply and providing diverse housing choices. Densification can create land use opportunities and favourable conditions for developing affordable housing through a number of strategies including residential infill, cluster and mixed-use development and density bonus in appropriate areas. The intent of these strategies is to provide a set of criteria for evaluating densification proposals and tools to support and secure contribution to affordable housing.

Objectives

- a. Increase the supply of housing units through infill development on existing eligible parcels.
- b. Direct cluster housing, multi-unit and mixed-use development to village hubs and similar settlement cluster areas.
- c. Integrate housing development with the rural context.
- d. Use density bonus in appropriate areas to encourage density increase and affordable housing contribution.
- e. Use housing agreements to secure affordable housing.

Policies

- a. Infill development of auxiliary dwellings, duplexes and second dwellings shall be encouraged on existing eligible parcels in accordance with zoning bylaw parcel size requirements. To fully utilize the infill potential of such parcels, the existing minimum parcel size requirements to qualify for multiple dwellings on a parcel, as defined in the zoning bylaw, shall be reflective of the residential or rural residential designation.
- b. Subdivision creating lots smaller than 1000 m², cluster residential development such as townhouse and multi-unit building and mixed-use development that combines residential use with commercial, retail, service and office uses are encouraged to be located in village hubs or similar settlement cluster areas.

Developments exceeding density limits of the Official Plan and or the zoning bylaw are encouraged in these areas, subject to amendments to the Official Community Plan and or the zoning bylaw and all of the following criteria:

- i. Water supply, solid waste collection, storm water management, sewage treatment facility, traffic circulation and provision of or access to community amenities can all be appropriately provided and the development design is compatible with the surrounding neighbourhoods; and
 - ii. With the exception of any other applicable density increase policies of this Plan, a contribution to affordable or special needs housing must be made in the form of housing unit, land, money or other types of provision and registered with a housing agreement in accordance with the *Local Government Act* and approved by the Regional District Board.
- c. Developments exceeding established density limits of the Official Community Plan and or the zoning bylaw and creating a total of 3 lots or less, may be considered through an amendment to the Official Community Plan and / or the zoning bylaw for areas designated Residential outside of village hubs or similar settlement cluster areas where water supply, solid waste collection, storm water management, sewage treatment facility, regional fire protection, traffic circulation and convenient access to major roads and community amenities can all be appropriately provided and the development design is compatible with the surrounding rural environment.
 - d. Developments exceeding established density limits of the Official Community Plan and or the zoning bylaw and creating a total of more than 3 lots, may be considered through

an amendment to the Official Community Plan and / or the zoning bylaw for areas designated Residential outside of village hubs or similar settlement cluster areas, subject to all of the following criteria:

- i. Water supply, solid waste collection, storm water management, sewage treatment facility, regional fire protection, traffic circulation and convenient access to major roads and community amenities can all be appropriately provided and the development design is compatible with the surrounding rural environment; and
 - ii. A contribution to affordable or special needs housing must be made in the form of housing unit, land, money or other types of provision and registered with a housing agreement in accordance with the *Local Government Act* and approved by the Regional District Board.
- e. Affordable or higher-density housing shall be developed in a way that integrates with the rural communities and strengthens community identity and character. This can be achieved by creating developments that are complementary to the scale, layout, architectural design, landscaping and view of neighbouring properties and the surrounding natural environment. Specific design criteria may be imposed by establishing a development permit area for form and character for a development site.
 - f. Housing agreements pursuant to the *Local Government Act* shall be used wherever applicable to secure the provision of affordable housing in appropriate areas and the long term affordability of housing.

A housing agreement shall determine the terms, conditions and forms of provision or contribution of designated affordable or special needs housing and shall use concurrent criteria of the Canadian Mortgage and Housing Corporation (CMHC) and data of Statistics Canada to define housing affordability.

STRATEGIC PLAN AND RELATED POLICIES

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

- Incorporate land use planning and policies to support local economic development.
- Collaborate with community groups and organizations to support their objectives and capacity.
- Land use policies and regulations are supporting affordable housing.

The subject of this report is aligned with the sustainable land use principles that were developed in 2016.

The subject of this report is also aligned with the following land use principles of the Regional Sustainability Plan: 'We Envision' for the Sunshine Coast:

We envision complete, compact, low environmental-impact communities based on energy-efficient transportation and settlement patterns.

CONCLUSION

The public hearing regarding the proposed bylaws revealed concerns from members of the community as well as suggestions for enhancing housing affordability. In response to these comments, this report clarifies the relationships between density and affordability, infrastructure and short term rental, the intent of the proposed policies and the need for a consistent approach. Further revisions to the bylaws have been recommended to address these comments.

Staff recommend that the revised bylaws be presented to the Board for Third Reading and Adoption.

Attachments

Attachment A – Public Hearing Report

Attachment B – Written Submissions

Attachment C – Revised Halfmoon Bay Official Community Plan Amendment Bylaw 675.4 for Third Reading

Attachment D – Revised Roberts Creek Official Community Plan Amendment Bylaw 641.8 for Third Reading

Attachment E – Revised Elphinstone Official Community Plan Amendment Bylaw 600.7 for Third Reading

Attachment F – Revised West Howe Sound Official Community Plan Amendment Bylaw 640.2 for Third Reading

Reviewed by:			
Manager	X – A. Allen		
GM	X – I. Hall		
CAO	X - J. Loveys		

Attachment A Public Hearing Report

SUNSHINE COAST REGIONAL DISTRICT

REPORT OF A PUBLIC HEARING HELD AT
SUNSHINE COAST REGIONAL DISTRICT OFFICE – BOARD ROOM
1975 Field Road, Sechelt, B.C.

July 23, 2018

Halfmoon Bay Official Community Plan Amendment Bylaw No. 675.4, 2017

Roberts Creek Official Community Plan Amendment Bylaw No. 641.8, 2017

Elphinstone Official Community Plan Amendment Bylaw No. 600.8, 2017

West Howe Sound Official Community Plan Amendment Bylaw No. 640.2, 2017

PRESENT:	Chair, Area F Director	I. Winn
	Alternate Chair, Area D Director	M. Lebbell
ALSO PRESENT:	Senior Planner	Y. Siao
	Chief Administrative Officer	J. Loveys
	Area E Director	L. Lewis
	Recording Secretary	A. Ruinat
	Members of the Public	12
	Media	2

CALL TO ORDER

The public hearing for *Halfmoon Bay Official Community Plan Amendment Bylaw No. 675.4, 2017, Roberts Creek Official Community Plan Amendment Bylaw No. 641.8, 2017, Elphinstone Official Community Plan Amendment Bylaw No. 600.8, 2017, and West Howe Sound Official Community Plan Amendment Bylaw No. 640.2, 2017* was called to order at 7:02 p.m.

I. Winn, Chair

The Chair introduced staff in attendance and read prepared remarks with respect to the procedures to be followed at the public hearing. The Chair then indicated that following the conclusion of the public hearing the SCRD Board may, without further notice or hearing, adopt or defeat the bylaws or alter and then adopt the bylaws providing the alteration does not alter the use or increase the density. The Chair asked Yuli Siao, Senior Planner, Planning & Development, to introduce *Halfmoon Bay Official Community Plan Amendment Bylaw No. 675.4, 2017, Roberts Creek Official Community Plan Amendment Bylaw No. 641.8, 2017,*

Elphinstone Official Community Plan Amendment Bylaw No. 600.8, 2017, and West Howe Sound Official Community Plan Amendment Bylaw No. 640.2, 2017.

PURPOSE OF BYLAW

Yuli Siao, Senior Planner

The main purpose of the proposed Official Community Plan Amendment Bylaws are to strengthen and improve existing densification strategies to support affordable housing.

The bylaw amendment process timeline was summarized as follows:

- Preliminary Research for the proposed OCP Amendments started in February 2017
- OCP Amendments **initiated** in September 2017
- OCP Amendments received First Reading in September 2017
- Three Public Information Meetings were held in November 2017
- Referrals to All Electoral Area Advisory Planning Commissions and Agencies took place in November 2017
- OCP Amendments received Second Reading on June 28, 2018
- **Second Referral to all** Electoral Area Advisory Planning Commissions took place in July 2018
- Public Hearing held on July 23, 2018
- Next Steps in the Process will be, Staff Public Hearing Report and recommendations to the SCRD Board. Consideration for Third Reading and Adoption will follow.

What is an Official Community Plan (OCP)?

The OCP is an official document of a local government on high level policies and broad vision to guide development and land use of the community.

What is affordable housing referred to in the proposed policies?

Affordable housing can include: rental or ownership housing, suite, second dwelling, etc. The goal is to help to make housing more affordable.

Are these policies meant to provide affordable housing?

The policies will support development of affordable housing and create opportunities and favourable conditions.

What is the SCRD's role in supporting affordable housing?

The SCRD may develop land use planning policies to direct housing development to the right places, facilitate community engagement through development approval process, and improve infrastructure and service to support affordable housing.

The SCRD does not provide direct funding and programs or manage housing projects.

What can land use planning policies do?

The OCP Amendments focus on land use planning policies. Planning policies can direct housing development to the right place, optimize the use of land resources and infrastructure and provide strategies for densification.

Why increase density?

Increasing density is a common strategy in response to growth, but not the only solution. The benefits of increasing density are: more sustainable approach to development, smaller environmental footprint, more fully utilize existing infrastructure and resources, may help increase supply, sharing space, structure, utility and amenity, and reduce cost per residential unit for land, construction, infrastructure, servicing and maintenance.

Where should densification go?

Primary focus:

- Infill in existing eligible lots where an auxiliary or second dwelling is permitted.
- Village hubs or similar settlement clusters as defined in the OCPs, where amenities are more readily available to support higher density.

Secondary consideration:

- Other residential areas with moderate growth potential subject to conditions.

The New Policies

The policies are a balanced approach to address public consultation input and strengthen and improve existing policies. The context of each OCP is maintained.

The focus on densification as a land use tool to support affordable housing is as follows:

- Utilize infill potential in existing residential lots
- Encourage higher density in village hubs
- Accommodate modest growth in other residential areas
- Set location and technical criteria for density increase
- Density bonus incentive in exchange for affordable housing contribution
- Integration through Development Permit Area for form / character
- Housing agreement to secure affordable housing contribution, as part of the development approval process.

PUBLIC SUBMISSIONS PRIOR TO PUBLIC HEARING

The Senior Planner noted that three letters were received prior to public hearing. The submissions will form part of the public record and attached to the public hearing report as Appendix 1 – 3. The submissions were summarized as follows:

Brenda Sopel, Roberts Creek, B.C. (Appendix 1)

- Question the correlation between densification and affordability
- Concern about impact of density increase (growth) on water supply
- Concern about other impacts such as road, parking, landfill, environment, etc.

Stephen McLaren, 5389 Ole's Cove Road, Halfmoon Bay (Appendix 2)

- Concern about impact on low density and property value

- Proposed policies inconsistent with Halfmoon Bay OCP
- Proposed policies inconsistent with Local Government Act regarding growth strategy

Joan Wagner, 5619 Mintie Road, Halfmoon Bay (Appendix 3)

- Concern with lack of infrastructure in Halfmoon Bay to support densification

The Senior Planner addressed questions from the public regarding density bonus and Development Permit Area for Form and Character.

Density Bonus: If the proposed density is more than what is permitted in the Zoning Bylaw or OCP, the developer could provide a contribution towards affordable housing in exchange for the higher density.

Development Permit Area for Form and Character ensures that the design is compatible with the surrounding neighbourhood with respects to architectural design, landscaping, etc.

PUBLIC SUBMISSIONS AT PUBLIC HEARING

The Senior Planner concluded his presentation and the Chair called a first time for submissions.

Donna Shugar

1076 Crowe Road, Roberts Creek

A written submission was provided at public hearing to accompany the verbal submission at public hearing. (Appendix 4)

Asked a general question as to how the infill development will be encouraged as per the Policies Section (a) in each of the proposed Official Community Plan Amendment Bylaws.

The Senior Planner stated Policy (a) is not a new policy, it reinforces the infill development of auxiliary dwellings, duplexes and second dwellings where it is already permitted in the zoning bylaw. The proposed policy provides a more consistent approach to infill development throughout each OCP document. The Senior Planner summarized Policies b – f.

Suggestion to consider ways to create new housing without subdivision and creating new lots while keeping existing density requirements and community character. The subdivision process is an extra layer of complexity, cost and time. Suggestion to introduce language in the zoning bylaw and OCP that would permit the same density allowed by zoning to be achievable with or without subdivision.

If the same number of dwellings that would be permitted on 2 half acre lots could be built on the one acre lot without going through the subdivision process – it could provide opportunities for cluster housing, saved green space, shared infrastructure, out-building and gardens. This would enable adult children to build on family property and encourage young families to remain on the Coast.

The two dwelling maximum is arbitrary. There could be language that would permit properties that are larger than the permitted minimum lot size, but too small for subdivision to add an extra dwelling or 2 while retaining the character of the neighbourhood. For example, a 7.5 acre lot in the 5 acre zone being permitted 3 houses instead of just 2.

Further suggestion to consider how this could be done without the rezoning process.

Stephen McLaren

5389 Ole's Cove Road, Halfmoon Bay

A written submission was provided prior to the public hearing to accompany the verbal submission at public hearing. (Appendix 2).

Asked a question regarding the Halfmoon Bay OCP. What percentage of properties in Halfmoon Bay that could have a second dwelling at the moment? Are changes to the OCP necessary or are there already enough properties that could potentially have a second dwelling.

The Senior Planner noted that staff estimate that 90% of the eligible parcels with the SCRD that could have a second dwelling have not built a second dwelling.

The Halfmoon Bay OCP emphasizes low density and this proposal would change the essence of the OCP to higher density.

Noted *Local Government Act* Section 478 (2) All bylaws enacted or works undertaken by a council, board or great board, or by the trustees of an improvement district, after the adoption of (a) an official community plan, must be consistent with the relevant plan.

Questions if there is other language in the *Local Government Act* that allows the SCRD to ignore Section 478 (2) and change the OCP from low density to high density?

Noted *Division 2 - Application and Content of the Regional Growth Strategy* 428 (2) without limiting subsection (1), to the extent that a regional growth strategy deals with these matters, it should work towards but not be limited to the following:

(a) avoiding urban sprawl and ensuring that development takes place where adequate facilities exist or can be provided in a timely, economic and efficient manner;

(b) settlement patterns that minimize the use of automobile and encourage walking, bicycling and the efficient use of public transit;

Commented that Halfmoon Bay does not have the public facilities to support densification or the means to encourage walking, bicycling or public transit. Believes that Halfmoon Bay is not an appropriate place to densify. Density should be limited to other areas where it is already developed: Gibsons, Sechelt, and Madeira Park.

Celyse McLaren

5389 Ole's Cove Road, Halfmoon Bay

Concerned with proposed development at Rockwater Resort and the designation of this area as a "community hub". Has concerns with high density developments in Halfmoon Bay. Feels there is a layer of protection in the OCP around the type of developments allowed and that the proposed policies would allow for larger developments in rural areas where there are no amenities or public facilities to support it. Supportive of infill development or increasing density near centres such as Gibsons, Sechelt, Davis Bay/Wilson Creek.

Linda Weight

5623 Mintie Road, Halfmoon Bay

Concerned with the designation of village hubs in Halfmoon Bay – Mintie Road area with general store and Wildwood area with general store and nursery. Noted that during the OCP review process there was consensus that future development in Halfmoon Bay be kept compact and that each proposal be evaluated with careful consideration. Does not support the Halfmoon Bay OCP being changed with a blanket policy for increasing density in all rural areas. There is a

need for local amenities first before larger development. Supportive of secondary dwellings on smaller sized lots and considering each proposal on a case by case basis.

Stephen McLaren

5389 Ole's Cove Road, Halfmoon Bay

Asked when the current Halfmoon Bay OCP came into effect.

It was noted that the Halfmoon Bay OCP was adopted 2 years ago (2014).

Concerned that after only two years of being in effect, the OCP will be going in a total different direction from low density to high density. Asked how long the current Halfmoon Bay OCP will be in effect for.

Donna Shugar

1076 Crowe Road, Roberts Creek

Asked for clarification regarding the clause "Subject to amendments to the Official Community Plans and/or zoning bylaws" which appears multiple times throughout the proposed bylaws. For example, if an applicant wanted to exceed the established density limits in the OCP, then the applicant would have to go through the public engagement process – public information meetings and public hearings. Is it correct that this is not a blanket permission, it is subject to certain conditions.

The Senior Planner noted that yes this is correct. Each development proposal would be looked at on a case by case basis and have to undergo the public engagement process.

Celyse McLaren

5389 Ole's Cove Road, Halfmoon Bay

Asked what exactly the change to the OCP is if the proposed amendment goes ahead.

The Senior Planner stated that the change would include a new section in each OCP titled "Densification Strategies to Support Affordable Housing". The policies are not entirely new. The purpose is to strengthen what is already there and improve consistency. The high level policies will provide direction and tools available to evaluate each development proposal. Each proposal will have to meet the development criteria and be subject to the public process.

Charles Hardy

5635 Mintie Road, Halfmoon Bay

Asked that if there is no change then why change the OCP. If all the provisions are still there and each proposal needs to go through public process, then why the change. Asked for clarification.

The Senior Planner clarified that while the policies are meant to strengthen and use more consistent language for all Electoral Area OCPs, they introduce tools and technical criteria which are not currently specified in some OCPs, such as Development Permit Areas for Form and Character for higher density developments, Density Bonusing and Housing Agreement.

Celyse McLaren,

5389 Ole's Cove Road, Halfmoon Bay

Concern with the SCRD removing low density policies from the OCP and allowing larger developments. Feels that there needs to be more specific rules outlined about what the changes to the OCP will be before the amendments are made.

Linda Weight

5623 Mintie Road, Halfmoon Bay

Does not support the change to the OCP, as the current OCP represents the desires of the community. Would prefer to have developments reviewed on a case by case basis.

Donna Shugar

1076 Crowe Road, Roberts Creek

Noted the challenges to addressing four OCP amendments in one public hearing.

With respect to the deletion of Section 17.9(i) from Roberts Creek OCP, asked if the comprehensive set of lists of criteria to be met in order to consider an increase in density and a list of amenities that would have to be provided by the developer based on the size and scope of the development, still included in the OCP or have they been eliminated. Believes the set of criteria are very valuable to evaluate a project and hopes that they are still included.

The Senior Planner noted that staff would look into this.

Stephen McLaren

5389 Ole's Cove Road, Halfmoon Bay

Recognizes that densification on the Sunshine Coast is going to happen, however feels that density should be confined to the places that already have the facilities to support it (Sechelt and Gibsons). Does not feel that Halfmoon Bay is a proper fit for densification as there are not proper facilities to accommodate it.

The Chair called a second time for submissions.

CLOSURE

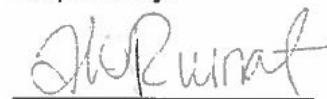
The Chair called a third and final time for submissions. There being no further submissions, the Chair announced the public hearing for proposed *Halfmoon Bay Official Community Plan Amendment Bylaw No. 675.4, 2017, Roberts Creek Official Community Plan Amendment Bylaw No. 641.8, 2017, Elphinstone Official Community Plan Amendment Bylaw No. 600.8, 2017, and West Howe Sound Official Community Plan Amendment Bylaw No. 640.2, 2017* closed at 8:10 p.m.

Certified fair and correct:

Approved by Director Winn on August 27, 2018

Ian Winn, Chair

Prepared by:



A. Ruinat, Recording Secretary

Attachment B Written Submissions

July 23, 2017

Attention:

Yuli Siao, Senior Planner

Email: yuli.siao@scrd.ca

Fax: 604-885-7909

Sunshine Coast Regional District

1975 Field Road, Sechelt, BC, V0N 3A1

RECEIVED
JUL 23 2018
S.C.R.D.

Dear Mr. Siao:

**RE: Halfmoon Bay Official Community Plan Amendment Bylaw 675.4, 2017,
 Roberts Creek Official Community Plan Amendment Bylaw 641.8, 2017,
 Elphinstone Official Community Plan Amendment Bylaw 600.8, 2017 and
 West Howe Sound Official Community Plan Amendment Bylaw 640.2, 2017**

I am writing to express my opposition to the Amendment of the OCP's pertaining to the densification of our community. I do not believe you have addressed key issues related to existing density on the Sunshine Coast.

In order to understand whether you have done sufficient investigation I would like to ask the following:

How does “densification” actually contribute to “affordable housing”? What studies have been done locally and actually show that densification truly assists in providing affordable housing?

My experience shows that additional rental opportunities within the same property have merely increased housing values, rental cost and more importantly fueled short term rentals/vacation usage as opposed to providing “affordable housing”.

What is the SCRD and all levels of government doing collaboratively to address the most important fundamental issue of water? I have not yet seen any short or long term sustainable solution to this matter. You ask developers to landscape, spending thousands of dollars, your OCP's identify the need for gardens to be self-sufficient for food, chickens (natural disasters and all) however water is limited/or restricted at critical times in the growing season. What about farms – no wonder the ALR land is disappearing. How exactly does this make any sense at all and then to boot we live in a rain forest the majority of time.

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July 23, 2018

Page 2

**RE: Halfmoon Bay Official Community Plan Amendment Bylaw 675.4, 2017,
Roberts Creek Official Community Plan Amendment Bylaw 641.8, 2017,
Elphinstone Official Community Plan Amendment Bylaw 600.8, 2017 and
West Howe Sound Official Community Plan Amendment Bylaw 640.2, 2017**

I challenge you (as many others have already) to first demonstrate pro-active ways in how the SCRD and all coast governments are now increasing water collection and delivery in a sustainable way year round with no water restrictions. And most especially before you consider any further amendments to zoning and densification.

Water meters don't count because then your "affordability" argument doesn't hold water at all since people on fixed budgets can't afford the premiums you most assuredly will justify for "water service" or in the end the wealthy will subsidize - either way it's a lose/lose.

Finally, (though I could go on with other issues but instead I will list them at the end) – what about road safety and infrastructure management. With the "densification" how will you manage to move people from one end of the coast to the other – or even within the same smaller communities? For people needing "affordability" if they can afford cars, how will the current road system accommodate them (the current systems can't accommodate the density we have). If they cannot afford cars how about transit? Transit will need to expand – who will pay for this? Why not figure that out first before you go adding too many things to the long list of problems not yet solved?

Other items to be considered in the name of "densification and affordable housing":

- Landfill issues
- Recycling (all items previously recycled and no longer being taken by China are now going directly into the landfill (this includes glass, soft plastic etc)
- Ferries
- Parking (at Langdale there is the majority of time no parking for locals who want to take transit in the city and pretty much anywhere else there is limited parking for shopping)
- Environment impact of more development
- Light pollution
- Noise pollution
- Delivery of goods and supplies (trucks to bring all the materials etc and extra traffic on the roads (see previous point)
- Emergency preparedness

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July 23, 2018

Page 3

**RE: Halfmoon Bay Official Community Plan Amendment Bylaw 675.4, 2017,
Roberts Creek Official Community Plan Amendment Bylaw 641.8, 2017,
Elphinstone Official Community Plan Amendment Bylaw 600.8, 2017 and
West Howe Sound Official Community Plan Amendment Bylaw 640.2, 2017**

In my opinion, there is much more that needs to be done before you can consider amending the OCP's in such a broad and sweeping manner. Why don't we try something different on the Coast? Why don't we stop densification BEFORE we get to unliveable, not after? It's just like a boat – there are only so many people you can pack on board before it gets unsafe and unenjoyable and maybe eventually it sinks...sooner or later the rural atmosphere and breathing space we have here will be no more. There are all sorts of studies that show a direct correlation between density and the increases in stress and other problems. Let's be a little more strategic about it and limit the mad dash to densification.

There are critical issues at stake here with long term impact on the coast – as stewards of this great community you have a serious responsibility and need to take a step back on this matter.

Most sincerely,
Brenda Sopel
Roberts Creek BC

A handwritten signature in black ink that reads "Brenda Sopel". The signature is fluid and cursive, with the first name "Brenda" being larger and more prominent than the last name "Sopel".

Yuli Siao

From: Stephen McLaren
Sent: Monday, July 23, 2018 2:21 PM
To: Yuli Siao
Cc: editor@coastreporter.net
Subject: Halfmoon Bay Official Community Plan Amendment Bylaw 675.41 2A17



Dear Mr Siao et al,

In regards to the proposed changes to the Halfmoon Bay OCP (HBOCP).
I am concerned it could have an effect on my quality of life and property value.
As you are aware the HBOCP emphasizes low density, I assume there is no need to
quote the many examples. If the HBOCP was distilled down to its' essence, it would
say LOW DENSITY.
The emphasis on low density is the reason we bought in Halfmoon Bay.
I am unfamiliar with the other OCPs in the SCR D so my comments may or may not
apply to them.

I would like to point out parts of BC's Local Government act;

LOCAL GOVERNMENT ACT

[RSBC 2015] CHAPTER 1

**Deposited with Clerk of the Legislative Assembly on December 16,
2015**

**478 (1) An official community plan does not commit or authorize a
municipality, regional district or improvement district to proceed with
any project that is specified in the plan.**

**(2) All bylaws enacted or works undertaken by a council, board or
greater board, or by the trustees of an improvement district, after the
adoption of**

(a) an official community plan, or

**(b) an official community plan under section 711 of the Municipal Act,
R.S.B.C. 1979, c. 290, or an official settlement plan under section 809
of that Act, before the repeal of those sections became effective,**

must be consistent with the relevant plan.

It seems the proposed changes to the HBOCP are absolutely INconsistent with the OCP.

Is there language somewhere else in the Local Government Act that allows the SCRD to ignore section 478 (2) ?

I noticed while reading the Act a reference to :

Division 2 — Application and Content of Regional Growth Strategy

Purpose of regional growth strategy

428 (1) The purpose of a regional growth strategy is to promote human settlement that is socially, economically and environmentally healthy and that makes efficient use of public facilities and services, land and other resources.

(2) Without limiting subsection (1), to the extent that a regional growth strategy deals with these matters, it should work towards but not be limited to the following:

(a) avoiding urban sprawl and ensuring that development takes place where adequate facilities exist or can be provided in a timely, economic and efficient manner;

(b) settlement patterns that minimize the use of automobiles and encourage walking, bicycling and the efficient use of public transit;

(c) the efficient movement of goods and people while making effective use of transportation and utility corridors;

(d) protecting environmentally sensitive areas;

- (e) maintaining the integrity of a secure and productive resource base, including the agricultural land reserve;**
- (f) economic development that supports the unique character of communities;**
- (g) reducing and preventing air, land and water pollution;**
- (h) adequate, affordable and appropriate housing;**
- (i) adequate inventories of suitable land and resources for future settlement;**
- (j) protecting the quality and quantity of ground water and surface water;**
- (k) settlement patterns that minimize the risks associated with natural hazards;**
- (l) preserving, creating and linking urban and rural open space, including parks and recreation areas;**
- (m) planning for energy supply and promoting efficient use, conservation and alternative forms of energy;**
- (n) good stewardship of land, sites and structures with cultural heritage value.**

Please note 428 (2) a, b, d, f, g, and j.

In regards to subsections a and b;

There are next to no facilities of consequence in Halfmoon Bay; no public library, no real community centre, no swimming pool, no full sized food store, no shopping of consequence, and no doctor's offices.

The lack of these facilities would seem to indicate the directive, in subsection a above, would not be followed with an increase in density practically anywhere in Halfmoon Bay.

Now please note subsection b. The use of an automobile is necessary to access all of the above mentioned facilities from a good portion of the area, as there is no regular year around public transportation. Also there are next to no sidewalks or bike lanes in Halfmoon Bay. I do not believe Redroofs or Mercer are safe roads to bike on.

Subsections d, f, g, and j also do not lend themselves to densification.

I would assume the subsections are organized in order of priority.
It seems the density changes to the HBOCP are absolutely INconsistent with the BC Local Government Act.

Again, is there language somewhere else in the Local Government Act that allows the SCRD to ignore section 428 (2) ?

I understand the need for housing on the Sunshine Coast. I believe there is a broad public understanding of the need for a small urban footprint and the benefits of densification.

It seems to me densification should take place according to Division 2 — Application and Content of Regional Growth Strategy, which would mean NOT in Halfmoon Bay.

Best regards,

Stephen McLaren

This email was scanned by Bitdefender

Yuli Siao

From: Joan
Sent: Monday, July 23, 2018 3:11 PM
To: Yuli Siao
Subject: Halfmoon Bay OCP Amendment Bylaw 675.4



To the SCRD,

I am unable to make it to the Public Hearing this evening and wanted to make my opinion known to you. I have reviewed the supporting literature about the proposed changes to the Bylaw and want you to know **I am adamantly opposed**. While I find the spirit of the caveats to the plan (ie water, roads, 'fitting in' with the neighbourhood, etc) to all meet my core values I know there simply is not the infrastructure in the Halfmoon Bay area to fulfill them in reality. You can call it an official community hub if you like but it does not change the fact that what that actually is is currently a tiny community hall with scarce parking, a store & bakery with a porta potti 200ft away for a bathroom, and roads barely wide enough for cars to pass let alone a safe place to walk. Until such times as the District can bring a plan to brings us widened roads, safe sidewalks and community sewage treatment, at the least, - and without significant changes to the neighbourhood - I do not support any plan which increases the population regardless of what demographic it may serve.

Sincerely,

Joan Wagner.
5619 Mintie Rd.
Halfmoon Bay.

This email was scanned by Bitdefender

Donna Shugar
1076 Crowe Rd
Roberts Creek, BC
V0N 2W3



July 23, 2018

SCRD Rural Area Directors,

I have had a look at the staff report on the proposed changes to Zoning Bylaw 310 dated June 14, 2018. Thank you for examining the current regulations and OCPs to try to discover ways of making housing on the Sunshine Coast more affordable and encouraging the development of new housing stock.

I have a further suggestion which I ask you to consider. There is a lot of language in the proposed amendments which equates increased building opportunity with subdivision. However, there are ways to create new housing without subdividing and creating new lots while keeping existing density requirements and community character. Not every property owner wishes to subdivide. Subdivision creates an extra layer of complexity, cost and time. What I am suggesting is the introduction of language in the zoning bylaw and OCPs that would permit the same density that would be allowed in the zoning to be achieved with or without subdivision. For example, a property owner may have a one acre lot in an area that would permit subdivision to 1/2 acre. If the same number of dwellings that would be permitted on 2 half acre lots could be built on the one acre, the property owner could achieve considerable savings. This could also provide opportunities for clustering and the saving of green space, shared infrastructure such as out buildings and shared gardens. It would also enable adult children to build on family property encouraging young families to remain on the Coast.

Somehow we have decided that 2 is a magic number. A one acre parcel or a 5 acre parcel are treated the same. Two dwellings, maximum. This seems quite arbitrary. There could even be language that would permit properties that are larger than the permitted minimum lot size, but too small for subdivision, to add an extra dwelling or 2 while retaining the character of the surrounding neighbourhood. For example, a 7.5 acre lot in the 5 acre zone being permitted 3 houses instead of just 2.

I have had some email correspondence with planning staff who seem to think this might be a viable idea, at least one that is worth considering. Thank you for giving it some thought.

Sincerely,

Donna Shugar, Roberts Creek

**Attachment C Revised Halfmoon Bay Official Community Plan Amendment Bylaw
675.4 for Third Reading**

SUNSHINE COAST REGIONAL DISTRICT

BYLAW NO. 675.4

A bylaw to amend the *Halfmoon Bay Official Community Plan Bylaw No. 675, 2013*

The Board of Directors of the Sunshine Coast Regional District, in open meeting assembled, enacts as follows:

PART A – CITATION

1. This bylaw may be cited as *Halfmoon Bay Official Community Plan Amendment Bylaw No. 675.4, 2017*.

PART B – AMENDMENT

2. *Halfmoon Bay Official Community Plan Bylaw No. 675, 2013* is hereby amended as follows:
 - i. Insert the following section immediately following Section 10:

11. Densification Strategies to Support Affordable Housing

Densification is vital to increasing housing supply and providing diverse housing choices. Densification can create land use opportunities and favourable conditions for developing affordable housing through a number of strategies including residential infill, cluster and mixed-use development and density bonus in appropriate areas. The intent of these strategies is to provide a set of criteria for evaluating densification proposals and tools to support and secure contribution to affordable housing.

11.1 Objectives

- a. Increase the supply of housing units through infill development on existing eligible parcels.
- b. Direct cluster housing, multi-unit and mixed-use development to the Community Hubs and similar settlement cluster areas.
- c. Integrate housing development with the rural context.

- d. Use density bonus in appropriate areas to encourage density increase and affordable housing contribution.
- e. Use housing agreements to secure affordable housing.

11.2 Policies

- a. Infill development of auxiliary dwellings, duplexes and second dwellings shall be encouraged on existing eligible parcels in accordance with zoning bylaw parcel size requirements. To fully utilize the infill potential of such parcels, the existing minimum parcel size requirements to qualify for multiple dwellings on a parcel, as defined in the zoning bylaw, shall be reflective of the residential or rural residential designation.
- b. Subdivision creating lots smaller than 1000 m², cluster residential development such as townhouse and multi-unit building and mixed-use development that combines residential use with commercial, retail, service and office uses are encouraged to be located in the Community Hubs or similar settlement cluster areas.

Developments exceeding density limits of the Official Plan and or the zoning bylaw are encouraged in these areas, subject to amendments to the Official Community Plan and or the zoning bylaw and all of the following criteria:

- i. Water supply, solid waste collection, storm water management, sewage treatment facility, traffic circulation and provision of or access to community amenities can all be appropriately provided and the development design is compatible with the surrounding neighbourhoods; and
 - ii. With the exception of any other applicable density increase policies of this Plan, a contribution to affordable or special needs housing must be made in the form of housing unit, land, money or other types of provision and registered with a housing agreement in accordance with the *Local Government Act* and approved by the Regional District Board.
- c. Developments exceeding established density limits of the Official Community Plan and or the zoning bylaw and creating a total of 3 lots or less, may be considered through an amendment to the Official Community Plan and / or the zoning bylaw for areas designated Residential outside of village hubs or similar settlement cluster areas where water supply, solid waste collection, storm water management, sewage treatment facility, regional fire protection, traffic circulation and convenient access to major roads and community amenities can all be appropriately provided and the development design is compatible with the surrounding rural environment.
 - d. Developments exceeding established density limits of the Official Community Plan and or the zoning bylaw and creating a total of more than 3 lots, may be considered through an amendment to the Official Community Plan and / or the zoning bylaw for areas designated Residential outside of village hubs or similar settlement cluster areas, subject to all of the following criteria:
 - i. Water supply, solid waste collection, storm water management, sewage treatment facility, regional fire protection, traffic circulation and convenient access to major roads and community amenities can all be appropriately provided and the development design is compatible with the surrounding rural environment; and

- ii. A contribution to affordable or special needs housing must be made in the form of housing unit, land, money or other types of provision and registered with a housing agreement in accordance with the *Local Government Act* and approved by the Regional District Board.
- e. Affordable or higher-density housing shall be developed in a way that integrates with the rural communities and strengthens community identity and character. This can be achieved by creating developments that are complementary to the scale, layout, architectural design, landscaping and view of neighbouring properties and the surrounding natural environment. Specific design criteria may be imposed by establishing a development permit area for form and character for a development site.
- f. Housing agreements pursuant to the *Local Government Act* shall be used wherever applicable to secure the provision of affordable housing in appropriate areas and the long term affordability of housing.

A housing agreement shall determine the terms, conditions and forms of provision or contribution of designated affordable or special needs housing and shall use concurrent criteria of the Canadian Mortgage and Housing Corporation (CMHC) and data of Statistics Canada to define housing affordability.

- ii. Renumber all subsequent sections and subsections accordingly.

PART C – ADOPTION

READ A FIRST TIME this 12th DAY OF OCTOBER 2017

PURSUANT TO SECTION 475 OF THE *LOCAL GOVERNMENT ACT* CONSULTATION REQUIREMENTS CONSIDERED this 12th DAY OF OCTOBER 2017

READ A SECOND TIME this 28th DAY OF JUNE 2018

CONSIDERED IN CONJUNCTION WITH THE SUNSHINE COAST REGIONAL DISTRICT FINANCIAL PLAN AND ANY APPLICABLE WASTE MANAGEMENT PLANS PURSUANT TO THE *LOCAL GOVERNMENT ACT* this 28th DAY OF JUNE 2018

PUBLIC HEARING HELD PURSUANT TO THE *LOCAL GOVERNMENT ACT* this 23th DAY OF JULY 2018

READ A THIRD TIME this

DAY OF

MONTH

YEAR

ADOPTED this

DAY OF

MONTH

YEAR

Corporate Officer

Chair

**Attachment D Revised Roberts Creek Official Community Plan Amendment Bylaw
641.8 for Third Reading**

SUNSHINE COAST REGIONAL DISTRICT

BYLAW NO. 641.8

A bylaw to amend the *Roberts Creek Official Community Plan Bylaw No. 641, 2011*

The Board of Directors of the Sunshine Coast Regional District, in open meeting assembled, enacts as follows:

PART A – CITATION

1. This bylaw may be cited as *Roberts Creek Official Community Plan Amendment Bylaw No. 641.8, 2017*.

PART B – AMENDMENT

2. *Roberts Creek Official Community Plan Bylaw No. 641, 2011* is hereby amended as follows:

- i. Delete the following portion of Section 17.9.i:

“ Proposals to increase residential development density beyond that established in the OCP may be supported where the additional development capacity is to provide:

- a) Affordable housing; and/or
 - b) Special needs housing

subject to consultation with local residents through an OCP and rezoning amendment application process with public information meeting(s). Specific design criteria may be established and if so the site should be included within a development permit area for Form and Character, such as DPA 6. Cluster housing will be encouraged to minimize land use. ”

- ii. Insert the following section immediately following Section 17:

18. Densification Strategies to Support Affordable Housing

Densification is vital to increasing housing supply and providing diverse housing choices. Densification can create land use opportunities and favourable conditions for developing affordable housing through a number of strategies including residential infill, cluster and mixed-use development and density bonus in appropriate areas. The intent of these

strategies is to provide a set of criteria for evaluating densification proposals and tools to support and secure contribution to affordable housing.

18.1 Objectives

- a. Increase the supply of housing units through infill development on existing eligible parcels.
- b. Direct cluster housing, multi-unit and mixed-use development to the Village Amenity / Density Bonus Area and similar settlement cluster areas.
- c. Integrate housing development with the rural context.
- d. Use density bonus in appropriate areas to encourage density increase and affordable housing contribution.
- e. Use housing agreements to secure affordable housing.

18.2 Policies

- a. Infill development of auxiliary dwellings, duplexes and second dwellings shall be encouraged on existing eligible parcels in accordance with zoning bylaw parcel size requirements. To fully utilize the infill potential of such parcels, the existing minimum parcel size requirements to qualify for multiple dwellings on a parcel, as defined in the zoning bylaw, shall be reflective of the residential or rural residential designation.
- b. Subdivision creating lots smaller than 1000 m², cluster residential development such as townhouse and multi-unit building and mixed-use development that combines residential use with commercial, retail, service and office uses are encouraged to be located in the Village Amenity / Density Bonus Area or similar settlement cluster areas.

Developments exceeding density limits of the Official Plan and or the zoning bylaw are encouraged in these areas, subject to amendments to the Official Community Plan and or the zoning bylaw and all of the following criteria:

- i. Water supply, solid waste collection, storm water management, sewage treatment facility, traffic circulation and provision of or access to community amenities can all be appropriately provided and the development design is compatible with the surrounding neighbourhoods; and
 - ii. With the exception of any other applicable density increase policies of this Plan, a contribution to affordable or special needs housing must be made in the form of housing unit, land, money or other types of provision and registered with a housing agreement in accordance with the *Local Government Act* and approved by the Regional District Board.
- c. Developments exceeding established density limits of the Official Community Plan and or the zoning bylaw and creating a total of 3 lots or less, may be considered through an amendment to the Official Community Plan and / or the zoning bylaw for areas designated Residential outside of village hubs or similar settlement cluster areas where water supply, solid waste collection, storm water management, sewage treatment facility, regional fire protection, traffic circulation and convenient access to major roads

and community amenities can all be appropriately provided and the development design is compatible with the surrounding rural environment.

- d. Developments exceeding established density limits of the Official Community Plan and or the zoning bylaw and creating a total of more than 3 lots, may be considered through an amendment to the Official Community Plan and / or the zoning bylaw for areas designated Residential outside of village hubs or similar settlement cluster areas, subject to all of the following criteria:
 - i. Water supply, solid waste collection, storm water management, sewage treatment facility, regional fire protection, traffic circulation and convenient access to major roads and community amenities can all be appropriately provided and the development design is compatible with the surrounding rural environment; and
 - ii. A contribution to affordable or special needs housing must be made in the form of housing unit, land, money or other types of provision and registered with a housing agreement in accordance with the *Local Government Act* and approved by the Regional District Board.
- e. Affordable or higher-density housing shall be developed in a way that integrates with the rural communities and strengthens community identity and character. This can be achieved by creating developments that are complementary to the scale, layout, architectural design, landscaping and view of neighbouring properties and the surrounding natural environment. Specific design criteria may be imposed by establishing a development permit area for form and character for a development site.
- f. Housing agreements pursuant to the *Local Government Act* shall be used wherever applicable to secure the provision of affordable housing in appropriate areas and the long term affordability of housing.

A housing agreement shall determine the terms, conditions and forms of provision or contribution of designated affordable or special needs housing and shall use concurrent criteria of the Canadian Mortgage and Housing Corporation (CMHC) and data of Statistics Canada to define housing affordability.

- ii Renumber all subsequent sections and subsections accordingly.

PART C – ADOPTION

READ A FIRST TIME this

12th DAY OF OCTOBER 2017

PURSUANT TO SECTION 475 OF THE *LOCAL
GOVERNMENT ACT* CONSULTATION
REQUIREMENTS CONSIDERED this

12th DAY OF OCTOBER 2017

READ A SECOND TIME this 28th DAY OF JUNE 2018

CONSIDERED IN CONJUNCTION WITH THE
SUNSHINE COAST REGIONAL DISTRICT
FINANCIAL PLAN AND ANY APPLICABLE WASTE
MANAGEMENT PLANS PURSUANT TO
THE *LOCAL GOVERNMENT ACT* this 28th DAY OF JUNE 2018

PUBLIC HEARING HELD PURSUANT TO
THE *LOCAL GOVERNMENT ACT* this 23th DAY OF JULY 2018

READ A THIRD TIME this DAY OF MONTH YEAR

ADOPTED this DAY OF MONTH YEAR

Corporate Officer

Chair

**Attachment E Revised Elphinstone Official Community Plan Amendment Bylaw 600.7
for Third Reading**

SUNSHINE COAST REGIONAL DISTRICT

BYLAW NO. 600.8

A bylaw to amend the *Elphinstone Official Community Plan Bylaw No. 600, 2007*

The Board of Directors of the Sunshine Coast Regional District, in open meeting assembled, enacts as follows:

PART A – CITATION

1. This bylaw may be cited as *Elphinstone Official Community Plan Amendment Bylaw No. 600.8, 2017*.

PART B – AMENDMENT

2. *Elphinstone Official Community Plan Bylaw No. 600, 2007* is hereby amended as follows:

Insert the following section immediately following Section B-9:

B-10 Densification Strategies to Support Affordable Housing

Densification is vital to increasing housing supply and providing diverse housing choices. Densification can create land use opportunities and favourable conditions for developing affordable housing through a number of strategies including residential infill, cluster and mixed-use development and density bonus in appropriate areas. The intent of these strategies is to provide a set of criteria for evaluating densification proposals and tools to support and secure contribution to affordable housing.

B-10.1 Objectives

- a. Increase the supply of housing units through infill development on existing eligible parcels.
- b. Direct cluster housing, multi-unit and mixed-use development to the Comprehensive Development Cluster Housing Areas and similar settlement cluster areas.
- c. Integrate housing development with the rural context.

- d. Use density bonus in appropriate areas to encourage density increase and affordable housing contribution.
- e. Use housing agreements to secure affordable housing.

B-10.2 Policies

- a. Infill development of auxiliary dwellings, duplexes and second dwellings shall be encouraged on existing eligible parcels in accordance with zoning bylaw parcel size requirements. To fully utilize the infill potential of such parcels, the existing minimum parcel size requirements to qualify for multiple dwellings on a parcel, as defined in the zoning bylaw, shall be reflective of the residential or rural residential designation.
- b. Subdivision creating lots smaller than 1000 m², cluster residential development such as townhouse and multi-unit building and mixed-use development that combines residential use with commercial, retail, service and office uses are encouraged to be located in the Comprehensive Development Cluster Housing Areas or similar settlement cluster areas.

Developments exceeding density limits of the Official Plan and or the zoning bylaw are encouraged in these areas, subject to amendments to the Official Community Plan and or the zoning bylaw and all of the following criteria:

- i. Water supply, solid waste collection, storm water management, sewage treatment facility, traffic circulation and provision of or access to community amenities can all be appropriately provided and the development design is compatible with the surrounding neighbourhoods; and
 - ii. With the exception of any other applicable density increase policies of this Plan, a contribution to affordable or special needs housing must be made in the form of housing unit, land, money or other types of provision and registered with a housing agreement in accordance with the *Local Government Act* and approved by the Regional District Board.
- c. Developments exceeding established density limits of the Official Community Plan and or the zoning bylaw and creating a total of 3 lots or less, may be considered through an amendment to the Official Community Plan and / or the zoning bylaw for areas designated Residential outside of village hubs or similar settlement cluster areas where water supply, solid waste collection, storm water management, sewage treatment facility, regional fire protection, traffic circulation and convenient access to major roads and community amenities can all be appropriately provided and the development design is compatible with the surrounding rural environment.
- d. Developments exceeding established density limits of the Official Community Plan and or the zoning bylaw and creating a total of more than 3 lots, may be considered through an amendment to the Official Community Plan and / or the zoning bylaw for areas designated Residential outside of village hubs or similar settlement cluster areas, subject to all of the following criteria:
 - i. Water supply, solid waste collection, storm water management, sewage treatment facility, regional fire protection, traffic circulation and convenient access to major roads and community amenities can all be appropriately provided and the development design is compatible with the surrounding rural environment; and

- ii. A contribution to affordable or special needs housing must be made in the form of housing unit, land, money or other types of provision and registered with a housing agreement in accordance with the *Local Government Act* and approved by the Regional District Board.
- e. Affordable or higher-density housing shall be developed in a way that integrates with the rural communities and strengthens community identity and character. This can be achieved by creating developments that are complementary to the scale, layout, architectural design, landscaping and view of neighbouring properties and the surrounding natural environment. Specific design criteria may be imposed by establishing a development permit area for form and character for a development site.
- f. Housing agreements pursuant to the *Local Government Act* shall be used wherever applicable to secure the provision of affordable housing in appropriate areas and the long term affordability of housing.

A housing agreement shall determine the terms, conditions and forms of provision or contribution of designated affordable or special needs housing and shall use concurrent criteria of the Canadian Mortgage and Housing Corporation (CMHC) and data of Statistics Canada to define housing affordability.

- ii Renumber all subsequent sections and subsections accordingly.

PART C – ADOPTION

READ A FIRST TIME this 12th DAY OF OCTOBER 2017

PURSUANT TO SECTION 475 OF THE *LOCAL GOVERNMENT ACT* CONSULTATION REQUIREMENTS CONSIDERED this 12th DAY OF OCTOBER 2017

READ A SECOND TIME this 28th DAY OF JUNE 2018

CONSIDERED IN CONJUNCTION WITH THE SUNSHINE COAST REGIONAL DISTRICT FINANCIAL PLAN AND ANY APPLICABLE WASTE MANAGEMENT PLANS PURSUANT TO THE *LOCAL GOVERNMENT ACT* this 28th DAY OF JUNE 2018

PUBLIC HEARING HELD PURSUANT TO THE *LOCAL GOVERNMENT ACT* this 23th DAY OF JULY 2018

READ A THIRD TIME this

DAY OF

MONTH

YEAR

ADOPTED this

DAY OF

MONTH

YEAR

Corporate Officer

Chair

**Attachment F Revised West Howe Sound Official Community Plan Amendment Bylaw
640.2 for Third Reading**

SUNSHINE COAST REGIONAL DISTRICT

BYLAW NO. 640.2

A bylaw to amend the *West Howe Sound Official Community Plan Bylaw No. 640, 2011*

The Board of Directors of the Sunshine Coast Regional District, in open meeting assembled, enacts as follows:

PART A – CITATION

1. This bylaw may be cited as *West Howe Sound Official Community Plan Amendment Bylaw No. 640.2, 2017*.

PART B – AMENDMENT

2. *West Howe Sound Official Community Plan Bylaw No. 640, 2011* is hereby amended as follows:

- i. Insert the following section immediately following Section 6:

7. Densification Strategies to Support Affordable Housing

Densification is vital to increasing housing supply and providing diverse housing choices. Densification can create land use opportunities and favourable conditions for developing affordable housing through a number of strategies including residential infill, cluster and mixed-use development and density bonus in appropriate areas. The intent of these strategies is to provide a set of criteria for evaluating densification proposals and tools to support and secure contribution to affordable housing.

7.1 Objectives

- a. Increase the supply of housing units through infill development on existing eligible parcels.
 - b. Direct cluster housing, multi-unit and mixed-use development to the Langdale Neighbourhood Village Centre and similar settlement cluster areas.
 - c. Integrate housing development with the rural context.

- d. Use density bonus in appropriate areas to encourage density increase and affordable housing contribution.
- e. Use housing agreements to secure affordable housing.

7.2 Policies

- a. Infill development of auxiliary dwellings, duplexes and second dwellings shall be encouraged on existing eligible parcels in accordance with zoning bylaw parcel size requirements. To fully utilize the infill potential of such parcels, the existing minimum parcel size requirements to qualify for multiple dwellings on a parcel, as defined in the zoning bylaw, shall be reflective of the residential or rural residential designation.
- b. Subdivision creating lots smaller than 1000 m², cluster residential development such as townhouse and multi-unit building and mixed-use development that combines residential use with commercial, retail, service and office uses are encouraged to be located in the Langdale Neighbourhood Village Centre or similar settlement cluster areas.

Developments exceeding density limits of the Official Plan and or the zoning bylaw are encouraged in these areas, subject to amendments to the Official Community Plan and or the zoning bylaw and all of the following criteria:

- i. Water supply, solid waste collection, storm water management, sewage treatment facility, traffic circulation and provision of or access to community amenities can all be appropriately provided and the development design is compatible with the surrounding neighbourhoods; and
 - ii. With the exception of any other applicable density increase policies of this Plan, a contribution to affordable or special needs housing must be made in the form of housing unit, land, money or other types of provision and registered with a housing agreement in accordance with the *Local Government Act* and approved by the Regional District Board.
- c. Developments exceeding established density limits of the Official Community Plan and or the zoning bylaw and creating a total of 3 lots or less, may be considered through an amendment to the Official Community Plan and / or the zoning bylaw for areas designated Residential outside of village hubs or similar settlement cluster areas where water supply, solid waste collection, storm water management, sewage treatment facility, regional fire protection, traffic circulation and convenient access to major roads and community amenities can all be appropriately provided and the development design is compatible with the surrounding rural environment.
 - d. Developments exceeding established density limits of the Official Community Plan and or the zoning bylaw and creating a total of more than 3 lots, may be considered through an amendment to the Official Community Plan and / or the zoning bylaw for areas designated Residential outside of village hubs or similar settlement cluster areas, subject to all of the following criteria:
 - i. Water supply, solid waste collection, storm water management, sewage treatment facility, regional fire protection, traffic circulation and convenient access to major roads and community amenities can all be appropriately provided and the development design is compatible with the surrounding rural environment; and

- ii. A contribution to affordable or special needs housing must be made in the form of housing unit, land, money or other types of provision and registered with a housing agreement in accordance with the *Local Government Act* and approved by the Regional District Board.
- e. Affordable or higher-density housing shall be developed in a way that integrates with the rural communities and strengthens community identity and character. This can be achieved by creating developments that are complementary to the scale, layout, architectural design, landscaping and view of neighbouring properties and the surrounding natural environment. Specific design criteria may be imposed by establishing a development permit area for form and character for a development site.
- f. Housing agreements pursuant to the *Local Government Act* shall be used wherever applicable to secure the provision of affordable housing in appropriate areas and the long term affordability of housing.

A housing agreement shall determine the terms, conditions and forms of provision or contribution of designated affordable or special needs housing and shall use concurrent criteria of the Canadian Mortgage and Housing Corporation (CMHC) and data of Statistics Canada to define housing affordability.

- ii Renumber all subsequent sections and subsections accordingly.

PART C – ADOPTION

READ A FIRST TIME this 12th DAY OF OCTOBER 2017

PURSUANT TO SECTION 475 OF THE *LOCAL
GOVERNMENT ACT* CONSULTATION
REQUIREMENTS CONSIDERED this

12th DAY OF OCTOBER 2017

READ A SECOND TIME this

28th DAY OF JUNE 2018

CONSIDERED IN CONJUNCTION WITH THE
SUNSHINE COAST REGIONAL DISTRICT
FINANCIAL PLAN AND ANY APPLICABLE WASTE
MANAGEMENT PLANS PURSUANT TO
THE *LOCAL GOVERNMENT ACT* this

28th DAY OF JUNE 2018

PUBLIC HEARING HELD PURSUANT TO
THE *LOCAL GOVERNMENT ACT* this

23th DAY OF JULY 2018

READ A THIRD TIME this

DAY OF MONTH YEAR

ADOPTED this

DAY OF MONTH YEAR

Corporate Officer

Chair

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Planning and Community Development Committee – September 6, 2018

AUTHOR: Andrew Allen, Manager, Planning and Development

SUBJECT: APPROACH TO CANNABIS LEGALIZATION

RECOMMENDATIONS

THAT the report titled **Approach to Cannabis Legalization** be received;

AND THAT Zoning Amendment Bylaw Nos. 310.183 and 337.117 be forwarded to the Regular Board meeting of September 6, 2018 for First Reading and Second Reading;

AND THAT public hearings be waived pursuant to Section 464 of the *Local Government Act*;

AND THAT Zoning Amendment Bylaw Nos. 310.183 and 337.117 be forwarded to the Ministry of Transportation and Infrastructure for approval, pursuant to Section 52 of the *Transportation Act*;

AND THAT upon completion of notice of waiving public hearing and *Transportation Act* approval, Zoning Amendment Bylaw Nos. 310.183 and 337.117 be forwarded to the Board for Third Reading and Adoption;

AND FURTHER THAT Procedures and Fees Bylaw No. 522 be amended to establish fees for:

- a) \$4,275, where an application is made to rezone property where cannabis production or retail is proposed to occur, and;
 - b) \$3,275, for review and response to a retail cannabis license application in a permitted zone.
-

BACKGROUND

The SCRD Board adopted the following recommendation on July 26, 2018:

237/18 **Recommendation No. 10** *Cannabis Legalization – Bylaw Amendments*

The Infrastructure Services Committee recommended that the report titled Cannabis Legalization – Bylaw Amendments be received;

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

RESOLVED 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 amend Bylaw 310 and Bylaw 337 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 the main motion;

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

DISCUSSION

Process for Adoption of Zoning Bylaw Amendments Prior to Cannabis Act Implementation

The *Cannabis Act*, and in particular legalization of non-medical cannabis is set to come into force on October 17, 2018. Pursuant to the Board resolution to adopt amendments to zoning bylaws prior to this date options are provided in this report. An expedited approach could include opting out of referrals to advisory committees, First Nations, and a public information meeting. Approval from Ministry of Transportation and Infrastructure (MOTI) is required pursuant to Section 52(3)(a) of the *Transportation Act* as the zoning bylaws affect areas within a radius of 800m from the intersection of a controlled access highway with any other highway. One part of expediting the bylaw amendment process involves the consideration of the public hearing. There are two options to consider; one is to waive the public hearing and the other is to hold a public hearing immediately before or after a Regular Board meeting.

Waiving of Public Hearing

Section 464 (2) of the *Local Government Act* permits waiving of a public hearing on a proposed zoning bylaw if an official community plan is in effect for the area that is subject to the zoning bylaw and the bylaw is consistent with the official community plan. Official community plans for the five electoral areas are currently in effect for the areas subject to the two zoning bylaws. The current zoning bylaws have a number of regulations pertaining to cannabis production. The proposed zoning amendment bylaws are intended to further regulate the production and retail of cannabis in residential and rural areas. The bylaws are not attempting to limit the general land use patterns as identified within land use designations of the OCP's, nor do OCP's provide specific direction on production and retailing of cannabis. The previous bylaw amendments which established the production facilities within select zones in each bylaw were also previously considered to be consistent with the respective OCP's. Therefore, the proposed bylaws are consistent with the general intent of the OCPs, and Section 464 (2) is applicable.

Public Hearing in Association with Board Meeting

The other option is to hold a public hearing in conjunction with a board meeting. The Board can hold a public hearing prior to its regular meeting and without further notice adopt or defeat or recommend changes which do not alter the use or density. If the public hearing is a delegated hearing then either staff or one of the delegated Board members can provide a report to the remainder of the Board. This is not routine SCRD practice, however the procedure is outlined within Section 470 of the *Local Government Act*. There are certain conditions to consider, including the specific start time of the public hearing and its relation to other previously scheduled board and committee meetings and whether the public hearing will be delegated or convened by the Board as whole.

There are factors to consider in the decision to either hold or waive the public hearing. Holding a public hearing can be seen as increasing the accountability of the decision making process. However, if the intent is to “close the door” on cannabis production and retail on an interim basis, and open it again later, it is then during the process of “re-opening of the door” where public participation will occur and be most effective.

Section 467 of *Local Government Act* requires an advertisement in two consecutive newspapers to indicate that a public hearing will be held or waived, and the last publication must not be less than 3 days and not more than 10 days before the bylaw is given third reading.

Proposed Zoning Bylaw Amendments

Current Provisions Pertaining to Cannabis Production or Retail

In both zoning bylaws, “marihuana production facility” is defined as a facility used for the cultivation, processing, testing, destruction, packaging and shipping of marihuana as permitted under federal legislation. The definition does not distinguish between medical and non-medical purposes, or define the scale of production. At the time of the bylaw amendments the Board chose not to distinguish a difference between medical and non-medical as the regulatory regime was continually evolving. Initial bylaw amendments were focused on medical production, however it was recognized that non-medical production was also a potential future issue.

Currently within Zoning Bylaw No. 310, cannabis production is permitted within I7 zone, specific parcels within I1 and I5B zones and AG and RU2 zones only for parcels exceeding 8 hectares in size. In Zoning Bylaw No. 337, cannabis production is permitted in RU2 and RU3 zones for parcels exceeding 8 hectares only. However, in terms of production, cannabis may potentially be considered by a property owner as part of a horticulture operation, which is permitted in all zones in both bylaws. It may also be considered to be part of a home based business or home occupation which is permitted in all zones in Bylaw 337 and most zones in Bylaw 310. It can also potentially be argued to be a part of an agriculture or garden nursery operation which is permitted in several rural zones.

“Retail” is not defined in either bylaw, therefore according to zoning language a retail facility can include the sale of cannabis. Retail is permitted in various zones in both bylaws. The retailing of cannabis can also potentially be part of horticultural, agricultural or garden nursery product sales.

Terminology in the bylaws that may relate in some way to cannabis production or retail include the definitions for “horticulture”, “greenhouse”, “garden nursery”, “agriculture”, “agricultural building”, “agricultural product sales”, “horticultural product sales”, “home occupation” and “home based business”.

Recommended Amendments

Based on the above overview of current provisions in the zoning bylaws, to implement the Board’s motion to prohibit non-medical cannabis production and retail in residential and rural zones, a number of zoning amendments are recommended. The proposed amendment bylaws can be found in Attachments A and B to this report.

To reflect the terminology for “cannabis” which is used in federal and provincial legislation, the words “marihuana” and “marijuana” in both bylaws should be replaced by “cannabis”. There is one reference in the I5B zone in Bylaw 310, which refers to “medical marihuana” in respect to building siting. It is also recommended this be amended to refer to cannabis.

To distinguish between medical and non-medical (commercial or recreational) cannabis, definitions should be added for both terms:

- Cannabis, medical means cannabis used for medical purposes and that has the authorization of healthcare practitioners under the *Access to Cannabis for Medical Purposes Regulations* or *Cannabis Act*.
- Cannabis, non-medical means cannabis that is not used for medical purposes and does not have the authorization of healthcare practitioners under the *Access to Cannabis for Medical Purposes Regulations* or *Cannabis Act*.

In the respective general use provisions sections of each bylaw, a new provision could be added to prohibit cannabis production and retail for non-medical purposes in all residential and rural zones. This is a broad provision to set the overall regulation for non-medical cannabis production and retail in terms of where it is not permitted.

To prevent cannabis production or retail being interpreted as part of other permitted uses in these zones, such as horticulture, home occupation, garden nursery, parcels over 8 hectares in a RU2 zone, etc., an additional provision should also be added that states that non-medical cannabis production or retail being part of other permitted uses in these zones should also be prohibited. This additional provision will override any existing provisions and definitions that may be interpreted as permitting cannabis production or retail. With this additional provision in place, it is unnecessary to amend other definitions such as “home occupation” and “horticulture”.

Public Participation: Short-Term Management of Cannabis Production and Retail Opportunities

Following adoption of the proposed bylaw amendments, SCRD may receive an application to amend the provisions of a residential or rural zone to add cannabis production or retail as a permitted use through a rezoning process.

In such cases, if an application is received, the legislated processes for zoning bylaw amendment (and, if required, an official community plan bylaw amendment) would be enacted. This would entail a report to the SCRD Board, referral to advisory committees, external agencies, a public information meeting and a public hearing. This process would fulfill the requirements set by Liquor and Cannabis Regulation Branch (LCRB) for gathering residents' views. Based on the anticipated level of attention attracted by such an application and the additional time required for correspondence with LCRB, staff recommend that a fee of \$4,275 be established for rezoning and/or official community plan amendment applications involving cannabis. The current rezoning application fee is \$2,400 (or \$2,900 if joint with an OCP amendment). Bylaw amendment fees have not increased in several years and staffing, advertising and venue booking fees have steadily increased. Consideration will be given to all fees identified within Procedures and Fees Bylaw No. 522, however it is anticipated that cannabis-related bylaw amendments will involve more staff time than an average application. This fee increase assumes an additional 15 hours of professional planning time and an additional 5 hours of administrative time beyond an average rezoning application. This is consistent with similar jurisdictions.

SCRD could also receive a notice of application as a referral from LCRB related to a provincial retail license to sell cannabis in a commercial zone, where it would be a permitted use. Upon receiving a notice of application, staff recommend that a report be made to the Board for direction on whether to respond. Non-response would "end a license application in progress because the LCRB cannot issue a license unless the local government gives the LCRB a positive recommendation that the license be issued" (Source: [Local Governments' Role in Licensing Non-Medical Cannabis Retail Stores](#), Province of BC website).

Should the Board direct staff to proceed with responding to the notice of application, a public participation process to gather residents' views will be required. This can be accomplished through a zoning bylaw amendment, if applicable. However, if the zoning does not need to be changed there should still be a process to gather community input. Staff recommend that a public information meeting be conducted, which includes elements similar to a public hearing, such as notification and the opportunity to receive written comments. Acknowledging that the time and resources required for such a process would be similar to a rezoning process involving cannabis with the exception of the formal public hearing, staff recommend that a fee of \$3,275 be levied for review of an application for a provincial cannabis retail license. This fee reflects the cost of a similar work flow, minus public hearing advertising costs.

Public Participation: Planning for Future Cannabis Production and Retail Opportunities

An opportunity exists to integrate a public feedback opportunity for cannabis production and retail zones within the review of Zoning Bylaw 310. As the second, broad-reaching public participation phase for this project will be initiated in Q4 2018, this integration can be accomplished seamlessly. A need to plan for legalized cannabis has already been identified during Phase 1.

Example opportunities include:

- Within the home-based business focus area, specific questions related to zoning for home-based businesses involving cannabis production and sales can be posed.
- Questions relating to retail in commercial areas (e.g. how many stores? Distances from other uses?) can be posed.

Results from this work can be considered in the context of further provincial regulations such as the rural retail licensing framework, once released. Feedback received will be analyzed and can guide recommendations for possible further topic-based and/or area-based public participation. Consideration will be made of the differences between Bylaw 310 and Bylaw 337 and that Bylaw 310 is presently under review whereas Bylaw 337 is not.

Staff will report as directed to a future Committee with analysis and recommendations.

Organizational and Intergovernmental Implications

The bylaws must be referred to the Ministry of Transportation and Infrastructure. Ministry approval is required prior to adoption of the bylaws.

The proposed approach for the bylaw amendments has been reviewed by SCRD legal counsel.

Financial Implications

Fees for rezoning applications involving cannabis uses and for review of a retail cannabis license application are proposed. Demand on staff resources and other further financial implications will be monitored.

Timeline for next steps or estimated completion date

In order to meet the tight timeline for enacting the bylaws, it is recommended the bylaws be forwarded to the September 6, 2018 regular Board meeting for first and second readings, followed by referral to MOTI and advertising for waiving of a public hearing. Upon completion of advertising and MOTI approval the bylaws will be forwarded to the Board for third reading and adoption. Subject to receiving a timely response from MOTI, the bylaws may be adopted at the October 11, 2018 Regular Board meeting.

Further analysis on planning for future cannabis and production retail opportunities is anticipated to be brought forward in early part of 2019 as the review of Zoning Bylaw 310 continues and as the provincial government continues to establish the rural area regulatory framework.

Communications Strategy

The advertising for waiving of the public hearing will be published in a local newspaper, and information related to the bylaws and the waiving of public hearing will be posted on the SCRD website.

STRATEGIC PLAN AND RELATED POLICIES

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

- Incorporate land use planning and policies to support local economic development.

CONCLUSION

In preparation for cannabis legalization in October 2018, this report provides an approach on how SCRD regulations and processes can respond to the new legislation.

This report recommends zoning bylaw amendments to further regulate cannabis production and retail in residential and rural areas, and provide public participation strategies for short-term management and future planning for cannabis production and retail. Necessary procedures to enact the bylaws within timeline prior to the cannabis legalization are also recommended.

Fees for planning services related to cannabis-related land use applications/referrals are proposed.

Attachments

Attachment A – Proposed Zoning Amendment Bylaw 310.183, 2018

Attachment B – Proposed Zoning Amendment Bylaw 337.117, 2018

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

**SUNSHINE COAST REGIONAL DISTRICT
BYLAW NO. 310.183**

A bylaw to amend *Sunshine Coast Regional District Zoning Bylaw No. 310, 1987*.

The Board of Directors of the Sunshine Coast Regional District, in open meeting assembled, enacts as follows:

PART A – CITATION

1. This bylaw may be cited as *Sunshine Coast Regional District Zoning Bylaw No. 310.183, 2018*

PART B – AMENDMENT

2. *Sunshine Coast Regional District Zoning Bylaw No. 310, 1987* is hereby amended as follows:
 - i. Replace the words “marijuana”, “marihuana” and “medical marihuana” with “cannabis” throughout this bylaw.
 - ii. Add the following new definitions in Section 201:
 - a. “cannabis, medical” means cannabis used for medical purposes and has the authorization of healthcare practitioners under the *Access to Cannabis for Medical Purposes Regulations* or *Cannabis Act*;
 - b. “cannabis, non-medical” means cannabis that is not used for medical purposes and does not have the authorization of healthcare practitioners under the *Access to Cannabis for Medical Purposes Regulations* or *Cannabis Act*;
 - iii. Insert the following new section immediately following Section 510:

Non-medical Cannabis Production and Retail

511 Notwithstanding any other provisions of this bylaw:

- (1) Non-medical cannabis production facilities and retail are prohibited in:
 - (a) Residential Zones including R1, R1A, R2, R2A, RM1, RM2, RM3, CD1 and CD3 Zones; and
 - (b) Rural Zones including CR1, CR2, RU1, RU1A, RU1B, RU1C, RU1D, RU2, RU2A, AG, RU4, RU4A, RU4B, RU5 and RU5A Zones.

(2) For certainty, non-medical cannabis production facilities and retail are not permitted within any use permitted within the following zones:

- (a) Residential Zones including R1, R1A, R2, R2A, RM1, RM2, RM3, CD1 and CD3 Zones; and
- (b) Rural Zones including CR1, CR2, RU1, RU1A, RU1B, RU1C, RU1D, RU2, RU2A, AG, RU4, RU4A, RU4B, RU5 and RU5A Zones.

PART C – ADOPTION

READ A FIRST TIME this	####	DAY OF MONTH ,	YEAR
READ A SECOND TIME this	####	DAY OF MONTH ,	YEAR
PUBLIC HEARING HELD PURSUANT TO THE LOCAL GOVERNMENT ACT this	####	DAY OF MONTH ,	YEAR
READ A THIRD TIME this	####	DAY OF MONTH ,	YEAR
APPROVED PURSUANT TO SECTION 52 OF THE <i>TRANSPORTATION ACT</i> this	####	DAY OF MONTH ,	YEAR
ADOPTED this	####	DAY OF MONTH ,	YEAR

Corporate Officer

Chair

**SUNSHINE COAST REGIONAL DISTRICT
BYLAW NO. 337.117**

A bylaw to amend *Sunshine Coast Regional District Area A Zoning Bylaw No. 337, 1990*.

The Board of Directors of the Sunshine Coast Regional District, in open meeting assembled, enacts as follows:

PART A – CITATION

1. This bylaw may be cited as *Sunshine Coast Regional District Area A Zoning Bylaw No. 337.117, 2018*.

PART B – AMENDMENT

2. *Sunshine Coast Regional District Area A Zoning Bylaw No. 337, 1990* is hereby amended as follows:
 - i. Replace the words “marijuana” and “marihuana” with “cannabis” throughout this bylaw.
 - ii. Add the following new definitions in Section 201:
 - a. “cannabis, medical” means cannabis used for medical purposes and that has the authorization of healthcare practitioners under the *Access to Cannabis for Medical Purposes Regulations* or *Cannabis Act*;
 - b. “cannabis, non-medical” means cannabis that is not used for medical purposes and does not have the authorization of healthcare practitioners under the *Access to Cannabis for Medical Purposes Regulations* or *Cannabis Act*;
 - iii. Insert the following new section immediately following Section 519:

Non-medical Cannabis Production and Retail

520 Notwithstanding any other provisions of this bylaw:

- (1) Non-medical cannabis production and retail are prohibited in:
 - (a) Residential Zones including RS1, R1, R1A, R1B, R2, R2A, R3, R3A, R3B, R3C, RM1, RM2, RM3, CD1, CD2, CD3 and CD5 Zones; and
 - (b) Rural Zones including CR1, RU1, RU1A, RU1B, RU1C, RU1D, RU2, RU2A, RU3, RU4 and RU5 Zones.

- (2) For certainty, non-medical cannabis production facilities and retail are not permitted within any use permitted within the following zones:
- (a) Residential Zones including RS1, R1, R1A, R1B, R2, R2A, R3, R3A, R3B, R3C, RM1, RM2, RM3, CD1, CD2, CD3 and CD5 Zones; and
 - (b) Rural Zones including CR1, RU1, RU1A, RU1B, RU1C, RU1D, RU2, RU2A, RU3, RU4 and RU5 Zones.

PART C – ADOPTION

READ A FIRST TIME this ##### DAY OF MONTH, YEAR

READ A SECOND TIME this ##### DAY OF MONTH, YEAR

PUBLIC HEARING HELD PURSUANT TO THE
LOCAL GOVERNMENT ACT this ##### DAY OF MONTH, YEAR

READ A THIRD TIME this ##### DAY OF MONTH, YEAR

APPROVED PURSUANT TO SECTION 52 OF
THE *TRANSPORTATION ACT* this #### DAY OF MONTH, YEAR

ADOPTED this ##### DAY OF MONTH , YEAR

Corporate Officer

Chair

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Planning and Community Development Committee – September 6, 2018

AUTHOR: Yuli Siao, Senior Planner

SUBJECT: POTENTIAL FOR A TEMPORARY MOVABLE SMALL HOME PILOT PROJECT IN RURAL AREAS

RECOMMENDATION(S)

THAT the report titled Potential for a Temporary Movable Small Home Pilot Project in Rural Areas be received;

AND THAT a report be provided to the Committee in Q1 2019 with regard to:

- a) a pilot project plan to implement temporary use permits for temporary small movable homes, proposed to have a duration of three years, focus on auxiliary dwellings, and include a cap of 20 permits per electoral area per year reviewed annually;
- b) amendments to Zoning Bylaw Nos. 310 and 337 and Procedure and Fees Bylaw No. 522;

AND FURTHER THAT this report be referred to SCRD Advisory Planning Commissions and Vancouver Coastal Health for comment.

BACKGROUND

The SCRD Board adopted the following recommendation on February 22, 2018:

075/18 **Recommendation No. 2** *Temporary Housing Pilot Project Delegation*

THAT staff report to a Planning and Community Development Committee meeting in Q3 2018 with regards to the potential for a Temporary Movable Small Home Pilot Project in Rural Areas.

This report analyzes different aspects of this proposal and potential impacts on the SCRD's land use planning, service and operation, and recommends an approach to implement the proposed pilot project to be further developed for implementation.

DISCUSSION

A proposal for a temporary housing pilot project was presented to the Board through a delegation on February 8, 2018 (Attachment A). The proponent requested the SCRD to consider a pilot project for issuing temporary use permits for small movable homes as secondary dwellings on residential parcels. This type of home could include recreational vehicles (RV), mobile homes, small, movable and habitable structures known as tiny homes, or other similar structures.

The intent of the pilot project as proposed is to:

- provide an option to help address the affordable housing challenge on the Sunshine Coast;
- test the feasibility and impact of this type of housing on rural areas;
- obtain feedback from the community; and
- help to shape possible permanent policies and regulations.

In response to this proposal, the following sections provide an overview of potential implications of such a project on SCRD's policies, regulations, services and operations and a potential strategy to implement the project.

Potential to Provide Affordable Housing

This proposal arose from the urgent need for affordable housing on the Sunshine Coast. It is one of many possible solutions to the housing challenges discussed in recent community consultations on housing, particularly within a series of public information meetings conducted by the SCRD regarding Official Community Plan (OCP) policies to support the development of affordable housing. A past staff report indicates that there are a substantial number of residential parcels eligible for building an additional dwelling. Secondary dwellings offer the potential to improve housing affordability for both home owners and renters. However, the cost to build a conventional dwelling can be high. A prefabricated tiny home, mobile home or recreational vehicle may be a more affordable solution. The cost of these small structures is substantially lower than a permanent dwelling, and they are movable and relatively easy to set up. They can provide a quick, inexpensive and temporary housing solution. The small, movable and low-cost nature of these structures also make them suitable for a pilot project to test whether or not this type of housing can be a viable solution for providing affordable housing, as well as its feasibility, acceptance in the community and impact on infrastructure and the rural environment.

Testing Potential Zoning Regulations

During the community consultation on policies to support affordable housing, the minimum dwelling building width (6m) required in some zones, such as the R1 zone was identified as one of the technical barriers for constructing smaller, more affordable houses, especially as auxiliary dwellings. Most tiny homes have a width less than 6m and therefore not permitted as a dwelling unless a development variance permit is granted. A pilot project for temporary infill tiny homes could allow this type of housing without a development variance permit, and can gather information on how it can integrate with the neighbourhood.

The focus of the pilot project is for the infill of an individual tiny home as an auxiliary dwelling on individual parcels, rather than cluster development of multiple tiny homes on a single parcel. Cluster housing development will require different zoning regulations and different criteria on layout, design, utility and infrastructure, and therefore is beyond the recommended scope of the project. Lessons from the pilot project may be applied to future cluster-style applications or research projects.

Building Bylaw Implications

SCRD Building Bylaw 687 allows the issuance of a building permit for a prefabricated small structure like a tiny home, as long as it is set on a permanent foundation, meets Building Code requirements, and complies with the zoning bylaw.

Bylaw 687 also allows issuing temporary building permits for temporary buildings or travel trailers (such as RVs) without a permanent foundation for a period of up to 12 months. Such permits may be renewed up to four times for a maximum of five years in total. The buildings and structures proposed by the pilot project are considered temporary buildings and therefore these provisions of Bylaw 687 can accommodate these structures if they also comply with any other applicable regulations of the Bylaw, the BC Building Code and the zoning bylaw.

Potential Implications for Infrastructure and Servicing

Where an auxiliary or secondary dwelling is permitted within the zoning bylaw, the type of building (either conventional built or prefabricated) for such a dwelling makes no significant difference in the dwelling's demand for water supply, drainage, sewage treatment, waste disposal, fire protection, electricity, transportation, and other utilities and services. Instead, the size and number of infill dwellings and the number of occupants will drive the demand for these services. If a tiny home pilot project generates a great number of temporary infill dwellings within a short period of time, then it may have an impact on servicing and infrastructure.

Potential Implications for Sewage Disposal and Drinking Water

Vancouver Coastal Health (VCH) provided a letter of support for the pilot project subject to a number of considerations. VCH recommends that a tie-in to an existing sewerage system with appropriate modifications for increase in capacity is the best solution in dealing with sewage disposal of the infill home. Where an on-site sewerage disposal system is inappropriate due to site conditions, VCH accepts installation of a holding tank on a case by case basis and subject to filing of a maintenance contract. Drinking water must be provided from either a permitted water system (e.g. SCRd water system) or a private well or surface water source with granted license for the use for the removable home or the entire property.

Potential Implications for SCRd Staff Resources

The small home pilot project will result in an increase in the issuance of temporary use permits and potentially bylaw compliance requests related to this type of housing in the community, and thus increase demand for SCRd staffing resource in processing permits, investigating complaints, enforcing conditions of the permits and monitoring the progress of the project.

Potential Implementation Strategy

Temporary Use Permit

A temporary use permit is a regulatory tool authorized by the *Local Government Act* to allow a use that is not permitted by a zoning bylaw on a temporary basis. A temporary use permit may specify the conditions under which the temporary use may be carried on. An official community plan or a zoning bylaw may designate areas where temporary uses may be allowed.

Based on the above analysis, there is a potential to apply temporary use permits as a tool to facilitate a pilot project.

In order for the project to proceed, Bylaws 310 and 337 must be amended to designate temporary use permit areas specifically for temporary small infill homes, and include specific terms and conditions for the use.

To ensure that the temporary dwellings meet the goals of the project and technical requirements, the following specific provisions for the temporary use permit may be considered:

- Create and define a brief and easily understood term specifically for temporary movable small homes that are proposed in the pilot project. The term “tiny home” is recommended, as it captures the essence of this type of structure and has been widely used and understood.
- Only one tiny home is permitted on a parcel where more than one dwelling is permitted and the tiny home counts towards the maximum total number of permitted dwellings.
- A width less than 6m for a tiny home is permitted.
- A building permit or a temporary building permit must have been granted for the tiny home.
- If the tiny home is to be placed within a development permit area, a development permit must have been granted for the tiny home.
- Approval from VCH must have been granted on sewerage system or holding tank and drinking water system.
- The tiny home must not be used for short-term vacation rental or tourist accommodation purposes.
- The tiny home should be intended to provide an affordable housing choice for property owners and renters.
- The tiny home must comply with all other applicable provisions of the zoning bylaw.
- A fee must be paid for processing the permit application regardless whether or not it will be approved.
- A deposit must be paid to incentivize the removal of the tiny home at the end of the permit term.

Procedures and Fees Bylaw

To implement temporary use permits, the Planning and Development Procedures and Fees Bylaw 522 is also recommended for amendment to include provisions for fees, deposits, application procedures and approval conditions. Staff would prepare recommended application fees as part of proposing bylaw amendments.

Monitoring

As discussed in above sections, monitoring is critical to this pilot project. Monitoring will be carried out, especially by the building, planning, bylaw enforcement and infrastructure divisions. Information will be gathered with respect to the allocation pattern of permits, demographics of participants, complaints, change in water usage, community feedback, and so forth. SCRD can also invite housing experts and stakeholders to participate in community consultation and monitoring efforts.

Managing the Scale

Staff recommend an incremental approach in implementing the project while carefully monitoring the impacts and public reception. The SCRD should establish a cap for the number of permits that can be issued. The project should begin with a small cap, such as 20 permits per electoral area per year. Based on the initial result of project monitoring and assessment of impact on SCRD infrastructure and servicing, the cap can be gradually adjusted. It is recommended that any pilot project be limited to a 3-year term. An annual report on the project should be provided to the Board for review and direction. At the end of the project term, based on monitoring result and feedback, the Board can terminate the project, or make further decisions on specific provisions and potential regulations for small movable homes.

Public Participation

The pilot project plan should be refined through a public participation process. This is recommended to include referrals Advisory Planning Commissions, the Sunshine Coast Housing Committee and Vancouver Coastal Health to refine project parameters. As part of the bylaw amendment process, referral of specific amendments to agencies and Advisory Planning Commissions would occur, and public information meeting(s) and public hearing(s) would take place related to amending the zoning bylaws.

Organizational and Intergovernmental Implications

If the pilot project is implemented, it may have implications for SCRD infrastructure and servicing, and on external agencies as discussed in this report. Staff will monitor the implications and include the results in project reporting.

Financial Implications

If the pilot project is implemented, it may have financial implications on SCRD infrastructure and servicing. These will be reviewed and reported annually.

Timeline for next steps or estimated completion date

If the Board decides to proceed with the recommendation of this report, the processes for bylaw amendments related to the project will proceed for first reading in Q1 2019.

Communications Strategy

If the Board decides to proceed with the recommendation of this report, a communication strategy will be prepared.

STRATEGIC PLAN AND RELATED POLICIES

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

- Collaborate with community groups and organizations to support their objectives and capacity.
- Land use policies and regulations are supporting affordable housing.

The subject of this report is also aligned with the following land use principles of the Regional Sustainability Plan: 'We Envision' for the Sunshine Coast:

We envision complete, compact, low environmental-impact communities based on energy-efficient transportation and settlement patterns.

CONCLUSION

In response to the proposal for a temporary small movable home pilot project, this report analyzes various aspects of the proposal and their implications for the SCRD. It is feasible to implement this project and the basic parameters for project design and an implementation strategy are provided for consideration.

On Board direction, staff will report to a Committee in Q1 2019 with a pilot project plan to implement temporary use permits for temporary small movable homes and amendments to Zoning Bylaw Nos. 310 and 337 and Procedure and Fees Bylaw No. 522.

The pilot project is recommended to be 3 years, focus on temporary small movable homes as auxiliary dwellings and include a cap of 20 permits per electoral area per year. These recommendations will be refined through the public participation process.

Attachments

Attachment A – Temporary Housing Solution – Pilot Project Proposal

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

Temporary Housing Solution - Pilot Project Proposal

Submitted by Pam Robertson

This proposal was created through the process of the LEAP program sponsored by Community Futures. I entered the program with the intention to source out a viable way to build a tiny house community specifically to aid in the housing crisis. There were many twist and turns but in the process this idea was born. The end of the program required us to deliver our ideas to the community. I believe that there is an appetite for this kind of a pilot project, as evidenced by the selection of my work as the “People’s Choice” award that I received at the LEAP Launch 2018 event.

This proposal is presented as a possible temporary solution for the housing crisis on the Sunshine Coast. This is a **pilot project requesting that the SCRD consider issuing a specific Temporary Use Permit allowing property owners the ability to have a temporary secondary home, subject to existing Land Use policies**. The temporary secondary home will include recreational vehicles or small temporary mobile/relocatable and Micro housing structures built to applicable regulatory standards and building codes. For example, RV tiny houses (built to CSA Z240 RV specifications), Park Models (built to CSA Z241 specifications), shipping containers or buildings on skids.

This is a request for a **pilot project** created with consideration to the SCRD’s staff’s recent review showing the 90% underutilized properties that are zoned for a secondary dwelling. This represents approximately 2200 properties in the regional district rural areas, and there are many more eligible properties outside of these areas, which have the capacity to accommodate a temporary secondary dwelling. In community discussions the question of how to incentivize Smart Growth-oriented infill building has come up repeatedly, given current building costs. I believe this pilot would encourage that. We are asking that the Temporary Use Permit be in effect for a period of three to four years. This will give a substantial time frame for assessments to be created, monitored and reviewed, to determine the successes or any setbacks of the project.

This project will provide property owners, the ability to have a properly licensed and certified Recreational Vehicle or an equivalent mobile building set up on their property. This will give opportunity to have a trial period of a secondary dwelling, to determine the decision to move forward in the future to a permanent structure, or with the opportunity for neighbor input, renew the Temporary Use Permit. This is an immediate temporary solution for displaced members of the community, which can accommodate them during the wait period for the municipalities to decide on and to construct more permanent housing solutions. It also is a safety net for displaced people, preventing homelessness.

Potential considerations could include insulating the unit from the Short-Term Rental market through the TUP stipulations or other means, as well as ensuring the units meet existing density, setback and other Official Community Plan or Bylaw regulations.

This pilot project will hopefully remove the “underground” building and RV residences that are rampant across the Sunshine Coast and will protect the property owners and the occupants and neighbors of these illegal dwellings. This will also ease some of the stress associated with having an illegal RV or other type of unauthorized dwelling that exists right now, potentially alleviating some of the mental health risks of unstable housing situations, putting the community at peace.

This would also require a permit issued by VCH allowing a septic solution for the temporary housing. Attached to this information page is the letter from the Vancouver Coastal Health Authority giving its support for this pilot project

The primary implementation of a temporary housing septic installation, will be to create a RV hook up to the existing septic field. These will be assessed and signed off by a qualified engineer, thus eliminating the need for a separate septic field. This will all be assessed prior to the permit application, to determine the needs of the property and placement of the temporary housing. Should the temporary housing need to be placed in a location that is not conducive to connecting to the existing septic, it will need a temporary holding tank.

The manufactured fiberglass holding tank will be installed by a knowledgeable septic installation company. There will be a contract drafted and signed between the holding tank installation company and the property owner and the holding tank will be included in a scheduled waste removal system.

On completion of the pilot project, if the outcome is favorable and there is a permanent allowance of these temporary secondary dwellings, the holding tanks will be converted into approved (engineered) septic field systems. If the outcome is unfavorable, and will not proceed into a permanent situation, the holding tanks will be removed by the responsible installation company. This will be included in the original contract.

It will be only a matter of time before the government embraces the tiny house movement. There have been other municipalities who are close to recognizing tiny or micro homes, and are infilling their urban areas with them. It would be great to have this in place, thus having a proactive approach to what has become a North American wide issue. I have included below, some information about provinces and states who are close to accepting RV tiny homes and Micro homes as full-time residences.

<http://www.cbc.ca/news/canada/newfoundland-labrador/tiny-home-subdivision-stephenville-1.4480928>

<http://www.cbc.ca/news/canada/newfoundland-labrador/tiny-home-subdivision-stephenville-1.4480928>

<http://www.oregon.gov/bcd/committees/Pages/hb2737.aspx>

It is requested that the staff report back at the next planning and development committee meeting, and that this be viewed as an urgent matter, moving towards the next piece of the affordable housing spectrum. Thank you for your consideration and I look forward to the opportunity to discuss this with you at your committee meeting.

Pamela Robertson
PR Housing Solutions & Robertson Safety Solutions
748 Creekside Crescent
Gibsons, BC V0N1V9

RE: Letter of Support for Housing Infill Proposal and Sewage Considerations

Ms. Robertson:

Our office has received your request for a letter of support for your pilot project to allow housing infill in areas of the SCRD zoned for a second dwelling. I can offer the following comments:

Housing as a Social Determinant of Health

VCH has already provided comment on the importance of diverse housing options for communities. Using existing zoning bylaw structures and lowering barriers for homeowners to access this opportunity is an effective way to promote an increase in density. This has been identified by the recent SCRD OCP bylaw amendment.

Providing diverse housing options and tenure types is known to have a positive impact on general physical and mental health in a variety of ways. Specifically, by increasing the availability of small, affordable housing units, the Regional District can help serve vulnerable populations in the region.

During the development of criteria for these housing units, VCH recommends that the proposed housing units:

- Are used for long term tenants only.
- Are constructed from quality, high-efficiency materials and fixtures.
- Are available at the low-mid range of market value.
- Are subject to SCRD Building Inspection.

Sewage Disposal

VCH recommends that on-site sewerage disposal systems be installed with these units wherever possible. A tie-in to an existing sewerage system with appropriate modifications for increase in capacity is the best solution for this proposal. This work must be completed in accordance with the Sewerage System Regulation (SSR) by an Authorized Person as defined by Section 7 of the Regulation.

In the event that an on-site sewerage disposal system is deemed inappropriate, VCH will accept applications for the installation of a holding tank on a case by case basis. The criteria in the VCH Holding Tank guideline apply. The application must also include:

- A maintenance plan, including frequency of pumping and maintenance provider.
- A signed and sealed letter from a qualified sewerage professional or engineer stating that the circumstances do not support installation of a Type 1, 2, or 3 sewerage system or connection to an existing system.
- A proposed date when the holding tank will be removed from service. If the housing arrangement is to continue, the dwelling will be converted to an on-site sewerage system in accordance with the process outlined in the SSR.

Drinking Water

Drinking water must be provided from an approved source. This includes a permitted water system (ie. SCRd water system) or a dedicated source serving only the housing unit (ie. a private well or surface water supply). Disinfection is recommended for all surface sources. Suggestions and recommendations for private water supplies can be given upon request.

VCH supports this pilot project given the above noted considerations. We look forward to working with you in the future.

If you have any questions regarding this letter, please contact the undersigned.

Sincerely,



Chris Morse, C.P.H.I.(C)
Environmental Health Officer
Vancouver Coastal Health
604-885-8701

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Planning and Community Development Committee – September 6, 2018

AUTHOR: Yuli Siao, Senior Planner

SUBJECT: PROVINCIAL REFERRAL CRN00061 FOR A PRIVATE MOORAGE (SOLBERG HILLS) – ELECTORAL AREA A

RECOMMENDATIONS

1. THAT the report titled Provincial Referral CRN00061 for a Private Moorage (Solberg Hills) – Electoral Area A be received;
2. AND THAT the following comments be forwarded to the Ministry of Forests, Lands, Natural Resource Operations, and Rural Development:

Subject to the following conditions, the Sunshine Coast Regional District has no objection to the proposed private moorage fronting District Lot 3049 Group 1 New Westminster District, Provincial Referral Number 2401681:

- a. SCR D will require a building permit and/or a development variance permit if any structures are to be constructed to access the moorage facility.
 - b. Any eelgrass beds in or near the tenure area should be identified and protected.
 - c. Water quality should not be impacted by maintenance or construction activities, materials, or fuel storage.
 - d. Public access to the tenure area should be maintained for shellfish harvesting, as well as for recreational boating and emergency refuge. Docks and associated tenure area should be designed to maintain public access along the foreshore and emergency refuge.
 - e. The proponent should implement both Provincial and shíshálh Nation's Best Management Practices for building and maintaining moorage facilities and in particular the most stringent of any overlapping policy to protect the foreshore ecosystems.
 - f. The proponent should ensure that shíshálh Nation is consulted regarding archaeological potential in the application area and that all work undertaken comply with the *Heritage Conservation Act*.
 - g. The applicant is encouraged to not use polystyrene in any components of the moorage facility in future upgrade or maintenance.
3. AND THAT comments of the SCR D Natural Resource Advisory Committee and the Egmont / Pender Harbour Advisory Planning Commission be provided to the Ministry;
 4. AND FURTHER THAT the recommendation be forwarded to the Regular Board meeting of September 6, 2018.

BACKGROUND

The SCRD received a Provincial referral from the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) to renew the tenure of occupation for an existing private moorage. The moorage fronts District Lot 3049 Group 1 New Westminster District (referred to as the upland parcel), located on the northeast side of Skookumchuck Narrows, approximately 4 km southeast of Egmont (Figures 1 & 2). The referral package can be found in Attachment A. A location map and a plan of the moorage and an application summary are provided below.

The purpose of this report is to provide an analysis of the proposal and recommend a response to FLNRORD.

Figure 1 – Location Map

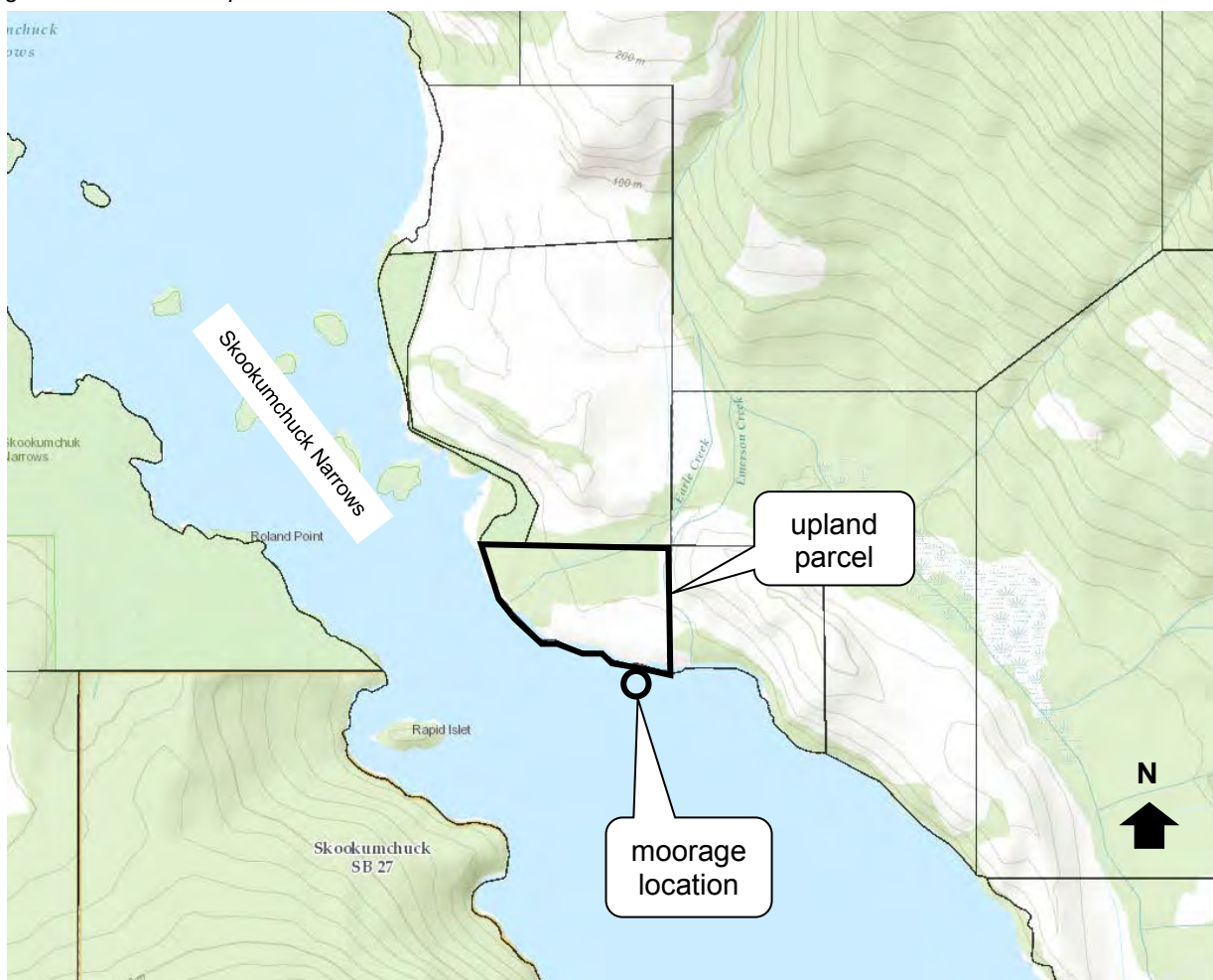


Figure 2 – Moorage Facility Plan



Table 1 - Application Summary

Owner / Applicant:	Solberg Hills Estates Ltd
Purpose:	Private moorage
Tenure Type:	License of occupation renewal
Size:	0.39 ha
Location:	Southeast of Egmont, on the Northeast side of Skookumchuck Narrows
Legal Description:	fronting District Lot 3049 Group 1 New Westminster District (upland parcel)
Electoral Area:	A – Egmont / Pender Harbour
OCP Land Use:	Rural Resource for upland parcel
Land Use Zone:	RU2 (Rural Two) for upland parcel
Comment deadline:	September 15, 2018

DISCUSSION

Analysis

The upland parcel of the moorage is designated as Rural Resource land use in the Egmont / Pender Harbour Official Community Plan (OCP). The foreshore on which the proposed moorage is located is not zoned. The upland parcel fronting the moorage is zoned RU2 within Zoning

Bylaw 337 which is a rural resource zone that permits residential, agricultural, campground, storage, manufacturing and other rural uses.

The upland parcel has long served as a logging camp. The existing dock is for boat and float plane access only. It provides access to the upland parcel. Except for regular maintenance of the dock and upgrade of the fuel facility, the owner plans no expansion or alteration of the existing facility.

SCRD mapping does not indicate any eelgrass beds in the vicinity. Any eelgrass beds in or near the tenure area should be identified and protected. A baseline marine biological assessment of the dock facilities was completed. The assessment indicates that the existing dock has no adverse impacts on the marine habitat.

According to the applicant's project management plan, as the dock is also used as a fueling station, float planes and boats will follow standard fueling procedures and minimize idling. Fuel containment and storage will mitigate fuel leakage and spills. Spill kits are located on the dock.

The surrounding areas of the site are identified as the Skookumchuck Narrows Cultural Emphasis Area in the Strategic Land Use Plan for the shíshálh Nation. Consultation with shíshálh Nation is underway through the moorage application process with the province. Comments or concerns received from the shíshálh Nation should be addressed prior to Provincial approval of the application.

A preliminary archaeological field survey was completed on the application area. As no upgrades to the existing structures are planned, further investigations are not recommended by the archaeologist. However, any modifications, excavations to the foreshore and marine environment will require an archeological assessment and on-site monitoring during any excavation work within the application area. The proponent should also consult the shíshálh Nation with respect to archaeological potential in the area and ensure all activities undertaken comply with the *Heritage Conservation Act*.

The shíshálh Nation Best Management Practices for moorage facilities are applicable to this area and should be implemented for this moorage facility.

The Regional District will also require a building permit and/or a development variance permit if any structures are to be constructed to access the moorage facility.

Options

The Province requests SCRD to 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 conditions
4. Recommend refusal of project due to reasons

Staff recommend Option 3, subject to comments outlined in the Recommendations.

Consultation

The Province referred this application to First Nations, SCRD and other agencies it identifies as appropriate. The applicant is responsible for advertising the application in a local paper to enable comments from the public.

The proposal will be referred to the Natural Resource Advisory Committee (NRAC) and the Egmont / Pender Harbour Advisory Planning Commission for review. Comments from these agencies will be forwarded to the Province.

Timeline for Next Steps

The Province extended the deadline to comment on this application to September 15, 2018 in order to obtain an SCRD Board Resolution. The Resolution will be forwarded to FLNRORD and final decision will be made by the Province.

Recommendations from this report must be forwarded to the Regular Board meeting on September 6, 2018 in order to meet the extended deadline.

STRATEGIC PLAN AND RELATED POLICIES

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

- Create and use an “environmental lens” for planning, policy development, service delivery and monitoring.

CONCLUSION

The SCRD was provided an opportunity to comment on a Provincial referral to renew an existing private moorage permit in the Skookumchuck Narrows area. The proposal was analyzed against applicable SCRD policies, bylaws and regulations. The proposal is found to have no perceivable negative impact on SCRD land use and services.

Staff recommend that SCRD respond to the Province with the option that the SCRD has no objection to the project subject to conditions identified in this report and that this recommendation be forwarded to the Regular Board meeting on September 6, 2018.

Attachments

Attachment A – Referral Package

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



Crown Land Tenure Application

Tracking Number: 100211361

Attachment A

Application Information

If approved, will the authorization be issued to an Individual or Company/Organization? Company/Organization
What is your relationship to the company/organization? Consultant

APPLICANT COMPANY/ORGANIZATION CONTACT INFORMATION

Applicant is an Individual or an Organization to whom this authorization Permit/Tenure/Licence will be issued, if approved.

Name: Solberg Hills Estates Ltd
Doing Business As: Solberg Hills Estates Ltd
Phone: [REDACTED]
Fax: [REDACTED]
Email: [REDACTED]
BC Incorporation Number: 0649950 BC Ltd
Extra Provincial Inc. No:
Society Number:
GST Registration Number: 861164861
Contact Name: Judy Windisch or Richard Maes
Mailing Address: [REDACTED]

CONSULTANT INFORMATION

Please enter the contact information of the Individual/Organization who is acting on behalf of the applicant.

Name: CHARTWELL CONSULTANTS LTD.
Doing Business As:
Phone: [REDACTED]
Fax:
Email: [REDACTED]
BC Incorporation Number:
Extra Provincial Inc. No: North Vancouver
Society Number:
GST Registration Number:
Contact Name: Warren Hansen
Mailing Address: [REDACTED]
Letter(s) Attached: Yes (Warren Hansen Letter of Agency Solberg.pdf)

CORRESPONDENCE E-MAIL ADDRESS

If you would like to receive correspondence at a different email address than shown above, please provide the correspondence email address here. If left blank, all correspondence will be sent to the above given email address.

Email: [REDACTED]
Contact Name: Warren Hansen

ELIGIBILITY

Question	Answer	Warning
Do all applicants and co-applicants meet the eligibility criteria for the appropriate category as listed below?	Yes	

Applicants and/or co-applicants who are Individuals must:

1. be 19 years of age or older and
2. must be Canadian citizens or permanent residents of

Canada. (Except if you are applying for a Private Moorage)

Applicants and/or co-applicants who are Organizations must either:

1. be incorporated or registered in British Columbia (Corporations also include registered partnerships, cooperatives, and non-profit societies which are formed under the relevant Provincial statutes) or
2. First Nations who can apply through Band corporations or Indian Band and Tribal Councils (Band or Tribal Councils require a Band Council Resolution).

TECHNICAL INFORMATION

Please provide us with the following general information about you and your application:

EXISTING TENURE DETAILS

Do you hold another Crown Land Tenure? No

ALL SEASONS RESORTS

The All Seasons Resorts Program serves to support the development of Alpine Ski and non-ski resorts on Crown land. For more detailed information on this program please see the operational policy and if you have further questions please contact FrontCounter BC.

Are you applying within an alpine ski resort? No

WHAT IS YOUR INTENDED USE OF CROWN LAND?

Use the "Add Purpose" button to select a proposed land use from the drop down menu.

If you wish to use Crown land for a short term, low impact activity you may not need to apply for tenure, you may be authorized under the Permissions policy or Private Moorage policy.

To determine if your use is permissible under the Land Act please refer to either the Land Use Policy - Permissions or Land Use Policy - Private Moorage located here.

Purpose	Tenure	Period
Private Moorage Private moorage tenure renewal for Solberg Estates - dock is existing and was under Tenure number #240602 but has since lapsed	Lease	More than thirty years

ACCESS TO CROWN LAND

Please describe how you plan to access your proposed crown land from the closest public road: Dock is existing on the ocean and is boat and float plane access only

PRIVATE MOORAGE

Private Moorage is the allocation of aquatic Crown land (inland and coastal) for private moorage facilities such as a dock or float. Moorage facilities for group or strata title/ condominium developments of over three berths are administered under the provisions of the Residential program where they have no related commercial facilities (e.g. gas bars) and are intended for private use of tenants. Group moorage with commercial activities are administered under the Marina program.

Specific Purpose: Private moorage tenure renewal for Solberg Estates - dock is existing and was under Tenure number #240602 but has since lapsed
Period: More than thirty years
Tenure: Lease

MOORING BUOY

Is this only for a mooring buoy for private moorage? No

TOTAL APPLICATION AREA

Please give us some information on the size of the area you are applying for.

Please specify the area: .39 hectares

PROJECT DETAILS

Please provide us with further details on your dock.

Is the water freshwater or marine?	Marine
Are you proposing 4 or more slips?	No
Are you applying on behalf of a Strata corporation?	No
Are you the waterfront upland owner?	Yes
Are you planning to sell gas at the proposed marina?	No

SECTION 11 WATER AUTHORIZATION

You may also require a Section 11 Water Sustainability Act authorization.

Is this application for an existing structure?	Yes
Are you working in the water (replacing pylons, moving structures, etc.)?	No

IMPORTANT CONSIDERATIONS

Selecting yes to any of the following questions may indicate that you will require further or additional authorizations under the Land Act or other legislation.

Is your proposed activity within the Kootenay Region?	No
Is your proposed activity within the Okanagan, Kalamalka and Wood Lakes, Skaha Lake, Vaseux Lake, or Christina Lake areas?	No
Is your proposed activity within the Shuswap, Mara, Mable, or Little Shuswap Lake areas?	No

ADDITIONAL QUESTIONS

In many cases you might require other authorizations or permits in order to complete your project. In order to make that determination and point you in the right direction please answer the questions below. In addition, your application may be referred to other agencies for comments.

Is the Applicant or any Co-Applicant or their Spouse(s) an employee of the Provincial Government of British Columbia?	No
Are you planning to cut timber on the Crown Land you are applying for?	No
Are you planning to use an open fire to burn timber or other materials?	No
Do you want to transport heavy equipment or materials on an existing forest road?	No
Are you planning to work in or around water?	Unknown
1. If you will be working in or around fresh water, you will require a Water Sustainability Act Change Approval or Notification from the Province. 2. The federal Department of Fisheries and Oceans might need to review your project. 3. Review the Transport Canada website if the Navigation Protection Act applies.	
Does your operation fall within a park area?	No

LOCATION INFORMATION**LAND DETAILS**

Please provide information on the location and shape of your Crown land application area. You can use one or more of the tools provided.

☒ I will upload a PDF, JPG or other digital file(s)

MAP FILES

Your PDF, JPG or other digital file must show your application area in relation to nearby communities, highways, railways or other land marks.

Description	Filename	Purpose
General Location Map - 1:100000	Dock_100000_Location.pdf	Private Moorage

☒ I will upload files created from a Geographic Information System (GIS)

SPATIAL FILES

Do you have a spatial file from your GIS system? You can upload it here.

NOTE: If uploading a .shp, please ensure that it is a polygon that has been projected in BC Albers in NAD83 format.

Description	Filename	Purpose
Shapefile of dock application area	Application Shape_Dock_V2_J...	Private Moorage
Shapefile of dock application area	Application Shape_Dock_V2_J...	Private Moorage
Shapefile of dock application area	Application Shape_Dock_V2_J...	Private Moorage
Shapefile of dock application area	Application Shape_Dock_V2_J...	Private Moorage

ATTACHED DOCUMENTS

Document Type	Description	Filename
General Location Map	General Overview Map	Dock_100000_Location.pdf
Management Plan	Management Plan Rev B June 20, 2017	Solberg Estates Ltd Dock Ap...
Other	Habitat baseline assessment (FSCI Biological)	Earle Creek Letter (2017062...
Side Profile	Site Survey Ortho Overlay (no side profile needed as existing dock)	Dock Ortho with Site Plan.pdf
Site Photographs	Photo1	IMG_0488.JPG
Site Photographs	Photo2	IMG_0470.JPG
Site Plan	Site Location Map	Dock_1000_Site Location Map...
Site Plan	Site Survey	Dock DL3049 Site Survey Map...

PRIVACY DECLARATION

☒ Check here to indicate that you have read and agree to the privacy declaration stated above.

REFERRAL INFORMATION

Some applications may also be passed on to other agencies, ministries or other affected parties for referral or consultation purposes. A referral or notification is necessary when the approval of your application might affect someone else's rights or resources or those of the citizens of BC. An example of someone who could receive your application for referral purposes is a habitat officer who looks after the fish and wildlife in the area of your application. This does not apply to all applications and is done only when required.

Please enter contact information below for the person who would best answer questions about your application that may arise from anyone who received a referral or notification.

Company / Organization: Chartwell Consultants Ltd

Contact Name: Warren Hansen, RPF

Contact Address:

Contact Phone:

Contact Email:

☒ I hereby consent to the disclosure of the information contained in this application to other agencies, government ministries or other affected parties for referral or First Nation consultation purposes.

IMPORTANT NOTICES

- Once you click 'Next' the application will be locked down and you will NOT be able to edit it any more.

DECLARATION

☒ By submitting this application form, I, declare that the information contained on this form is complete and accurate.

APPLICATION AND ASSOCIATED FEES

Item	Amount	Taxes	Total	Outstanding Balance
Crown Land Tenure Application Fee	\$250.00	GST @ 5%: \$12.50	\$262.50	\$0.00

OFFICE

Office to submit application to: Surrey

PROJECT INFORMATION

Is this application for an activity or project which requires more than one natural resource authorization from the Province of BC? No

APPLICANT SIGNATURE

Applicant Signature

Date

OFFICE USE ONLY

Office Surrey	File Number	2401681	Project Number	258973
	Disposition ID	930903	Client Number	140768

SOLBERG HILL ESTATES

DL3049 PRIVATE MOORAGE/ DOCK APPLICATION

MANAGEMENT PLAN FOR PRIVATE DOCK APPLICATION for PERMIT
NO.: _____ FILE NO.: _____

June 20, 2017

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Management Plan for Private Moorage and Float Plane Dock

1.0 Background

1.1 Project Overview

Describe project for which authorization is requested, including construction and/or phased development details:

Solberg Hills Estates Ltd is applying for Licence of Occupation for their existing dock and facility located on shores of locally named area of Gordondale on the northeast side of Skookumchuck Narrows. The closest community, Egmont, is located approximately 4km to the NW of the dock.

This area has long served as a logging camp or boat moorage for good part of the last century. Most recently, the existing dock was held under a Licence of Occupation #239824 where the dock facilities received significant upgrading to the fueling facilities, steel pilings and gazebos. The tenure lapsed requiring a new application to be submitted.

Solberg Hills Estates uses the dock for access to their upland interests and continues to maintain the dock to prevent a state of disrepair. Except for regular maintenance, and fuel facility upgrades, no major infrastructure that could increase the current footprint is planned.



1.2 Investigative Work

If any preliminary investigative work has been carried out, with or without an investigative authorization, provide details on work completed, incomplete or on-going from previous term.

Activity	Brief Description of Activity	Status (e.g. Complete; Incomplete; Ongoing)	Comments / Milestones
No activity completed	N/A	N/A	N/A

1.3 Confirmation of Safety Plan

Your Project must meet the Occupational Health and Safety (OHS) criteria set out by WorkSafe BC. Does your Project meet these criteria?

Yes: ☒ No: ☐

2.0 Location

2.1 Description

Provide a general description of the location of the project:

The dock covered under this application is located approximately 4km southeast from the community of Egmont and more specifically south of the Sechelt Rapids (Skookumchuck Narrows) on the eastern shore of Sechelt Inlet. The dock facility is boat and float plane access only.



2.2 Location Justification

Provide your reasons/justification of the need for this type of project at this location:

The dock and facilities are existing providing access to the upland owners of DL 3049 – Solberg Hills Estates. The dock further provides access to BluEarth Utilities to maintain a 25KV powerline that delivers power from their facilities in Tzoonie River (Tyson Creek

Hydro) to a site near the Lafarge mining operations. BluEarth relies on the dock for contractor access during the construction of a new 134KV power line from the Tyson Creek Hydro projects to Ruby Lake. A portion of this line will be constructed through properties owned by Solberg Hills Estates. Currently there are 10 to 20 workers living at the camp and in process of clearing ROW for the 134 KV Transmission line.

The BC Marine Logistic provides first aid and emergency response mooring a boat at the dock during the term of the project. There is a two man crew with an emergency high speed boat staged at the camp providing emergency evacuation for any injured worker. They are on site 7 days a week, 24 hours a day.

There is no other access to the properties other than boat or float plane.

2.3 Seasonal Expectations of Use

When will the Project require use of the land? Include information on key works during construction phases as well as operations phase. Please reference reduced risk fish windows as required by DFO:

Project Phase (Construction / Operations)	Brief Description of Activity / Works	Season
Operations	Maintenance works to include fixing the dock infrastructure, as needed.	Ongoing

3.0 Infrastructure and Improvements

3.1 New Facilities and Infrastructure

Detail any new facilities, infrastructure or processes proposed and any ancillary uses. Provide details of planned construction methods and materials, and construction scheduling.

Facility/Infrastructure/Process	Construction Methods/Materials	Construction Schedule
No facility or infrastructure planned		

3.2 Access

Identify existing and proposed roads used for access and their use by season. Include any proposed connections to public or Forest Service Roads; traffic information including volume of traffic during construction/operation and phase or season that the traffic is expected:

Roadway / Proposed Connection	Existing / Proposed	Existing Road Classification	Road Permittee Information and Road Use Agreements	Traffic Volume		Mitigation of Traffic Effects
				Construction Phase	Operations Phase	
No Access Planned						

3.3 Utility Requirements and Sources

Describe utility requirements and sources, include agreements in place or underway allowing access to utilities:

The owners provide walkway lighting on the dock and gangway.

3.4 Water Supply

Identify water requirements for construction and operation phases (e.g. surface water and/or groundwater), including sources, location, volume and a general description of infrastructure planned to meet water supply requirements, include any agreements outside of Water Act Authorizations identified above (Section I, Authorizations, Permits or Approvals), such as Municipal water supply.

Project Phase (Construction / Operations)	Water Requirement (e.g. surface water or ground water etc.)	Source / Location	Volume	Infrastructure Description	Agreements
Not Applicable					

3.5 Waste Collection Treatment and Disposal

Identify water requirements for construction and operation phases (e.g. surface water and/or groundwater), including:

Project Phase (Construction / Operations)	Water Requirement (e.g. surface water or ground water etc.)	Source / Location	Volume	Infrastructure Description	Agreements

Not Applicable					
----------------	--	--	--	--	--

4.0 Environmental

Describe any significant impacts and proposed mitigation for the following environmental classes:

4.1 Land Impacts

4.1.1 Vegetation Removal

Is any timber removal required?

Yes: ☐ No: ☒

Are any areas of vegetation to be cleared, outside of timber removal?

Yes: ☐ No: ☒

Removal Type	Potential Effects	Proposed Mitigation
Not Applicable		

4.1.2 Soil Disturbance

Will there be any areas of soil disturbance, including clearing, grubbing, excavation and levelling?

Yes: ☐ No: ☒

Removal Type	Potential Effects	Proposed Mitigation
No Soil Disturbance planned		

Is the area to be excavated a Brownfield site or has the potential to be contaminated?

Yes: ☐ No: ☒

Is there potential for disturbance of archaeological, paleontological fossils or historical artifacts?

Yes: ☐ No: ☒

4.1.3 Riparian Encroachment

Will any works be completed within or adjacent to the riparian zone of any water body?

Yes: ☐ No: ☒

Identify all works that may affect the Riparian zone, the impacts, and proposed mitigations:

Work Type	Potential Effects	Proposed Mitigation
No planned works		Facilities existing and installed under a previous tenure

4.1.4 Pesticides and Herbicides

Will there be any use of pesticides or herbicides during construction, operations and/or maintenance?

Yes: ☐ No: ☒

4.1.5 Visual Impacts

Will there be any adverse effects of the projects and any potential adverse effects on sight lines to the project area from surrounding areas likely to be used for scenic viewing by residents or other users?

Yes: ☐ No: ☒

4.1.6 Archaeological Sites

Are there any known or high potential (Arch Procedure) archaeological sites within the project area?

Yes: ☐ No: ☒

Have you conducted an AIA or engaged an archaeologist to assist with your investigations?

Yes: ☒ No: ☐

Please include information or reports generated:

Insitu Consultants completed a preliminary foreshore survey on the application area. As no current upgrades to the existing structures are being planned, further investigations are not recommended. However, any modifications, excavations to the foreshore and marine environment will require an Archeological Assessment and on-site monitoring during any excavation work within the application area.

4.1.7 Construction Methods and Materials

Identify the types of construction materials, the methods used, their impacts, and any mitigations:

Construction Material / Method	Potential effects	Mitigations
Any material used will be certified for use in a marine environment (i.e. non-corrosive or galvanising material)		

Note: other materials and methods and their potential effects are covered under the applicable sections above and not repeated here.

4.2 Atmospheric Impacts

4.2.1 Sound, Odor, Gas or Fuel Emissions

Will the project construction or operation cause any of the following to disturb wildlife or nearby residents:

Yes: ☒ No: ☐

Explain the current conditions, source, type and range of emission. Provide a description of atmospheric effects from proposed construction, operation, and decommissioning phases. Also include proposed mitigation measures to manage or mitigate adverse effects.

Emission Source	Current Conditions	Potential Effects	Proposed Mitigations / Management
Float Planes	Dock is in isolated location and float planes use the dock for drop off of people and supplies. Float planes visits are frequent up to 3 times daily during the summer months to twice weekly in the winter months and shoulder seasons	Sudden noise may scare off nearby wildlife.	Exposure to source limited to landing and takeoff – cumulative exposure of 10 minutes/day during the peak season.
Boats	Dock is in isolated location and boats use the dock for drop off of people and supplies. Boat visits are	Sudden noise may scare off nearby wildlife.	Exposure to source limited arriving and leaving the dock – 1 hours/day. Ensure

	frequent up to 4 times daily during the summer months to twice weekly in the winter months and shoulder seasons. Dock allows for the moorage of 3 boats at anytime.		watercraft are well maintained and running efficiently. No engine Idling. Follow standard fueling procedures for fueling the boat
--	---	--	---

Odor?

Yes: ☐ No: ☒

Gas?

Yes: ☒ No: ☐

Fuel Emissions?

Yes: ☒ No: ☐

Explain the current conditions, source, type and range of emission. Provide a description of atmospheric effects from proposed construction, operation, and decommissioning phases. Also include proposed mitigation measures to manage or mitigate adverse effects.

Emission Source	Current Conditions	Potential Effects	Proposed Mitigations / Management
Fueling of Float Planes	Fueling of planes and boats are conducted from the dock. Once daily for the plane and once daily for boats. Fuel is high octane gasoline.	Introduction of fuel emissions to the local environment.	Exposure to source limited to twice daily refueling periods – Follow standard fueling procedures for fueling the plane. Proposed fuel storage and containment will mitigate concerns of fuel leakage and spills. Spill Kits are located on the dock.
Fueling of Boats	Project is in isolated location and not generally exposed to moderate to high fuel emission levels. Fuel is high octane gasoline.	Introduction of fuel emissions to the local environment.	Exposure to source limited arriving and leaving the dock – 1 hours/day. Ensure watercraft are well maintained and running efficiently. No engine Idling. Follow standard fueling procedures for fueling the boat. New fuel lines and fuel hose storage and containment will mitigate concerns of fuel leakage

			and spills. Spill Kits are located on the dock.
--	--	--	---

4.3 Water or Land Covered by Water Impacts

4.3.1 Drainage Effects

Will the project result in changes to land drainage?

Yes: ☐ No: ☒

4.3.2 Public Access

Will the project result in changes to public access?

Yes: ☐ No: ☒

Describe the potential effect or impact and include plans for mitigation/management:

Effect	Potential Effects	Proposed Mitigations / Management
Dock is on privateland. Landowner permission required for upland access	Neutral effect of on public access.	Permission required to land and access the dock or property.

4.3.3 Flood Potential

Will the project result in a potential for flooding?

Yes: ☐ No: ☒

4.4 Fish and Wildlife Habitat Impacts

4.4.1 Disturbance to Wildlife and Wildlife Habitat

Will the project result in adverse effects to wildlife or wildlife habitat?

Yes: ☐ No: ☒

Provide a description of any potential adverse effects to wildlife and wildlife habitat from proposed construction and operation (including seasonal considerations, potential adverse effects from changes to access by hunters and fishers, along with proposed measures to mitigate adverse effects).

Project Phase	Potential Effects	Proposed Mitigations / Management
	No wildlife disturbance or habitat effected by the dock	None

Will the project (construction or operations phase) occur in and around streams, lakes, estuarine or marine environments?

Yes: ☒ No: ☐

Describe the fish habitat on or near the project site, include potential impacts of the Project (e.g. stream crossings, water diversions, etc.), including seasonal considerations, and plans to manage/mitigate effects.

A baseline marine assessment of the dock facilities was done and attached to this application. No adverse effects were noted in the assessment.

Project Phase and Environmental Setting	Potential Effects	Proposed Mitigations / Management
Operation Phase – minor repair and maintenance of dock and facilities	Hydro carbon spill into marine environment during refueling	Fuel dispensing will be consistent with the A Field Guide to Fuel Handling, Transportation & Storage, 3rd Edition, February 2002, BC Gov't

Is the project (construction or operations phase) likely to increase erosion or sedimentation?

Yes: ☐ No: ☒

Will the project (construction or operations phase) require water diversion?

Yes: ☐ No: ☒

Will the project threaten or endanger species at risk in the area?

Yes: ☐ No: ☒

How and what mitigation is planned?

Project Phase	Potential Effects	Proposed Mitigations / Management
Not required		

5.0 Socio-Community

5.1 Land Use

Describe the current community setting on or near the project area, including the location of non-aboriginal and aboriginal communities or known use areas:

Sechelt Inlet is the main inlet in the Sechelt Inlet group. Active industrial and recreational activities occur within the inlet corridor. The visual landscape includes extensive private land forest harvesting on the east side of Sechelt Inlet. Historic harvesting occurred in this inlet in the 50s to 70s, resulting in a spatially diverse visual landscape (see Figure 1).



Figure 1: Backdrop of private land forest harvesting from the Skookumchuck Rapids

Sechelt Inlet, including near Skookumchuck Narrows, is a typical inlet system with primary access by marine vessels. Trail access from Egmont allows year round access to view the rapids near Skookumchuck Narrows Provincial Park. This park is the most significant recreational feature in the project area with over 25,000 user days/year (Zukiwsky, 2011). Activities in the area are diverse, including tourism operations (e.g., fishing and guiding charters), kayaking, and logging.

Sechelt Inlet experiences seasonal use from tourism operations in the summer months and guiding and outfitting during the hunting and fishing seasons. As well, visits to Skookumchuck Narrows Provincial Park occur year round due to low elevation and well maintained trail systems.

There are small groups of cottages along the western and eastern shores of Sechelt Inlet near the proposed infrastructure. Residences are inhabited primarily during the summer months with occasional use during other months, but some residents permanently occupy their properties.

The nearest non-aboriginal community is Egmont which is approximately 4km away.

Special Visual Values – shíshálh Nation

Referring to shíshálh First Nation Strategic Land Use Plan (Dovetail Consulting-Sechelt Indian Band, June 2007), the Skookumchuk Narrows area holds special value for tourism development and spiritual kinship of the Nation.

shishalh Nation lands are located around Sechelt Inlet and the Nation's past use of the lands is undisputed. shíshálh Nation identifies Skookumchuck Narrows and the surrounding area as a cultural emphasis area.

"... shíshálh kw'emit sim (cultural emphasis) areas contain especially important or sensitive cultural and natural values requiring special management to prevent further loss or degradation. The primary goal of shíshálh kw'enit sim alap areas is to protect cultural values and maintain cultural use opportunities and sensitive ecological values, while allowing for appropriate resource development.

There is no blanket prohibition on industrial activity in shíshálh kw'enit sim alap areas, however, specific kw'enit sim alap areas may prohibit some developments in specific areas, and there may be terms and conditions placed on appropriate land use to protect cultural values or sites, cultural use activities, wildlife fisheries and their habitats, tourism or other values."

Specific to the Skookumchuck Narrows area, the plan identifies key values and management issues:

"stl'íkwu kw'enit sim alap (Skookumchuck Narrows Cultural Emphasis Area)

Area Description

The stl'íkwu kw'enit sim alap (Skookumchuck Narrows Cultural Emphasis Area) comprises approximately 5,762 hectares and is located in the heart of shíshálh territory, straddling the narrows of ʔálhtulich (Sechelt Inlet). The zone contains a portion on the west side of the inlet, and encompasses the watershed boundary that drains into the inlet. On the east side of the inlet the boundary line encompasses the area of foreshore and upland that directly affects the narrows. An extremely productive marine environment contributes to abundant inter-tidal and marine resources and a concentration of shíshálh occupation and use sites, diverse harvest activities, and high cultural significance. Marine and foreshore resources, wild foods, and medicinal plants at stl'íkwu (Skookumchuck Narrows) continue to be important supplements to shíshálh economy, diet and health, cultural and spiritual use perhaps more valuable as a result of their relative scarcity.

Key Values, Including:

- Extremely high cultural and spiritual values, including:
 - Location of several towns and sites strategically located either side of the narrows to take advantage of diverse resources;
 - cháchelílhtenam (SBL #10) a village site sought of stl'íkwu. A prime location with excellent s-ʔúlh-kwu (Clam) beds, s'tl'élum (Cockles), fishing, extensive gardens and fruit trees, productive traplins and waterfowl blind sites; 76
 - skweláwtzw (present day Egmont and Secret Bay)
 - kwátámus (SBL #26) on opposite shore from skweláwtzw
 - xwixwʔus internet ground (Boulder Island or Skookum Island, SBL #25)
 - numerous registered archaeological sites and CMTs
- High wildlife/biodiversity values, including:
 - inter-tidal and marine harvest resources
 - Enhanced by high volume exchange of nutrients at stl'íkwu (Skookumchuck rapids);
 - Referred to as the 'soupbowl' of the Nation with extremely abundant marine life year round
 - Harvest resources include s-ts'éxwu (Lingcod), s-t'élxwets' (Octopus), s'tl'élum (Cockles), s-ʔúlh-kwu (Clams), ʔelás (Sea Cucumber), Devil Fish, tsíyákwup-s te s-chálilhten (Jellyfish), Shrimp, and yúm-ach (Chinook Salmon) and many other species. (See also Table 1);

- High value plant gathering and freshwater fishing area (lake trout fishing at Waugh and Brown Lakes; medicinal plants in general area).
- Key Management Issues, Including:
- Loss of cultural harvest sites and resources due to land clearing for rural residential land development.
- Loss of cultural harvest sites and resources logging, road building and associated impacts.
- Water quality impacts from rural residential development, septic systems, and logging.
- Habitat and water quality impacts from gravel pit development (east side of narrows).
- Management of increased tourism and recreation use and associated impacts.
- Forest management on Crown and SIB lands.
- Protection of shíshálh cultural resources and sites.”

5.1.1 Land Management Plans and Regional Growth Strategies

Are there any land and resource management plans, coastal plans, provincial, regional growth strategies or local government plans with zoning, or management policies or use restrictions in place that could limit or preclude your proposed use of the land?

Yes: ☐ No: ☒

5.2 Socio-Community Conditions

5.2.1 Adjacent Users or Communities

Is the project likely to restrict public access, or the ability, or the ability of adjacent land owners or tenure holder to access their property or tenures?

Yes: ☐ No: ☒

5.2.2 Existing Services

Provide a description any increased demand on fire protection and other health facilities and emergency services arising from your Project, including proposed management or mitigation measures:

The planned works are not anticipated to cause an increase in demand on fire protection and other health facilities and emergency services.

5.2.3 First Nations Consultation

Describe any contact you may have had, including the name of the First Nation(s) and representatives contacted:

Consultation specifically related to the proposed application will be undertaken with the Sechelt Nation during the permit process.

6.0 Appendices

6.1 Works Cited

Dovetail Consulting-Sechelt Indian Band. (June 2007). A Strategic Land Use Plan for the shíshálh Nation. Sechelt, BC: Sechelt Indian Band.

Zukiwsky, J. (2011). Stl'ixwim Renewable Energy Initiative: Tourism, Recreation, and Wilderness Baseline Report. Zumundo Consultants. Fernie, BC.

End of Document

From: [Dave](#)
To: [Warren Hansen](#)
Subject: Earle Creek dock
Date: June-22-17 3:52:47 PM
Attachments: [Earle Creek Letter \(20170622\).pdf](#)

Warren

Attached is a letter with the results summarized from the dock dive.

The area is remarkably clean and has an abundance of fauna. No critical habitats near the tenure. So given the fact the dock is not changing there is nothing of concern from my perspective. I included the BMP for the area in the event the dock is to be changed or rebuilt in the near future.

Dave

PS: The guys inspected the pilings and they are in good shape.

D. Bates PhD, PBio, RPBio
Sr. Biologist
FSCI *Biological Consultants*
(604) 740-2637



June 22, 2015

Our File No.: FSCI-15-0017

Warren Hanson
Chartwell Consultants
#205-938 Gibsons Way
Gibsons, BC, V0N 1V7

Re: Commercial/Recreational Dock – Earle Creek Camp – Skookumchuk Narrows

Dear Warren:

As requested we conducted a site assessment of the existing dock and pilings at the Earle Creek camp in Skookumchuk Narrows. It is our understanding that the existing dock tenure has expired and that the owner is seeking to renew the tenure. It is also our understanding that:

1. The current structure will remain and that no structural changes are proposed;
2. The existing footprint will not be expanded; and
3. Use of the dock is required for access to the camp.

The dock is a combination of a ramp/walkway, wooden decked floating held in place with steel piles (**Photo 1**). The location parallels the shoreline and the area or foreshore adjacent to the dock is armoured with large shot-rock (**Photo 1**).

The purpose of the site assessment was to document any critical habitats within the tenure footprint. In order to provide an opinion on potential impacts of the structure the tenure area was inspected by a dive team. This team video documented the area beneath the dock and noted, if present, any potential critical habitat.

The area the dock is located experiences high tidal action from the narrows and at low tide the depth beneath the dock exceeds 2-m.

As a result of the site assessment, the area included the following features:

- Deep water beneath the dock and a depth of greater than 2-m at low
- No observed presence of Eelgrass (*Zostera* spp.) meadows in the vicinity of the dock or the tenure footprint.

- No observed Bull kelp (*Nereocystis luetkeana*) was found in the vicinity of the dock or tenure footprint.
- Shot-rock armouring the shoreline that fronts the dock provides significant habitat for fish (noted small Greenling, *Hexagrammos decagrammus* and Pile Perch, *Rhacochilus vacca*), as well as a variety of invertebrates (Purple and Green Urchins, *Strongylcentrotus* spp.; Bat Stars, *Asterina miniata*; Purple and Pink star, *Pisaster* spp.) (**Photo 2**).
- The bottom under the existing dock is comprised of rock, including; boulders from the original shoreline armouring, and large gravels. There is indication of shellfish in the area.
- The bottom also had abundance seastars of various species, urchins and Sea Cucumbers. There was no significant flora noted (**Photo 3**).
- Debris was minimal. Presumably any wood debris would be moved into deeper waters by the tides. There was some older camp debris including tethered tires that may have been bumpers on an earlier dock.

Given the information collected during the site assessment, we concluded that the existing dock has had minimal measurable/observed adverse impact on the marine benthic habitat(s). The survey of the tenure reveals a vibrant community of marine fauna. While complexity of the habitat is low, this is likely a result of the high tidal action of the area and not the operation and maintenance of the existing dock.

In the future, maintenance and repairs to the dock may be required. Therefore, I have included a copy of the current Best Management Practices for area docks, currently provided to our clients.

In conclusion, it is my opinion that the renewal of the existing structure would not significantly impact area habitats, assuming there are no significant changes to the structure.

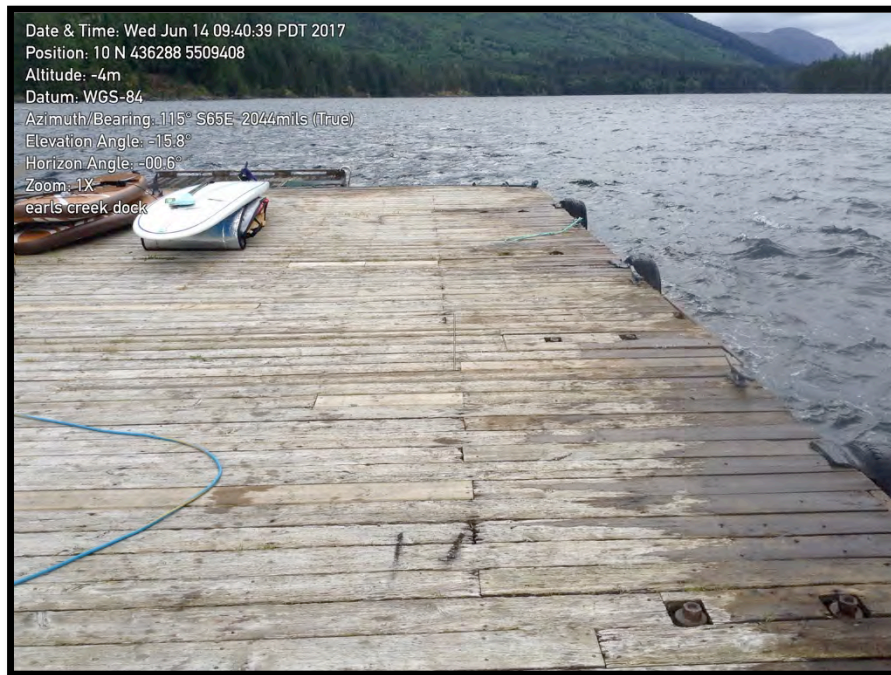
I trust this information is helpful. If you have any questions please feel free to contact me at your convenience.

Sincerely



D. Bates, PhD, RPBio
Habitat Biologist

A.



B.

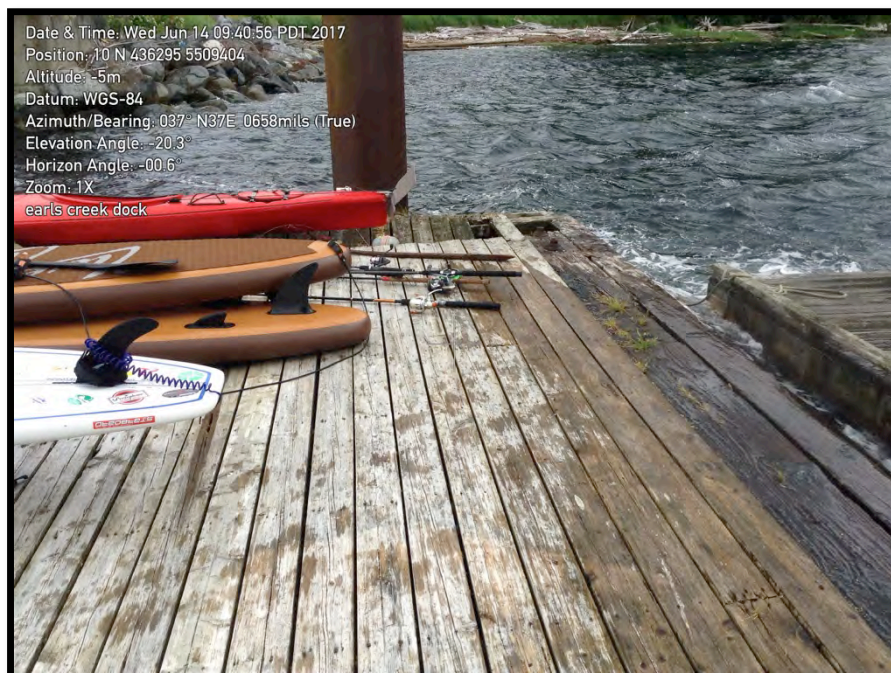


Photo 1: The Earle Creek camp dock that is pending re-tenure. The dock is accessed via a ramp to shore. Note the steel piling (B) used to secure the structure against heavy tidal currents. The shoreline adjacent to the dock is armoured with large angular rock (B).



Photo 2: Rock habitat at toe of shoreline shot-rock. The area, adjacent to the dock and within the tenure supported a variety of marine fauna.

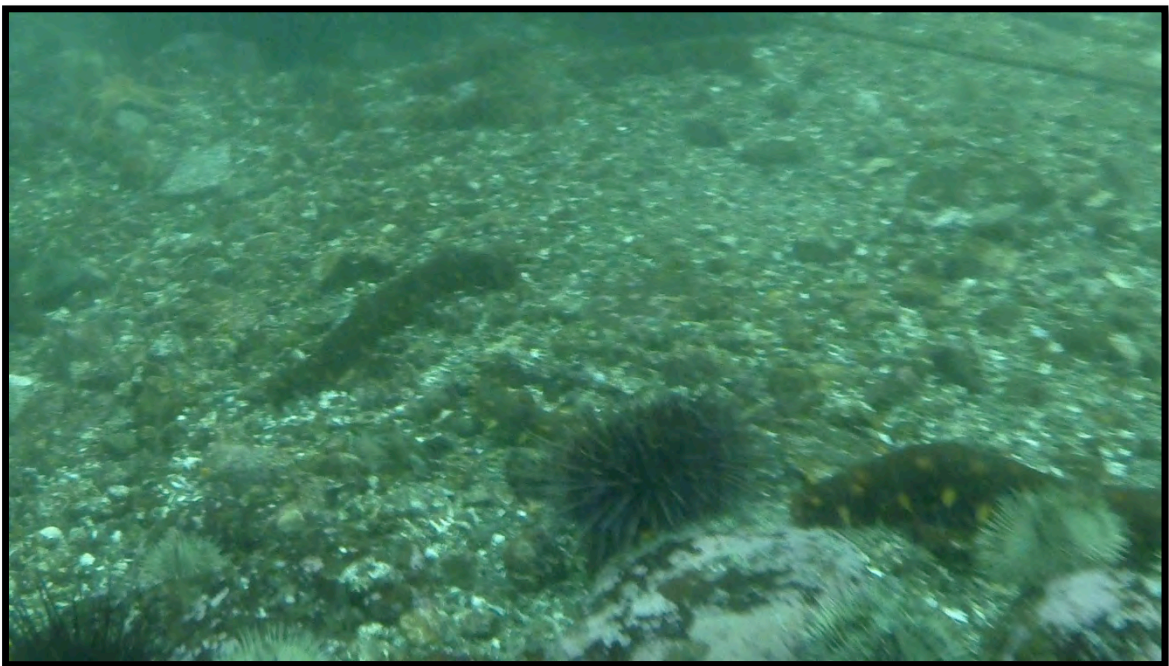


Photo 3: The bottom under the existing dock was characterized by gravels and cobble. Larger boulders were interspersed around the area. The area supported a variety of echinoderms and there was evidence of shellfish throughout the area., No significant amount of debris was found and there was no indication that the existing dock has adversely impacted the area.

shíshálh Nation Best Management Practices

Our territory has been significantly impacted by dock moorages. The *shíshálh* Nation Best Management Practices (BMPs) for marine docks within the *shíshálh* Nation territory is a compilation of requirements from Fisheries and Oceans Canada and the Resource Management Department of the *shíshálh* Nation. The BMP's are intended to help minimize and mitigate impacts to marine foreshore features and resources by promoting responsible and appropriate development. The BMP is intended to ensure proponents follow measures and designs that conform to Sections 34 through 37 of the Federal Fisheries Act and protect cultural and heritage resources within the *shíshálh* Nations territory.

1. Wherever possible proponents are encouraged to develop dock facilities that can facilitate numerous upland owners. In pursuing multi-owner/use facilities the footprint on the sub/inter tidal habitats is minimized. These types of facilities also help to alleviate potential cumulative impacts from high density, individual dock infrastructures.
2. Access to sub/intertidal resources cannot be impeded or restricted from any dock/float structure. This ensures access for the harvest of marine resources for food, social and ceremonial purposes.
3. No critical habitats can be impacted within the immediate vicinity of the proposed dock. Critical habitats are defined as:

“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) because of 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)”.

A Professional Biologist may be required to provide an assessment and opinion on the risks of any dock/float structures on critical habitat(s)

4. When designing dock/float structures, the bottom of all floats must be a minimum of 1.0-m above the seabed during the lowest water level or tide. Dock/float height above lowest water level will need to be increased if deep draft vessels are to be moored at the dock/float. The dock/float structure and the vessel to be moored at the structure are not to come to rest on the intertidal seabed during the lowest tide or lowest water period of the year.

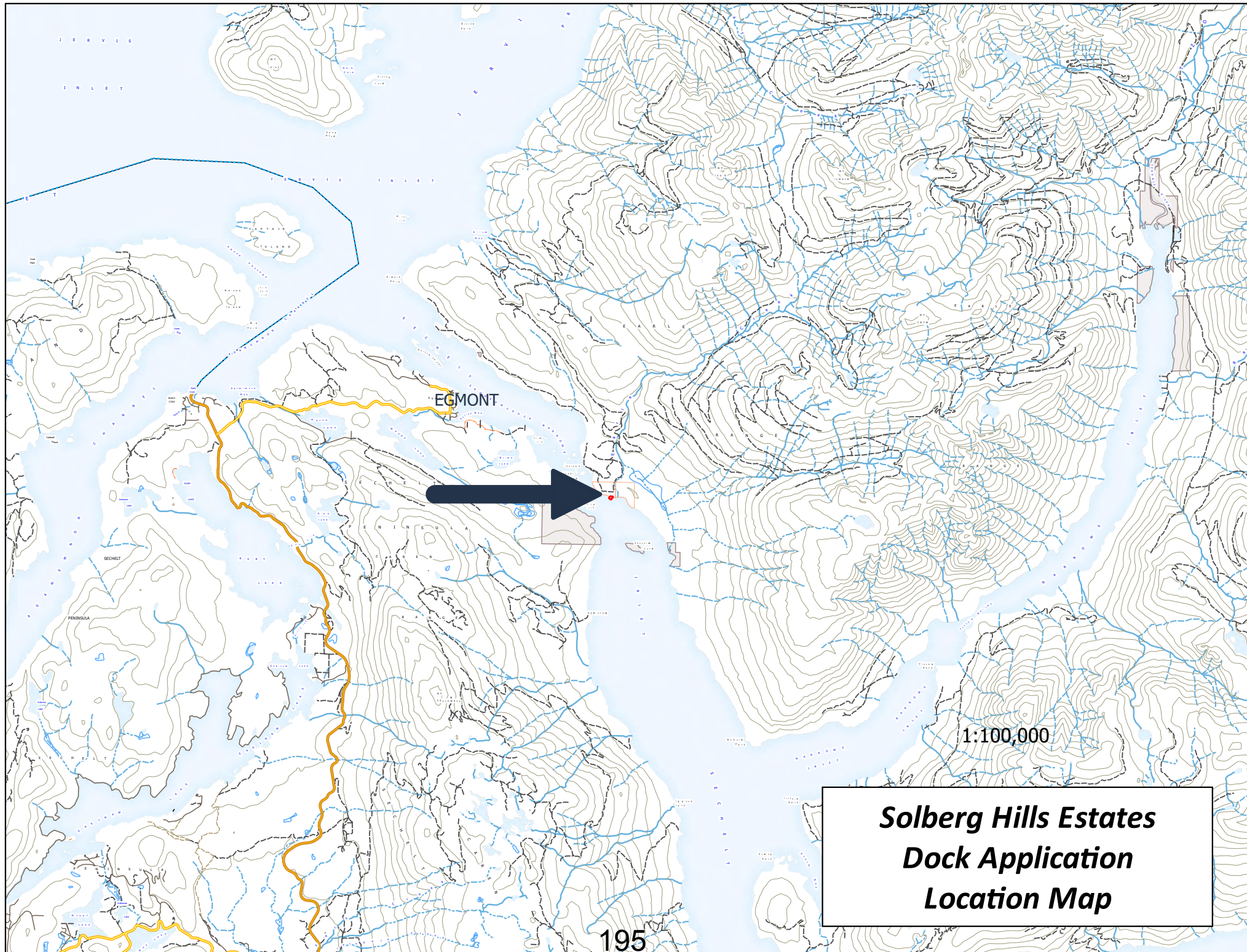
The minimum depth is required to ensure bottom flora and fauna are not adversely impacted by shading and/or propeller wash from moored vessels.

5. Access ramps or walkways should be a minimum of 1.0-m above the highest high water mark of the tide and a maximum width of 1.5-m.
6. Docks/floats are to be constructed to allow light penetration under the structure. North/South dock alignments are encouraged whenever possible to allow light penetration.

Spacing the decking can facilitate light penetration on the surface of the dock and minimizing the width of the structure.


7. Grating incorporated into ramps, walkways, or floats also helps to increase light and reduce shading of the bottom. When grating is impractical, deck planking measuring 15-cm (6 in) and spaced at least 2.5-cm (1 in) should be used to allow light penetration.
8. Concrete, steel, treated, or recycled timber piles are acceptable although the preference is steel. Detailed information on treated wood options can be obtained on-line from the Fisheries and Oceans Canada website (*Guidelines to Protect Fish and Fish Habitat from Treated Wood Used in the Aquatic Environment in the Pacific Region*).
9. Construction must never include the use of native beach materials (boulders, cobble, gravel, sand, logs).
10. Access to the beach for construction purposes is to be from the adjacent upland property wherever possible. Where upland access is not possible and the use of heavy equipment is required to access the dock location, advice of a Professional Biologist is required. The professional Biologist will help mitigate and protect fish habitat, including riparian, intertidal salt marsh, or in-water vegetation. The Professional Biologist is also expected to notify Fisheries and Oceans Canada.
11. Access or construction along beachfront also requires notification sent to the *shíshálh* Nation and its Rights and Title Department in order to ensure cultural sites are not impacted or disturbed.
12. Filling, dredging, or blasting below the High Water Mark is not supported by the *shíshálh* Nation. Un-authorized filling, dredging and blasting noted by the *shíshálh* Nation will be reported to Fisheries Enforcement Officers immediately.

13. Works along the upland/water interface must be conducted when the site is not wetted by the tide. All work is to be conducted in a manner that does not result in the deposit of toxic or deleterious substances (sediment, un-cured concrete, fuel, lubricants, paints, stains) into waters frequented by fish. This includes refueling of machinery and washing of buckets and hand tools.
14. The upland design of the dock including anchor points should not disturb the riparian area except at the immediate footprint. An effort should be made to maximize riparian cover adjacent to the dock helping reduce erosion and exposure to the foreshore.
15. Marine foreshore construction activities should take place between June 1 and February 15 of any calendar year.



***Solberg Hills Estates
Dock Application
Location Map***

Write a description for your map.

 Dock Tenure

Planning

User-specific Markups

Dock Tenure Application Area

Freshwater Atlas and Ocean

FWA Streams

- Canal
- Ditch
- River/Stream – Definite
- River/Stream – Indefinite
- River/Stream – Intermittent

FWA Wetlands

FWA Lakes

FWA Rivers

Coastline

Ocean



POC:
From the North East

Existing Dock Tenure Renewal



Region: RCO
District: Sunshine Coast
Location: Egmont - Sechart Rapids
Easting: 436294.077m
Northing: 5509424.735m
Latitude: N49.73394
Longitude: W123.88405
Block Area (ha): 0.39ha

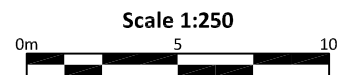
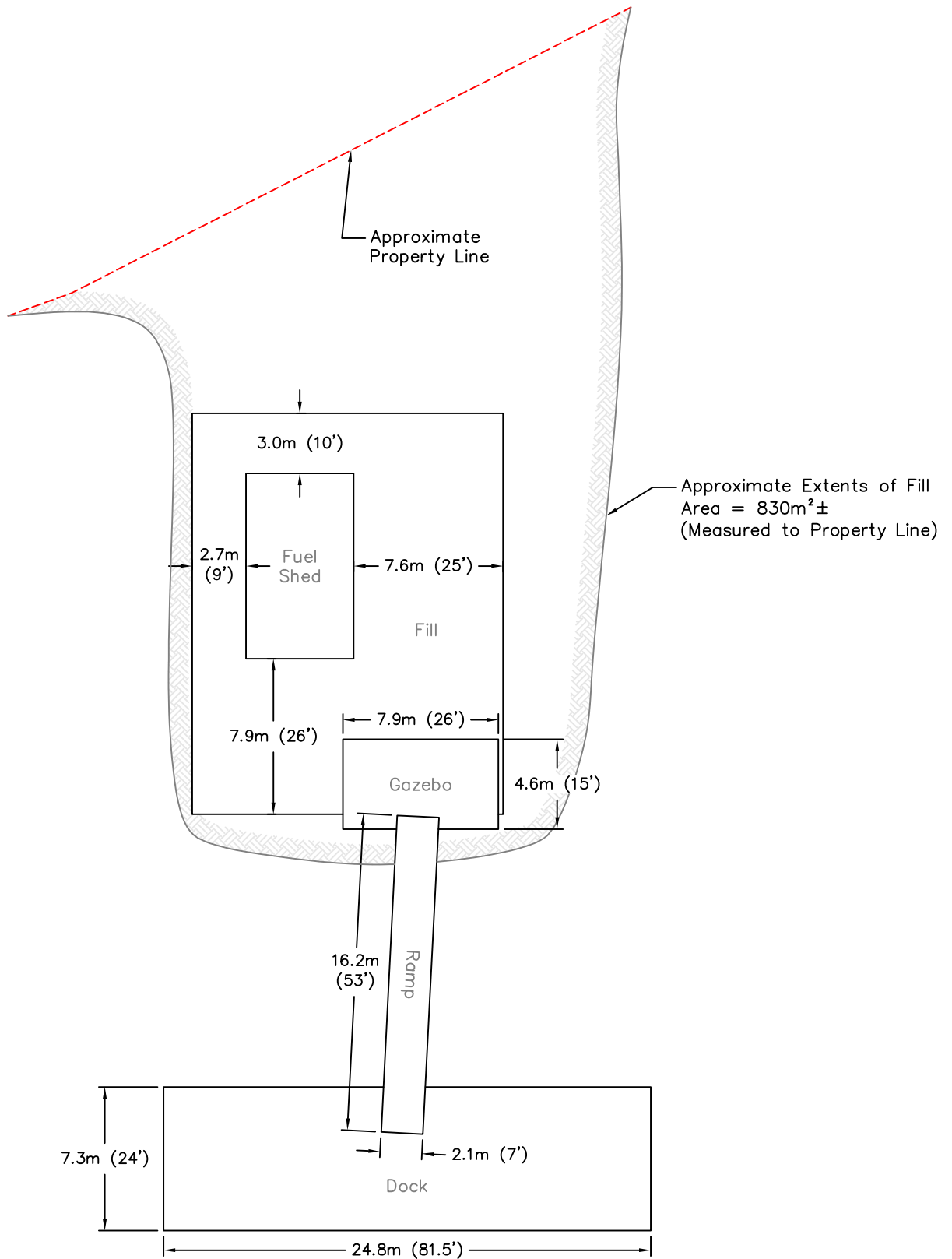
0 25 50
Scale: 1:1,000
Projection: UTM Zone [utm_zone]N

Basedata: Government of BC / Canada
Mapping by:



Project number: 17-601
Mapping by: CCL
Date: 2017-06-21

Solberg Hills Estates



**Structure Dimensions
& Fill Sketch**

Plan View

Prepared For:

**Solberg Hills Estates
198**

Site Plan By:







SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Planning and Community Development Committee – September 6, 2018

AUTHOR: Yuli Siao, Senior Planner

SUBJECT: PROVINCIAL REFERRAL CRN00062 FOR A LOG HANDLING FACILITY (BLACK MOUNT LOGGING) – ELECTORAL AREA F

RECOMMENDATIONS

1. THAT the report titled Provincial Referral CRN00062 for a Log Handling Facility (Black Mount Logging) – Electoral Area F be received;
2. AND THAT the following comments be forwarded to the Ministry of Forests, Lands, Natural Resource Operations and Rural Development:

Subject to the following conditions, the Sunshine Coast Regional District has no objection to the proposed log handling facility located at Bailey Bay, Provincial Referral Number 2412032:

- a. SCRD will require a building permit and/or a development variance permit if any structures are to be constructed to access the facility.
 - b. An environmental monitoring plan should be implemented during the construction and operation of the site.
 - c. SCRD mapping does not indicate any eelgrass beds in the vicinity. Eelgrass beds in or near the tenure area should be identified and protected.
 - d. Include potential navigational concerns resulting from escaped logs or related wood debris and the collection of any lost wood debris in the project management plan.
 - e. Include measures to protect recreational and visual values in the project management plan.
 - f. Ensure that Skwxwú7mesh Nation's comments are addressed and that any work undertaken complies with the *Heritage Conservation Act*.
 - g. Any eelgrass beds in or near the tenure area should be identified and protected.
 - h. Water quality should not be impacted by maintenance or construction activities, materials or fuel storage.
 - i. Implement Provincial Best Management Practices for building and maintaining moorage facilities to protect the foreshore ecosystems.
 - j. Complete restoration of the tenure area should be undertaken upon closure of the log booming sites, including the removal of all industrial equipment and potential contaminants to be disposed of in accordance with all provincial and SCRD regulations at the time.
-

3. AND THAT Comments of the SCRD Natural Resource Advisory Committee and the West Howe Sound Advisory Planning Commission be provided to the Ministry;

4. AND FURTHER THAT the recommendations be forwarded to the Regular Board meeting of September 6, 2018.

BACKGROUND

The SCRD received a Provincial referral from the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) to permit a log handling and storage facility. The facility is located in Bailey Bay, near McNab Creek in Howe Sound (Figures 1 & 2). The referral package can be found in Attachment A. A location map and a plan of the facility and an application summary are provided below.

The purpose of this report is to provide an analysis of the proposal and recommend a response to FLNRORD.

Figure 1 – Location Map



Historic Road

Historic Landing

Proposed Road

Proposed Intertidal Infill Location

Proposed landing

Proposed Skidway Location

Bullpen

Booming Ground Option (Minimum 20m depth)

Proposed Grass and Sedge Transplant Area

High Intertidal Grass and Sedge

Band of Green Sea Urchins (2-10/m²)

P7's Swim

T1

T2

T3

T4

0m 30m 60m

Google earth

Image SCRD

Owner / Applicant:	Black Mount Logging
Purpose:	Log handling and storage
Tenure Type:	License of occupation
Size:	2.3 ha
Location:	Bailey Bay near McNab Creek
Legal Description:	N/A
Electoral Area:	F – West Howe Sound
OCP Land Use:	N/A
Land Use Zone:	RU2 (Rural Two) for adjacent upland parcels
Comment deadline:	September 15, 2018

Bailey Bay is located on the north shores of Howe Sound between the mouth of Potlatch Creek and McNab Creek. It is located at an old log handling facility that was used a number of years ago for harvesting the timber in the area. Due to the steep topography in the area, it is one of very few locations suitable for watering wood along the shores of Howe Sound. The applicant proposes to develop a new log handling facility in the area.

2018-Sep-6 PCDC report CRN00062 Log Handling (Black Mount Logging)

The surface of water of the subject area is not zoned under Zoning Bylaw No. 310. The adjacent upland areas are zoned RU2 (Rural Two), which permits a wide range of rural uses including forest management, manufacturing, storage, construction camp and sawmill. Where the water is not zoned, the foreshore use should reflect the upland use. Log handling and storage is part of forest management operation that is a permitted use. This application appears to comply with the upland RU2 zoning.

The applicant has been in contact with the Skwxwú7mesh Nation but has not yet received any comments. The applicant should address any comments and concerns of the Skwxwú7mesh Nation prior to provincial approval of the application.

The applicant has not engaged an archaeologist to assist archaeological investigation. The applicant should ensure that the Skwxwú7mesh Nation is contacted regarding archaeological potential in the area and that any work undertaken complies with the *Heritage Conservation Act*.

The applicant has completed a marine assessment for the proposed development. The assessment report indicates that if the mitigation measures detailed in the report are implemented and maintained properly throughout the duration of the project, serious harm to the marine environment may be avoided. Measures and standards to avoid and mitigate serious harm recommended in this report must be followed during the construction, operation, and decommissioning of the site. These measures and standards should be incorporated into an environmental monitoring plan.

SCRD mapping does not indicate any eelgrass beds in the vicinity. Eelgrass beds in or near the tenure area should be identified and protected.

The project management plan should also address potential navigational concerns resulting from escaped logs or related wood debris. Any lost wood debris should be collected.

Howe Sound is frequented by recreational users. The recreational and visual resources within the area are important. The project management plan should include measures to protect recreational and visual values.

Upon the closure of the log booming sites, complete restoration of the tenure area should be established, including the removal of all industrial equipment and potential contaminants.

The Regional District will also require a building permit and/or a development variance permit if any structures are to be constructed to access the facility.

Options

The Province requests SCRD to 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 conditions
4. Recommend refusal of project due to reasons

Staff recommend Option 3, subject to comments outlined in the Recommendations.

Consultation

The Province referred this application to First Nations, SCRD and other agencies it identifies as appropriate. The applicant is responsible for advertising the application in a local paper to enable comments from the public.

The proposal will be referred to the Natural Resource Advisory Committee (NRAC) and the West Howe Sound Advisory Planning Commission for review. Comments from these agencies will be forwarded to the Province.

Timeline for Next Steps

The Province extended the deadline to comment on this application to September 15, 2018 in order to obtain an SCRD Board Resolution. The Resolution will be forwarded to FLNRORD and final decision will be made by the Province.

Recommendations from this report must be forwarded to the Regular Board meeting on September 6, 2018 in order to meet the extended deadline.

STRATEGIC PLAN AND RELATED POLICIES

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

- Create and use an “environmental lens” for planning, policy development, service delivery and monitoring.

CONCLUSION

The SCRD was provided an opportunity to comment on a Provincial referral to permit a log handling facility at Bailey Bay in Howe Sound. The proposal was analyzed against applicable SCRD policies, bylaws and regulations. The proposal is found to have no perceivable negative impact on SCRD land use and services.

Staff recommend that SCRD respond to the Province with the option that the SCRD has no objection to the project subject to conditions identified in this report, and that this recommendation be forwarded to the Regular Board meeting on September 6, 2018.

Attachments

Attachment A – Referral Package

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



Crown Land Tenure Application

Tracking Number: 100228547

Applicant Information

If approved, will the authorization be issued to an Individual or Company/Organization? Company/Organization

What is your relationship to the company/organization? Employee

APPLICANT COMPANY / ORGANIZATION CONTACT INFORMATION

Please enter the contact information of the Individual/Organization who is acting on behalf of the applicant.

Name: Black Mount Logging Inc.

Doing Business As:

Phone: [REDACTED]

Fax: [REDACTED]

Email: [REDACTED]

BC Incorporation Number: 445892

Extra Provincial Inc. No:

Society Number:

GST Registration Number: 139075360RT0001

Contact Name: Dave Rollins

Mailing Address: [REDACTED]

CORRESPONDENCE E-MAIL ADDRESS

If you would like to receive correspondence at a different email address than shown above, please provide the correspondence email address here. If left blank, all correspondence will be sent to the above given email address.

Email: [REDACTED]

Contact Name: Dave Rollins

ELIGIBILITY

Question	Answer	Warning
Do all applicants and co-applicants meet the eligibility criteria for the appropriate category as listed below?	Yes	

Applicants and/or co-applicants who are Individuals must:

1. be 19 years of age or older and
2. must be Canadian citizens or permanent residents of Canada. (Except if you are applying for a Private Moorage)

Applicants and/or co-applicants who are Organizations must either:

1. be incorporated or registered in British Columbia (Corporations also include registered partnerships, cooperatives, and non-profit societies which are formed under the relevant Provincial statutes) or
2. First Nations who can apply through Band corporations or Indian Band and Tribal Councils (Band or Tribal Councils require a Band Council Resolution).

TECHNICAL INFORMATION

Please provide us with the following general information about you and your application:

EXISTING TENURE DETAILS

Do you hold another Crown Land Tenure?

Yes

Please specify your file number:

FL A19215

If you have several file numbers, please make a note of at least one of them above. Example numbers: 1234567, 153245, others

ALL SEASONS RESORTS

The All Seasons Resorts Program serves to support the development of Alpine Ski and non-ski resorts on Crown land. For more detailed information on this program please see the operational policy and if you have further questions please contact FrontCounter BC.

Are you applying within an alpine ski resort? No

WHAT IS YOUR INTENDED USE OF CROWN LAND?

Use the "Add Purpose" button to select a proposed land use from the drop down menu.

If you wish to use Crown land for a short term, low impact activity you may not need to apply for tenure, you may be authorized under the Permissions policy or Private Moorage policy.

To determine if your use is permissible under the Land Act please refer to either the Land Use Policy - Permissions or Land Use Policy - Private Moorage located here.

Purpose	Tenure	Period
Log Handling General Log Handling to permit dumping and booming and short term storage of camp run bundles from TSL A79515 in the vicinity of Potlatch Creek	Licence of Occupation	Two to five years

ACCESS TO CROWN LAND

Please describe how you plan to access your proposed crown land from the closest public road:

Crew boat from our Dry Land Sort facility at Watts Point on Howe Sound.

LOG HANDLING

Specific Purpose:	General Log Handling to permit dumping and booming and short term storage of camp run bundles from TSL A79515 in the vicinity of Potlatch Creek
Period:	Two to five years
Tenure:	Licence of Occupation

TOTAL APPLICATION AREA

Please give us some information on the size of area you are applying for.

Please specify the area: 2.1 hectares

ADDITIONAL QUESTIONS

In many cases you might require other authorizations or permits in order to complete your project. In order to make that determination and point you in the right direction please answer the questions below. In addition, your application may be referred to other agencies for comments.

Is the Applicant or any Co-Applicant or their Spouse(s) an employee of the Provincial Government of British Columbia? No

Are you planning to cut timber on the Crown Land you are applying for? No

Are you planning to use an open fire to burn timber or other materials? No

Do you want to transport heavy equipment or materials on an No

existing forest road?

Are you planning to work in or around water?

Yes

1. If you will be working in or around fresh water, you will require a Water Sustainability Act Change Approval or Notification from the Province. 2. The federal Department of Fisheries and Oceans might need to review your project. 3. Review the Transport Canada website if the Navigation Protection Act applies.

Does your operation fall within a park area?

No

LOCATION INFORMATION

LAND DETAILS

Please provide information on the location and shape of your Crown land application area. You can use one or more of the tools provided.

☒ I will upload a PDF, JPG or other digital file(s)

MAP FILES

Your PDF, JPG or other digital file must show your application area in relation to nearby communities, highways, railways or other land marks.

Description	Filename	Purpose
Overview Location File 1:50,000	C39W_Log_Dump_Overview_Loca...	Log Handling

☒ I will upload files created from a Geographic Information System (GIS)

SPATIAL FILES

Do you have a spatial file from your GIS system? You can upload it here.

NOTE: If uploading a .shp, please ensure that it is a polygon that has been projected in BC Albers in NAD83 format.

Description	Filename	Purpose
DBF File	C39W_Log_Dump_Shapefiles.dbf	Log Handling
PRJ File	C39W_Log_Dump_Shapefiles.prj	Log Handling
SBN File	C39W_Log_Dump_Shapefiles.sbn	Log Handling
SBX File	C39W_Log_Dump_Shapefiles.sbx	Log Handling
SHP File	C39W_Log_Dump_Shapefiles.shp	Log Handling
SHX File	C39W_Log_Dump_Shapefiles.shx	Log Handling

ATTACHED DOCUMENTS

Document Type	Description	Filename
General Location Map	Overview Location Map	C39W_Log_Dump_Overview_Loca ...
Log Handling and Storage Prospectus	Prospectus	prospectus (2).pdf
Other	Management Plan	management_plan PDF.pdf

Other	Marine Assessment	Black Mount Bailey Bay New ...
Other	Squamish Nation Referral Letter	BML SQN Referral Email 23NO...
Site Plan	Site Plan Ortho	C39W_Site_Specific_Log_Dump...
Site Plan	Site Plan with Improvements	C39W_Site_Specific_Log_Dump...

PRIVACY DECLARATION

☒ Check here to indicate that you have read and agree to the privacy declaration stated above.

REFERRAL INFORMATION

Some applications may also be passed on to other agencies, ministries or other affected parties for referral or consultation purposes. A referral or notification is necessary when the approval of your application might affect someone else's rights or resources or those of the citizens of BC. An example of someone who could receive your application for referral purposes is a habitat officer who looks after the fish and wildlife in the area of your application. This does not apply to all applications and is done only when required.

Please enter contact information below for the person who would best answer questions about your application that may arise from anyone who received a referral or notification.

Company / Organization: Black Mount Logging Inc.
Contact Name: Dave Rollins
Contact Address: [REDACTED]
Contact Phone: [REDACTED]
Contact Email: [REDACTED]

☒ I hereby consent to the disclosure of the information contained in this application to other agencies, government ministries or other affected parties for referral or First Nation consultation purposes.

IMPORTANT NOTICES

- Once you click 'Next' the application will be locked down and you will NOT be able to edit it any more.

DECLARATION

☒ By submitting this application form, I, declare that the information contained on this form is complete and accurate.

APPLICATION AND ASSOCIATED FEES

Item	Amount	Taxes	Total	Outstanding Balance
Crown Land Tenure Application Fee	\$1,000.00	GST @ 5%: \$50.00	\$1,050.00	\$0.00

OFFICE

Office to submit application to: Surrey

PROJECT INFORMATION

Is this application for an activity or project which requires more than one natural resource authorization from the Province of BC? No

OFFICE USE ONLY

Office Surrey	File Number 2412032	Project Number
------------------	------------------------	----------------

Management Plan

Please describe the details of your project to the extent known. Consult the guidance document for further information on regulatory requirements, rational for why the information is required, and how to find required information.

The scope and the timing for response will be provided. If information is requested and not received, it may result in the disallowance of the application.

Information on these topics may be required as part of the application processing and if further detail is necessary that is not part of the application and management plan received, you will be contacted and requested to provide additional information. In some circumstances, the use of a qualified professional to complete the plan may be required.

1.0 Background

1.1 Project Overview

Describe project for which authorization is requested, including construction and/or phased development details:

Bailey Bay is a log handling and storage area for camp run bundled logs, booming and short term storage of wood from TSL A79515 Block C39W. The approximate volume is 24,000 m3. It is located on the north shore of Howe Sound between the McNab Creek and Potlatch Creek. TSL 79515 expires January 2, 2020 but can be extended to August 2, 2021 upon request. All activities would be completed by this time.

The location was selected due to its proximity to the block and that the site was used previously for log handling and storage. The road accessing the block from Bailey Bay utilizes the same original road grade with the exception where changes were required due to the construction and installation of the hydro lines.

1.2 Investigative Work

If any preliminary investigative work has been carried out, with or without an investigative authorization, provide details on work completed, incomplete or on-going from previous term.



Activity	Brief Description of Activity	Status (e.g. Complete, incomplete, ongoing)	Comments / Milestones
Re-engineering Block C39W	Originally Block C39W was engineered to harvest by Helicopter with a significant adverse fly upslope to the Potlatch Main. Upon investigation the old road network was found and the majority of C39W can be harvested by conventional means.	Complete	Harvest Map Attached to Applicatoin

Activity	Brief Description of Activity	Status (e.g. Complete, incomplete, ongoing)	Comments / Milestones
Marine Assessment	Dive and subsequent Marine Assessment for the proposed Log Handling Facility	Complete	Measures and standards to avoid and mitigate "serious harm" are detailed in the report.
Add Row			

1.4 First Nations Consultation

Describe any contact you may have had, including the name of the First Nation(s) and representatives contacted.



According to the Sea-to-Sky Licensee Chart Area / First Nations Territories Map dated July 20, 2012, the proposed development is within the Traditional Territory of the Squamish Nation. Information regarding the roads under application including the log dump location has been shared with the Squamish Nation. At the time of this application no comments have been received.

Black Mount Logging forwards all of its information sharing with the Squamish Nation (Jeff Fisher, RPF @ jeff.sqomish@shaw.ca)

2.0 Location

2.1 Description

Provide a general description of the location of the project:



Bailey Bay is located on the northern shores of Howe Sound between the mouth of Potlatch Creek and McNab Creek, north west from the tip of Avil Island. It is located at an old log handling facility that was used a number of years ago for harvesting the timber in the area. Due to the steep topography in the area, it was used historically and is under application now, as it is one of the very few location suitable for watering wood along the shores of Howe Sound.

Black Mount Logging Inc. (BML) proposes to extend the existing road to a rock knob 60 m to the east of the original log dump. This provides an area more suitable for dumping camp run bundles due to water depth etc. Historically, it appears the timber was watered using a parbuckle system into the shallow waters at the terminus of the old road. This method would not meet current standards for working in or around water.

2.2 Location Justification

Provide your reasons/justification of the need for this type of project at this location:



BML was awarded TSL79515 August 3, 2017. Block C39W was originally planned to be harvested using a helicopter and the timber to be flow upslope to the Potlatch Mainline. This flight path was selected due to the proximity of the BC Hydro power line, and the hazards and risk associated with flying wood over the lines. After further review of the block a route utilizing an old road grade and log dump was found. This change in plan would conventionally develop approximately 5,000 m³ of wood and allow for short favourable flights for the remaining volume in block C39W. The changing of the flight path from adverse to favourable will significantly reduce the costs associated with harvesting the volume from Block C39W.

Based on the results dive assessment and the subsequent Marine Assessment Report, through implication of the site-specific mitigation measures "serious harm" will be avoided. Thus making the site suitable for log handling and storage.

The development of the Bailey Bay log handling facility could potentially be used in the future by BCTS. The road network develops conventional timber, allowing less valuable wood to be harvested and thus better logging the profile in the area. The area once decommissioned or when inactive would provide an additional area along the shores of Howe Sound for recreational kayakers to camp.

2.3 Seasonal Expectations of Use

When will the Project require use of the land? Include information on key works during construction phases as well as operations phase. Please reference [reduced risk fish windows](#) as required by DFO:



Project Phase (Construction / Operations)	Brief Description of Activity / Works	Season
Construction	Construction of Log Dump facility and installation of floating skidways	August 16-January 31
Operation	Helicopter Harvesting is restricted due to UWR adjacent to Block C39W.	June 1 - November 15

Add Row

3.0 Infrastructure and Improvements

3.1 Facilities and Infrastructure

Detail any new and existing facilities, infrastructure or processes proposed and any ancillary uses. Provide details of planned construction methods and materials, and construction scheduling.

Facility/Infrastructure/Process	Construction Methods/Materials	Construction Schedule
Dock	Floating dock	At the commencement of construction
Floating Skidways	80' steel floating skidway	Upon completion of dump site construction, removed upon completion
Booming grounds	A - sticks, two anchors, and boomsticks as shown on the site plan	Prior to harvesting operations, removed upon completion

Add Field

3.2 Access

Identify existing and proposed roads used for access and their use by season. Include any proposed connections to public or Forest Service Roads; traffic information including volume of traffic during construction/operation and phase or season that the traffic is expected:



Roadway/Proposed Connection	Existing/Proposed	Existing Road Classification	Road Permittee Information and Road Use Agreements	Traffic Volume		Mitigation of Traffic Effects
				Construction Phase	Operations Phase	
Boat Access	Existing - Watts Point DLS	N/A	N/A	2 trips per day	4 trips per day	N/A
C39W-A	Proposed Reactivation	Non-status/New	BML RP R21584 - Under applicatoin	0	16 loads per day	N/A

Add Field

3.3 Utility Requirements and Sources

Describe utility requirements and sources, include agreements in place or underway allowing access to utilities.



None required.

3.4 Water Supply

Identify water requirements for construction and operation phases (e.g. surface water and/or groundwater), including sources, location, volume and a general description of infrastructure planned to meet water supply requirements, include any agreements outside of Water Act Authorizations identified above (Section I, Authorizations, Permits or Approvals), such as Municipal water supply.

Project Phase (Construction/ Operation)	Water Requirement (e.g. Surface water or ground water, etc)	Source/location	Volume	Infrastructure Description	Agreements
N/A					
Add Field					

3.5 Waste Collection Treatment and Disposal

Identify water requirements for construction and operation phases (e.g. surface water and/or groundwater), including:



Project Phase (Construction/ Operation)	Water Requirement (e.g. Surface water or ground water, etc)	Source/location	Volume	Infrastructure Description	Agreements
N/A					
Add Field					

4.0 Environmental

Describe any significant impacts and proposed mitigation for the following environmental classes:

4.1 Land Impacts

4.1.1 Vegetation Removal

Is any timber removal required?

☐ Yes ☒ No

Are any areas of vegetation to be cleared, outside of timber removal?

☐ Yes ☒ No

4.1.2 Soil Disturbance

Will there be any areas of soil disturbance, including clearing, grubbing, excavation and levelling?

☐ Yes ☒ No

Is the area to be excavated a Brownfield site or has the potential to be contaminated?

☐ Yes ☒ No

Is there potential for disturbance of archaeological, paleontological fossils or historical artifacts?

☐ Yes ☒ No

4.1.3 Riparian Encroachment

Will any works be completed within or adjacent to the riparian zone of any water body?

☐ Yes ☒ No



4.1.4 Pesticides and Herbicides

Will there be any use of pesticides or herbicides during construction, operations and/or maintenance?

☐ Yes ☒ No

4.1.5 Visual Impacts

Will there be any adverse effects of the projects, and any potential adverse effects on sight lines to the project area from surrounding areas likely to be used for scenic viewing by residents or other users?

☐ Yes ☒ No

4.1.6 Archaeological Sites

Are there any known or high potential (Arch Procedure) archaeological sites within the project area?

☐ Yes ☒ No

Have you conducted an AIA or engaged an archaeologist to assist with your investigations?

☐ Yes ☒ No

4.1.7 Construction Methods and Materials

Identify the types of construction materials, the methods used, their impacts, and any mitigations:

Construction Material/Method	Impacts	Mitigations
Steel floating skidways	None	N/A
Boom sticks	None	N/A
Rock anchors and cables	Potential Refuse	Remove cables once complete
Add Field		

4.2 Atmospheric Impacts

4.2.1 Sound, Odor, Gas or Fuel Emissions

Will the project construction or operation cause any of the following to disturb wildlife or nearby residents:

[\(Best management practices for sound\)](#)

Sound? ☐ Yes ☒ No

Odor? ☐ Yes ☒ No

Gas? ☐ Yes ☒ No

Fuel Emissions? ☐ Yes ☒ No

4.3 Water or Land Covered by Water Impacts

4.3.1 Drainage Effects

Will the project result in changes to land drainage?

☐ Yes ☒ No

4.3.2 Public Access

Will the project result in changes to public access?

☐ Yes ☒ No

4.3.3 Flood Potential

Will the project result in a potential for flooding?

☐ Yes ☒ No

4.4 Fish and Wildlife Habitat Impacts

4.4.1 Disturbance to Wildlife and Wildlife Habitat

Will the project result in adverse effects to wildlife or wildlife habitat?

[\(BC Wildlife Act\)](#)

☐ Yes ☒ No

Will the project (construction or operations phase) occur in and around streams, lakes, estuarine or marine environments?

☒ Yes ☐ No

Describe the fish habitat on or near the project site, include potential impacts of the Project (e.g. stream crossings, water diversions, etc), including seasonal considerations, and plans to manage/mitigate effects.

Project Phase	Impacts	Proposed Mitigations / Management
Construction and Operation	None	As stipulated in Section 7 of the Marine Assessment
Add Field		

Is the project (construction or operations phase) likely to increase erosion or sedimentation?

☐ Yes ☒ No

Will the project (construction or operations phase) require water diversion?

☐ Yes ☒ No

5.0 Socio-Community

5.1 Land Use

Describe the current community setting on or near the project area, including the location of non-aboriginal and aboriginal communities or known use areas.

Bailey Bay is located 2.8 km east of the existing log handling facility in McNab Creek and 2.1 km west of the mouth of Potlatch Creek. There are recreational property owners at the mouth of McNab Creek and Potlach Camp located at the mouth of Potlatch Creek. Based on the location and duration of the proposed project, no impacts are expected.

5.1.1 Land Management Plans and Regional Growth Strategies

Are there any land and resource management plans, coastal plans, provincial, regional growth strategies or local government plans with zoning, or management policies or use restrictions in place that could limit or preclude your proposed use of the land? *(Please refer to the [Union of BC Municipalities \(UBCM\)](#), and check the websites of the municipality, regional district or other organization with jurisdiction including your project area.)*

☐ Yes ☒ No

5.2 Socio-Community Conditions

5.2.1 Adjacent Users or Communities

Is the project likely to restrict public access, or the ability, or the ability of adjacent land owners or tenure holder to access their property or tenures?

☐ Yes ☒ No

5.2.2 Existing Services

Provide a description any increased demand on fire protection and other health facilities and emergency services arising from your Project, including proposed management or mitigation measures.



N/A

**MARINE ASSESSMENT FOR THE PROPOSED
DEVELOPMENT OF THE BAILEY BAY LOG HANDLING
FACILITY IN HOWE SOUND, BC**



November 2017



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MARINE ASSESSMENT FOR THE PROPOSED DEVELOPMENT OF THE BAILEY BAY LOG HANDLING FACILITY IN HOWE SOUND, BC

Prepared for:

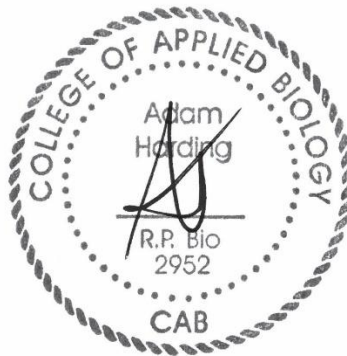
Dave Rollins, RPF, P.Eng
Operations Engineer
BLACK MOUNT LOGGING INC.
2021 Paco Road, Squamish, BC, V9B 0J6

Written by:

Curtis Curkan, BSc

Reviewed by:

Adam Harding, RPBio



Date:

November 16th, 2017

PACIFICUS BIOLOGICAL SERVICES LTD.
P.O. Box 2760
Port Hardy, B.C.
V0N 2P0



Disclaimer

You have requested our assistance in conducting a marine assessment for the development of the Bailey Bay Log Handling Facility in Howe Sound, BC. Amendments to Fisheries and Oceans Canada's (DFO) *Fisheries Act* came into force on November 25th, 2013. Pertinent to this project, the scope of Section 35(1) was refocused to prohibit *serious harm* to commercial, recreational, or Aboriginal fisheries (CRA fisheries), or fish that support such fisheries. While it is our professional opinion that the project as described will not result in *serious harm*, we cannot guarantee DFO's interpretation without a submission for review.

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1.0 EXECUTIVE SUMMARY

Black Mount Logging Inc. (Black Mount) is in the planning stages of developing a new log watering facility within locally known Bailey Bay near McNab Creek in Howe Sound on the south coast of British Columbia. As such, Pacificus Biological Services Ltd. (Pacificus) was contracted to conduct a marine biological assessment of the proposed site to determine the level of regulatory review necessary for project development. Habitat at the site was of low productivity with the exception of a moderately dense (2-10 individuals/m²), shallow, 5m-7m wide band of green sea urchins fronting the proposed landing. Although the site was of low productivity, six fish¹ species of commercial, recreational, or Aboriginal (CRA) importance, or fish that support such species were observed. Little macroalgae cover was observed at the site; however a 16-20m² area of high intertidal grass and sedge was identified within the location of proposed infill. As such, we recommend the use of Black Mount's floating skidway to span the band of green sea urchins and that the intertidal grass and sedge be relocated to the west of the proposed log watering facility prior to intertidal infilling. Despite the presence of several CRA species, if standard and site-specific mitigation measures are implemented, we do not anticipate that the proposed operations at the site should result in deleterious impacts to CRA fish species to a level that constitutes *serious harm*. As such, it is our opinion that should the mitigation measures detailed in this report be implemented and maintained properly throughout the duration of the project, *serious harm* may be avoided and Black Mount will not be required to undertake offsetting measures at this proposed site. This will be confirmed during a post-operational survey of the site. Because avoidance and mitigation at the Bailey Bay Log Watering Facility will preclude *serious harm*, a DFO Review is not required. Measures and standards to avoid and mitigate *serious harm* are detailed in this report, and must be followed during the construction, operation, and decommissioning of the site.

¹ For the purpose of this report, as defined in the *Fisheries Act*, fish are defined as parts of fish, shellfish, crustaceans, and marine animals, and any parts of shellfish, crustaceans, or marine animals, and the eggs, sperm, spawn, larvae, spat, and juvenile stages of fish, shellfish, crustaceans, and marine animals.

2.0 INTRODUCTION

Black Mount has proposed to develop a log handling facility within Howe Sound, within the locally known Bailey Bay near McNab Creek on the south coast of British Columbia, approximately 20km southwest of Squamish, BC (49° 34.158'N 123° 20.595'W; Figure 1). Within the vicinity of the proposed facility, historic log watering operations were conducted, however the specific history of the site is not known at this time. As Black Mount now intends to develop a new log dump at the site, a thorough marine biological environmental assessment was conducted at the site to determine the necessary level of regulatory review for the project. As such, Pacificus was contracted by Black Mount to conduct a survey of the foreshore, intertidal, and subtidal habitat at and within the immediate vicinity of the site.

The objectives of this assessment were to:

- Determine the suitability of the selected site for the proposed operations;
- Document physical and biological characteristics of the local marine habitat;
- Determine if the proposed development is likely to cause *serious harm to fish that are part of a commercial, recreational or Aboriginal fishery, or to fish that support such a fishery*;
- Describe the procedures for monitoring potential log handling related impacts specific to the Bailey Bay facility (if any);
- Provide recommendations to avoid and mitigate potential construction or operational impacts;
- Identify and quantify *residual serious harm* as a result of development and operation (if any).

The survey was conducted over the course of one field day and included observations of the proposed landing and skidway locations, and foreshore and intertidal zones, as well as an underwater SCUBA examination of the lower intertidal and subtidal habitats.

The following report provides and/or identifies:

- Description of the proposed development;
- Description of fish and fish habitat;
- Description of effects on fish and fish habitat;
- Measures and standards to avoid, mitigate, or offset *serious harm* to fish that are part of a commercial, recreational, or Aboriginal fishery, or that support such a fishery, and the public interest;
- Underwater video & still photos.

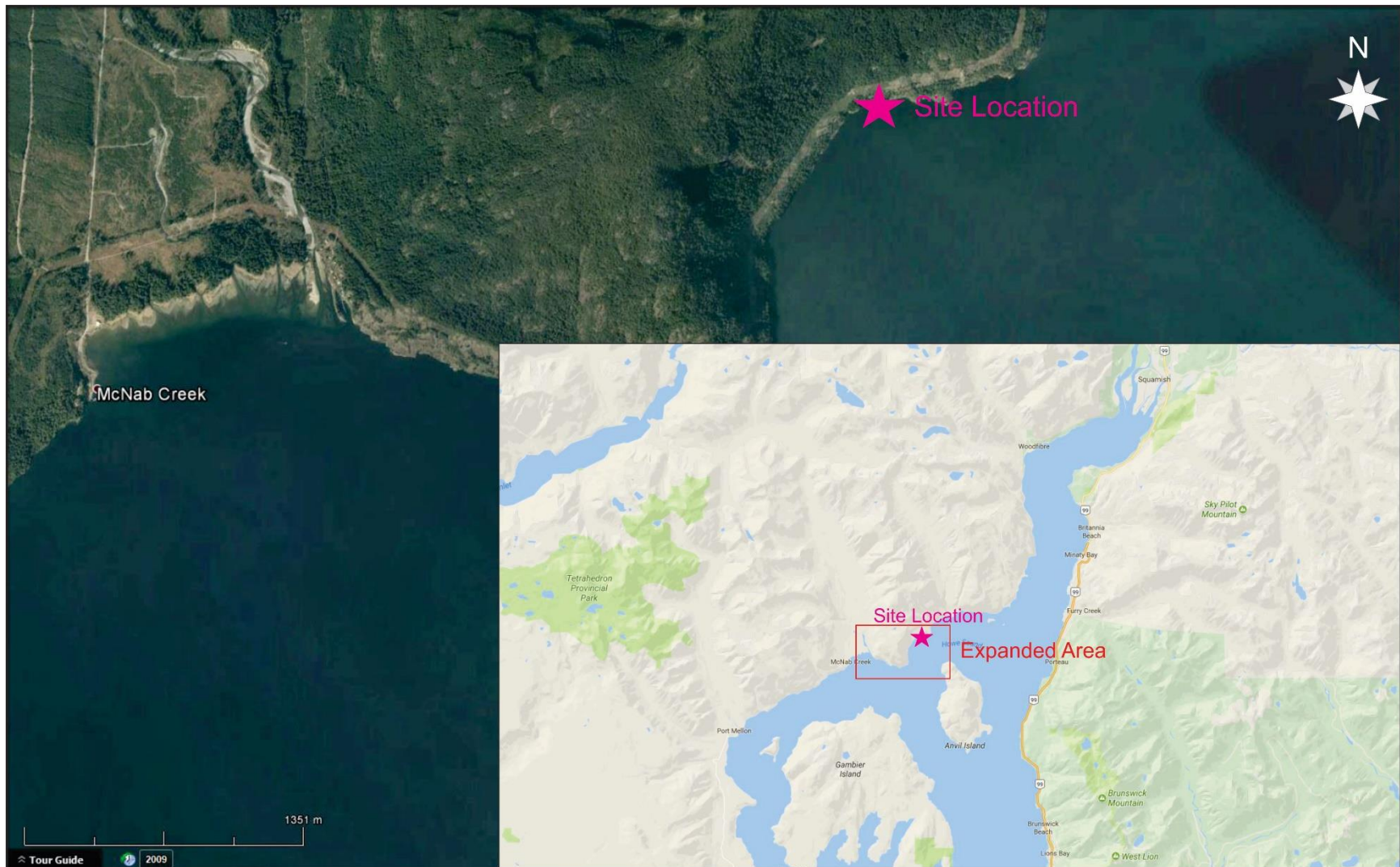


Figure 1. Location of the proposed Bailey Bay Log Watering Facility near McNab Creek in Howe Sound, BC.

3.0 DESCRIPTION OF THE PROPOSED DEVELOPMENT

The Bailey Bay Log Watering Facility is located on the western shore of Howe Sound, approximately 2.8km northeast of McNab Creek. At the proposed Bailey Bay Log Watering Facility, the remnants of a historic landing and road are present approximately 60m west of the proposed new facility. Historic operations in the vicinity of the proposed site ceased approximately 70 years ago with an unknown volume of wood watered during historic operations (pers. comm. Dave Rollins, RPF, PEng (Black Mount) to Derek LeBoeuf, RPBio (Pacificus)).

Development of the Bailey Bay facility will require blasting and intertidal infill to create the landing for the skidway location and the road leading to the landing, respectively. The intertidal area that will require infill is approximately 65-75m² and is located between the proposed and historic landing locations (Figure 2). The site will require the installation of a skidway (Black Mount intends to use a floating skidway at the facility), establishment of a bullpen and booming grounds (best option either to the east or west of the skidway), and installation of a dock.

Approximately 24,000m³ of harvested timber is planned to be watered through the site, with the potential for an additional 26,000m³ to a total of 50,000m³ to be watered through the facility (pers. comm. Dave Rollins, RPF, PEng (Black Mount) to Derek LeBoeuf, RPBio (Pacificus)). After operation, the facility will be decommissioned and infrastructure will be removed from the site.

4.0 ENVIRONMENTAL ASSESSMENT PROTOCOL

In order to assess the condition of the foreshore, intertidal, and subtidal zones, as well as suitability for the proposed development, a thorough examination of the proposed site at the Bailey Bay facility was undertaken. Qualified marine biological professionals and WCB-certified occupational SCUBA divers from Pacificus (Derek LeBoeuf, RPBio, and Curtis Curkan, BSc), accompanied by Dave Rollins, RPF, PEng, of Black Mount, assessed the site on October 5th, 2017. Conditions on the date of assessment were clear with outflow winds, and minimal underwater current.

Squamish (#7811) is the closest tidal station to the proposed log dump, located approximately 20km northwest of the site on the at the head of Howe Sound, and was used as the tidal reference station during this assessment. The highest tidal height at this station for the past 12 months was 5.1m and the tidal height at the time of the survey at approximately 08:20am was 3.2m². Chart Datum is used as the depth reference in this report.

Procedures for the survey followed the *Information Requirements for Proposed Works and Activities Related to New Log Handling Facilities in Coastal British Columbia* (DFO, 2009) jointly developed by DFO and the Coast Forest Products Association (CFPA). The marine assessment was composed of two parts: a reconnaissance survey of the foreshore and nearshore environment, and a transect-based SCUBA survey to examine marine habitat and substrate in the intertidal and subtidal zones. The reconnaissance survey included a review of marine charts, topographic maps, and operational maps of the site. Once on site, biologists conducted an initial foreshore overview, collected depth soundings to determine if the proposed development area was suitable, and determined the appropriate locations to focus survey efforts.

Four 60m-long transects originating at the HHWM were established perpendicular to the shoreline in order to thoroughly survey the marine environment. Transect 1 was set along the bedrock cliff approximately 65m northeast of the proposed skidway location. Transect 2 was set at the proposed skidway location. Transect 3 was set of the southeastern extent of the proposed landing location approximately 19m west of the proposed skidway location. Transect 4 was set along the southern extent of the infill from the historic log watering facility within Bailey Bay. In addition to the four transects, an underwater parallel to shore swim survey from approximately 50m northeast of Transect 2 to approximately 15m east of Transect 4 was conducted. The

² <http://www.tides.gc.ca/eng/station?sid=7811> (accessed 2/11/2017)

purpose of this swim survey was to identify sensitive habitat features (e.g. eelgrass, clam beds, abalone habitat) that may exist along the shoreline at the proposed log watering facility. Transects and parallel to shore swims were numbered and geo-referenced, and are outlined in the site diagrams contained within this document (Figure 2; Photo 1; Photo 2).

Fish habitat observations were recorded every 10m along each transect line and more frequently when significant changes in habitat characteristics occurred. Substrate type (Table 1) and relative abundance was recorded along the length of each transect. Estimates of abundance for marine flora, sessile fauna, and motile fauna within the survey area were also recorded. Abundance estimates were recorded as counts, percent coverage, or relative estimates, depending on the particular organism being assessed. When using a count estimate, if the density of the organism was greater than $1/\text{m}^2$, a square-meter estimate is provided instead of a count.

Table 1: List of substrate types and accompanying definitions for use in underwater assessments (DFO, 2009: Table 1).

Substrate	Definition	Size (mm)
Silt, clay, mud	Loose sedimentary deposit	<0.06
Sand	Loose granular material	0.06-2
Gravel	Loose rounded fragments of rock	2-64
Cobbles	Loose stone larger than gravel, smaller than a boulder	64-256
Boulders	A detached mass of rock	>256
Bedrock	Solid rock underlying unconsolidated surface material	n/a
Shell hash	Shell fragments of various organisms	n/a
Wood waste	Fine, coarse, and large woody debris material	n/a

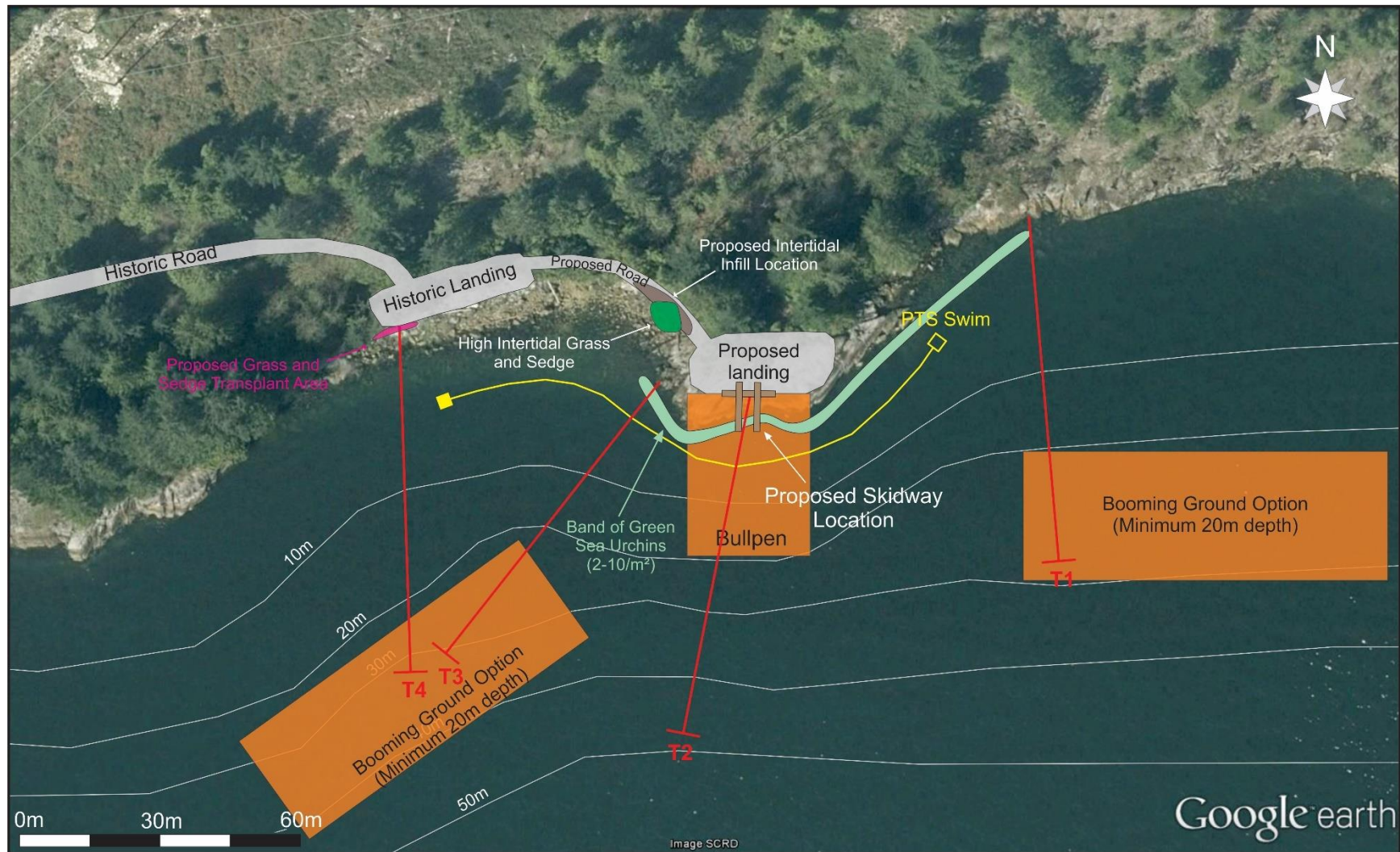


Figure 2: Site map for the proposed Bailey Bay Log Watering Facility with the proposed approximate layout of facility features, transect locations, and important biologic features. Depth contours as illustrated are approximate.

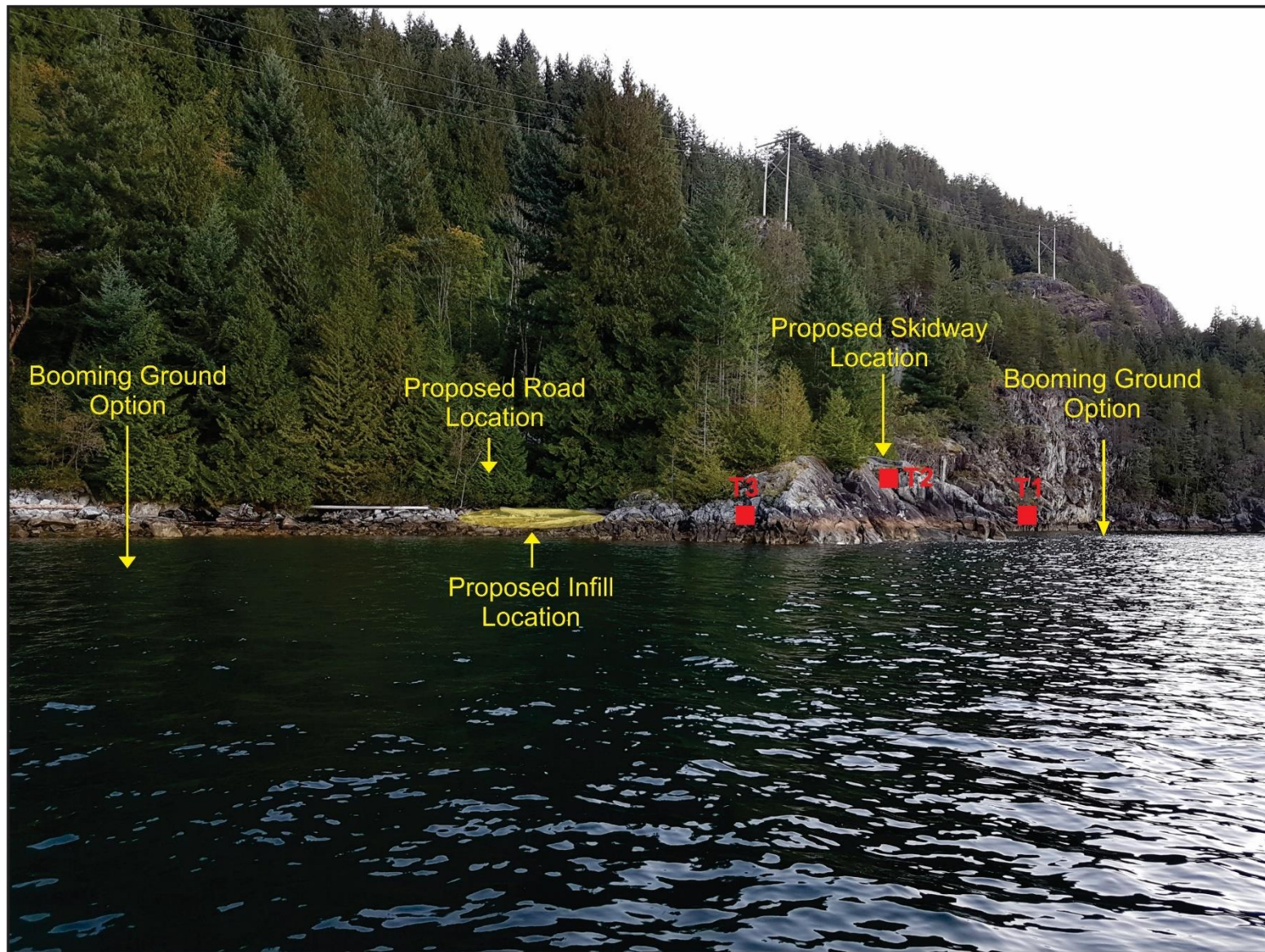


Photo 1: Overview of facility features at the proposed Bailey Bay Log Watering Facility. Photo taken October 5th, 2017.

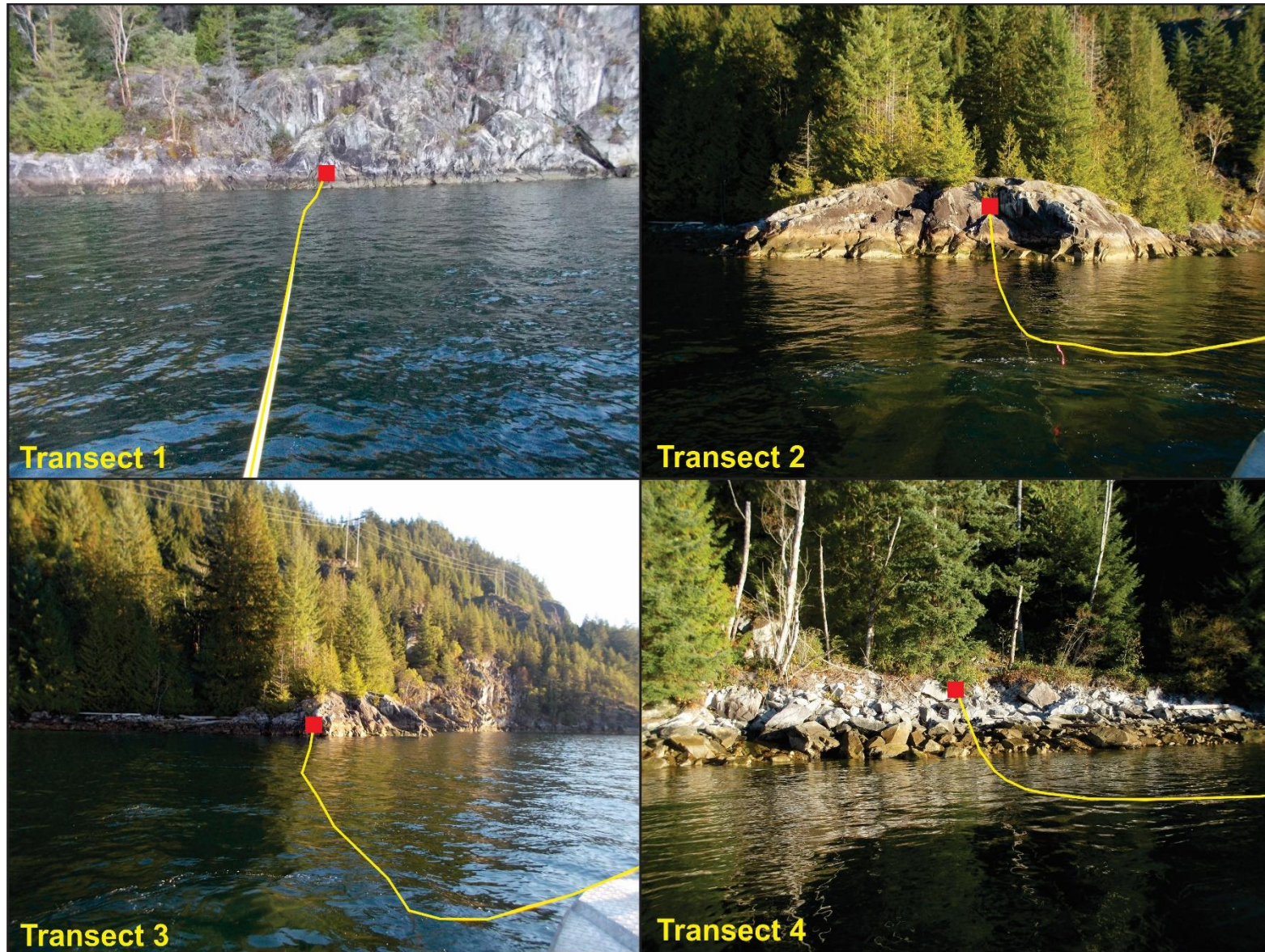


Photo 2: Overview of transect locations at the proposed Bailey Bay Log Watering Facility. Photos taken October 5th, 2016.

5.0 DESCRIPTION OF FISH AND FISH HABITAT

5.1 SUMMARY OF PHYSICAL ENVIRONMENT

The shoreline of the proposed Bailey Bay Log Watering Facility was generally composed of two different substrate types. From Transect 1 to Transect 3, the shoreline consisted of steeply sloped bedrock (Photo 3); while the shoreline was composed of bedrock, boulder, and cobble from Transect 3 to Transect 4. The shoreline substrate in the vicinity of Transect 4 was composed of the infill from the historic log watering facility. Along Transect 1 bedrock was present with cobble, silt, and boulder before transitioning to sand and shell hash, with boulder and silt (Figure 3). Bedrock was present all along Transect 2, with shell hash, and sand. Bedrock was present along the entire length of Transect 3, with boulder, silt, and shell hash. Boulder was present along the entire length of Transect 4 with cobble, sand, and silt. From Transect 1 to Transect 3 the foreshore was steeply sloped, while the foreshore to the west of Transect 3 was more gently sloped. Bathymetry at the Bailey Bay Log Watering Facility was generally steeply sloped with deep water being accessible along the entire length of the proposed facility (Table 2; Figure 4).

5.2 HABITAT SUMMARY

Habitat at the Bailey Bay Log Watering Facility was observed to be of low productivity. The intertidal zone was characterized by a limited cover of rockweed (*Fucus gardneri*) and green filamentous algae, while marine invertebrates in the intertidal zone consisted of acorn barnacles (*Balanus glandula*) and Pacific blue mussels (*Mytilus trossulus*). Between Transect 3 and Transect 4, a pocket of high intertidal grass and sedge was identified. This pocket of grass and sedge was approximately 8m long and ranged between 2m and 6m wide (Photo 4).

Subtidal macroalgae observations at this site were limited to low to moderate coverage of rockweed, fringed sea colander kelp (*Agarum fimbriatum*; 10%), green filamentous algae (up to 80%), and brown filamentous algae (up to 70%). Coverage of macroalgae was sporadic throughout the assessment area with rockweed (up to 20%) being present on Transects 3 and 4 from 0+000m to 0+010m, fringed sea colander kelp (10%) present on Transect 4 from 0+020m to 0+030m, green filamentous algae (80%) present on Transect 2 from 0+000m to 0+010m, and brown filamentous algae (up to 70%) present on Transect 4 from 0+000m to 0+020m.

A total of 19 subtidal marine invertebrate species were observed on the date of examination. These included giant plumose anemones (*Metridium farcimen*) and leather stars (*Dermasterias imbricata*) which were observed along all transects. A variety of anemones were observed throughout the assessment area including short plumose anemones (*Metridium senile*; Transects 1 and 2), swimming anemones (*Stomphia didemon*; Transects 1 to 3), and tube dwelling anemones (*Pachycerianthus fimbriatus*; Transects 2 and 4). Other observed marine invertebrate species considered of CRA importance included green sea urchin (*Strongylocentrotus droebachiensis*) up to 8-10/m² located between 0+000m and 0+020m on Transects 1 to 3, giant sea cucumber (*Parastichopus californicus*; 44 individuals) along Transects 1 to 3 and parallel to shore swim, cloud sponge (*Aphrocallistes vastus*; 2 individuals) along Transects 2 and 3, and spiny pink scallop (*Chlamys hastata*; 1 individual) along Transect 1.

A total of six marine vertebrate species were observed at the site, including five species of CRA-listed finfish. Blackeye goby (*Coryphopterus nicholsi*) were observed along every transect and the parallel to shore swim. CRA fish observations included a single copper rockfish (*Sebastes caurinus*) observed along Transect 4, and a single brown rockfish (*Sebastes auriculatus*) observed on the parallel to shore swim. Striped perch (*Embiotoca lateralis*) were observed throughout the site, while pile perch (*Damalichthys vacca*) were observed along Transects 1 and 4 and the parallel to shore swim, and shiner perch (*Cymatogaster aggregata*) were observed along Transect 4 and the parallel to shore swim.

A comprehensive list of all species observed at the site with density abundances and spatial distribution information for each is provided in Appendix 3.

5.3 CRA SPECIES OBSERVATIONS

Eleven species of CRA importance, or species that support such species, were observed at the proposed Bailey Bay Log Watering Facility:

- Cloud sponge (*Aphrocallistes vastus*)
- Spiny pink scallop (*Chlamys hastata*)
- Pacific blue mussel (*Mytilus trossulus*)
- Green sea urchin (*Strongylocentrotus droebachiensis*)
- Giant sea cucumber (*Parastichopus californicus*)

- Striped perch (*Embiotoca lateralis*)
- Pile perch (*Damalichthys vacca*)
- Shiner perch (*Cymatogaster aggregata*)
- Copper rockfish (*Sebastes caurinus*)
- Brown rockfish (*Sebastes auriculatus*)

For more detailed information regarding each observation and corresponding abundances, see Appendix 3.

5.4 DATABASE RESEARCH RESULTS

No federally-listed Species at Risk or provincially red- or blue-listed marine species, significant kelp forests, eelgrass beds, or clam beds are registered as being in proximity to the site (<100m) according to online mapping resources (iMapBC)³.

The Bailey Bay Log Watering Facility is located within DFO's herring spawn records Section 280 (Howe Sound), and there are no records of herring spawn occurring within immediate proximity of the proposed log watering facility⁴ (Appendix 1). Records do indicate that herring spawn has occurred historically within Howe Sound, with the nearest locations occurring at the head of Howe Sound (14km northeast), and within Port Graves Bay on the southern shore of Gambier Island (10.5km south). Should herring spawn occur at the site in the future, measures to accommodate for herring spawn have been included in the Mitigation Management Plan for this site (Appendix 4)

This portion of Howe Sound is listed within online mapping resources (iMapBC) as an area utilized by killer whales (*Orcinus orca*) and harbour seals (*Phoca vitulina*). A known harbour seal haulout is located on the southern portion of Anvil Island approximately 7km southeast of the proposed facility⁵. Appendix 4 provides best practices to follow should whales transit the area.

Online mapping records indicate the presence of an unnamed watercourse approximately 205m to the east of the proposed skidway location. No existing fish distribution information exists for this unnamed stream. Potlatch Creek (WSC: 900-104300) is the nearest stream with

³ <http://maps.gov.bc.ca/ess/sv/imapbc/> (accessed 6/11/17)

⁴ <http://www.pac.dfo-mpo.gc.ca/science/species-especes/pelagic-pelagique/herring-hareng/herspawn/134fig-eng.html> (6/11/17)

⁵ <http://maps.gov.bc.ca/ess/sv/imapbc/> (accessed 6/11/2017)

existing fish distribution data. Potlatch Creek enters Howe Sound approximately 2.4km northeast of the proposed skidway location. Potlatch Creek is a fish bearing system with records of anadromous fish including coho salmon (*Oncorhynchus kisutch*), chum salmon (*O. keta*), chinook salmon (*O. tshawytscha*), steelhead (*O. mykiss*), and cutthroat trout (*O. clarkii*), as well as resident Dolly Varden char (*Salvelinus malma*), rainbow trout, and cutthroat trout⁶. It is expected that operation of this site will not result in any adverse impacts to these systems during the operation of this site.

5.5 COMMERCIAL AND RECREATIONAL INTERESTS

The Bailey Bay Log Watering Facility is located within DFO's Fisheries Management Area 28-4⁷. Online mapping records indicate the presence of a commercial prawn, shrimp, and crab fishery within this portion of Howe Sound⁸. Should the suggested mitigation measures as described in this report be adopted, it is not anticipated that the proposed development will cause any impacts to commercial fisheries within the area.

Online mapping records indicate the presence of recreational finfish and crab fisheries within approximately 8.2km south of the proposed Bailey Bay facility. Although records do not indicate it, there is potential for Howe Sound to be utilized for recreational prawn, crab, and finfish fisheries within the vicinity of the Bailey Bay Log Watering Facility. However, it is not anticipated that construction or operation of this log dump will have any adverse effects on the productivity of recreational fisheries in the area. There are several Rockfish Conservation Areas located within Howe Sound. The nearest Rockfish Conservation Area is the Domett Point Rockfish Conservation Area, located approximately 1.2km southeast of the proposed Bailey Bay facility⁹.

⁶ <http://a100.gov.bc.ca/pub/fidq/infoSingleWaterbody.do> (accessed 6/11/2017)

⁷ <http://www.pac.dfo-mpo.gc.ca/fm-gp/maps-cartes/areas-secteurs/28-eng.html> (accessed 8/11/2017)

⁸ <http://maps.gov.bc.ca/ess/sv/imapbc/> (accessed 8/11/2017)

⁹ <http://www.pac.dfo-mpo.gc.ca/fm-gp/maps-cartes/rca-acsc/rca-acsc/south-sud/DomettPointChart3512-eng.html> (accessed 8/11/2017)

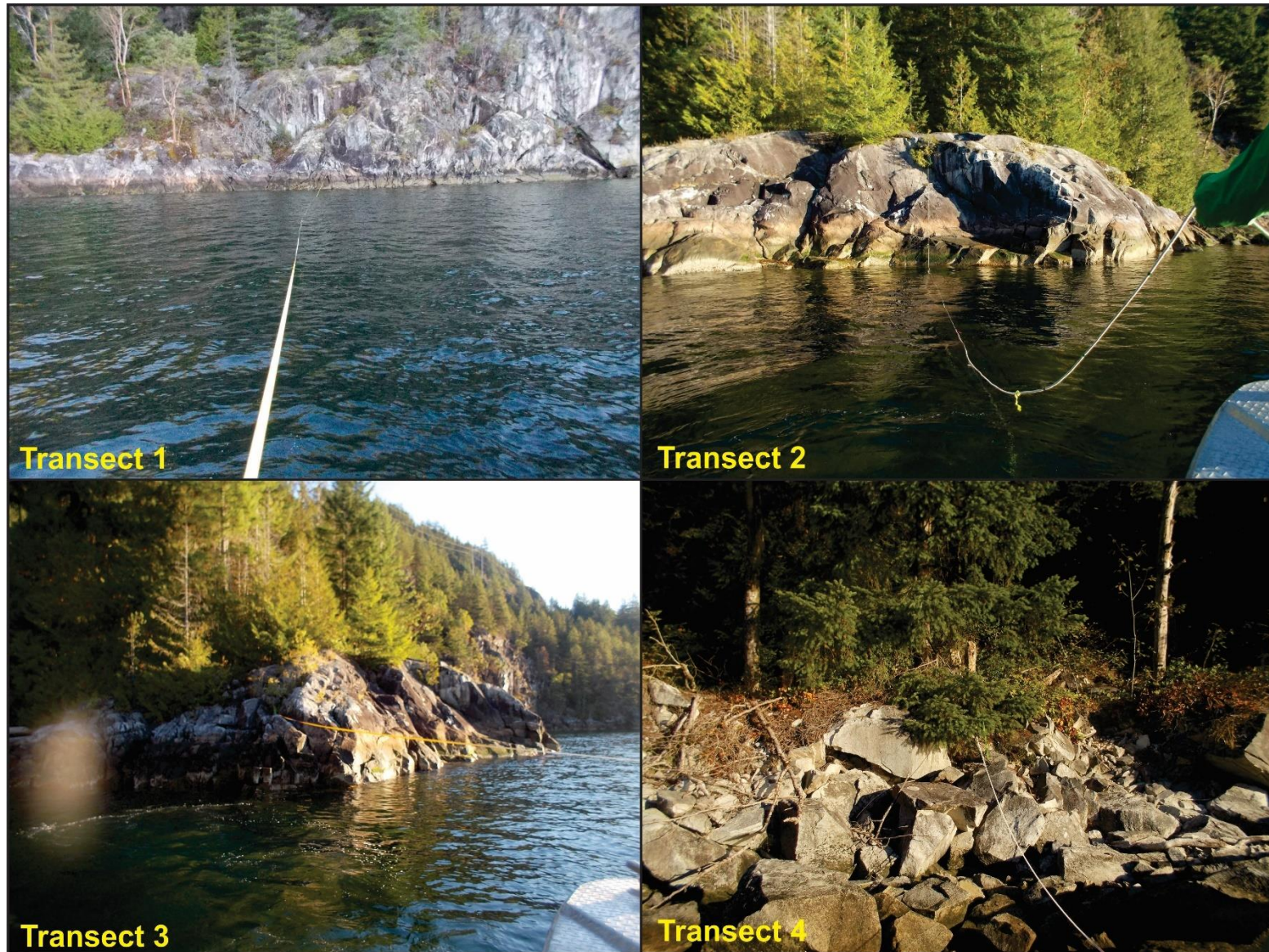


Photo 3: Characteristics of the foreshore at the proposed Bailey Bay Log Watering Facility. Photos taken October 5th, 2017.

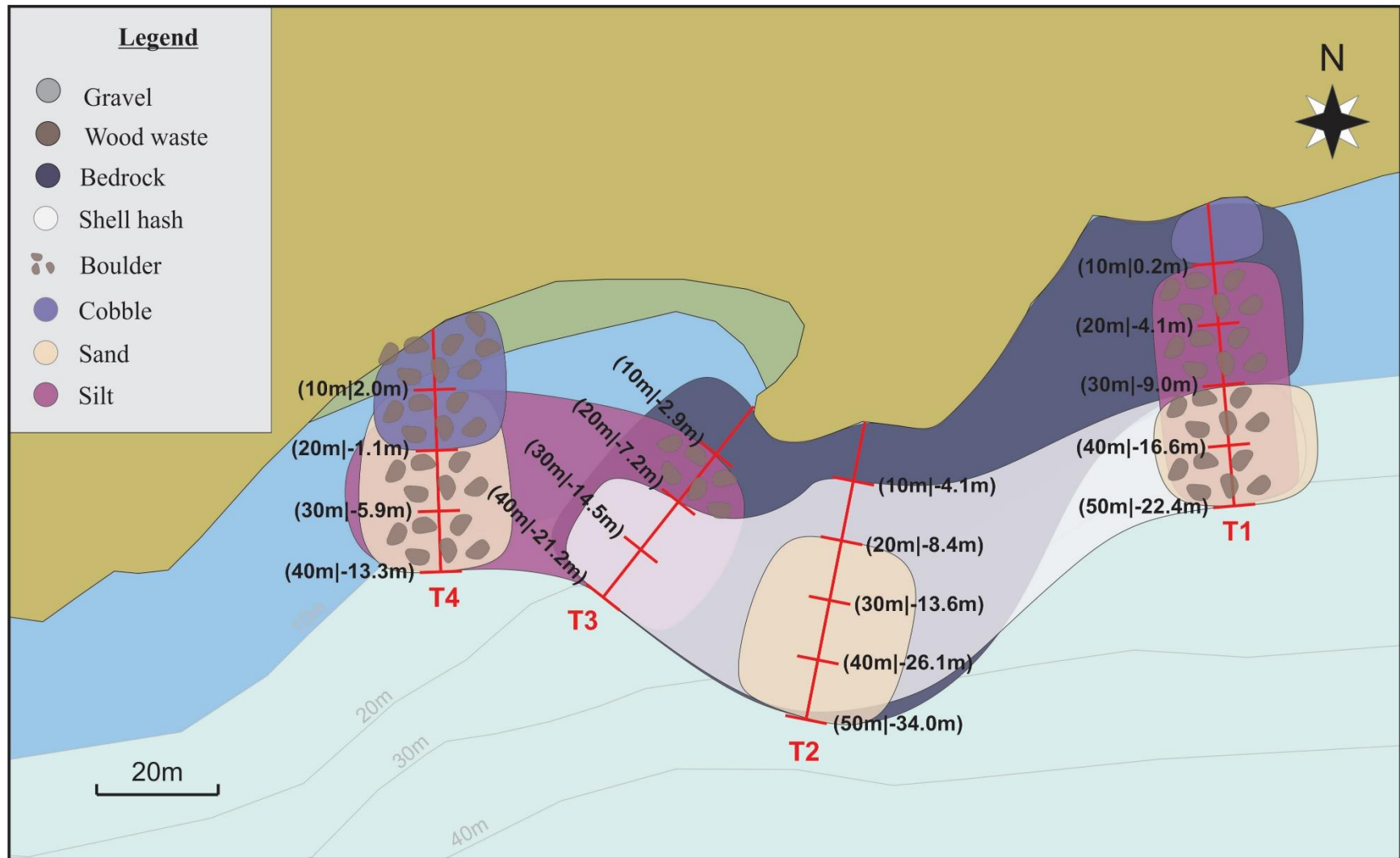


Figure 3: Substrate characteristics observed during the marine assessment at the proposed Bailey Bay Log Watering Facility on October 5th, 2017.

Table 2. Position of transects and corresponding depths (meters) at 10m intervals at the proposed Bailey Bay Log Watering Facility.

Transect Number	Origin	Bearing (true)	Reading	0m	10m	20m	30m	40m	50m	60m	70m
Transect 1	49° 34.176'N, 123° 20.548'W	176°	Sounding	n/a	-3.0	-7.3	-12.2	-19.8	-25.6	-29.6	-35.4
			Chart Datum	n/a	0.2	-4.1	-9.0	-16.6	-22.4	-26.4	-32.2
			HHWM	0.00	-4.9	-9.2	-14.1	-21.7	-27.5	-31.5	-37.3
Transect 2	49° 34.158'N, 123° 20.595'W	191°	Sounding	n/a	-7.3	-11.6	-16.8	-29.3	-37.2	-45.7	-50.9
			Chart Datum	n/a	-4.1	-8.4	-13.6	-26.1	-34.0	-42.5	-47.7
			HHWM	0.00	-9.2	-13.5	-18.7	-31.2	-39.1	-47.6	-52.8
Transect 3	49° 34.159'N, 123° 20.611'W	217°	Sounding	n/a	-6.1	-10.4	-17.7	-24.4	-26.8	-30.8	-34.1
			Chart Datum	n/a	-2.9	-7.2	-14.5	-21.2	-23.6	-27.6	-30.9
			HHWM	0.00	-8.0	-12.3	-19.6	-26.3	-28.7	-32.7	-36.0
Transect 4	49° 34.166'N, 123° 20.655'W	178°	Sounding	n/a	-1.2	-4.3	-9.1	-16.5	-19.2	-26.8	-36.0
			Chart Datum	n/a	2.0	-1.1	-5.9	-13.3	-16.0	-23.6	-32.8
			HHWM	0.00	-3.1	-6.2	-11.0	-18.4	-21.1	-28.7	-37.9

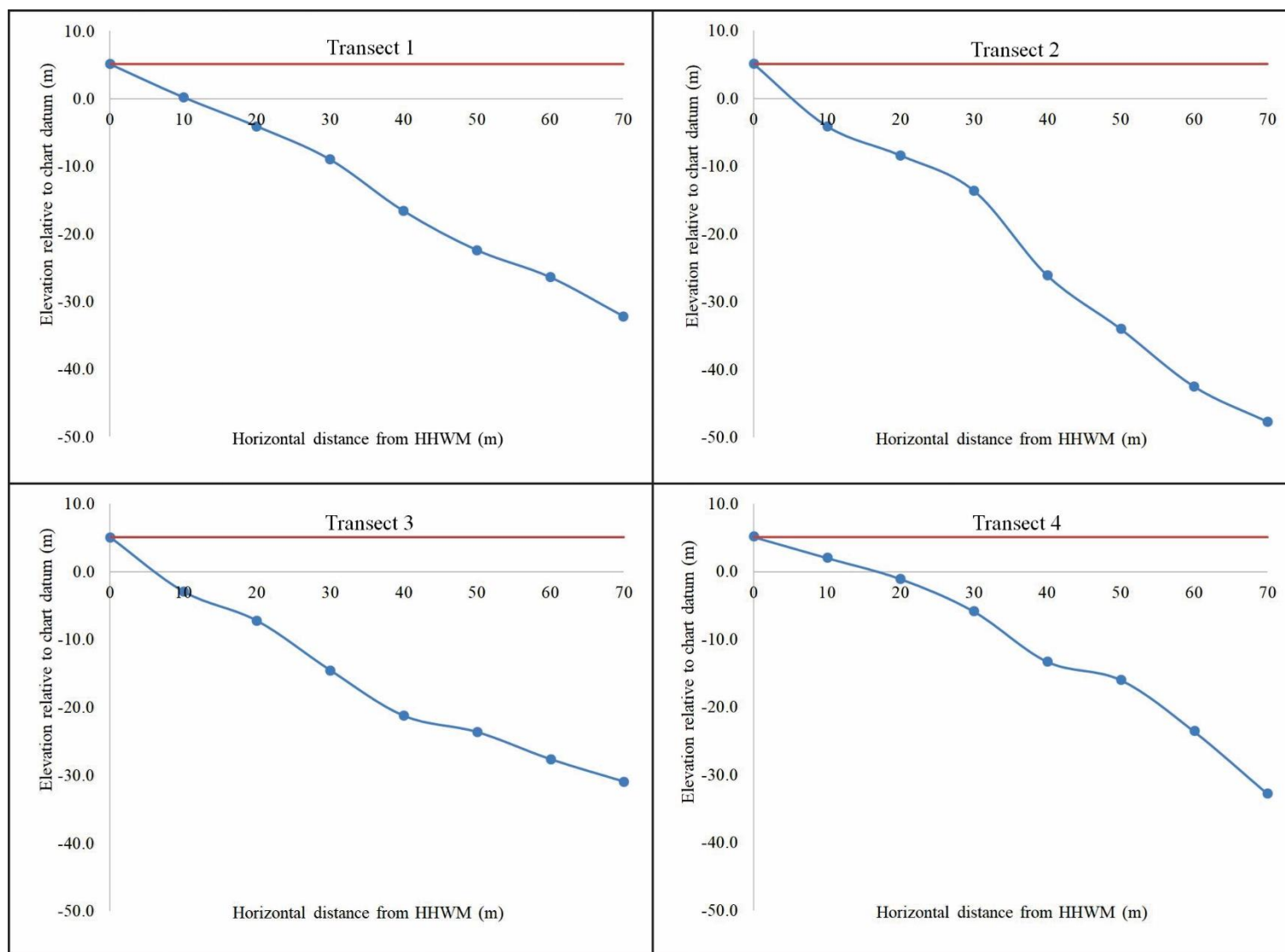


Figure 4: Bathymetric profiles for Transects 1 to 4 at the proposed Bailey Bay Log Watering Facility starting at the HHWM. Depths have been adjusted to depth at Chart Datum (Table 2), and the red line indicates the HHWM. See Figure 2 for transect locations.

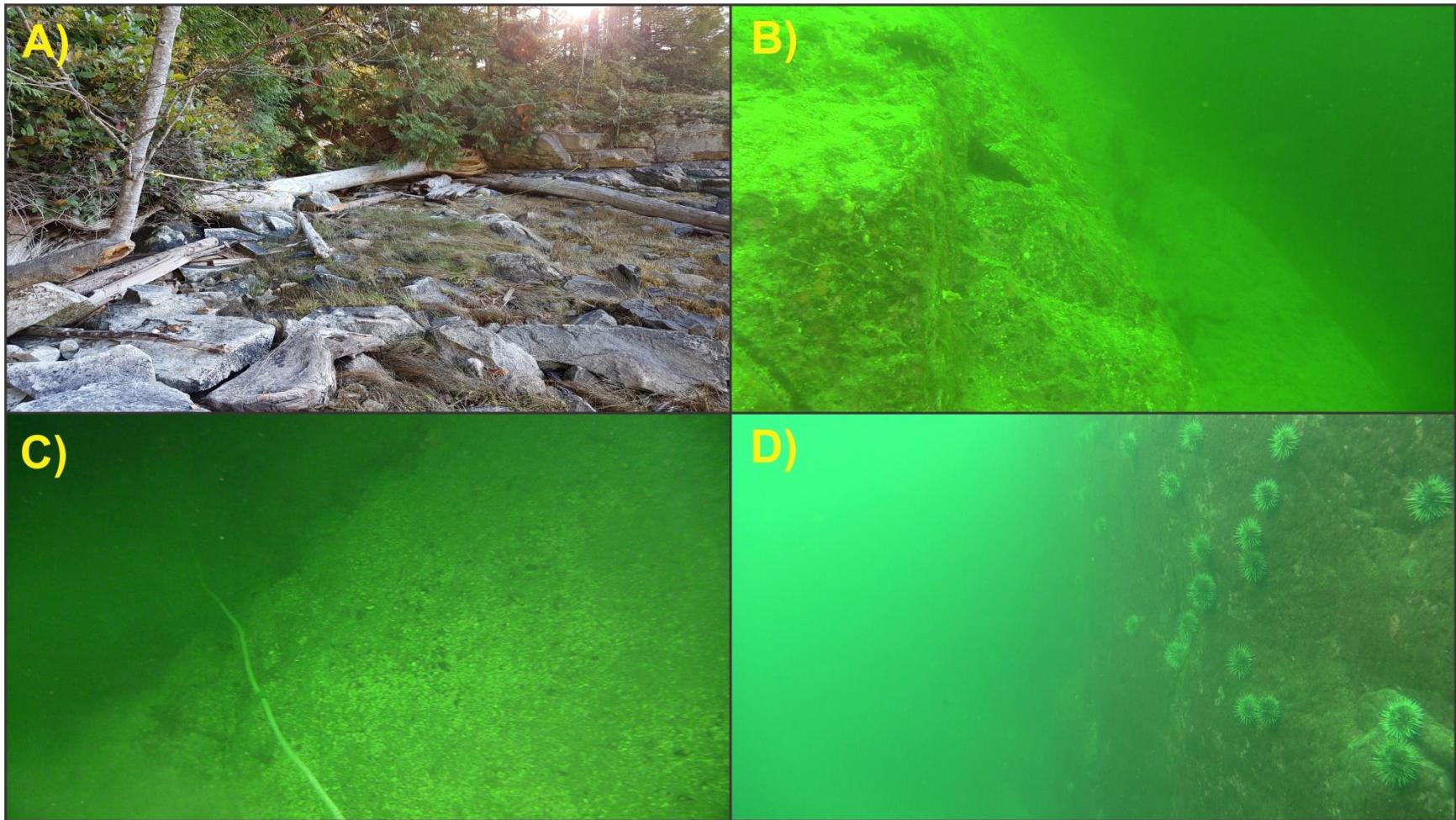


Photo 4: Condition of marine habitat as observed at the proposed Bailey Bay Log Watering Facility. A) High intertidal grass and sedge located between Transects 3 and 4. B) Bedrock habitat observed along Transect 2. C) Bedrock and silt habitat observed along Transect 3. D) Lower portion of the moderately dense green sea urchin band observed along the parallel to shore swim. Photos taken October 5th, 2017.

6.0 DESCRIPTION OF EFFECTS ON FISH AND FISH HABITAT¹⁰

In conjunction with the field assessment, the potential effects and associated risks to the marine environment at the proposed Bailey Bay Log Watering Facility have been examined to determine: a) the level of risk arising from the project and its likelihood to cause *serious harm*, and b) the level of regulatory input required as a result (i.e. DFO Review, DFO Authorization). The following sections provide detail on potential risk as a result of the project, and incorporate advice provided in DFO's *Fisheries Protection Policy Statement* (DFO, 2013c), and *An Applicant's Guide to Submitting an Application for Authorization under Paragraph 35(2)(b) of the Fisheries Act* (DFO, 2013a).

6.1 EXPECTED DURATION OF IMPACTS

Some infill within the intertidal zone will be required and will exist permanently. However, the placement of infill will mimic the boulder and cobble habitat present from the historic infill present on site, and it is expected that the placement of this infill should not result in any overall changes to the habitat quality of the intertidal zone at the site. Sedge grasses will be transplanted and therefore it is not expected they will sustain any long-term impacts.

Deposited wood waste will remain within a localized area fronting the skidway on a long-term scale of years. However, the deposition of organic wood matter will not be permanent as wood waste will eventually decompose within the marine environment, become colonized by marine invertebrates, and/or redistribute due to tidal flushing. As historic operations watered wood within the immediate vicinity of the proposed site, and with no evidence of historical operations present on the date of examination, it is expected that the site will recover to pre-impact levels over time.

Other impacts including shading of marine organisms due to the placement of a camp (if used), dock, and wood booms will be minimal, as these structures should occur in sufficient water depth. Any impacts from these structures, should they occur, will be limited only to the operational span of the facility.

¹⁰ The headings in this section have been adopted from DFO's *Fisheries Protection Policy Statement* (DFO, 2013) as a means to identify the relevant impacts and risk of causing *serious harm* to CRA species, or fish that support such species.

6.2 GEOGRAPHIC SCALE OF IMPACTS

Infill will be limited to the upper intertidal zone in the area near the proposed landing and it is expected that the geographic extent of the infill will be limited to 75m². Of this approximately 16-20m² is high intertidal grasses and sedge (which will be transplanted prior to construction), and approximately 50m² is bare rock or rafted woody debris.

During the development of the proposed site blasting will be required to construct the landing. Provided that blasting follows the mitigation measures as described within this report, impacts from blasting should be confined to the immediate blast area.

With respect to wood waste, due to the consistent, steeply-sloping, bathymetric profile of the site, we anticipate that debris will rapidly distribute to deeper depths where observed marine productivity is low and expected to decrease further with depth. Booming will potentially occur to the east and/or west of the facility in an area of water deeper than 20m Chart Datum, and where productivity is low. The placement of a dock is not anticipated to cause any impacts provided dock grounding is avoided.

6.3 AVAILABILITY AND CONDITION OF NEARBY FISH HABITAT

Our assessment indicates that the Bailey Bay site is comprised of low productivity habitat, with the exception of a shallow, moderately dense, 5m-7m wide band of green sea urchins as described above in *Section 5.0 Description of Fish and Fish Habitat*. The shoreline and intertidal zone along the proposed facility consists of steeply-sloped bedrock and a section of modified shoreline from historic infill, with few marine species observed utilizing this habitat. Nonetheless, hard attachment points and interstitial space provided by rip rap are not limited in this area of Howe Sound as seen during observations of the shoreline in proximity to the site. As such, any further modifications or impacts to the shoreline at this site, should they occur, are unlikely to result in a significant loss in the availability of intertidal habitat for marine organisms within the area.

Our assessment indicates that the Bailey Bay site is composed of two primary subtidal habitat types. The first is steeply sloped bedrock, boulder, and cobble that serves as an attachment point for a variety of marine invertebrates, and the second is a steep silt, sand slope with boulder and shell hash. A thorough examination of the marine environment at this site indicates that neither of these two habitat types are limiting, either within the immediate vicinity

of the proposed site, or adjacent to the proposed site. Similarly, as steep bedrock, boulder, and cobble are the main topographic feature along the shoreline within Howe Sound, it is expected that hard-bottom habitat for marine invertebrates is ubiquitous throughout Howe Sound. As such, it is anticipated that any impact to a localized area of these two habitat types will not result in a significant decrease in the availability or condition of dominant habitat for fish in Howe Sound.

6.4 IMPACT ON THE RELEVANT FISH

Our assessment indicates that several species of CRA importance were identified within the area of the proposed log watering facility. Although vertebrate fish species including two species of rockfish and three species of perch were observed during the survey, these fish were limited in number and we anticipate that they will either: a) relocate to similar, adjacent habitats and not sustain enhanced mortality rates or reduced fecundity or fitness, or b) remain in the vicinity, as past surveys suggest these organisms can reside in proximity to log handling facilities. However, the moderately dense band of green sea urchins located fronting the skidway may be within the area of impact from wood watering activities. As such, Black Mount has indicated they will use their floating skidway in an attempt to span the band of greens sea urchins fronting the landing. It is anticipated that due to the steep bathymetry and migratory nature of urchins, that the floating skidways will span the band of urchins, deposit wood waste in deep water where bathymetry slopes steeply and should preclude any major wood waste accumulation, and that urchins should not experience any deleterious impacts during facility operation. Cloud sponges identified at the proposed facility were small in size and limited in number, with no sponge reefs identified as seen elsewhere in Howe Sound. Although these species may be sessile and fragile, it is anticipated that the steep bathymetry will preclude the development of any significant wood waste footprint, and avoid any deleterious effects to these species.

Howe Sound is also an area that is known to have herring spawn during the late winter and early spring. Marine log handling operations which take place either in the vicinity of where herring historically spawn, or during times when herring are spawning, have the potential to cause harm to herring and their eggs. As such, mitigation measures must be implemented at this site to ensure that herring do not experience impacts, including having a designated monitor for

herring activity and avoiding log bundle grounding as much as practicably possible to avoid increased sedimentation of the site and disturbance to intertidal and subtidal areas.

Overall, our assessment indicates that the proposed site is of low productivity, with the exception of a moderately dense urchin band fronting the landing, has steep bathymetry, and has habitat that is typically ubiquitous throughout Howe Sound. Due to the proposed operations, a localized area of benthic habitat may experience degradation due to the deposition of wood waste in the area fronting the skidway, and it is possible that marine invertebrates found within this area may experience increased mortality rates or reduced fitness. However, given that habitat is of low productivity, impacts should be minimal, and over the long-term wood waste should distribute to deep water and not lead to significant accumulation, it is our opinion that the proposed activities will not result in any significant population-level impacts affecting the ongoing productivity of CRA fisheries in the region.

7.0 MEASURES AND STANDARDS TO AVOID, MITIGATE, OR OFFSET *SERIOUS HARM* TO CRA FISH

7.1 AVOIDANCE

The proposed site for the Bailey Bay Log Watering Facility has been located in such a way as to avoid some impacts to fish and fish habitat in the area. Siting measures that have been adopted at this site in order to avoid *serious harm* include:

- Skidway will be placed 100m from the mouth of any anadromous fish-bearing streams;
- No tidal flats, salt marshes, kelp forests, large clam beds, or dense eelgrass beds located at the site;
- Log storage will be located in water depths greater than 20m below Chart Datum;
- Dock placement will occur in water depths where grounding does not occur.

7.2 MITIGATION

In order to further reduce the risk of causing *serious harm* to CRA fish species, the following mitigation measures should be adopted at the site:

- Site construction should take place within the appropriate DFO timing window to avoid potential impacts during herring spawning (August 16 – January 31);
- During landing and road construction, the small pocket of high intertidal grasses and sedge should be transplanted to a similar elevation within the rip rap of the historic infill near Transect 4. If necessary, boulders should be rearranged to ensure successful transplantation of grass and sedge;
- Black Mount's floating skidway should be installed to span the band of greens sea urchins fronting the landing. After skidway installation but prior to the commencement of wood watering activities, photographs of the installed skidway should be sent to a Qualified Environmental Professional (Pacificus) in order to confirm correct configuration and determine if any additional mitigation measures are necessary;
- During landing construction, blast mats should be utilized to prevent the distribution of blast material into the marine environment;

- Boomsticks, stifflegs, and anchors should be utilized to ensure that the booming grounds and bullpen remain offshore in water of sufficient depth (>20m below Chart Datum);
- Maintain a monitor for herring spawning activity in proximity to the site. Consult an RPBio if these activities occur, and implement appropriate mitigation measures.

See the site-specific Mitigation Management Plan in Appendix 4 for further details on general operation best management practices, debris management, and fish and fish habitat protection measures.

7.3 RESIDUAL *SERIOUS HARM* AND OFFSETTING MEASURES

Residual serious harm to fish is any *serious harm* remaining after the application of measures or standards to avoid or mitigate *serious harm* to fish. We anticipate that this project will not result in any *residual serious harm* to fish, as measures and standards to avoid or mitigate impacts should sufficiently address all potential effects from this project. As a result, Black Mount will not be required to adopt any offsetting measures should the measures and standards to avoid or mitigate serious harm be successful.

7.4 POST-OPERATIVE MONITORING

Upon cessation of logging activities, site de-activation and remediation should follow the *Information Requirements for Proposed Works and Activities Relating to New Log Handling Facilities in Coastal British Columbia* (DFO 2009). Should the avoidance and/or mitigation measures described above not be successful, any *residual serious harm* due to logging activities at the Bailey Bay Log Watering Facility should be determined during a post-operational assessment. Results from the post-operational assessment may be compared to the baseline pre-operational biological assessment so that environmental changes can be identified. The post-operational marine assessment must be conducted by a qualified marine biological professional and take place within 60 days of site decommissioning.

8.0 CONCLUSION

On October 5th, 2017, biologists from Pacificus conducted a thorough assessment of the proposed Bailey Bay Log Watering Facility in Howe Sound. The proposed facility is within the vicinity of a historic log dump location that has not been used for approximately 70 years, and exhibits no remaining impact from previous forestry activities. Biological productivity at and within the vicinity of the site was generally low, although a moderately dense, shallow, 5m-7m wide band of green sea urchins was observed fronting the proposed landing.

Despite historic forestry operations being conducted within the vicinity of the proposed site, no wood waste footprint remains at the site. As such, operation of the site may result in the generation of a new wood waste footprint in the subtidal zone. However, due to the steep bathymetry fronting the proposed facility, it is anticipated that wood waste generated from operations will distribute to deeper, less productive waters, and not accumulate to any significant extent. In addition, minor infilling within the intertidal zone is required to complete road construction to the proposed landing location. Collectively, and despite the steep bathymetry, these activities have the potential to cause impacts to marine organisms inhabiting the site, which could result in the death of some individuals within a localized area, as well as potentially reduced fecundity, fitness, and longevity.

As such, we have developed a mitigation plan including general and site specific mitigation measures which should be implemented and maintained throughout the duration of this project. Site specific measures include construction of the proposed site occurring within the appropriate DFO timing window, the relocation of high intertidal grasses and sedges from the proposed intertidal infill location, the use of blasting mats during landing construction, and onsite monitoring for herring and herring spawn. In addition, it is recommended that Black Mount use their floating skidway which has been used for previous log watering facilities in Howe Sound. Due to the steep bathymetry fronting the proposed landing, and the design of Black Mounts floating skidway, it is anticipated that the floating skidway will span the band of green sea urchins fronting the proposed landing to deposit wood waste in deep water. However, it is recommended that following installation and prior to the commencement of wood watering activities, photographs detailing the orientation and configuration of the skidway should be sent to a Qualified Environmental Professional (Pacificus) in order to determine the effectiveness of skidway placement (i.e. spanning the green sea urchin band), and if additional mitigation

measures are necessary. Should these measures be implemented, it is our professional opinion that impacts may be localized within a small area fronting the skidway, and limited to an extent that should not cause any significant, long-lasting population-level effects to any species of CRA importance at this site. Also, due to the steep bathymetry located at the site, it is anticipated that wood waste will distribute to deeper, low productivity waters, where CRA species are few in number. Generally, those CRA species utilizing the site are either a) low in number (therefore should mortality of individuals occur, it will not result in a population-level effect), b) motile (e.g. fish) and therefore capable of migrating from the site upon commencement of wood watering activities, or c) resilient to perturbations from wood watering activities (e.g. sea cucumbers are often observed inhabiting wood waste footprints post-operation).

As such, despite the deposition of wood waste that may occur, it is our professional opinion that the construction and operation of this site should not have a deleterious effect on any local or regional fish populations. Therefore, collectively the proposed activities should not affect the ongoing productivity of any species of CRA species at the site to a degree that may cause *serious harm*. Should the measures as described within this report be followed, it is our professional opinion that this project will not require a DFO review, and Black Mount may proceed with constructing the facility following the guidance in this report.

9.0 CHECKLIST FOR THE DEVELOPMENT OF THE BAILEY BAY LOG HANDLING FACILITY IN HOWE SOUND, BC.

This checklist has been developed to ensure Black Mount personnel are aware of the recommendations and mitigation measures proposed to ensure no *serious harm* occurs during the development and operation of the Bailey Bay Log Handling Facility.

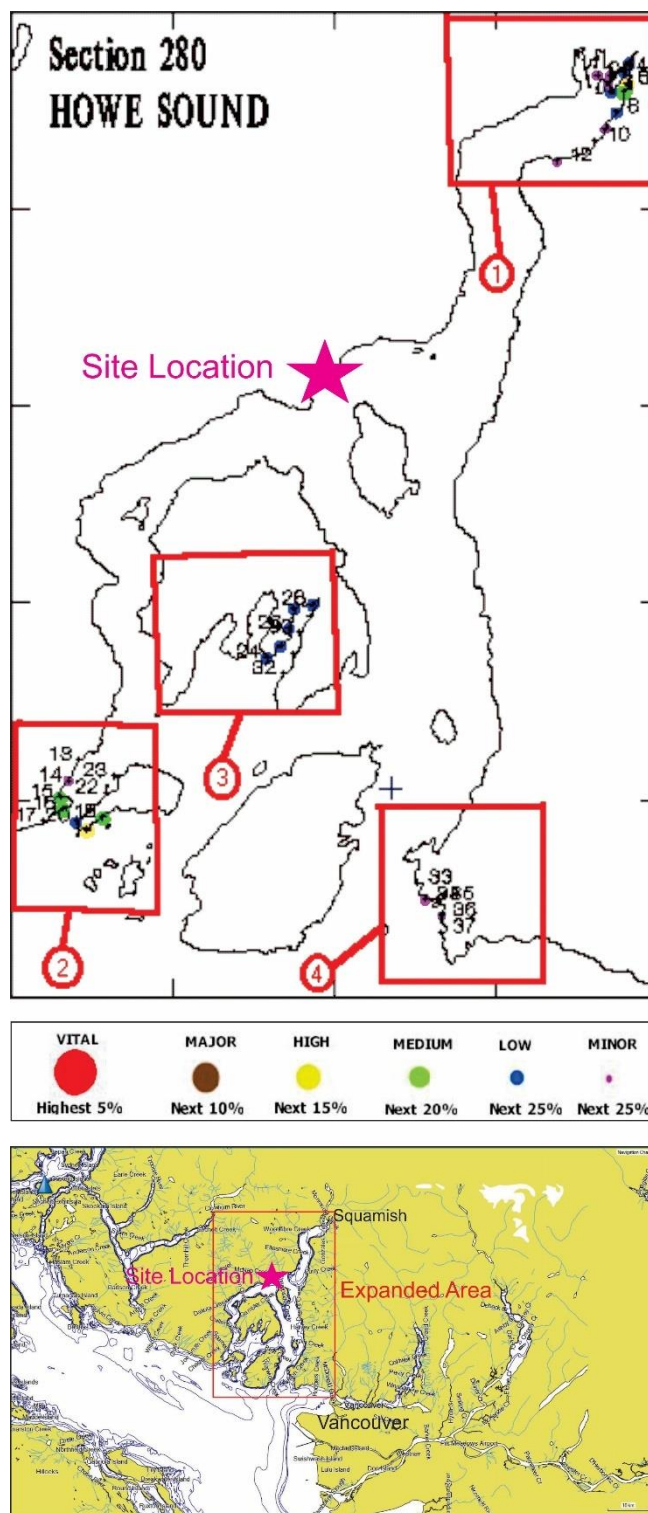
- ☐ A copy of this assessment report has been provided to the manager of the log handling facility.
- ☐ A review of the Mitigation Management Plan for this site has been completed prior to construction activities and mitigation measures as prescribed are in place.
- ☐ The skidway should be constructed using Black Mount's floating skidway to attempt to span the band of greens sea urchins fronting the landing. After skidway installation and prior to the commencement of wood watering activities, photographs of the installed skidway should be sent to a Qualified Environmental Professional (Pacificus) in order to determine the effectiveness of the skidway design and installation, and if any additional mitigation measures are necessary;
- ☐ During blasting for landing construction, the use of blasting mats to prevent the distribution of blast debris to the marine environment is mandatory.
- ☐ High intertidal grass and sedge located in the area of proposed intertidal infill should be relocated to a similar elevation in the vicinity of the historic landing. Refer to Figure 2 for transplant location.
- ☐ Log storage should be located in water at least 20m deep at Chart Datum and float camps (if used) in at least 12m.
- ☐ Stiff legs and anchors have been used to ensure log booms and the camp (if used) do not come into contact with the shoreline.
- ☐ Consideration has been given to navigational requirements in Howe Sound when determining placement of facility components (log storage, float camp if used).
- ☐ No construction activities occur beneath the HHWM of the site with the exception of skidway placement and anchor placement for bullpen and booming ground construction.
- ☐ Black Mount personnel have been made aware of the protocols to be followed if CRA finfish (e.g. herring) are observed and/or when marine mammals approach within the vicinity of the site.
- ☐ A daily logbook is on site to record observations of wildlife, debris mitigation measures, and cleanup activities.

- ☐ The contractor is made aware of company Standard Operating Procedures (SOPs), fueling responsibilities, and spill response procedures.
- ☐ All new workers on site have been briefed on the requirements at this site prior to initiating work.

10.0 REFERENCES

- DFO (2009). "Information Requirements for Proposed Works and Activities Related to New Log Handling Facilities in Coastal British Columbia." Fisheries and Oceans Canada. 2010: 23p.
- DFO (2013a). "An Applicant's Guide to Submitting an Application for Authorization under Paragraph 35(2)(b) of the Fisheries Act." Fisheries and Oceans Canada. November 2013 (Ecosystems Programs Canada) 23p.
- DFO (2013b). "Fisheries Productivity Investment Policy: A Proponents Guide to Offsetting." Fisheries and Oceans Canada. November 2013 (Ecosystem Programs Canada): 22p.
- DFO (2013c). "Fisheries Protection Policy Statement." Fisheries and Oceans Canada. October 2013 (Ecosystem Programs Canada): 22p.
- DFO (2013d). "Science Advice to Support Development of a Fisheries Protection Policy for Canada." Fisheries and Oceans Canada. May 2013 (Canadian Science Advisory Secretariat): 2012/063, 22p.

11.0 APPENDICES



Appendix 1: Proximity of historical herring spawn locations to the dump site in Howe Sound.¹¹

¹¹ <http://www.pac.dfo-mpo.gc.ca/science/species-especes/pelagic-pelagique/herring-hareng/herspawn/280fig-eng.html> (accessed 6/11/2017)

Appendix 3: Detailed biological description of the study site.

Tables 3 to 6 list the marine biota observed during the transect surveys of the environmental assessment at the proposed development site, and provide abundance / density estimates for marine flora and fauna. Table 7 provides estimates of species abundance for the parallel to shore swim conducted by biologists.

Table 3: Summary of organisms and environmental features observed along Transect 1. Potential CRA species are highlighted in light grey.

TRANSECT #1

Transect Location	Chart Datum (m)	Substrate	Biota		
			Common Name	Scientific Name	Abundance
10m	0.20	bedrock, cobble	acorn barnacle	<i>Balanus glandula</i>	20%
			Pacific blue mussel	<i>Mytilus trossulus</i>	30%
			green sea urchin	<i>Strongylcentrotus droebachiensis</i>	4/m ²
			leather star	<i>Dermasterias imbricata</i>	1
			striped perch	<i>Embiotoca lateralis</i>	10
20m	-4.10	bedrock, boulder, silt	green sea urchin	<i>Strongylcentrotus droebachiensis</i>	2/m ²
			leather star	<i>Dermasterias imbricata</i>	2
			blackeye goby	<i>Coryphopterus nicholsi</i>	4
			striped perch	<i>Embiotoca lateralis</i>	15
			pile perch	<i>Damalichthys vacca</i>	5
30m	-9.00	bedrock, boulder, silt	giant plumose anemone	<i>Metridium farcimen</i>	13
			umbrella crab	<i>Cryptolithoides sitchensis</i>	1
			leather star	<i>Dermasterias imbricata</i>	2
			blackeye goby	<i>Coryphopterus nicholsi</i>	3
			shiner perch	<i>Cymatogaster aggregata</i>	~200
40m	-16.60	boulder, sand, silt, shell hash	giant plumose anemone	<i>Metridium farcimen</i>	3
			swimming anemone	<i>Stomphia didemon</i>	1
			spiny pink scallop	<i>Chlamys hastata</i>	1
			rainbow star	<i>Orthasterias koehleri</i>	1
			giant sea cucumber	<i>Parastichopus californicus</i>	3
			blackeye goby	<i>Coryphopterus nicholsi</i>	4
50m	-22.40	boulder, sand, silt, shell hash	short plumose anemone	<i>Metridium senile</i>	2
			giant plumose anemone	<i>Metridium farcimen</i>	1

Table 4: Summary of organisms and environmental features observed along Transect 2. Potential CRA species are highlighted in light grey.

TRANSECT #2

Transect Location	Chart Datum (m)	Substrate	Biota		
			Common Name	Scientific Name	Abundance
10m	-4.10	bedrock	green filamentous algae		80%
			Pacific blue mussel	<i>Mytilus trossulus</i>	60%
			acorn barnacle	<i>Balanus glandula</i>	20%
			leather star	<i>Dermasterias imbricata</i>	3
			green sea urchin	<i>Strongylcentrotus droebachiensis</i>	10/m ²
			striped perch	<i>Embiotoca lateralis</i>	3
20m	-8.40	bedrock, sand, shell hash	crustose corallines		60%
			giant plumose anemone	<i>Metridium farcimen</i>	2
			tube dwelling anemone	<i>Pachycerianthus fimbriatus</i>	1
			leather star	<i>Dermasterias imbricata</i>	1
			giant sea cucumber	<i>Parastichopus californicus</i>	4
			blackeye goby	<i>Coryphopterus nicholsi</i>	2
30m	-13.60	bedrock, sand, shell hash	crustose corallines		20%
			swimming anemone	<i>Stomphia didemon</i>	2
			orange cup coral	<i>Balanophyllia elegans</i>	1
			giant sea cucumber	<i>Parastichopus californicus</i>	5
			green sea urchin	<i>Strongylcentrotus droebachiensis</i>	1
40m	-26.10	bedrock, sand, shell hash	giant plumose anemone	<i>Metridium farcimen</i>	1
			swimming anemone	<i>Stomphia didemon</i>	1
			crimson anemone	<i>Cribrinopsis fernaldi</i>	1
			tube dwelling anemone	<i>Pachycerianthus fimbriatus</i>	1
			vermilion star	<i>Mediaster aequalis</i>	1
			grey brittle star	<i>Ophura lütkeni</i>	3/m ²
			giant sea cucumber	<i>Parastichopus californicus</i>	4

Table 4: Continued

Transect Location	Chart Datum (m)	Substrate	Biota		
			Common Name	Scientific Name	Abundance
50m	-34.00	bedrock, sand, shell hash	cloud sponge	<i>Aphrocallistes vastus</i>	1
			short plumose anemone	<i>Metridium senile</i>	1
			crimson anemone	<i>Cribrinopsis fernaldi</i>	4
			swimming anemone	<i>Stomphia didemon</i>	3
			tube dwelling anemone	<i>Pachycerianthus fimbriatus</i>	2
			orange cup coral	<i>Balanophyllia elegans</i>	2/m ²
			California lamp shell	<i>Laqueus californicus</i>	1/m ²
			squat lobster	<i>Munida quadrispina</i>	5
			giant sea cucumber	<i>Parastichopus californicus</i>	8
			grey brittle star	<i>Ophura lütkeni</i>	1/m ²
			blackeye goby	<i>Coryphopterus nicholsi</i>	1

Table 5: Summary of organisms and environmental features observed along Transect 4. Potential CRA species are highlighted in light grey.

TRANSECT #3

Transect Location	Chart Datum (m)	Substrate	Biota		
			Common Name	Scientific Name	Abundance
10m	-2.90	bedrock	rockweed	<i>Fucus gardneri</i>	20%
			acorn barnacles	<i>Balanus glandula</i>	50%
			Pacific blue mussel	<i>Mytilus trossulus</i>	20%
			leather star	<i>Dermasterias imbricata</i>	2
			green sea urchin	<i>Strongylcentrotus droebachiensis</i>	8/m ²
			striped perch	<i>Embiotoca lateralis</i>	9
20m	-7.20	bedrock, boulder, silt	crustose corallines		20%
			giant plumose anemone	<i>Metridium farcimen</i>	3
			orange cup coral	<i>Balanophyllia elegans</i>	1/m ²
			leather star	<i>Dermasterias imbricata</i>	1/m ²
			giant sea cucumber	<i>Parastichopus californicus</i>	5
			green sea urchin	<i>Strongylcentrotus droebachiensis</i>	1/m ²
30m	-14.50	bedrock, silt, shell hash	cloud sponge	<i>Aphrocallistes vastus</i>	1
			giant plumose anemone	<i>Metridium farcimen</i>	1/m ²
			swimming anemone	<i>Stomphia didemon</i>	2
			orange cup coral	<i>Balanophyllia elegans</i>	1
			giant sea cucumber	<i>Parastichopus californicus</i>	2
			red sea cucumber	<i>Cucumaria miniata</i>	1
			blackeye goby	<i>Coryphopterus nicholsi</i>	1
40m	-21.20	bedrock, silt, shell hash	giant plumose anemone	<i>Metridium farcimen</i>	4
			swimming anemone	<i>Stomphia didemon</i>	2

Table 6: Summary of organisms and environmental features observed along Transect 5. Potential CRA species are highlighted in light grey.

TRANSECT #4

Transect Location	Chart Datum (m)	Substrate	Biota		
			Common Name	Scientific Name	Abundance
10m	2.00	boulder, cobble	rockweed	<i>Fucus gardneri</i>	20%
			brown filamentous algae		30%
			Pacific blue mussel	<i>Mytilus trossulus</i>	15%
			acorn barnacle	<i>Balanus glandula</i>	30%
			shiner perch	<i>Cymatogaster aggregata</i>	~100
			striped perch	<i>Embiotoca lateralis</i>	15
			pile perch	<i>Damalichthys vacca</i>	20
20m	-1.10	boulder, cobble, sand, silt	brown filamentous algae		70%
			crustose corallines		20%
			leather star	<i>Dermasterias imbricata</i>	2/m ²
			copper rockfish	<i>Sebastes caurinus</i>	3
			blackeye goby	<i>Coryphopterus nicholsi</i>	1
30m	-5.90	boulder, sand, silt	fringed sea colander kelp	<i>Agarum fimbriatum</i>	10%
			crustose corallines		10%
			giant plumose anemone	<i>Metridium farcimen</i>	1
			blackeye goby	<i>Coryphopterus nicholsi</i>	3
40m	-13.30	boulder, sand, silt	giant plumose anemone	<i>Metridium farcimen</i>	5
			tube dwelling anemone	<i>Pachycerianthus fimbriatus</i>	3/m ²

Table 7: Summary of organisms and environmental features observed along the Parallel to Shore Swim. Potential CRA species are highlighted in light grey.

PARALLEL TO SHORE SWIM

Transect Location	Chart Datum (m)	Substrate	Biota		
			Common Name	Scientific Name	Abundance
POC - T2		bedrock	crustose corallines		80%
			giant sea cucumber	<i>Parastichopus californicus</i>	6
			green sea urchin	<i>Strongylcentrotus droebachiensis</i>	2-10/m²
			Pacific sea peach	<i>Halocynthia aurantium</i>	2
			blackeye goby	<i>Coryphopterus nicholsi</i>	2
T2 - T3		bedrock, boulder, cobble	crustose corallines		80%
			giant plumose anemone	<i>Metridium farcimen</i>	4
			leather star	<i>Dermasterias imbricata</i>	9
			green sea urchin	<i>Strongylcentrotus droebachiensis</i>	2-10/m²
			giant sea cucumber	<i>Parastichopus californicus</i>	7
			striped perch	<i>Embiotoca lateralis</i>	10
			pile perch	<i>Damalichthys vacca</i>	3
			brown rockfish	<i>Sebastes auriculatus</i>	1
T3 - POT		bedrock, boulder, cobble	brown filamentous algae		40%
			crustose corallines		60%
			leather star	<i>Dermasterias imbricata</i>	1/m²
			rainbow star	<i>Orthasterias koehleri</i>	1
			mottled sea star	<i>Evasterias troschelii</i>	2
	green sea urchin		<i>Strongylcentrotus droebachiensis</i>	1/m²	
	red sea cucumber		<i>Cucumaria miniata</i>	4	
	shiner perch		<i>Cymatogaster aggregata</i>	~50	
	striped perch		<i>Embiotoca lateralis</i>	30	
	pile perch		<i>Damalichthys vacca</i>	20	
	blackeye goby		<i>Coryphopterus nicholsi</i>	1/m²	

Appendix 4: Bailey Bay Log Watering Facility Mitigation Management Plan.

These mitigation measures apply to the Bailey Bay Log Watering Facility. The objective of the plan is to avoid and mitigate causing *serious harm* to CRA fisheries, or fish that support such fisheries. This plan has been adapted from DFO's *Information Requirements for Proposed Works and Activities Related to New Log Handling Facilities in Coastal British Columbia* (DFO, 2009), DFO's *Fisheries Protection Policy Statement* (DFO, 2013c), and DFO's website *Measures to Avoid Causing Harm to Fish and Fish Habitat*¹².

Site-Specific Mitigation Measures

- Site construction should take place within the appropriate DFO timing window to avoid potential impacts during herring spawning (August 16 – January 31);
- During landing and road construction, the small pocket of high intertidal grasses and sedge should be transplanted to a similar elevation within the rip rap of the historic infill near Transect 4. If necessary, boulders should be rearranged to ensure successful transplantation of grass and sedge;
- Black Mount's floating skidway should be installed to span the band of greens sea urchins fronting the landing. After skidway installation but prior to the commencement of wood watering activities, photographs of the installed skidway should be sent to a Qualified Environmental Professional (Pacificus) in order to confirm correct configuration and determine if any additional mitigation measures are necessary;
- During landing construction, blast mats should be utilized to prevent the distribution of blast material into the marine environment;
- Boomsticks, stifflegs, and anchors should be utilized to ensure that the booming grounds and bullpen remain offshore in water of sufficient depth (>20m below Chart Datum);
- Maintain a monitor for herring spawning activity in proximity to the site. Consult an RPBio if these activities occur, and implement appropriate mitigation measures.

¹² <http://www.dfo-mpo.gc.ca/pnw-ppe/measures-mesures/index-eng.html> (accessed 26/05/15)

General Operation Mitigation Measures

- Enclose all log dump sites with a ring of boomsticks to prevent escape of log bundles and floating wood debris.
- To prevent boomsticks (for log dump and booming areas) from collapsing onto the shoreline, keep boomsticks offshore with stiff legs and/or anchors. If anchors are required, anchor lines, chains or cables should be used so that excess line does not collect on the bed of the waterbody or form loops that may ensnare marine mammals. If concrete anchors are used, they are to be pre-cast and cured away from water before use to prevent toxic leachate.
- Log storage will located in water at least 20m deep at Chart Datum and float camps (if used) in at least 12m.
- Prevent log bundles from coming into contact with the ocean bottom as much as practicably possible.
- Where practicable, grade and slope the dumping platform surface so that water drains to the rear of the site where it can be filtered to remove leachate and fine wood waste before entering freshwater streams, wetlands, or marine waters. Employ sumps where possible and maintain regularly.
- Float camps must be equipped with appropriate sewage containment and/or treatment facilities to prevent discharge of deleterious substances to fish-bearing waters. Ensure that deleterious substances do not enter marine waters.
- Ensure barges, float camps, boats, and docks do not ground and come into direct contact with the seafloor.
- Keep emergency spill kits and spill response plans on-site at all times.
- Consult DFO's *Measures to Avoid Causing Harm to Fish and Fish Habitat* website to ensure most the most recent and relevant guidance has been sourced (<http://www.dfo-mpo.gc.ca/pnw-ppe/measures-mesures/index-eng.html>).

Debris Management Plan

General

- All staff working on the log dump site must be briefed on the Debris Management Plan prior to initiating work on the site.

Minimize Debris Generation

- If logs are sorted or handled on land prior to being bundled, limb them and collect loose bark, limbs, and wood debris as much as practicable before logs are transferred into the water.
- Ensure log bundles are tightly secured to prevent escape, breakage or excessive shifting during handling on the skidway and during watering activities. Loose debris, excess limbs and wood chunks should not be in the bundles.
- Avoid violent dumping of log bundles by constructing the angle of the skidway so that log bundle velocity is minimized.
- Minimize the duration of in-water log storage to reduce abrasion of bundles and deposition of bark and wood debris in the marine environment.

Debris Containment and Collection

- Wood waste generated as logs are moved from the dumping platform onto the skidway should be contained to facilitate removal and prevent deposition into the marine environment. The dumping platform should be cleaned daily, or as required, to prevent wood debris accumulation and deposition on the marine foreshore.
- A berm constructed of non-erodible materials (e.g. brow logs, blasted rock, or concrete lock blocks) must be established around the seaward edge of the dumping platform to facilitate wood debris clean-up and prevent loss of wood debris onto the marine foreshore.
- Collect and remove bark and wood waste deposited at the skidway and on the adjacent upland, intertidal, and shallow foreshore areas regularly. Remove wood waste to appropriate designated temporary or permanent upland disposal locations only, such that there will be no impact to riparian vegetation, fresh water streams, wetlands, or marine waters.
- Solid waste (cables, metal bands, machinery parts, metal drums, lubricant containers, etc.) should be regularly collected and removed to an appropriate designated upland

disposal location where it is not permitted to enter riparian vegetation, fresh water streams, wetlands, or marine waters.

- Maintain daily log book records of the debris management measures taken to reduce, remove, and monitor wood debris from the upland sort surface and the tidal marine foreshore areas.

Fish and Fish Habitat Protection Plan

Measures to Protect Key Species

Marine Mammals

- Ensure that operational activities do not disturb marine mammals.
 - To avoid disturbance, as much as practicably possible, follow DFO's *How to Watch Marine Wildlife* guidelines for vessels operating near whales, dolphins and porpoises: be cautious, slow down (<7kts), keep clear of the animals' path and do not approach or position vessels within 100m of a whale. If a vessel is unexpectedly within 100m of a whale, stop or keep the boat stationary and let the animal pass. (see <http://www.dfo-mpo.gc.ca/fm-gp/mammals-mammiferes/viewing-observation-eng.html> for more information).
 - This may also involve the temporary suspension of work should marine mammals approach the site.

Fish and Fish Habitat

- Operation of the Bailey Bay Log Watering Facility outside of the least risk work window (Area 28 – Vancouver: No summer work window, August 16 – January 31 (winter))¹³ is possible, however, Black Mount should employ additional precautionary measures. This may include maintaining a “Fish and Fish Habitat Monitoring Form” to monitor and assess presence of CRA fishery species and migrating salmon, and implement appropriate mitigation measures. It is recommended that a Qualified Biological Professional be available for consultation.

¹³ <http://www.dfo-mpo.gc.ca/pnw-ppe/timing-periodes/bc-n-eng.html#area-28> (accessed 6/11/2017). This area includes all of Howe Sound and Burrard Inlet, from Fraser River North Arm Jetty (Excluded) to Gibson's Landing (included). Howe Sound is defined as inland from Point Atkinson to Gibson's Landing including islands.

Measures to Protect Fish and Fish Habitat During the use of Explosives

- Time in-water work (if necessary) requiring the use of explosives to prevent disruption of vulnerable fish life stages, including eggs and larvae, by adhering to appropriate fisheries timing windows (August 16 – January 31);
- If necessary, isolate the work site to exclude fish from within the blast area by using, for example, bubble/air curtains, cofferdams or aquadams;
- If necessary, remove any fish trapped within the isolated area and release unharmed beyond the blast area prior to initiating blasting;
- Minimize blast charge weights used and subdivide each charge into a series of smaller charges in blast holes (i.e. decking) with a minimum 25 millisecond delay between charge detonations;
- Back-fill blast holes (stemmed) with sand or gravel to grade or to water interface to confine the blast;
- Place blasting mats over top of holes to minimize scattering of blast debris around the area;
- Do not use ammonium nitrate based explosives in or near water due to the production of toxic by-products;
- Remove all blasting debris and other associated equipment/products from the blast area.

Measures to Protect Herring and Herring Spawning

An on-site worker should be designated the Herring Spawn Monitor and daily observations should be kept by this person. Refer to Appendix 5 for an example of the daily Fish and Fish Habitat Monitoring and Activity log. The designated Herring Monitor(s) will require training by a qualified environmental professional (QEP). **Immediately contact the QEP (Pacificus) for advice if herring have been observed in the area**, or if there is any question about the presence of herring within the vicinity of log handling operations. Site visits will be conducted by a QEP on an as-needed basis as soon as herring have been observed within the area; daily monitoring by the on-site operator should continue during this period.

Operations conducted outside of the historical spawn window should still be prepared for the possibility of a spawn occurrence, considering the poor historical record for much of the area. The following best management practices should be followed at any time of year:

- On-site operators should have a general awareness about Pacific herring and potential conflict with operations,
- During the spawning season daily observations should be conducted and recorded,
- **If spawning Pacific herring are noted within 1 km of the site, works should stop immediately**, resumption of operation may only occur upon consultation with the QEP.
- If herring should happen to enter the operational area unnoticed and spawn successfully, the spawn sites must be left undisturbed until hatching has occurred. Spawn usually occurs on marine vegetation, but log bundles, cables, dock structures, and other equipment can be affected. These items must also be left undisturbed.
- Marine mammals or birds associated with schools of fish or spawn must be protected against potential impacts.
- If schooling fish (Pilchard or Herring), marine mammals or birds could potentially be harmed, then works must stop until the animals are out of harm's way.
- If schooling fish (Herring or Pilchard) are observed in the direct vicinity of the log handling facility, suspend operations and contact the designated QEP immediately for direction – possible site visit may be required before works resume.

Sediment and Erosion Control Plan

Develop and implement a sediment and erosion control plan for the site that minimizes the risk of sedimentation of the marine environment during all phases of the project including infill. Sediment and erosion control measures should be maintained until all ground, if disturbed, has been permanently stabilized, suspended sediment, if produced, has resettled in the marine environment, and any runoff, should it occur, is clear. The plan should, if necessary, include:

- Installation of effective erosion and sediment control measures before starting work to prevent sediment from entering the marine environment.
- If necessary (e.g. if the risk of significant sedimentation is high), site isolation measures (e.g. silt curtain) for containing suspended sediment where in-water work is required.
- Measures for containing and stabilizing waste material (e.g. wood waste) above the HHWM to prevent re-entry.
- Regular inspection and maintenance of sediment and erosion control measures and structures during the course of their use.

- Repairs to sediment and erosion control measures and structures if damage occurs.
- Removal of non-biodegradable erosion and sediment control materials once the site is stabilized and sediment and erosion control measures are no longer needed.

Contaminant and Spill Management

This spill monitoring response plan and procedures will be used to mitigate the negative effects to fish and fish habitat should a petroleum, oil, or fuel spill occur. Appropriate fuel handling and storage procedures should be implemented to prevent the discharge of deleterious substances to the marine environment. The following mitigation measures should also be taken:

- Emergency spill kits and spill response plans should be kept on-site. All machinery should be equipped with an emergency spill kit and a spill response plan.
- All petroleum products should be identified, handled and stored appropriately.
- Machinery should be used and stored only within designated areas and not be allowed to operate within the intertidal zone.
- Industrial debris (i.e. machinery parts, metal drums, lubricant containers) shall not be disposed of within or adjacent to the marine environment.
- Ensure that machinery arrives on site in a clean condition and is maintained free of fluid leaks.
- Wash, refuel, and service machinery and store fuel and other materials for the machinery in such a way as to prevent the discharge of deleterious substances to the marine environment.



Appendix 5: Fish and Fish Habitat Monitoring Form and Activity Log
for the Prevention of *Serious Harm* to Species of Commercial, Recreational, and Aboriginal Importance

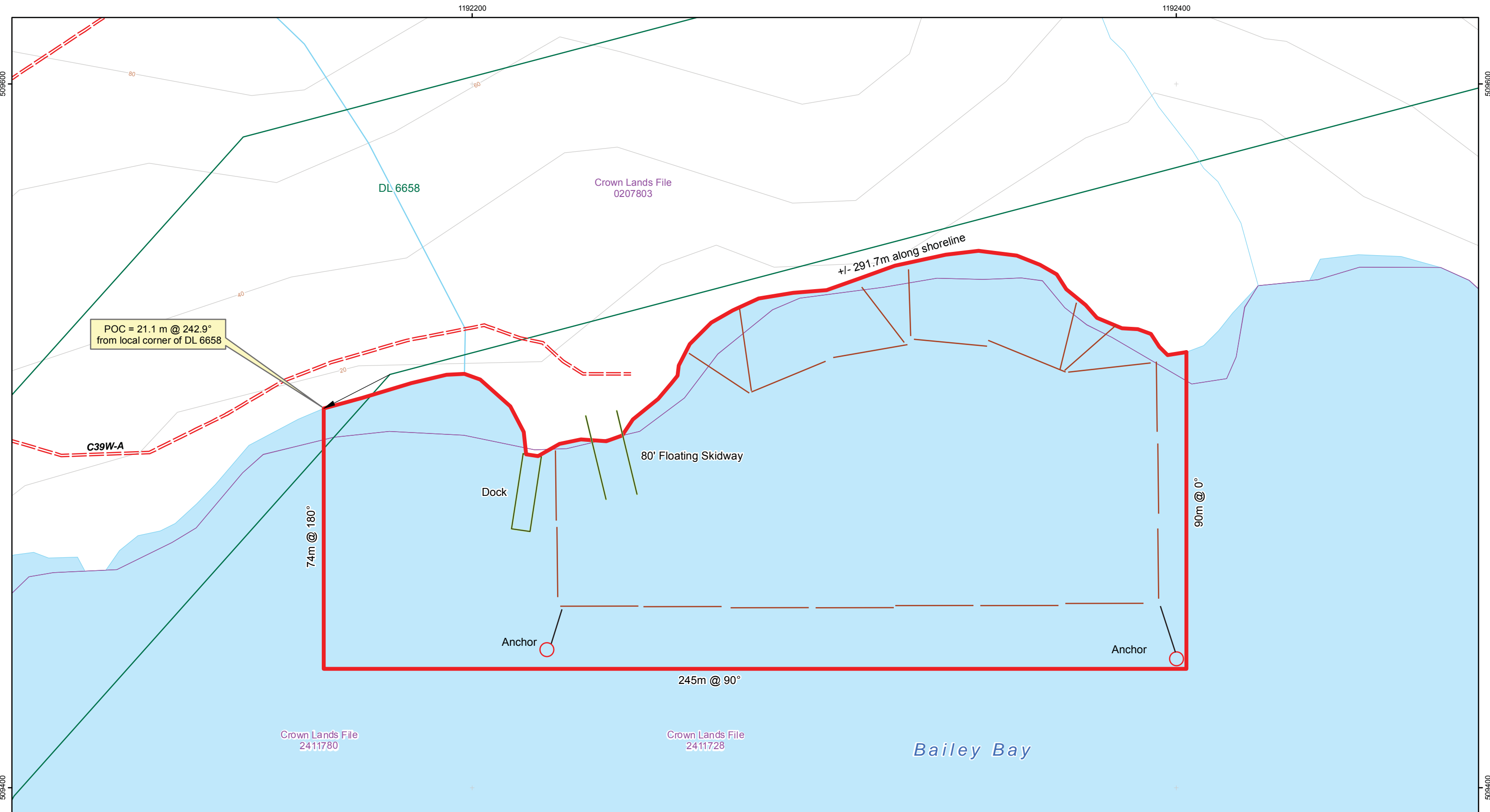
Observer: _____

Location/Site: _____

Biologist Contact: Pacificus Biological Services Ltd. (250-949-9450)

Date	Time	Species (common name)	Life Stage (if known)	Number (count OR estimated)	Location Description (e.g. intertidal, offshore, beside skidway, etc.)	Behaviour Observed (e.g. schooling, transiting area, spawning on rocks, etc.)	Actions Taken	Monitor Initials
<i>Example</i>	<i>1430</i>	<i>Orca Whales</i>	<i>Adult</i>	<i>5</i>	<i>Approximately 100m from dock.</i>	<i>Swam by site</i>	<i>Paused works for 15min until animals had left the site, then resumed works.</i>	<i>JD</i>

** This form may be used to describe the observations, location, and activity of any species of commercial, recreational, or aboriginal importance in proximity to a forestry operation, and as a log to describe the actions taken to mitigate and prevent *serious harm*. **



TSL A79515 Block G054C39W

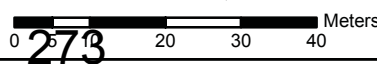
Site Specific Map - Proposed Log Dump (Unsurveyed)



Legend:

- Existing Road
- Planned Road
- Planned Improvements
- Stream
- Water Body
- Crown Land Tenure
- Survey Parcel
- Proposed Log Dump Area (2.3 ha)

Scale: 1:1,000
Projection: BC Albers
BCGS Mapsheet: 92G.054
Date: November 22, 2017



Metes and Bounds Description:
The Point of Commencent (P of C) is 21.1 m at 242.9° from the local corner of DL 6658 New Westminster District, then go:
74 meters at 180°,
245 meters at 90°,
90 meters at 0°,
+/-291.7m along the High Water Mark,
Containing 2.29 ha

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Planning and Community Development Committee – September 6, 2018

AUTHOR: Sven Koberwitz, Planning Technician II

SUBJECT: PROVINCIAL REFERRAL CRN00063 FOR A PRIVATE MOORAGE FACILITY (THOMSON)
- ELECTORAL AREA A

RECOMMENDATIONS

1. THAT the report titled Provincial Referral CRN00063 for a Private Moorage Facility (Thomson) - Electoral Area A be received;
2. AND THAT the following comments be forwarded to the Ministry of Forests, Lands, Natural Resources Operations, and Rural Development:

Subject to the following conditions, the Sunshine Coast Regional District has no objections to the proposed residential private moorage fronting Block C District Lot 5398, Provincial File Number 2412049:

- a) SCRD will require a building permit and/or a development variance permit if any structures are to be constructed to access the moorage facility.
 - b) Water quality should not be impacted by maintenance or construction activities, materials, or fuel storage.
 - c) Implement both Provincial and *shíshálh* Nation Best Management Practices for building and maintaining moorage facilities and in particular the most stringent of any overlapping policy to protect the foreshore ecosystems;
 - d) Consult the *shíshálh* Nation and address any of their concerns.
 - e) To not use polystyrene in any components of the moorage facility.
 - f) Treated lumber used in existing structures should be replaced with inert construction materials that do not leach contaminants (e.g. untreated lumber, concrete, or steel).
 - g) Existing fill material placed within the foreshore area should be removed and the area restored to a natural state under the supervision of a qualified environmental professional. This work must be conducted in compliance with the *Heritage Conservation Act* and with consideration of potential archeological sites.
 - h) A development permit is required prior to any land alteration and development within 30 metres of the natural boundary of Ruby Lake.
3. AND THAT recommendations be forwarded to the Regular Board meeting of September 6, 2018;

4. AND FURTHER THAT comments of the SCRD Natural Resources Advisory Committee and the Egmont/Pender Harbour Advisory Planning Commission be provided to the Province.

BACKGROUND

The SCRD received a Provincial referral from the Ministry of Forests, Lands Natural Resource Operations and Rural Development (FLNRORD) for permission for a private residential moorage facility fronting Block C District Lot 5398 (the upland parcel), located at the north end of Ruby Lake. The referral package can be found in Attachment A.

The purpose of this report is to provide an analysis of the proposal and recommend a response to FLNRORD.

Owner / Applicant:	Leah Marie Thomson
Purpose:	Private residential moorage
Tenure Type:	Specific Permission
Size:	210 m ²
Location:	Ruby Lake
Legal Description:	Block C, District Lot 5398, PID: 015-843-459
Electoral Area:	A – Egmont Pender Harbour
OCP Land Use:	Not designated
Land Use Zone:	RU2 (Rural Two) for upland parcel
Comment Deadline:	September 15, 2018

Table 1 - Application Summary

DISCUSSION

The applicant wishes to replace an untenured dock that was destroyed during winter storms. The new dock will provide access and moorage to the upland parcel which has no legal road access.

Egmont/Pender Harbour Official Community Plan (OCP)

The application area is located at the north end of Ruby Lake within the Egmont/Pender Harbour Official Community Plan area. The upland property is designated as Lake Watershed Protection B which includes residential uses.

The upland parcel is affected by Development Permit Area 1 (Riparian Assessment Areas) that applies to all areas within 30 metres of a fish-bearing stream. The applicant must apply for a development permit prior to the construction of any buildings and structures or any land alteration within 30 metres of the lake.

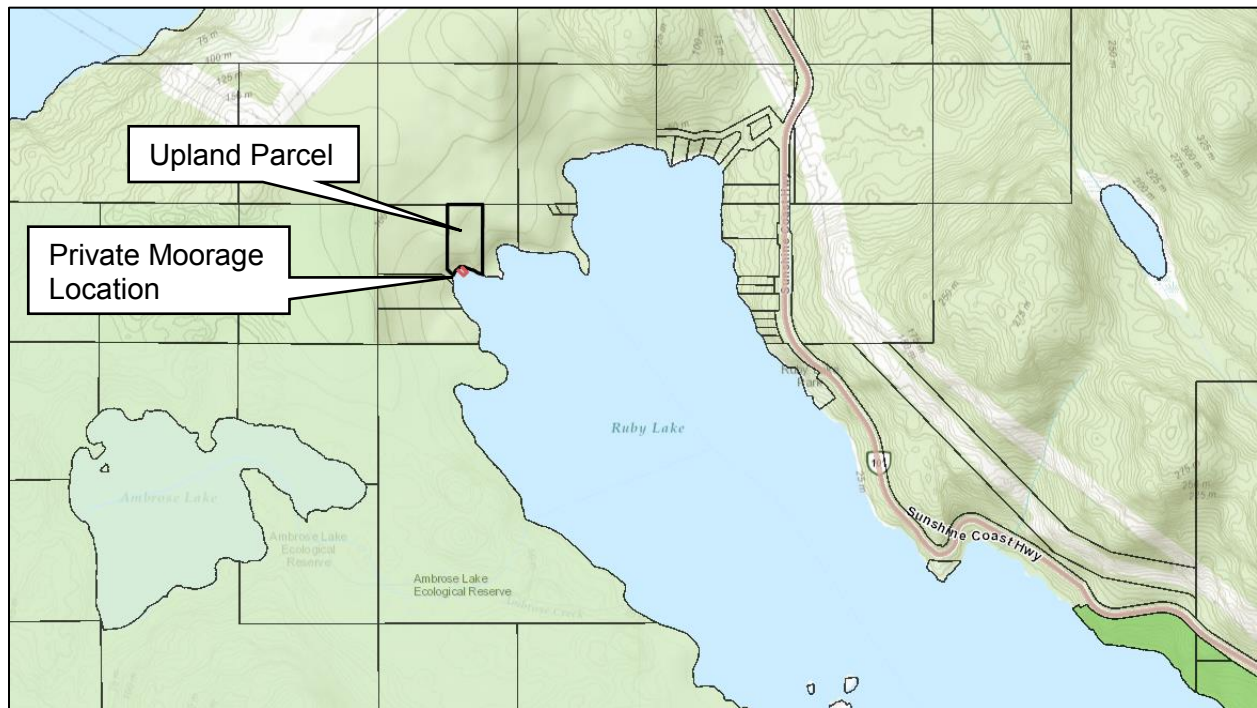


Figure 1 - Location Map

Zoning Bylaw No. 337

Ruby Lake is not zoned, however it is the source of drinking water for the Cove Cay Water System that supplies the Earls Cove community. Therefore the upland parcel is zoned RU5 (Rural Watershed Protection). A single family dwelling is permitted. An existing home is located on the upland parcel and the proposed private moorage facility conforms to this residential use.

All structures must be located at least 5 metres from the front or rear parcel line (natural boundary of the lake). The SCRD allows for basic structures (i.e. stairs, ramps) to be constructed to access moorage facilities however, any additional structures may require a development variance permit if they are located within the setback area.

Existing Structures

The referral package indicates that a fixed pier intended to access the floating portion of the new dock is still in place - a remnant from the original dock that was damaged. This pier extends from the upland area into the foreshore and rests on rock fill that appears to have been deposited within the foreshore area. Additionally the sub-structure of the pier appears to have been repaired using pressure treated lumber.

Depositing fill and utilizing treated lumber does not conform to best management practices for moorage facilities. The fill should be removed and the pier reconstructed using approved construction methods that maintain ecosystem function within the riparian areas and protect the quality of water of the lake as a drinking water source. This work must be completed with the guidance and supervision of a qualified environmental professional and must be conducted in

compliance with the *Heritage Conservation Act* with consideration of potential archeological sites.

Options

The Province requests SCRD to 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 conditions
4. Recommend refusal of project due to reasons

Staff recommend Option 3, subject to comments outlined in the Recommendations.

Consultation

The Province referred this application to First Nations, SCRD and other agencies it identifies as appropriate. The applicant is responsible for advertising the application in a local paper to enable comments from the public.

The proposal will be referred to the Natural Resources Advisory Committee (NRAC) and the Egmont/Pender Harbour Advisory Planning Commission for review in September. Comments from these agencies will be forwarded to the Province.

Timeline for next steps or estimated completion date

The Province extended the deadline to comment on this application to September 15, 2018 in order to obtain a Board Resolution.

Recommendations from this report must be forwarded to the Regular Board meeting of September 6, 2018 in order to meet the extended deadline.

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 to permit a private residential moorage facility at the north end of Ruby Lake. The proposal was analyzed against applicable SCRD policies, bylaws and regulations. The proposal is found to have no perceivable negative impact on land use and SCRD services.

Staff recommend responding to the Province with the option that the SCRD has no objection to the project subject to comments outlined in the Recommendations and that recommendations be forwarded to the Regular Board meeting of September 6, 2018.

Attachments

Attachment A - Referral Package for Provincial Referral File Number 2412049

Attachment B - Additional Photos Provided by Applicant

Reviewed by:			
Manager	X - A. Allen	Finance	
GM	X - I. Hall	Legislative	
CAO	X - J. Loveys	Water	X - S.Walkey

Attachment A



Crown Land Tenure Application

Tracking Number: 100243329

ATS# 296417

vSUS666

Applicant Information

If approved, will the authorization be issued to an Individual or Company/Organization? Individual
Are you the Individual this application will be issued to? Yes

APPLICANT CONTACT INFORMATION

Please enter the contact information of the Individual/Organization who is acting on behalf of the applicant.

Name: Leah Marie Thomson
Phone: 604-525-7479
Daytime Phone: 604-838-7479
Fax:
Email: taschnerfamily@hotmail.com
Mailing Address: 7630 17th Avenue
Burnaby BC V3N 1L7

ELIGIBILITY

Question	Answer	Warning
----------	--------	---------

Do all applicants and co-applicants meet the eligibility criteria for the appropriate category as listed below?	Yes	
---	-----	--

Applicants and/or co-applicants who are Individuals must:

1. be 19 years of age or older and
2. must be Canadian citizens or permanent residents of Canada. (Except if you are applying for a Private Moorage)

Applicants and/or co-applicants who are Organizations must either:

1. be incorporated or registered in British Columbia (Corporations also include registered partnerships, cooperatives, and non-profit societies which are formed under the relevant Provincial statutes) or
2. First Nations who can apply through Band corporations or Indian Band and Tribal Councils (Band or Tribal Councils require a Band Council Resolution).

TECHNICAL INFORMATION

Please provide us with the following general information about you and your application:

EXISTING TENURE DETAILS

Do you hold another Crown Land Tenure? No

ALL SEASONS RESORTS

The All Seasons Resorts Program serves to support the development of Alpine Ski and non-ski resorts on Crown land. For more detailed information on this program please see the operational policy and if you have further questions please contact FrontCounter BC.

Are you applying within an alpine ski resort? No

WHAT IS YOUR INTENDED USE OF CROWN LAND?

Use the "Add Purpose" button to select a proposed land use from the drop down menu.

If you wish to use Crown land for a short term, low impact activity you may not need to apply for tenure, you may be authorized under the Permissions policy or Private Moorage policy.

To determine if your use is permissible under the Land Act please refer to either the Land Use Policy - Permissions or Land Use Policy - Private Moorage located here.

Purpose	Tenure	Period
Private Moorage Floating dock to be built for lake access only property. To replace previous dock that was destroyed in winter storms. To provide a place to tie boat up and ability to load/unload supplies and provide access to property.	Specific Permission	Ten to thirty years

ACCESS TO CROWN LAND

Please describe how you plan to access your proposed crown land from the closest public road:	Public boat launch, off of Ramp Road. Travel by boat across the lake to our private property.
--	---

PRIVATE MOORAGE

Private Moorage is the allocation of aquatic Crown land (inland and coastal) for private moorage facilities such as a dock or float. Moorage facilities for group or strata title/ condominium developments of over three berths are administered under the provisions of the Residential program where they have no related commercial facilities (e.g. gas bars) and are intended for private use of tenants. Group moorage with commercial activities are administered under the Marina program.

Specific Purpose:	Floating dock to be built for lake access only property. To replace previous dock that was destroyed in winter storms. To provide a place to tie boat up and ability to load/unload supplies and provide access to property.
Period:	Ten to thirty years
Tenure:	Specific Permission

MOORING BUOY

Is this only for a mooring buoy for private moorage?	No
---	----

TOTAL APPLICATION AREA

Please give us some information on the size of the area you are applying for.

Specify Length:	12 meters
Specify Width:	2 meters

PROJECT DETAILS

Please provide us with further details on your dock.

Is the water freshwater or marine?	Freshwater
Are you proposing 4 or more slips?	No
Are you applying on behalf of a Strata corporation?	No
Are you the waterfront upland owner?	Yes
Are you planning to sell gas at the proposed marina?	No

SECTION 11 WATER AUTHORIZATION

You may also require a Section 11 Water Sustainability Act authorization.

Is this application for an existing structure?	No
---	----

IMPORTANT CONSIDERATIONS

Selecting yes to any of the following questions may indicate that you will require further or additional authorizations under the Land Act or other legislation.

Is your proposed activity within the Kootenay Region? No

Is your proposed activity within the Okanagan, Kalamalka and Wood Lakes, Skaha Lake, Vaseux Lake, or Christina Lake areas? No

Is your proposed activity within the Shuswap, Mara, Mable, or Little Shuswap Lake areas? No

ADDITIONAL QUESTIONS

In many cases you might require other authorizations or permits in order to complete your project. In order to make that determination and point you in the right direction please answer the questions below. In addition, your application may be referred to other agencies for comments.

Is the Applicant or any Co-Applicant or their Spouse(s) an employee of the Provincial Government of British Columbia? No

Are you planning to cut timber on the Crown Land you are applying for? No

Are you planning to use an open fire to burn timber or other materials? No

Do you want to transport heavy equipment or materials on an existing forest road? No

Are you planning to work in or around water? No

Does your operation fall within a park area? No

LOCATION INFORMATION

LAND DETAILS

Please provide information on the location and shape of your Crown land application area. You can use one or more of the tools provided.

☒ I will upload a PDF, JPG or other digital file(s)

MAP FILES

Your PDF, JPG or other digital file must show your application area in relation to nearby communities, highways, railways or other land marks.

Description	Filename	Purpose
Cabin Location with previous dock and coordinates	Cabin and dock location.JPG	Private Moorage
ruby Lake with co-ordinates	RubyLake General lake with ...	Private Moorage

ATTACHED DOCUMENTS

Document Type	Description	Filename
General Location Map	General Site map	Ruby Lake Dock - GENERAL SI...
Management Plan	Management Plan	MANAGEMENT PLAN.pdf

Other	Diagram of proposed new dock plans	Diagram of proposed dock pl...
Other	Land Survey	Ruby Land Survey.pdf
Other	Land Title Certificate	Land Title Certificate.pdf
Other	Ministry of Forests ,Lands and Natural Resources Operations and Rural Development letter	Ministry Letter.pdf
Side Profile	side view of proposed dock	Ruby Lake Dock - SIDE VIEW.pdf
Site Photographs	Access from cabin to stairs leading to existing dry dock that will lead to proposed dock	Cabin and stair access to d...
Site Photographs	side view of existing dry dock	Existing dry dock complete.jpg
Site Photographs	view of constructed existing dry dock	Existing dry dock top view ...
Site Plan	specific site map	Ruby Lake Dock - SPECIFIC S...

PRIVACY DECLARATION

☒ Check here to indicate that you have read and agree to the privacy declaration stated above.

REFERRAL INFORMATION

Some applications may also be passed on to other agencies, ministries or other affected parties for referral or consultation purposes. A referral or notification is necessary when the approval of your application might affect someone else's rights or resources or those of the citizens of BC. An example of someone who could receive your application for referral purposes is a habitat officer who looks after the fish and wildlife in the area of your application. This does not apply to all applications and is done only when required.

Please enter contact information below for the person who would best answer questions about your application that may arise from anyone who received a referral or notification.

Company / Organization:

Contact Name: Leah Thomson
Contact Address: 7630 17th avenue
 Burnaby, B.C
 V3N 1L7
Contact Phone: 604-525-7479
Contact Email: taschnerfamily@hotmail.com

☒ I hereby consent to the disclosure of the information contained in this application to other agencies, government ministries or other affected parties for referral or First Nation consultation purposes.

IMPORTANT NOTICES

- Once you click 'Next' the application will be locked down and you will NOT be able to edit it any more.

DECLARATION

☒ By submitting this application form, I, declare that the information contained on this form is complete and accurate.

APPLICATION AND ASSOCIATED FEES

Item	Amount	Taxes	Total	Outstanding Balance
Crown Land Tenure Application Fee	\$250.00	GST @ 5%: \$12.50	\$262.50	\$0.00
OFFICE				

Office to submit application to: Surrey

PROJECT INFORMATION

Is this application for an activity or project which requires more than one natural resource authorization from the Province of BC? No

OFFICE USE ONLY		
Office Surrey	File Number 2412049	Project Number 296417
	Disposition ID 933108	Client Number 293823

MANAGEMENT PLAN

1.0 Background

- 1.1 **Project Overview** – Describe project for which authorization is requested, including construction and/or phased development details:

*Floating dock to be built for lake access only property. To replace previous dock that was destroyed in winter storms. To provide a place to tie boat up and ability to load/unload supplies and provide access to property. **Please note that in the included pictures and google earth attachments the dock that is showing is no longer there, it was destroyed in winter storm. Thus the reason for a permit for a new dock.***

- 1.2 **Investigative Work** – If any preliminary investigative work has been carried out, with or without an investigative authorization, provide details on work completed, incomplete or on-going from previous term.

N/A

- 1.3 **First Nations Consultation** – Describe any contact you may have had, including the name of the First Nations(s) and representatives contacted:

No Contact

2.0 Location

- 2.1 **Description** – Provide a general description of the location of the project:

Directly in front of stairs and dry dock, leading up to cabin yard from beach area.

- 2.2 **Location Justification** – provide your reasons/justification of the need for this type at this location:

Boat access only property. Require a place to tie the boat used for transport of supplies, people, and access to property

- 2.3 **Seasonal Expectations of Use** – When will the Project require use of the land? Include information on key works during construction phases as well as operations phase.

Project phase: construction of dock is being built off site.

Brief Description of activity: Will be floated across the lake into position

Season: Summer/Fall 2018

3.0 Infrastructure and Improvements

- 3.1 – **Facilities and Infrastructure:** Detail any new and existing facilities, infrastructure or processes proposed and any ancillary uses. Provide details of planned construction methods and materials, and construction scheduling:

Facility/Infrastructure/Process:

Existing dry dock approximately 6' x 30'. Made with cedar, 2 inch planks sitting on 8 x 8 beams and rock bed.

Proposed floating dock: Dock sections will be 8'x16' and will be floated by 6-24"x48"x16" Molded foam filled plastic dock floats. 1 dock section will be 8'x20' and will be floated by 8-24"x48"x16" molded foam filled plastic dock floats. Dock will be constructed out of 3"x8" fir timbers with all galvanized steel hardware and brackets. All decking will be 5/4x6 western red cedar decking with a minimum of ¼" space between each piece to allow for light passage. The top of the dock height will be approximately 20" above the water with all lumber being approximately 12" above the waterline. Docks will be anchored with concrete dock anchors that will be placed on the bottom in four spots and connected with 2/8" galvanized chain crossing under the platform in order to keep dock in place.

Construction will take place off site once permit is received. Being built by Dave Raber – Sun "N" Fun Cedar Docks.

- 3.2 **Access** – Identify existing and proposed roads used for access and their use by season. Include any proposed connections to public or Forest Service Roads; traffic information including volume of traffic during construction/operation and phase or season that the traffic is expected.

There is no road access to this property. Dock will be trailered to public boat launch and then floated across the lake to position.

Access to proposed floating dock is by our own private property with stairs leading down from yard onto existing dry dock to the floating dock.

Boat access is by public boat launch to private property.

- 3.3 **Utility Requirements and Sources** – Describe utility requirements and sources, include agreements in place or underway allowing access to utilities.

N/A

- 3.4 **Water Supply** – Identify water requirements for construction and operation phases, including sources, location, volume and a general description of infrastructure planned to meet water supply requirements. Include an agreements outside of Water Act Authorizations identified above.

N/A

- 3.5 **Waste Collection Treatment and Disposal** – Identify water requirements for construction and operation phases

N/A

4.0 Enviromental

4.1 Land Impacts

- 4.1.1 Vegetation Removal –*No timber removal. No vegetation removal*
- 4.1.2 Soil Disturbance –
Soil disturbance, *No disturbance*
Is the area to be excavated – *No excavation*
Disturbance of archaeological, paleontological fossils, or artifacts – *No*
- 4.1.3 Riparian Encroachment – *No*
- 4.1.4 Pesticides and Herbicides – *Nothing to be used*
- 4.1.5 Visual Impacts – *No*
- 4.1.6 Archaeological Sites
Potential archaeological sites – *No*
AIA or archaeologist to assist with investigations – *No*
- 4.1.7 Constuction Methods and Materials -

Existing dry dock approximately 6' x 30'. Made with cedar, 2 inch planks sitting on 8x8 beams and rock bed.

Proposed floating dock: Dock sections will be 8'x16' and will be floated by 6-24"x48"x16" Molded foam filled plastic dock floats. 1 dock section will be 8'x20' and will be floated by 8-24"x48"x16" molded foam filled plastic dock floats. Dock will be constructed out of 3"x8" fir timbers with all galvanized steel hardware and brackets. All decking will be 5/4x6 western red cedar decking with a minimum of ¼" space between each piece to allow for light passage. The top of the dock height will be approximately 20" above the water will all lumber being approximately 12" above the waterline. Docks will be anchored with concrete dock anchors that will be placed on the bottom in four spots and connected with 2/8" galvanized chain crossing under the platform in order to keep dock in place.

Construction will take place off site once permit is received. Being built by Dave Raber – Sun "N" Fun Cedar Docks.

4.2 Atmospheric Impacts

- 4.2.1 Sound, Odor, Gas or Fuel Emissions – *for construction none, it is being built off site. Once in place there will be an inboard 17” boat. No out of the ordinary sounds, no odors.*

4.3 Water or Land Covered by Water Impacts

- 4.3.1 Drainage Effects – *No*
4.3.2 Public Access – *there will be no changes to public access*
4.3.3 Flood Potential – *No flooding*
4.3.4

4.4 Fish and Wildlife Habitat Impacts

- 4.4.1 Disturbance to Wildlife and Wildlife Habitat
There will be no adverse effects to wildlife or wildlife habitat
The construction will not take place in or around lakes/streams, however once in place it will be floating in fresh water lake.
The project construction phase will not increase erosion or sedimentation, no will it require water diversion.
There is no threat or endangerment to species in the area.

5.0 Socio Community

- 5.1 **Land Use** – Describe the current community setting on or near the project area.
Seasonal private property, boat access only. There are no surrounding communities.

- 5.1.1 **Land Management Plans and Regional Growth Strategies** - Are there any land and resource management plans, coastal plans, provincial, regional growth strategies or local government plans with zoning, or management policies or use restrictions in place that could limit or preclude your proposed use of the land?

See Attached letter from Ministry of Forests, Lands and Natural Resources Operations and Rural Development – James Davies, dated January 17, 2018

5.2 Socio-Community Conditions

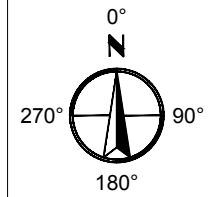
- 5.2.1 **Adjacent Users or Communities** – Is the project likely to restrict public access, or the ability, or the ability of adjacent land owners or tenure holder to access their property or tenures?

No

- 5.2.2 **Existing Services** – Provide a description any increased demand of fire protection and other health facilities and emergency services arising from your Project.

None

GENERAL SITE MAP



Nelson Island

Earls Cove

Agamemmon Bay

Block C, District Lot 5398, Group 1
New Westminster Land District
PID: 015-843-459

Sunshine Coast Highway

Agamemmon Channel

D

B

E

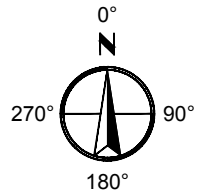
Application
Area

Ambrose Lake

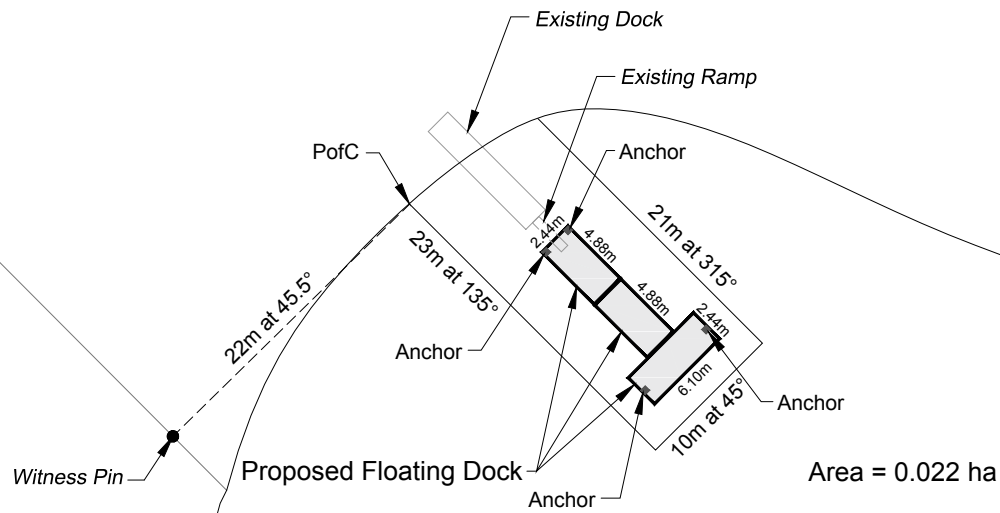
Ruby Lake

SPECIFIC SITE MAP

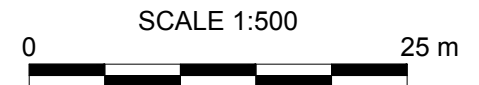
Block C, District Lot 5398, Group 1
New Westminster Land District
PID: 015-843-459



Blk D, DL 5398



Ruby Lake



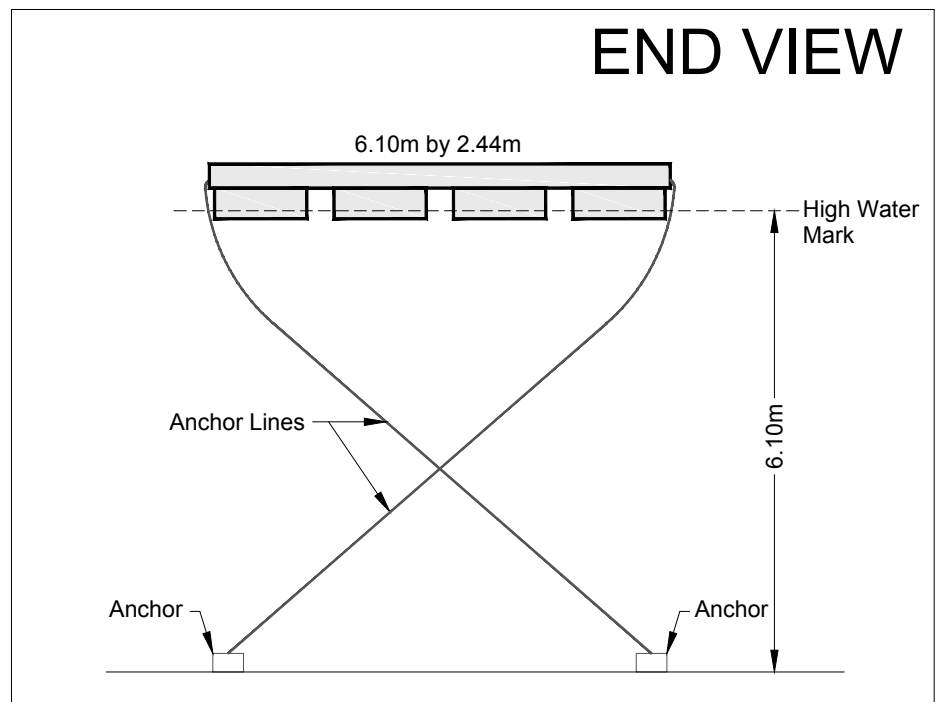
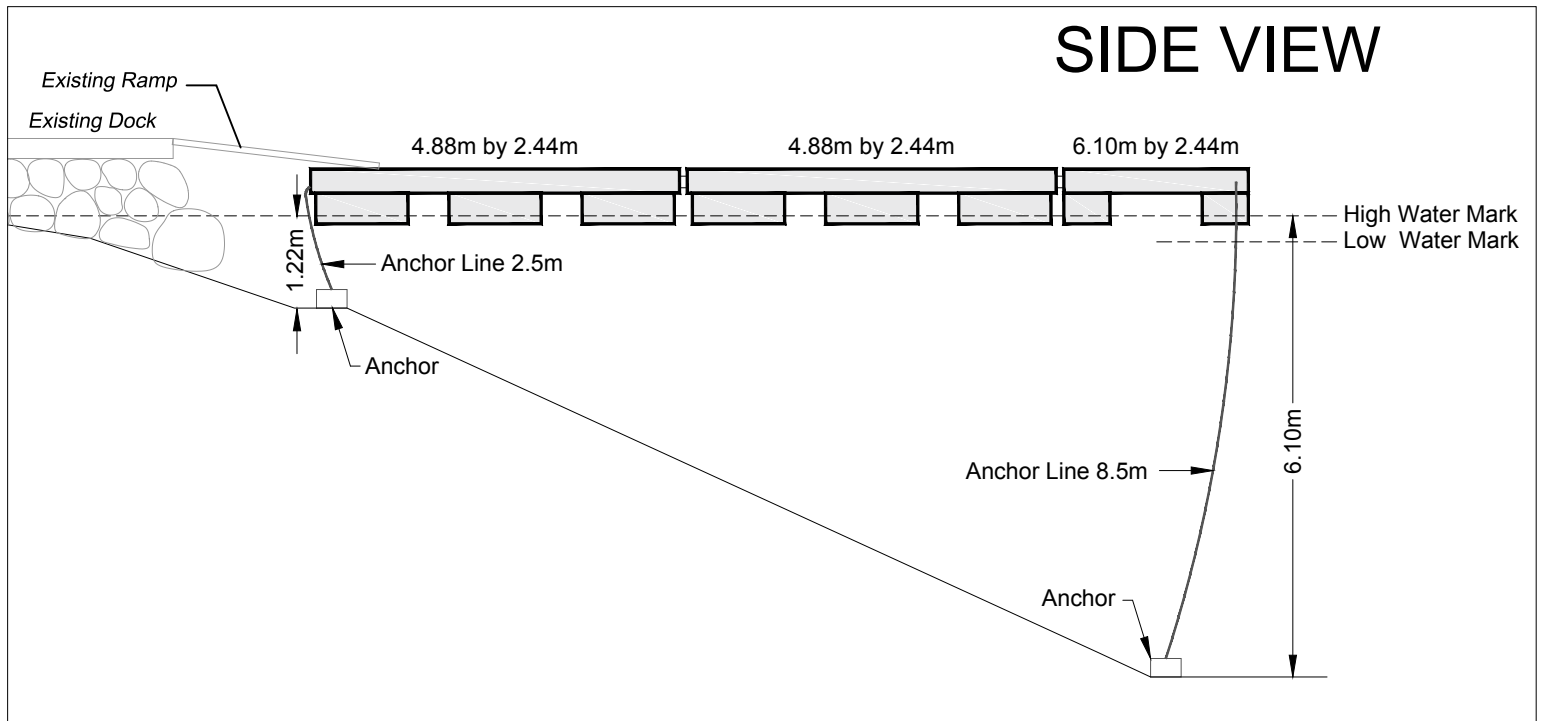
Metes and Bounds

Begin at the witness pin on the south westerly boundary of Block C, District Lot 5398, Group 1, New Westminster Land District then go 22 meters at 45.5° to the Point of Commencement (PofC) then go

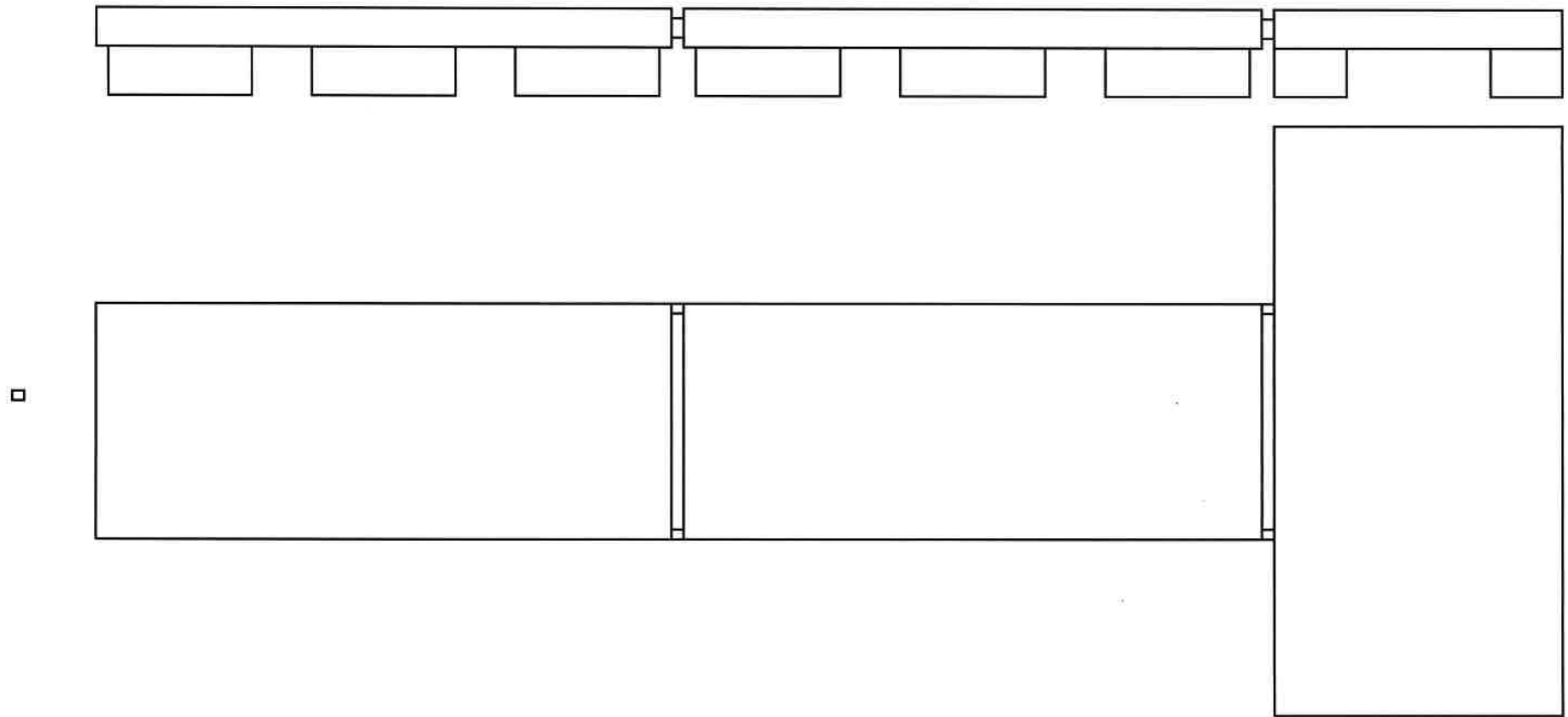
23 meters at 135°

10 meters at 45°

21 meters at 315° then along shoreline returning to the point of commencement (PofC)



2 dock sections will be 2.44m x 4.88m and will be floated by 6-24"x48"x16" Molded Foam Filled Plastic Dock Floats.
 1 Dock section will be 2.44m x 6.10m and will be floated by 8-24"x48"x16" Molded Foam Filled Plastic Dock Floats.
 Dock will be constructed out of 3"x8" fir timbers with all galvanized steel hardware and brackets.
 All decking will be 5/4x6 western red cedar decking with a minimum of 1/4" space between each piece to allow for light passage.
 The top of the dock height will be approximately 0.5m above the water with all lumber being approximately 0.3m above the waterline.
 Dock sections will be sanded and stained with Penofin Marine Stain.
 Docks will be anchored with concrete dock anchors that will be placed on the bottom in four spots and connected with 3/8" galvanized chain crossing under the platform in order to keep dock in place.



2 Dock sections will be 8'x16' and will be floated by 6-24"x48"x16" Molded Foam Filled Plastic Dock Floats.

1 Dock section will be 8'x20' and will be floated by 8-24"x48"x16" Molded Foam Filled Plastic Dock Floats.

Dock will be constructed out of 3"x8" fir timbers with all galvanized steel hardware and brackets.

All decking will be 5/4x6 western red cedar decking with a minimum of 1/4" space between each piece to allow for light passage.

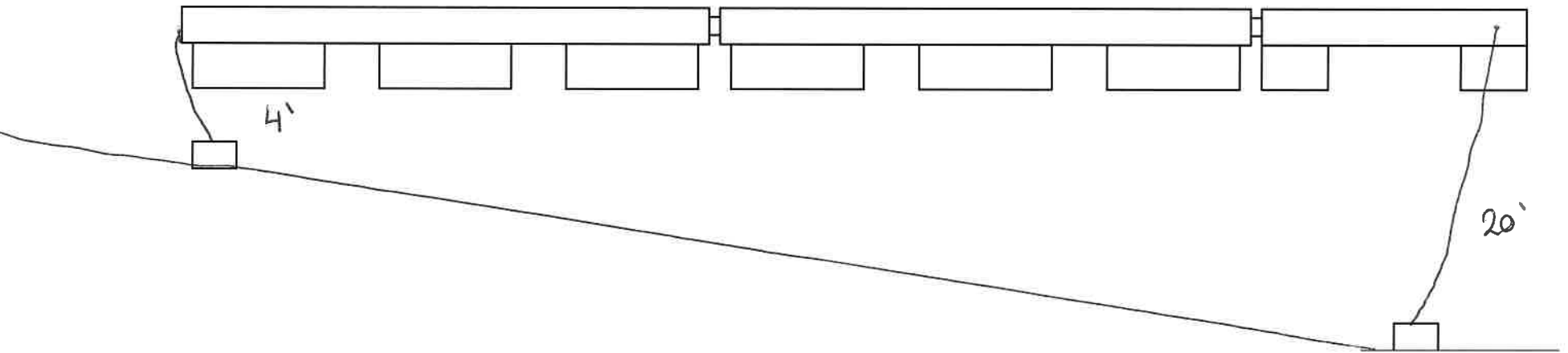
The top of the dock height will be approximately 20" above of the water with all lumber being approximately 12" above the waterline

Dock sections will be sanded and stained with Penofin Marine Stain

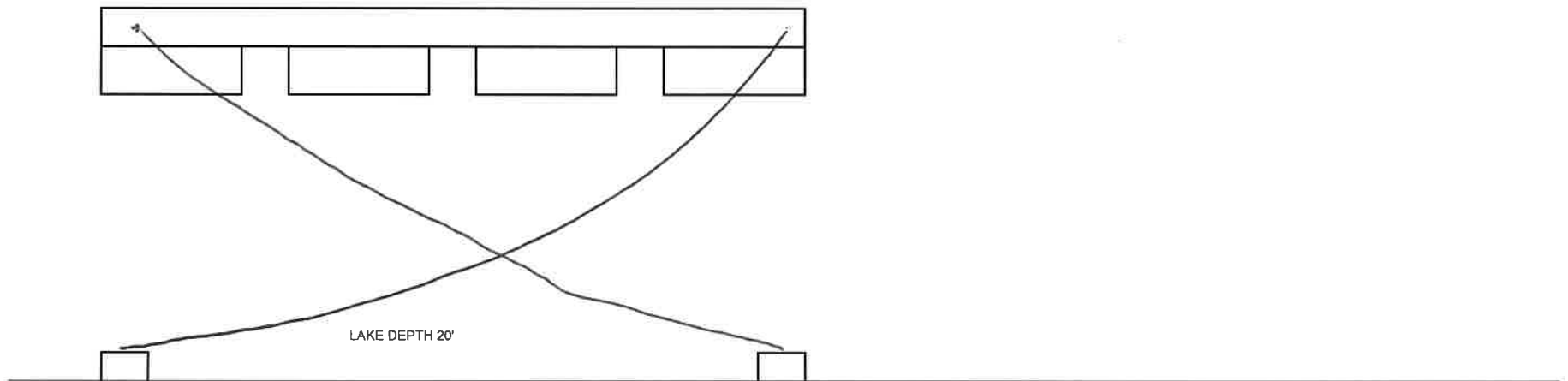
Docks will be anchored with concrete dock anchors that will be placed on the bottom in four spots and connected with

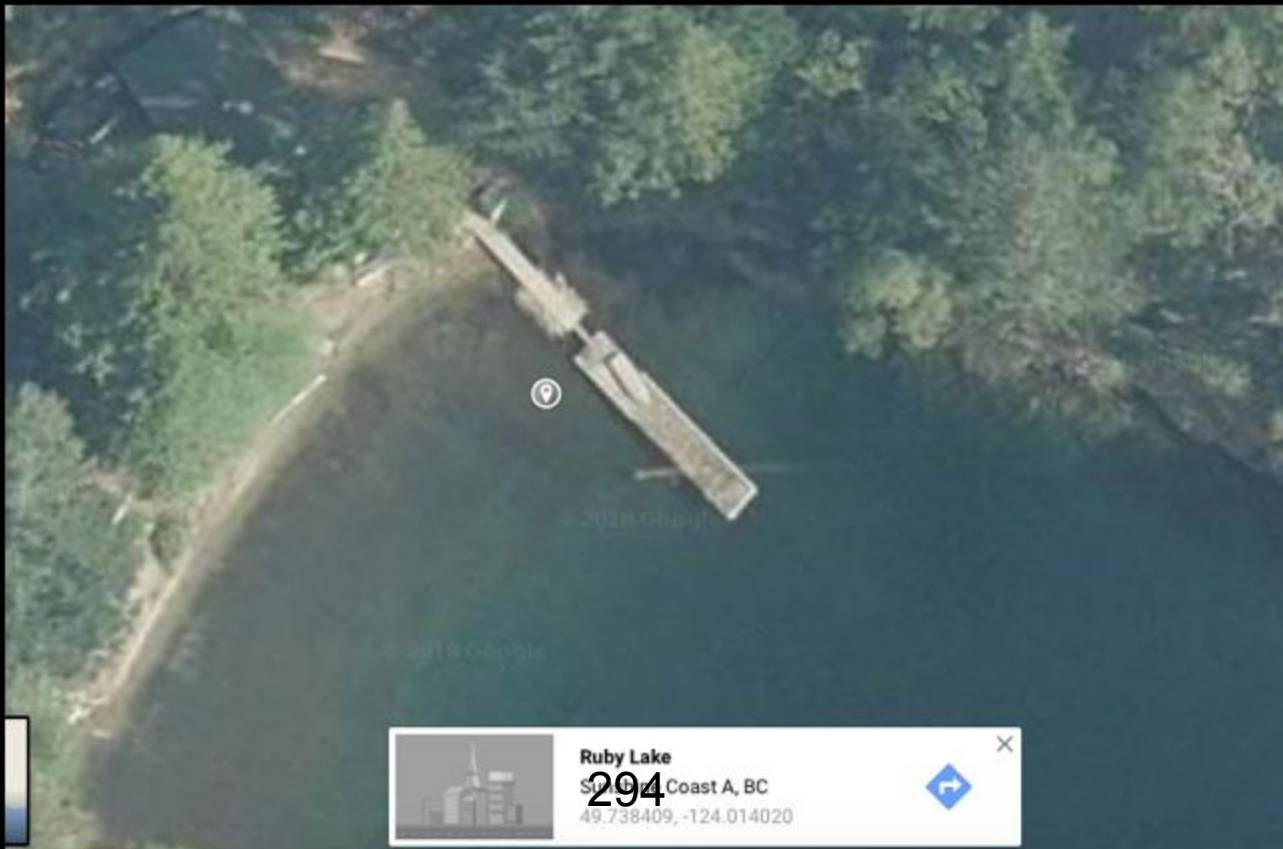
3/8" galvanized chain crossing under the platform in order to keep dock in place.

SIDE VIEW



END VIEW





© 2019 Google

© 2019 Google



Ruby Lake

Strathcona Coast A, BC

49.738409, -124.014020



294



295



296



297



Figure 1 - Existing pier and fill. Dock in lower right damaged in storm.

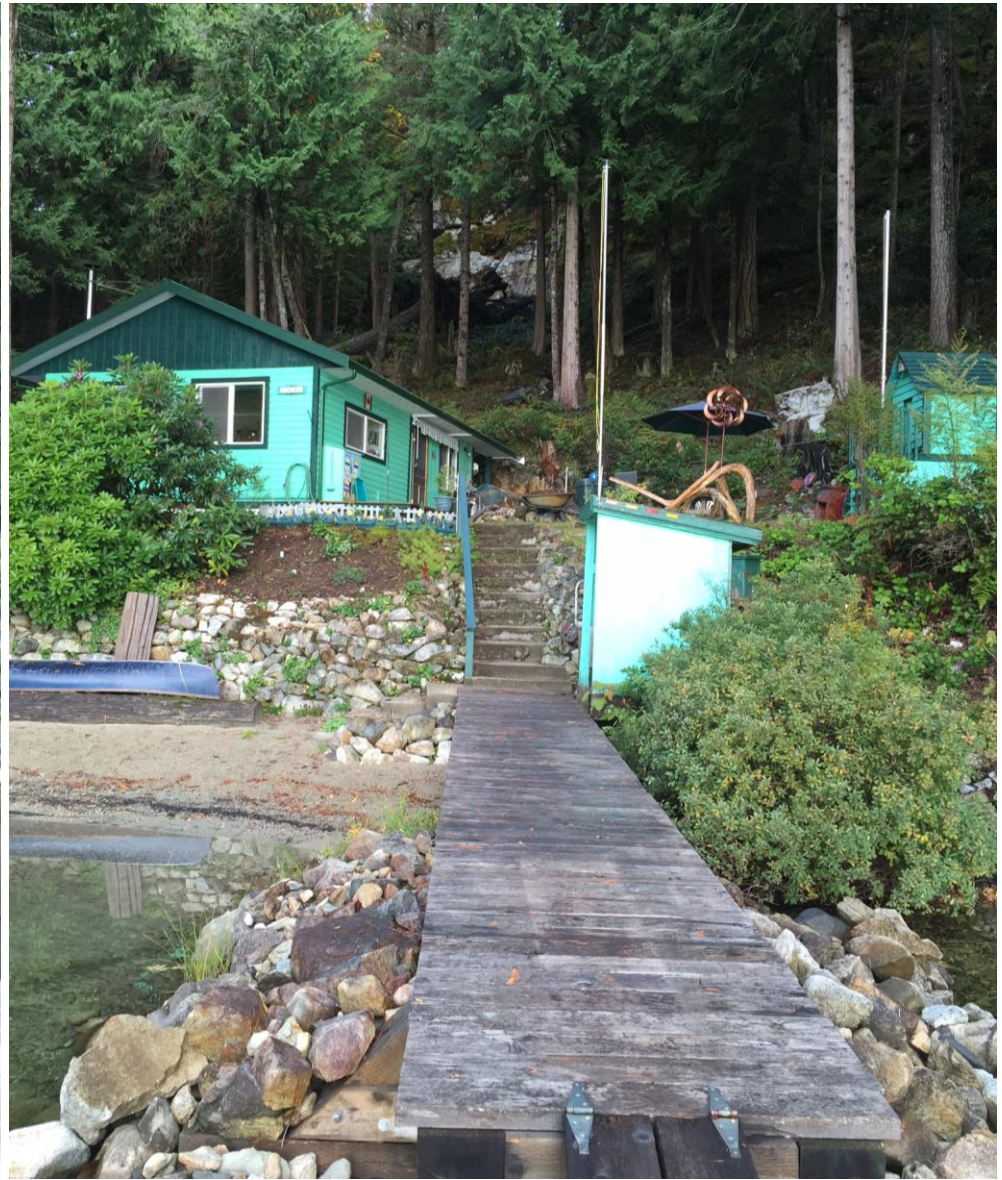


Figure 2 - Existing pier located on rock fill.



Figure 3 - Existing pier located on rock fill with damaged dock in foreground.

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Planning and Community Development Committee – September 6, 2018

AUTHOR: Sven Koberwitz, Planning Technician

SUBJECT: FRONTAGE WAIVER FOR SUBDIVISION SD000028 (HAMMOND) – ELECTORAL AREA F

RECOMMENDATIONS

THAT the report titled Frontage Waiver for Subdivision SD000028 (Hammond) – Electoral Area F be received;

AND THAT the requirement for 10% lot frontage onto a road for Lot 5 and Lot 6 in the proposed subdivision of Lot 1 of Lot 2 District Lot 694 Plan 17208 be waived.

BACKGROUND

The Ministry of Transportation and Infrastructure issued Preliminary Layout Approval for the subdivision of 293 Owen Road into two parcels. Each of the proposed parcels have a panhandle in order to provide legal access to Owen Road.



Figure 1 – Location of Subject Property.

Section 512 of the *Local Government Act* requires that all new parcels have a minimum of 10% parcel frontage onto a highway unless a local government waives the requirement.

Consideration by SCRD Board of Directors to waive the frontage requirement is needed for the subdivision to proceed as proposed.

DISCUSSION

Analysis

The application involves a two lot subdivision of the subject property fronting Owen Road in Area F (Attachment A). The subject property is located within the Subdivision District C and each new lot is above the minimum parcel size requirement of 2,000 sq. m.

Each parcel, as proposed, will have less than 10% frontage due to the panhandle access. In order to accommodate existing homes and areas for sewage disposal fields, a panhandle layout is the recommended option for this specific subdivision proposal.

The Preliminary Layout Approval has been issued by the Ministry of Transportation and Infrastructure. Given that the access has been approved as part of the subdivision and has no negative impacts for SCRD services or for the community the Planning and Development Division recommends support for the frontage waiver request.

The West Howe Sound Advisory Planning Commission recommended support for the subdivision application on November 28, 2017.

Options

Possible options to consider:

Option 1: Issue the waiver.

The proposed 2 lot subdivision will be approved provided all other conditions of the Preliminary Layout Approval are met.

Planning Staff recommend this option.

Option 2: Deny the waiver.

The subdivision could not proceed as proposed.

STRATEGIC PLAN AND RELATED POLICIES

N/A

CONCLUSION

A waiver for the 10% frontage requirement is required by the SCRD Board for the subdivision application to proceed. Preliminary Layout Approval has been granted by the Ministry of Transportation and Infrastructure. The proposal layout does not pose any negative implications for SCRD planning or services and therefore Planning Staff support the frontage waiver request.

Attachments

Attachment A – Proposed Subdivision Plan

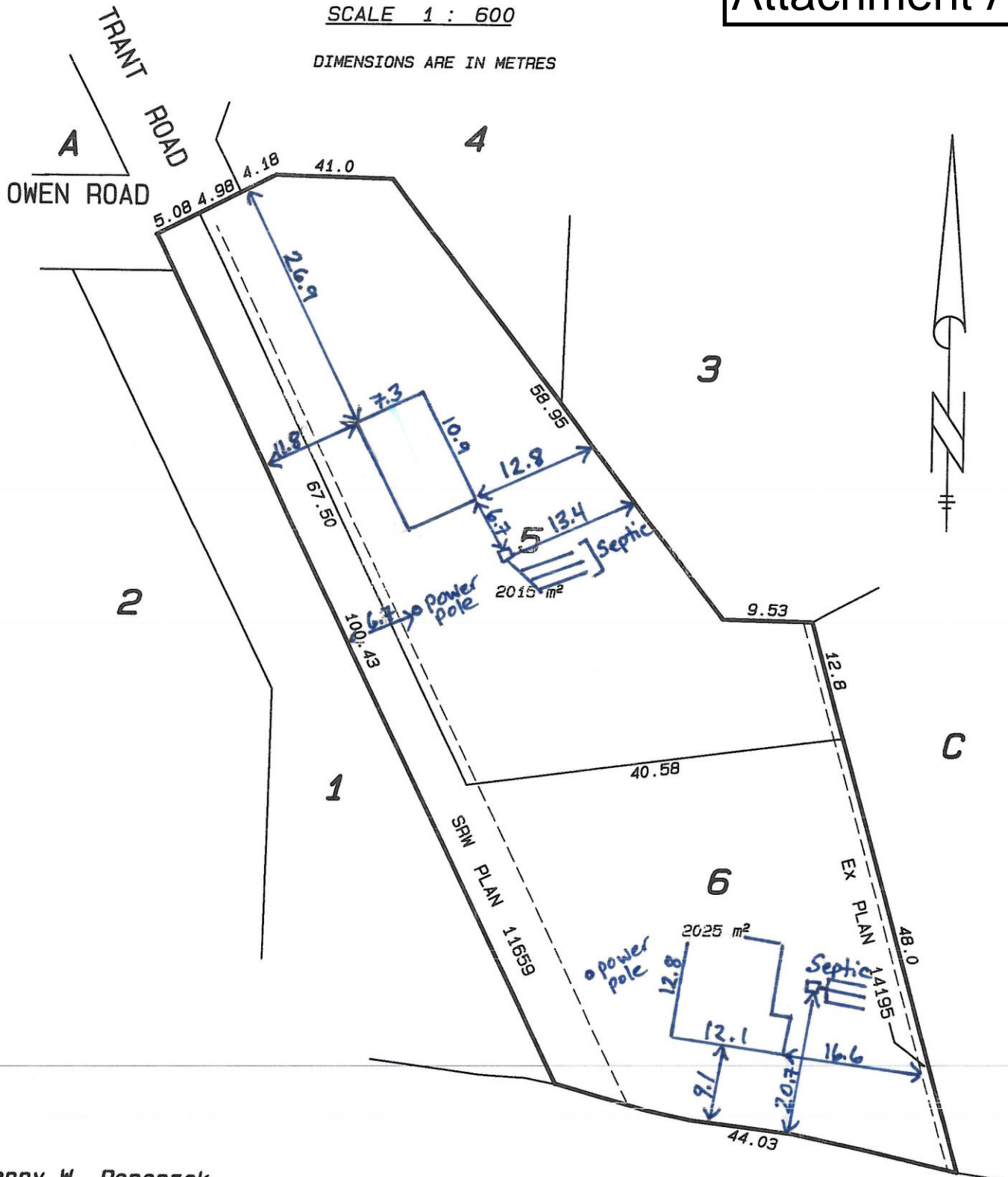
Reviewed by:			
Manager	X - A. Allen	Finance	
GM	X - I. Hall	Legislative	
CAO	X - J. Loveys	Other	

PROPOSED SUBDIVISION OF LOT 1 **DL 694 PLAN 17208**

Attachment A

SCALE 1 : 600

DIMENSIONS ARE IN METRES



Larry W. Penonzek
 B. C. Land Surveyor
 Box 505 Gibsons, B.C.
 VON 1V0 Ph 886-2531

HOWE SOUND

October 3, 2017

EH

**SUNSHINE COAST REGIONAL DISTRICT
POLICING COMMITTEE**

July 19, 2018

MINUTES OF THE SUNSHINE COAST POLICING COMMITTEE MEETING HELD IN THE CEDAR ROOM OF THE SUNSHINE COAST REGIONAL DISTRICT 1975 FIELD ROAD, SECHELT, BC.

PRESENT:

(Voting Members)	Director, Electoral Area E, Chair Director, Electoral Area A Director, Electoral Area D Director, Electoral Area B, Director, Electoral Area F Councillor, District of Sechelt Councillor, District of Sechelt Councillor, Town of Gibsons School District #46 Trustee	Lorne Lewis Frank Mauro Mark Lebbell Garry Nohr Ian Winn Alice Lutes Doug Wright Silas White Greg Russell
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ALSO PRESENT:

(Non-Voting)	SCR D Chief Administrative Officer Administrative Assistant / Recorder Media	Janette Loveys Tara Crosby 2
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CALL TO ORDER 1:30 p.m.

AGENDA The agenda was adopted as presented.

PETITIONS AND DELEGATION

MINUTES

Recommendation No. 1 *Minutes*

The Sunshine Coast Policing Committee recommended that the minutes of April 19, 2018 be received as presented.

COMMUNICATIONS

Recommendation No. 2 *Commissioner's Mandate Letter – Royal Canadian Mounted Police*

The Sunshine Coast Policing Committee recommended that the email correspondence from Royal Canadian Mounted Police dated May 9, 2018 regarding the Commissioner's Mandate Letter be received.

REPORTS

Recommendation No. 3 *Monthly Crime Statistics – April 2018*

The Sunshine Coast Policing Committee recommended that the RCMP Monthly Crime Statistics for April 2018 be received.

Recommendation No. 4 *Monthly Crime Statistics – May 2018*

The Sunshine Coast Policing Committee recommended that the RCMP Monthly Crime Statistics for May 2018 be received.

Recommendation No. 5 *Monthly Crime Statistics – June 2018*

The Sunshine Coast Policing Committee recommended that the RCMP Monthly Crime Statistics for June 2018 be received.

Recommendation No. 6 *RCMP Summary Report*

The Sunshine Coast Policing Committee recommended that RCMP Summary Report for the period 2018-01-01 to 2018-03-31 be received.

Recommendation No. 7 *RCMP Summary Report*

The Sunshine Coast Policing Committee recommended that RCMP Summary Report for the period 2018-04-01 to 2018-06-30 be received.

Sergeant Hacker gave a verbal report on crime on the Sunshine Coast.

Highlights of Reporting Period:

- *Staffing*
 - *Currently at full complement;*
 - *Two transfers occurred this year – replaced with two recruits for general duty;*
 - *New recruits field trained by end of January 2019;*
 - *Staff Sergeant selected – Michelle (Poppy) Hallum from Fort St. James will be starting September 2018.*
- *January to April 2018 – busy 1st quarter with several repeat offenders and long term remands in the cell block.*
- *Sea Cavalcade – no changes expected from previous years – Friday and Saturday and mid-point Sunday – officers on duty.*
- *Fire ban in place July 18, 2018 – RCMP will be checking beaches and rural areas. Public to contact local fire departments with questions and report fires to RCMP.*
- *Noise complaints on Gambier Island have required enforcement action.*
- *Boat deployment started July 2018.*
- *Working with Transport Canada regarding derelict boats.*
- *Property offences, fraud and identity theft.*
- *Cops for Cancer - Constable Ben Stewart fundraising since April 2018.*
- *Seniors Fraud sessions to be held in the Fall 2018.*

NEW BUSINESS / ROUNDTABLE

- *Cannabis Act – rolling out in October 2018 – policies drafted and regulatory framework with municipalities – issuing operating licences to dispensaries. Compliance and enforcement still to be determined. Legal framework compliance may cause further concerns to residents or businesses. Odours, electrical issues, traffic, etc.*
- *Speed – contacting RCMP (call non-emergency numbers, with location, time of day, infraction, plate number and description of vehicle). Timing will determine whether RCMP will be able to enforce violation.*
- *Traffic counters – provide RCMP ability to deploy appropriate resources.*
- *Frequently Asked Questions at District of Sechelt – regarding traffic offences information required to assist the RCMP – draft to be forwarded to Sergeant Hacker for approval.*
- *Hopkins Landing – requests increased patrols and more enforcement – parking and road use, signage blocked, etc.*
- *Property offenders – surveilling properties.*
- *Phone scams increasing by marketing companies releasing phone numbers and emails. Education is important, enforcement is difficult.*

ADJOURNMENT 2:34 p.m.

Committee Chair

**SUNSHINE COAST REGIONAL DISTRICT
NATURAL RESOURCE ADVISORY COMMITTEE**

July 18, 2018

MINUTES FROM THE NATURAL RESOURCE ADVISORY COMMITTEE MEETING HELD IN THE CEDAR ROOM AT THE SUNSHINE COAST REGIONAL DISTRICT OFFICES, 1975 FIELD ROAD, SECHELT, B.C.

PRESENT:	Members	Gordon Cassidy Gordon Littlejohn (part) Bill Henwood Gerald Shaffer Andre Sobolewski Anayansi Cohen- Fernandez (part) Gordon White
ALSO PRESENT:	Electoral Area A Director Senior Planner Senior Planner Applicant Applicant Planning Office Assistant/Recorder Public	Frank Mauro David Rafael Yuli Siao (part) Ken Sneddon Paul Tosczak Genevieve Dixon 2
REGRETS:	Member	Burt Myers David Rush Shawna Van Poppelen
ABSENT:	Member	Mariel Yglesias

CALL TO ORDER 3:31 p.m.

INTRODUCTIONS Director Mauro in attendance on behalf of the SCRD Board.

AGENDA The agenda was adopted as presented.

ELECTION OF THE CHAIR

Gerald Shaffer was elected Chair of the Natural Resource Advisory Committee by acclamation.

Andre Sobolewski was elected Vice Chair of the Natural Resource Advisory Committee by acclamation.

MINUTES

Recommendation No. 1 *NRAC Meeting Minutes of May 16, 2018*

The Natural Resource Advisory Committee recommended that the meeting minutes of May 16, 2018 be received and approved as presented.

REPORTS

Provincial Referral 102679829-002 – Sunshine Coast Mountain Adventures

Key points of discussion:

- The applicant gave a detailed introduction on the project.
- September 14, 2018 is the staff deadline to submit comments to the Province.
- Applicant is against short term drop off and pickups.
- Option for drop off and pick up in Vancouver, B.C, under review.
- Environmental Management Plan, one thing that is not mentioned should be no fishing or hunting allowed.
- Applicant indicates no hunters allowed in helicopters in B.C., fishing trips may be by helicopter, neither activity is included under this application.
- Is there an intention for building huts, overnight structures?
- Applicant confirmed that they have made application for temporary structures (helipads) which can also be used for tenting.
- Removable helipads would be demobilized after the season.
- Environmental damage from introducing mountain bikes into the alpine or sub alpine, no issue for hiking.
- Designated trails only.
- ATV's entering into the proposed trails, a physical barrier to be in place for access into the higher alpine.
- Structured program preferred for mountain biking.
- Some control as the proposed referral is for guided trips.
- Have the Tetrahedron Outdoor Club or any other clubs been approached for consultation?
- The applicant noted a Species at Risk Act (SARA) inspection would be done, best practices around wildlife would evolve around Canadian National Park Rocky Mountain handbook.
- There are planes and helicopter flying in and out of the area since the mid 1990's.
- There may be a fixed wing tenure on Phantom Lake.
- Recreational users (ATV /motorized users) are concerned that the suggested trail system will impede their right for recreational access.
- Trails in the area are already used now.
- Would prefer a controlled approach for the trails.
- Is the company going to be responsible for damages outside of their trail systems?
- Monitoring needs to happen daily up in the trails. How will it be controlled?
- The SARA report will identify species at risk and areas to avoid.
- Applicant noted there are existing trails, little trail systems will be made.
- Revenue base from this tenure, less than \$100,000 per season.
- Overall this application is a good thing, it is very light use and little disturbance involved.
- 80 people a year, but being optimistic. Approximately 200 users a year in the future.

- More concern over impact to the sub alpine and alpine areas expressed by NRAC members.
- Regarding the Madrone report, NRAC member is concerned that the report uses the wording of others under their name with no citation noted.

Recommendation No. 2 *Provincial Referral 102679829-002 – Sunshine Coast Mountain Adventures*

The Natural Resource Advisory Committee recommended that the proponent add a statement in their Tenure Management Plan that explicitly prohibits bringing in clients for fishing and hunting.

Recommendation No. 3 *Provincial Referral 102679829-002 – Sunshine Coast Mountain Adventures*

The Natural Resource Advisory Committee recommended that the Sunshine Coast Mountain Adventure conduct an assessment of the impact of mountain biking on the alpine and sub-alpine areas after 1 year operation and carry out remedial measures if required.

Recommendation No. 4 *Provincial Referral 102679829-002 – Sunshine Coast Mountain Adventures*

The Natural Resource Advisory Committee recommended that access to the trails of this project be separated from other existing trails and forest service roads in lower elevations to prevent mechanized vehicles from accessing tenure areas of this project.

Recommendation No. 5 *Provincial Referral 102679829-002 – Sunshine Coast Mountain Adventures*

The Natural Resource Advisory Committee recommended that more information be provided in the tenure management plan on baseline data and parameters for monitoring changes in the alpine and sub-alpine areas.

Recommendation No. 6 *Provincial Referral 102679829-002 – Sunshine Coast Mountain Adventures*

Regarding Provincial Referral 102679829-002 Sunshine Coast Mountain Adventures, the Natural Resource Advisory Committee supports the SCRD recommendations, subject to the noted conditions.

Provincial Referral CRN00059 for a Private Moorage (AJB Investments)

Key points of discussion:

- Concerns regarding the Howe Sound Pulp Mill, that the applicant recognizes the Pulp Mill.
- Current zoning is industrial for the pulp mill.
- The pulp mill is a major employer in the area, it should not be impacted economically.
- Industrial noises could lead to issues to the enjoyment for the proposed application up the road.

Recommendation No. 7 *Provincial Referral CRN00059 for a Private Moorage (AJB Investments)*

Regarding Provincial Referral CRN00059, the Natural Resource Advisory Committee accepts the SCRD recommendations with the following amendment:

AND THAT The Natural Resource Advisory Committee recommends that the land owner and the applicant be made aware that they are next to an active industrial operation.

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

Key point of discussion:

- David Rafael, Senior Planner presented information regarding the report.
- The road may be put in place for a future road access, applicant may plan to subdivide in the future.
- Shared driveway with no legal agreement.

Recommendation No. 8 *Provincial Referral 103014586-001 TMK / DM Roads (Johnson) – Electoral Area A*

Regarding Provincial Referral 1036014586-001 TMK / DM Roads (Johnson) – Electoral Area A, the Natural Resource Advisory Committee supports the SCRD recommendations.

NEW BUSINESS

NRAC Member, David Rush informed staff of his resignation from the Committee.

NEXT MEETING Wednesday, September 19, 2018

ADJOURNMENT 5:42 p.m.

SUNSHINE COAST REGIONAL DISTRICT**AREA A - EGMONT/PENDER HARBOUR
ADVISORY PLANNING COMMISSION****July 25, 2018**

RECOMMENDATIONS FROM THE AREA 'A' ADVISORY PLANNING COMMISSION MEETING
HELD AT THE PENDER HARBOUR SATELLITE OFFICE, 12828 LAGOON ROAD, MADEIRA
PARK, B.C.

PRESENT:	Vice Chair Members	Janet Dickin Alex Thomson Sean McAllister Gordon Littlejohn Gordon Politeski Peter Robson
ALSO PRESENT:	Area A Director Recording Secretary	Frank Mauro Kelly Kammerle
REGRETS:	Members	Jane McOuat Catherine McEachern Tom Silvey Yovhan Burega Alan Skelley Dennis Burnham

CALL TO ORDER 7:00 p.m.

AGENDA The agenda was adopted as presented.

MINUTESArea A Minutes

The Area A APC minutes of June 27, 2018 were approved as circulated.

The following minutes were received for information:

- Halfmoon Bay (Area B) APC Minutes of June 26, 2018
- Roberts Creek (Area D) APC Minutes of June 18, 2018
- Elphinstone (Area E) APC Minutes of June 27, 2018
- West Howe Sound (Area F) APC Minutes of June 26, 2018
- Planning and Community Development Committee Minutes of June 14, 2018

BUSINESS ARISING FROM MINUTES AND UNFINISHED BUSINESS

The APC recommends further wording changes to the OCP regarding the section dealing with the shíshálh Nation Strategic Land Use Plan as recommended in previous Area A APC meetings.

REPORTS

Recommendation No. 1 *Provincial Referral 103014586-001 TMK / DM (Johnson)*

The APC agrees with the SCRD that there is not enough information and would like to see the SCRD recommendations addressed before it is brought back to the APC for further comments.

The APC would also like to see:

- Road up to MoTI standards
- Has there been any easement requests made for these properties?

DIRECTOR'S REPORT

The Director's Report was received.

NEXT MEETING September 26, 2018.

ADJOURNMENT 8:45 p.m.

SUNSHINE COAST REGIONAL DISTRICT
ROBERTS CREEK (AREA D) ADVISORY PLANNING COMMISSION

July 16, 2018

RECOMMENDATIONS FROM THE ROBERTS CREEK (AREA D) ADVISORY PLANNING COMMISSION MEETING HELD IN THE ROBERTS CREEK LIBRARY READING ROOM LOCATED AT 1044 ROBERTS CREEK ROAD, ROBERTS CREEK, B.C.

PRESENT:	Chair	Dana Gregory
	Members	Gerald Rainville Marion Jolicoeur Danise Lofstrom, Nichola Kozakiewicz Heather Conn
ALSO PRESENT:	Electoral Area D Director Vicki Dobbyn Applicant Applicant	Mark Lebbell Recording Secretary Ken Sneddon Paul Toszczak
REGRETS:	Members	Bill Page Mike Allegretti

CALL TO ORDER 7:10 p.m.

AGENDA The agenda was adopted as presented.

MINUTES

Area D Minutes

Roberts Creek (Area D) APC minutes of June 18, 2018 were approved as circulated.

Minutes

The following minutes were received for information:

- Egmont / Pender Harbour (Area A) APC Minutes of June 27, 2018
- Halfmoon Bay (Area B) APC Minutes of June 26, 2018
- Elphinstone (Area E) APC Minutes of June 27, 2018
- West Howe Sound (Area F) APC Minutes of June 26, 2018
- Planning and Community Development Committee Minutes of June 14, 2018

DELEGATIONS

Paul Toszczak and Ken Sneddon, Applicants for Provincial Referral 10249829-002 – Sunshine Coast Mountain Adventures.

REPORT

Provincial Referral 102649829-002 – Sunshine Coast Mountain Adventures

The following concerns/points/issues were noted:

- Paul Toscza introduced the project and he and Ken Sneddon provided the following information in response to members' questions:
- They have been to all APC's except Area E and may not do a public meeting.
- They require a tenure from the Province to operate the tourism business. They can land on Crown land but not in parks without permission.
- Helicopter or plane operators are responsible for people they drop off. From a safety and liability perspective they want to work on establishing trails and providing guides in every case. Properly sanctioned means having established trails and guides.
- They would have a complete rescue program for any situations that require rescue situations, including fire. A lot of safety issues are covered by having a guide. Airspan operates seven helicopters and can be at the Sechelt Hospital emergency room within an hour from any proposed site. All routes have satellite phone reception.
- The business would be similar to heli-skiing. There are interesting sites such as an old mine. It will appeal to people who don't want to plan a camping and hiking trip.
- Locations are reachable by hiking but are very long hikes
- Groups would be comprised of four people plus one guide. Numbers in proposal are high because they based on established areas in BC with this business. They estimate that there will be five groups in the first year.
- Applied for lease for 10 to 15 years and can apply to renew.
- Trips will cost about \$1500 per day per person. Would be about 2% of annual revenue of Airspan.
- Vancouver clients are targeted by having Coal Harbour pick up. Would Vancouver pickup mean less business for coast? Economic development would still be in the form of employment of one guide and purchase of supplies.
- What is projection of use? It is expected business would grow slowly as has been the case with Westcoast Wilderness Lodge business and Whistler services, which are not at capacity.
- There is not a maximum use in tenure. They are not planning to actively market. They will have a presence at a bike shop in Sechelt and a Facebook page. Access to certified guides is the pinch point and will limit number of excursions. Guides are certified by Canadian Mountain Guides Association
- Mountain biking is similar to heli-skiing in that a guide sets out trail and gives riders parameters. They are planning to do a SARA (Species at Risk Assessment) proactively.
- Will have provisions to assess fitness of prospective participants.
- A number of sites already have heli-pads.
- Wildlife protection – they will probably use the management plan of Yoho Park which identifies areas and times where there will be no interaction.
- How does helicopter noise affect wildlife – the general rule of thumb is 1000 ft over population, 500 ft. in other areas. Environmental consultants will conduct studies and lay out areas for the best flight paths. Airspan currently does wildlife counts with government biologists.
- Types of helicopters – With A-Star the noise print is significantly quieter than medivac or helicopters used for fire fighters. They currently take off from Sechelt airport 8 to 10 times a day. Usual time of drop off and pick up would be between 10:00 a.m. and 2:00

p.m.

- How many unsanctioned visitors can they capture by offering this service – this is unknown.
- Advantages would be quicker reporting for landslide or fire because more eyes will be on the back country.
- Monitoring – plan to do this on a biannual basis to evaluate.
- What if someone wanted to buy the business – they would hope to maintain the original intentions.
- The applicants stated electric bikes would be used as they have an easier footprint.
- There are pressures on the back country so it would be beneficial for the Province to develop a general land resource management plan.

Recommendation No. 1 *Provincial Referral 10249829-002 – Sunshine Coast Mountain Adventures*

The APC recommends that the application be supported subject to the recommendations in the staff report to the Planning and Community Development Committee dated June 14, 2018, and that there be another public meeting if the tenure is sold and changes owners.

DIRECTOR'S REPORT

The Director's Report was received.

NEXT MEETING September 17, 2018

ADJOURNMENT 8:45 p.m.

SUNSHINE COAST REGIONAL DISTRICT**AREA F – WEST HOWE SOUND
ADVISORY PLANNING COMMISSION****July 24, 2018**

RECOMMENDATIONS FROM THE WEST HOWE SOUND (AREA F) ADVISORY PLANNING COMMISSION MEETING HELD AT ERIC CARDINALL HALL, 930 CHAMBERLIN ROAD, WEST HOWE SOUND, B.C.

PRESENT:	Chair Members	Fred Gazeley Maura Laverty Bob Small
ALSO PRESENT:	Director, Electoral Area F Recording Secretary Applicant (AJB Investments Ltd.) Public	Ian Winn Diane Corbett Hugh O'Dwyer 2
REGRETS:	Members	Doug MacLennan Susan Fitchett Laura Houle

CALL TO ORDER 7:01 p.m.

AGENDA The agenda was adopted as amended:

- Dates of all listed minutes should read "June" not "July".

MINUTES

West Howe Sound (Area F) Minutes

The West Howe Sound (Area F) APC minutes of June 26, 2018 were approved as circulated/amended as follows.

Minutes

The following minutes were received for information:

- Egmont/Pender Harbour (Area A) APC Minutes of June 27, 2018
- Halfmoon Bay (Area B) APC Minutes of June 26, 2018
- Roberts Creek (Area D) APC Minutes of June 18, 2018
- Elphinstone (Area E) APC Minutes of June 27, 2018
- Planning and Community Development Committee Minutes of June 14, 2018

REPORTS

Provincial Referral CRN00059 for a Private Moorage (AJB Investments)

The APC discussed the staff report regarding Provincial Referral CRN00059 for a private moorage (AJB Investments).

Hugh O'Dwyer from AJB Investments Ltd. commented on the application and responded to inquiries.

Director Winn discussed the review of the application at a recent Planning and Community Development Committee, where an eighth condition, that polystyrene not be used for the dock, had been added to a list of recommended conditions for the project to proceed.

Recommendation No. 1 *Provincial Referral CRN00059 for Private Moorage (AJB Investments)*

The West Howe Sound APC recommended that the APC has no objection to approval of Provincial Referral CRN00059 for a private moorage (AJB Investments) subject to conditions noted in the staff report, and including the condition that polystyrene not be used for the dock, and that the APC agrees with all eight conditions.

DIRECTOR'S REPORT

The Director's report was received.

NEXT MEETING September 25, 2018

ADJOURNMENT 8:05 p.m.



August 25, 2018

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

Attention:

Board of Directors,
CAO Janette Loveys,
Andrew Allen, Manager of Planning & Development Services

RE: Persephone Brewing Company DVP Application

Dear SCRD Directors et al,

Please accept this letter in the interest of clarifications and updates regarding our DVP Application (DVP00029), which first went to the July 19, 2018 Infrastructure Services Committee. We recognize the complicated nature of our situation, including multiple governmental bodies, regulations and bylaws all weaved into one piece of property, community hub and business. We sincerely appreciate the work of SCRD Staff and Directors in considering our application.

In response to the letters that some of our neighbours sent in regarding the original DVP application and in anticipation of the forthcoming September 6th Planning Committee meeting, we wanted to further consult with our community in order to really understand their concerns, whether they were legitimate and/or urgent and if so, whether there was any other improvements we could make to our farm and operations in order to mitigate any negative impacts on our neighbours and the surrounding community. Thusly, we invited all of our neighbours within 100m of our property lines and the gathering, on August 22nd, included some neighbours as far as Chamberlin and Reed Road. The gathering included 14 people plus Director Winn. We spent quite some time going through the concerns our neighbours raised, updates about our operations including especially our waste water treatment system and the specifics of a Lounge License approval. In short, we want to continue to build healthy, constructive relationships with our neighbours, listening to their concerns and adjusting our operations to ensure we

find a balance between viable business/farm operations and respectful community dynamics.

Below are a few notes to further clarify some aspects that continue to confound many people about our operations and the respective aspects of our DVP application:

1. Waste water volume, treatment and run-off.

a. Without wanting to seem dismissive, the fact is that waste water is a non-sequitur with respect to our DVP Application. The waste water produced and treated on our property is all but unrelated to any aspect of DVP00029. None of the changes forthcoming with an approved DVP will have a material impact on the amount of waste water, the qualities thereof nor the treatment thereof nor the runoff of water from our property. We assured the community and want to do so with the Directors that the amount and treatment of waste water will not change with an approved DVP.

b. Notwithstanding the irrelevance with respect to DVP00029, we recognize and fully agree that water is of the utmost importance in our community and especially in our neighborhood with downstream fish bearing watercourses and drinking wells. We have done further consultation with our neighbours and continue to test our water (i.e. at source, after treatment and as it leaves our property) to ensure that we are being diligent in our efforts. Testing completed by ourselves and VCH have shown to be of acceptable levels of BOD/COD, TSS, PH, and Nitrates. In other words, tests have shown that water originating on our property is not toxic for downstream destinations. As stated in our Application, we've been guided by an engineer, working with Vancouver Coastal Health, to design a treatment system that address the specific aspects of our brewery and farm. PBC has continued to invest in our Waste Water Treatment System, with the final element being installed in the week of August 27th. Our waste water treatment system has been designed and installed by Econse (<https://www.econse.com/>).

2. Bad smells emanating from our farming and brewing activities.

a. We anticipate the above-mentioned final water treatment system element being installed in late August, which is a raised drain field, will help substantially with the smell that can emanate from our farm. Should this treatment system addition not solve that particular smell issue we will continue to develop new solutions until this is no longer a problem.

b. The smells caused by our compost, in particular when it is being moved from one part of the farm to another, is not something for which we have quick solutions. It will occur from time to time and is an important and agriculturally valuable part of our agricultural cycle thus is not something we are willing to forgo through offsite composting, for example. We are a farm in a tract of ALR properties and unfortunately the smells of a farm are not always that of roses.

3. Traffic and parking.

As staff have identified in their report, we have sufficient onsite parking and I believe most or all of our neighbours would agree. Unfortunately, visitors to our farm may from time to time park on the side of the street in spite of our clear signage to the contrary. With the forthcoming bus stop at North and Stewart in 2019 and with our continued encouragement of carpooling, cycling and walking, we will work toward mitigating problematic parking issues for our neighbours. Notably, at the neighbours meeting, those whom live directly across North Road and across Stewart Road did not raise parking to be of a significant problem for them. And, they expressed appreciation for our efforts during car-free days in the use of a shuttle service and preventing parking on Stewart Road. We will remain vigilant in the interest of safety to ensure traffic onsite is going extremely slow through the use of signage and employees in the parking areas.

Notably, we informed the community that we have an excellent track record of site management and safety including these outcomes, over the duration of 5 years:

- Zero traffic accidents on our property nor involving our customers arriving or leaving our property.
- Zero traffic related injuries nor complaints from thousands of visitors to our farm.
- Zero reports of Driving Under the Influence from the RCMP.
- Zero incidents of violence, vandalism, theft or any other criminal activity on our property.
- Zero bylaw infractions nor non-compliance citations from the many local, provincial and federal government bodies and authorities that have a myriad of jurisdictional authority with respect to our property, business and licensing.
- Zero Liquor License infractions nor even warnings by the Liquor Inspector(s).

Over the past 5 years, we believe we have done an excellent job of managing onsite traffic and parking as well as mitigating the risk that drivers cause problems on the road as they leave our farm. Moving forward we intend to maintain this impeccable record of safety for every local, visitor and employee of Persephone's beer farm.

4. Permissible Hours of Operations and Activities.

We heard loud and clear that our neighbours do not want a pub in their vicinity and we believe that resonates with the SCRD Board of Directors. And, we agree whole heartedly.

As an indication of our disinterest in operating a typical pub-type business, our current Tasting Room license allows for hours of operation far later than we have operated. If we wanted to run a pub we could have been open to late hours, put up large screen TVs, played live and recorded music very loud right up to the allowable bylaw hours and generally managed our Tasting Room very, very differently. Conversely, we have, for the past 5 years, managed our farm and customers' experience more appropriately characterized as a community hub, than a pub. Our hours have never exceeded 9pm,

except for during rare special events (i.e. 1-2 events per year). PBC will never have large screen TVs nor other typical entertainment found at typical pubs. We do love to promote and share live music from local artists, yet only during our open hours of 11-7pm and usually even more restricted to the afternoons of Saturday and Sundays. In other words, we are not interested in running a pub, we have never shown any indications of being that type of business and commit to remaining the community hub that the Sunshine Coast knows and loves.

Within the Licensing Guidelines for Lounges, there are roughly 3 pages of activities that are listed as permissible - that list is included in the previous DVP report. We have included that list below yet truncated per our intentions. Specifically, we have deleted the sections of that list that do not and will not apply to PBC. In other words, we wanted to convey to our neighbours and to the Directors the subset of activities that apply to our situation and delete the sections that do not.

Here is the abbreviated list of Lounge License activities that we intend to implement (text in italics are direct quote from the Liquor & Cannabis Regulation Branch: Manufacturer Terms and Conditions: Lounge and Special Event Endorsements section, page 20+ (<https://www2.gov.bc.ca/assets/gov/employment-business-and-economic-development/business-management/liquor-regulation-licensing/guides-and-manuals/manufacture-handbook.pdf>):

Hours of Sale

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.

[PBC note: Our hours have only ever been 11am-7pm during the week and 10am-9pm on the weekends. We are happy to keep them the same and comfortable including a covenant to that effect as recommended by SCR D staff.]

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.

[PBC has never hosted a New Year's Event primarily because of the lack of safe, after-hours driving options for patrons. We may in the future, especially if a bus stop is in fact installed at North and Stewart, so appreciate this provisions flexibility. That said, we would be willing to forgo it if the SCR D would like to restrict it further.]

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.

[PBC Note: The 20% threshold will result in a very modest amount of sales in liquor that is not beer and that is not produced on our farm.]

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

[PBC Note: Responsible serving is front and center in our training, operations and internal risk and safety controls.]

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*

[PBC Note: Confirmed.]

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)*

[PBC Note: Confirmed.]

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.*

[PBC Note: Confirmed.]

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)*

[PBC Note: Confirmed.]

- *The standard 750 ml bottle if it is to be consumed by at least two people and with food*

[PBC Note: Confirmed.]

- *Non-refillable containers of 0.75 litres to 1.5 litres, or in refillable containers of no more than 1.5 litres*

[PBC Note: Confirmed.]

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).

[PBC Note: Confirmed.]

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.

[PBC Note: We have recorded music indoors during all open hours. And, we host live music in the afternoons on Saturdays and Sundays and for special events, not more than once per month.]

Entertainment is permitted in the picnic area as long as there is no amplified sound.

[PBC Note: Confirmed and already in practice.]

In summary, we want to reiterate these key sentiments that we heard from our neighbours and are, needless to say, paramount to the SCRD:

1. We care about the environment and recognize the critical nature of clean, healthy water systems and, most importantly, our responsibilities therein. Thus we have and will continue to invest time, money and energy into what will someday be considered best practices in on-farm waste water treatment.
2. Safety and careful management of our operations are top priorities for the well-being of our customers, employees, neighbours and community. Thus, we will continue our due diligence in the parking, traffic and other risk and liabilities areas of our business and farm.
3. The activities in the frontside of our operations are more akin to a community hub than a traditional pub and we are happy to formally and informally place restrictive covenants to that effect. For years to come, we want this to be a community space which is just as likely to have our neighbours walk over as off-coast visitors stopping by on the way to or from the ferry.

Thank you again for your attention and consideration of our application and, as always, we will continue to make ourselves available to provide more information if needed.

With respect,



Brian Smith
CEO, Co-owner
Persephone Brewing Co.
604-928-8931
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