



ELECTORAL AREA SERVICES COMMITTEE

Thursday, December 15, 2022

TO BE HELD

IN THE BOARDROOM OF THE SUNSHINE COAST
REGIONAL DISTRICT OFFICES AT 1975 FIELD ROAD, SECHELT, B.C.
AGENDA

CALL TO ORDER 9:30 a.m.

AGENDA

1. Adoption of Agenda

PRESENTATIONS AND DELEGATIONS

2. Linda McMahon, President and Andy Jones-Cox, Vice-President, *Verbal*
Halfmoon Bay Community Association
Regarding Coopers Green Hall Replacement Project -
Construction Update.

REPORTS

3. Coopers Green Hall Replacement Project Construction Update - Annex A
New Information - General Manager, Community Services and Pages 1 - 9
Manager, Asset Management
(Voting – A, B, D, E, F)
4. Liquor and Cannabis Regulation Branch (LCRB) Liquor Primary Annex B
New Outdoor Patio Application (038526) - Royal Canadian Legion pp 10 - 27
Branch 219 (Roberts Creek) - Senior Planner
(Voting – A, B, D, E, F)
5. Request for Proposal (RFP) 2250002 – Planning Enhancement Annex C
Project 1 (PEP1) – Local Government Development Approvals pp 28 - 29
Grant Program Contract Award - Manager, Planning and
Development
(Voting – A, B, D E, F)
6. 2023 Electoral Areas' Grant-in-Aid Timelines - Corporate & Annex D
Administrative Services Assistant pp 30 - 35
(Voting – A, B, D, E, F)
7. Electoral Area A (Egmont/Pender Harbour) Advisory Planning Annex E
Commission Minutes of June 29, 2022 pp 36 - 37
(Voting – A, B, D, E, F)

8. Electoral Area F (West Howe Sound) Advisory Planning
Commission Minutes of November 22, 2022
(Voting – A, B, D, E, F)

Annex F
pp 38 - 41

COMMUNICATIONS

NEW BUSINESS

IN CAMERA

ADJOURNMENT

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Electoral Area Services Committee – December 15, 2022

AUTHOR: Shelley Gagnon, General Manager, Community Services
Kyle Doyle, Manager, Asset Management

SUBJECT: **COOPERS GREEN HALL REPLACEMENT PROJECT CONSTRUCTION UPDATE - NEW INFORMATION**

RECOMMENDATION(S)

THAT the report titled **Coopers Green Hall Construction Replacement Project Update - New Information** be received for information;

AND THAT the SCRD conduct a community check-in through an on-line survey, which will be open to all service participants of Community Parks (electoral area communities) including Halfmoon Bay, for an indication of what option may be supported;

AND THAT staff report back in Q1 2023 with the results of the online survey for the Board's consideration with respect to identifying a site for the new community hall in Halfmoon Bay.

BACKGROUND

This report is coming forward in response to the Board's deferral of the October 13, 2022 SCRD Board Report [Coopers Green Hall Replacement Project - Construction Update](#). The October 13, 2022 report provides important information as to the current site challenges and constraints, which brought into question the feasibility of constructing a hall at that location within the approved budget. The report suggested options that could be pursued to gather more information and certainty as well as the consideration of alternate sites.

Since the October 13 Board meeting, staff have continued to have discussions with the Halfmoon Bay Community Association in an effort to identify options that could be supported by the SCRD, the Association and the community. The main area of contention regarding the hall continues to circle around the desired location. Some members of the community want the hall to be constructed within Coopers Green Park while others are supportive of it being constructed at Connor Park. We have also heard that some members of the community are not in favour of spending more money and more time on more studies. What continues to be a shared sentiment is the desire for a community hall for Halfmoon Bay residents and that if an alternate location is required, that Connor Park is a reasonable choice.

With this new information from the community in mind, it is now recommended that the options presented for Board consideration in the October 13 report be withdrawn and replaced with the options provided in this report.

This report outlines two options related to a site for the construction of a community hall in the Halfmoon Bay Area, the upper knoll at Coopers Green Park and Connor Park, and recommends a check-in with the community for an indication of what option they would support moving forward with.

Further background on this project is articulated throughout several Board Reports over the past number of years. A list of past Board reports can be found at the end of the May 19, 2022 [Coopers Green Hall Replacement Project - Construction Budget Update Report](#).

DISCUSSION

This entire project started with the Coopers Green Park Management Plan, with the highest priorities being a replacement of the current community hall (desire for a larger hall, upgraded kitchen) and improved parking. Many members of the community have been strongly committed to this particular site since 2014, and for some decades longer. Staff acknowledge that Coopers Green Park is the center of many community celebrations and events hosted at the park year-round, and there remains a strong desire by some members of the community to see the hall constructed within the park.

The October 13, 2022 Board report outlines the identified challenges with constructing the community hall at the current sited location in Coopers Green Park. As per the report, constructing the hall at the prescribed Minimum Building Elevation (MBE) would require significant design changes and new siting requirements, both of which would escalate the cost of the project significantly.

An option initially provided in the October report was to conduct an additional and more in-depth investigation and analysis of the current site to provide more certainty. This study will require additional funding and time and does not guarantee a different outcome. The longer time spent on additional studies places more risk on not meeting the timelines of the Investing in Canada Infrastructure Program (ICIP) grant. Therefore, based on the professional guidance provided, the identified site challenges, the risk of not receiving the variance permits for the required siting and parking variances, and the anticipated continued cost escalations associated with construction at the original location, staff do not recommend further studies nor the construction of the hall on the current site.

Community members have inquired as to why the hall cannot be sited further 'back' in the park (away from the shoreline). Unfortunately, locating the hall anywhere in the lower park area does not produce a different result. The same development permit area requirements that necessitated a geotechnical review of the Minimum Building Elevation (MBE) applies to the majority of the park and subsequently the same MBE would apply. Refining that professional recommendation to account for the specific hazard at various sites within the park would require a similar detailed more in-depth analysis as the one that was outlined in the October report for the original location (more time and more money). For these reasons, staff do not recommend siting the hall anywhere in the lower Coopers Green Park area.

The option of renovating the existing hall (constructed in 1983) has also been raised by the community. While it is true that renovations that do not alter the footprint of an existing building or

include the alteration of land are typically excluded from development permit area requirements, the renovation would need to meet the current building code. If the existing foundation is deemed to be non-compliant with the current building code this exemption would not be applicable and the Minimum Building Elevation would apply for the renovation. Further, the Oceanic Flooding Hazard would still be present for the extended life of the structure, and siting variance for the proximity to the neighboring property line and the ocean would also be required for a renovation of the existing hall. A renovation of the existing hall would not be able to achieve the desired outcome of a larger hall with increased capacity for events, as per the Coopers Green Park Master Plan. And lastly, and of importance, a renovation of the existing hall would not be eligible for the approved grant funding. For these reasons, staff do not recommend renovating the existing hall.

If the hall is to be constructed utilizing the approved ICIP grant, the project must be concluded and funds expended by a specific deadline (currently March 2025), although a year extension to this timeline is being explored. It is important to note that the more time spent examining additional options and sites, begins to place extreme pressure on the project and a real risk of not meeting the prescribed timelines and potentially losing the grant funds.

For a new community hall to be constructed at Coopers Green Park there is only one option that may be feasible for consideration; the upper knoll area of the park (the upper gravel parking lot).



Figure 1: Approximate Location of Alternative 'Knoll' Site at Coopers Green

It may be possible to construct on this site, however, further review would be necessary to confirm. A preliminary in-house planning analysis identified many known constraints associated with the site including but not limited to required setbacks from roads, service management building on bedrock, loss of parking (of which there are already parking challenges on the site), a BC Hydro power line that will most likely need to be relocated, and the limited allowable size of land to build on (after required setbacks). Although the site remains within the park, accessibility to the building will also be challenging, as the upper site is not directly connected to the rest of the park and/or remaining parking. That being said, the site offers an unparalleled beautiful setting including an ocean and park view.

Due to timing constraints to complete the project by the grant deadline, any alternative site considered needs to be available for immediate construction. When reviewing alternate sites, staff suggest that Connor Park, adjacent to current SCRD park infrastructure and sports fields, is the only other viable option at this time. The land is zoned for this use and a preliminary in-house planning analysis did not identify any known constraints.



Figure 2: Potential Location of Community Hall at Connor Park

It is important to note that either site, upper Coopers Green Park or Connor Park, will require a redesign as well as renewed permitting and archeological assessment and approvals.

The Community Association continues to express an interest in operating the hall if it is constructed at Coopers Green Park. A hall constructed at Connor Park is likely to be operated by the SCRD. Operating costs for either operating model are unknown at this time.

ICIP Grant and Project Funding Considerations

At either location, whether it be Coopers Green Park or Connor Park, **it is also important to note that the ICIP grant funding (maximum of \$2,013,641 or 73.33% of eligible costs) PLUS the required matching portion (\$1,074,378 or 26.67%) PLUS any grant ineligible project costs (ie. furnishing and non-fixed assets) have specific deliverables that must be met by the project including the removal of the old hall and construction of a new hall and cannot be expended for any other project or purpose.** Further, the ICIP grant is subject to grant stacking rules, which means that only certain revenue sources are eligible to make up the required matching portion. Gas Tax is not an eligible stacking source.

On May 19, 2022, the SCRD Board approved up to \$4,500,000 for the total project cost of the hall replacement, including identifying the revenue sources. Funding sources included Community Association Fundraising of a minimum of \$345,000. It is highly likely that some donors will request their donations be refunded if the hall is not constructed in Coopers Green Park, and the SCRD will work with those donors and Revenue Canada to return their donations accordingly. The amount of refunded donations would need to be deducted from the total project budget.

During the initial phase of the Coopers Green Hall project approximately \$110,000 was expended, and since the project was restarted in 2021 an additional approximately \$110,000 has been expended (Design, Engineering, Site Investigation) **leaving a balance of approximately \$4.28 million to complete the total project, regardless of the site chosen.**

Through the redesign process and depending on cost overruns and cost containment strategies employed through construction, if the project resulted in a surplus, the project could request that those funds be invested into upgrades to Coopers Green Park.

High Level Comparisons for Coopers Green Park Upper Knoll and Connor Park Sites

Coopers Green Park Upper Knoll	
Advantages	Challenges
<ul style="list-style-type: none"> • Iconic location, beautiful views • Proximity to park and ocean • Desirable venue for weddings and many events • Proximity to bus route • Many donations received specifically tied to this location • This site is the closest comparison to the original concept of a hall within Coopers Green Park. It is also the second choice of the community as expressed in the community consultation completed for the 2014 Coopers Green Park Management Plan • Continues to honor an important community historical tradition of a hall at Coopers Green 	<ul style="list-style-type: none"> • Known site constraints and challenges • Exacerbates known parking challenges (loss of heavily used space for boat trailer parking) • Not directly 'connected' to the park or available parking (accessibility challenges) • May require loss of mature trees • Loss of public washrooms and storage space in the lower park
Connor Park	
Advantages	Challenges
<ul style="list-style-type: none"> • Proximity to park, playground, sports fields, hiking trails, etc. • No known site constraints • Parking and siting variances may not be required • Site is closer for residents of Welcome Woods, which includes a large proportion of the Halfmoon Bay population • The existence of a community hall at Connor Park may be a step toward building community in Welcome Woods • The hall at this location may provide value to the school as a venue for school events and also for sports teams who use the park playing fields 	<ul style="list-style-type: none"> • Some donors, who donated based on the preferred location of Coopers Green Park, may request a refund thereby decreasing the available project funds • No direct bus service (~500m to bus route) • May require loss of mature trees • May result in the Community Association re-assessing their interest in being involved in the operations of the hall • Not close to the community hub at Fawn Road • Activity at a hall will increase traffic to area • May not draw as many events as the Coopers Green location

A preliminary planning review of the two suggested sites, upper knoll of Coopers Green Park and Connor Park, would suggest that the Coopers Green Park Upper Knoll site is more challenging and potentially riskier for the following reasons:

- the size of the 'buildable' area of land will impact the size of the building
- the loss of the parking area will place greater challenges on the park users
- the known site constraints
- potential environmental issues due to proximity to lagoon
- septic field distance and need to transport effluent across the lagoon
- steep sloping bedrock building challenges

These site constraints may result in cost escalations related the development of the site. If that is the case, in order to complete the project within the approved budget, cost containment strategies will be crucial and would most likely include designing a smaller hall.

Development at Connor Park does not have the same known site constraints or challenges and if that is the case, it is anticipated that the hall could be constructed well within the existing budget or even potentially come in under budget. As mentioned previously in the report, if the project resulted in a surplus, the project could request that those funds be invested into upgrades to Coopers Green Park.

Time is of the essence. The ICIP grant has a deadline of March 31, 2025 for project completion. Grant representatives have confirmed that a one-year extension is very likely, which is good news, however, the longer this project takes to progress forward, the greater the risk of not meeting the terms and conditions of the grant.

While staff acknowledge that the Halfmoon Bay community has a more vested interest in the project, given that the hall will become their gathering space, it is also recognized that the hall is available for all residents of the Sunshine Coast and the project funding source includes \$1,478,233 long term debt as well as anticipated ongoing operating costs, which is ultimately paid for by all the electoral areas tax payers.

Recommendation

Therefore, given the new information presented in both this report as well as the October 13, 2022 report, staff recommend that before making a final decision of the location of the community hall, a final community check-in, open to both the residents of Halfmoon Bay and all electoral areas who are participants in the Community Parks service function, be conducted for an indication of what option they would support moving forward with. This engagement would not be statistically valid, and would represent only those who choose to respond, however, it would provide the opportunity for greater community input for all participants in the service. This engagement would be hosted on the SCRD's engagement web platform, Let's Talk SCRD.

Next Steps

From December 15 until January 13 an online survey will be available on a project page on the Let's Talk SCRD platform. The survey will present the following questions:

1. Which electoral area do you live in? (Five options will be provided)
2. How familiar are you with this project?
 - Very familiar
 - Somewhat familiar
 - Know a little
 - Never heard of it – This question will include a link to a background document.
3. Which option do you prefer?
 - Build a new community hall on the upper knoll of Coopers Green Park
 - Build a new community hall in Connor Park
 - Either option is fine by me

4. Anything you would like to add? – This will allow for open comments.

Staff will also make paper copies of the survey available at the Gibsons & Area Community Centre and the Sechelt Aquatic Centre. Paper copies can also be made available to community groups to circulate.

When the result of the community check-in has been tabulated, staff will return to the Board with the result, and seek a decision on which site to pursue for construction of the hall.

Communication Strategy

The main communications tool used for this project will be the Let's Talk SCRD platform which allows information such as reports to be shared in an accessible manner. Information will be shared about the project page and the survey via established channels including the SCRD's Facebook Page, local media and through community groups in each of the electoral areas.

A news release will be issued when the engagement period begins and again once again after it ends to ensure the community is aware of what the results were of the survey. This survey will be promoted within the community via social media, a news release, local media advertisements and through community groups. Staff will also engage with the shíshálh Nation Government District seeking their feedback on the two sites.

Lastly, it is hoped that the Halfmoon Bay Community Association and other community groups will help spread the word.

FINANCIAL IMPLICATIONS

There are no financial implications related to this report as the community hall construction/project budget has already been approved by the Board and included in the 2022-2026 Financial Plan. Further, the online survey will be conducted within existing resources.

TIMELINES

The community check-in will be available from December 15, 2022 to January 13, 2023. The results will be compiled and staff will return to the Board in Q1 2023, and at that time, seek a decision from the Board on the final site for the hall so that the project can commence.

STRATEGIC PLAN AND RELATED POLICIES

This report and associated actions are aligned with the Strategic Focus Area of Engagement & Communications in the SCRD Board's Strategic Plan. Specifically, we are proactively engaging with our community to share information and obtain their input on issues and decisions that affect them. Further, staff endeavor to make recommendations that align with the Financial Sustainability and Asset Management Policies.

CONCLUSION

Staff have presented two possible sites for the construction of a community hall for the Halfmoon Bay residents; Coopers Green Park Upper Knoll and Connor Park.

A community check-in is recommended to encourage the community to have a voice in their preferred location after which staff will return to the Board with the results of the survey and seek a decision on the final site for the hall.

Reviewed by:			
Manager	X– K. Doyle X– A. Buckley	CFO/Finance	X – T. Perreault
GM		Legislative	X – S. Reid
CAO	X– D. McKinley	Other	

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Electoral Area Services Committee – December 15, 2022

AUTHOR: Yuli Siao, Senior Planner

SUBJECT: Liquor and Cannabis Regulation Branch (LCRB) Liquor Primary New Outdoor Patio Application (038526) - Royal Canadian Legion Branch 219 (Roberts Creek)

RECOMMENDATIONS

THAT the report titled Liquor and Cannabis Regulation Branch (LCRB) Liquor Primary New Outdoor Patio Application (038526) - Royal Canadian Legion Branch 219 (Roberts Creek) be received for information;

AND THAT Sunshine Coast Regional District (SCRD) respond to LCRB recommending that the proposed Liquor Primary Outdoor Patio application proceed to LCRB review and the issuance of the liquor license and the operation of the patio under this license be subject to the following requirements:

1. Hours for outdoor music or entertainment events on the subject patio be limited to: 5 pm to 8 pm, Thursday to Saturday each week between May 1st and August 31st, and Canada Day each year;
 2. No outdoor amplified sound be allowed on the subject patio; and
 3. At all times outdoor non-amplified sound generated from the subject patio be limited to a maximum of 70 decibels measured at lot lines, and the noise level be monitored by dedicated personnel of the Legion during operation hours of the patio.
-

BACKGROUND

On October 13, 2022, the SCRD Board adopted the following resolution (267/22):

Recommendation No. 3 Liquor and Cannabis Regulation Branch Liquor Primary New Outdoor Patio Application (038526)

THAT the report titled Liquor and cannabis Regulation Branch (LCRB) Liquor Primary New Outdoor Patio Application (038526) – Royal Canadian Legion Branch 219 (Roberts Creek) be received for information;

AND THAT the topic of LCRB Liquor Primary New Outdoor Patio Application (038526) be referred to the November 2022 Electoral Area Services Committee meeting to provide clarity on the enforceability of noise levels, and the applicability of tying the issuance of the permit to the covenant;

AND FURTHER THAT an invitation be extended to the Legion to attend the Committee Meeting to provide further information and address the covenant.

The September 22, 2022 staff report based on which the above recommendation was made is attached as Attachment A.

DISCUSSION

The Legion has been invited to this Committee meeting, and has considered the above recommendation and provided a letter (Attachment B) to the SCRD, which indicates that the Legion is unable to support the proposed covenant to control the operation of the patio as a condition for gaining approval for the patio liquor license.

While noise issues should be dealt with primarily by enforcement of SCRD's Noise Bylaw, neighbourhood feedback received indicates that this has not been effective for the subject property, and stronger enforcement and increased level of control are desired, such as operating hours and noise monitoring. A covenant, as proposed previously, is a tool to strengthen enforcement in a more accountable way. This has been implemented for other outdoor liquor serving premises in the SCRD.

However, it is uncertain what tool the LCRB will use to control the operation of the patio and noise until LCRB has reviewed various aspects of the application including public feedback, impact of noise on nearby residents, impact on the community, and SCRD recommendations.

Therefore, instead of a covenant, staff recommend a set of general conditions as requirements for the issuance of the liquor license and operation of the patio under the license. The LCRB will make the final decision on what conditions to impose and tools to implement them, which may include a covenant.

CONCLUSION

Roberts Creek Legion's application to the LCRB for a patio liquor license endorsement is compliant with the zoning bylaw and OCP policies of the SCRD. Feedback from neighbouring residents indicates that noise and operation of the patio are main concerns. Staff recommend acceptance of the application to proceed to LCRB review and the issuance and use of the license be subject to a set of requirements for noise control and operation management of the patio.

ATTACHMENTS

Attachment A – September 22, 2022 staff report

Attachment B – Letter from Roberts Creek Legion

Reviewed by:			
Manager	X – J. Jackson	Finance	
GM	X – I. Hall	Legislative	
CAO		Other	

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Committee of the Whole – September 22, 2022

AUTHOR: Yuli Siao, Senior Planner

SUBJECT: Liquor and Cannabis Regulation Branch (LCRB) Liquor Primary New Outdoor Patio Application (job number 038526) - Royal Canadian Legion Branch 219 (Roberts Creek)

RECOMMENDATIONS

THAT the report titled Liquor and Cannabis Regulation Branch (LCRB) Liquor Primary New Outdoor Patio Application (job number 038526) - Royal Canadian Legion Branch 219 (Roberts Creek) be received for information;

AND THAT Sunshine Coast Regional District (SCRD) respond to LCRB indicating acceptance of the proposed Liquor Primary Outdoor Patio application, subject to registration of a covenant with the SCRD on title of the Royal Canadian Legion Roberts Creek Branch No. 219 property, requiring that:

- 1. Hours for outdoor music or entertainment events on the subject patio be limited to: 5 pm to 8 pm, Thursday to Saturday each week between May 1st and August 31st, and Canada Day each year;**
 - 2. No outdoor amplified sound be allowed on the subject patio; and**
 - 3. Outdoor non-amplified sound on the subject patio be limited to a maximum of 70 decibels at all times, and the noise level be monitored by dedicated personnel of the Legion during operation hours of the patio.**
-

BACKGROUND

SCRD received a request from the BC Liquor and Cannabis Regulation Branch (LCRB) to review endorsement of a liquor primary outdoor patio license for the Royal Canadian Legion Branch 129 located at 3064 Lower Road in Roberts Creek.

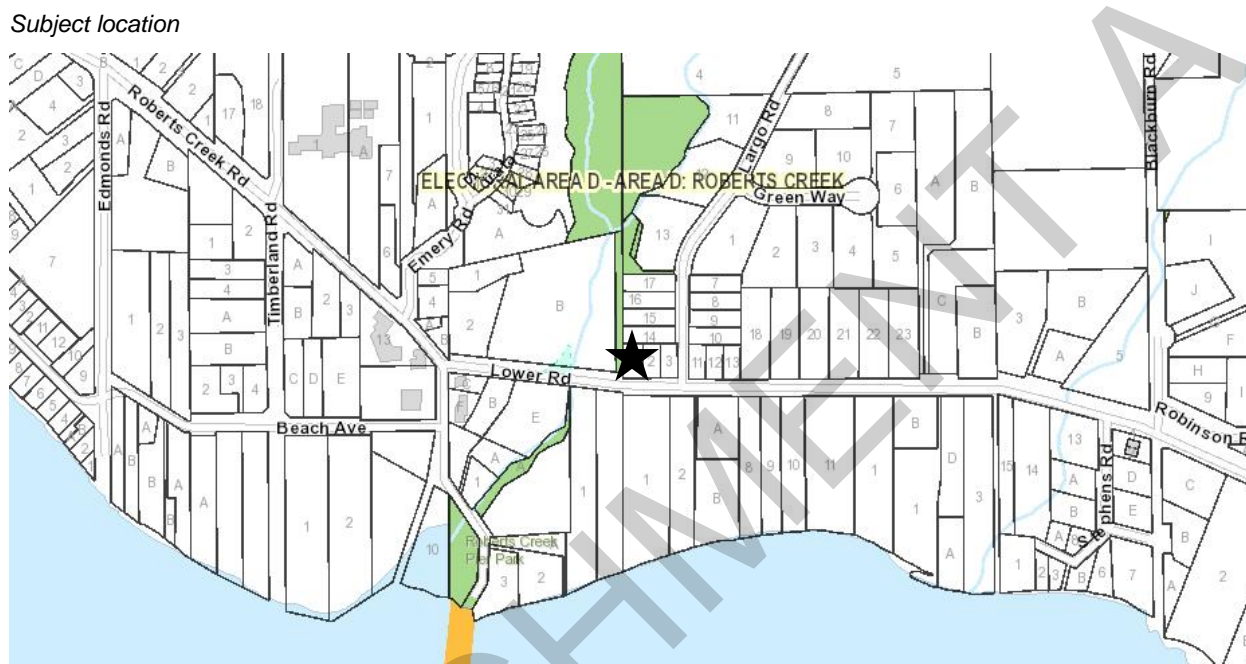
Through this referral, the local government is asked to provide a resolution or comment on public input from the community within the immediate vicinity of the establishment, location, capacity and operation of the establishment, impact on nearby residents and the community, as well as compliance with local zoning bylaw and land use policies.

LCRB requests local governments to conduct public consultation when considering endorsement applications. The local government can choose what consultation methods to use. There is an option for local governments not to conduct consultation and to have LCRB conduct their own process. In this case, since the proposed use complies with the Roberts Creek Official Community Plan (OCP) and Zoning Bylaw No. 310, notification to neighbouring residents is

considered a suitable method for gathering input from the community. SCRD has used this approach on similar provincial referrals and it is acceptable to the LCRB.

The purpose of this report is to provide information and an analysis of the applications from the SCRD's perspective and seek Board direction on the requested endorsement. A location map and a site plan are provided below.

Subject location



Site plan



DISCUSSION

The subject site is designated Recreation or Public Use in the Roberts Creek Official Community Plan, and zoned PA1 (Park and Assembly One). The current assembly use (which means gathering of persons for charitable, civic, cultural, educational, entertainment, philanthropic, political, recreational or religious purposes) of the Legion is permitted.

The patio area is proposed to be located in front (south) of the existing building on the site, directly outside the front doors. This is the same area that has been approved by LCRB under a current temporary outdoor liquor service license which will expire on March 31, 2023. The temporary outdoor license was obtained in response to the COVID-19 pandemic. The permanent license currently being applied for is intended to replace the temporary license.

The patio is proposed to operate from Thursday to Saturday from 5:00 pm to 8:00 pm, between May 1 and August 31 and on Canada Day annually, with a capacity of 70 people including staff. Patrons will access the patio from the interior of the building. The patio service area will be visually and physically defined to monitor and control patron entry and exit. If the license is approved, the Legion intends to upgrade the existing fence around the area. It will also take appropriate measures to maintain care and control over the service area and patrons' conduct.

Notification about this application has been sent to neighbouring residents within a 100 m radius. Three letters in support of and eight letters in opposition to the proposed license have been received (Attachment A). Those who are in support of the proposal recognize the value of the Legion as a community gathering place and services it provides to the community.

Those who are opposed to the proposal are concerned with loud outdoor music and entertainment events and noise coming from the patio and lack of bylaw enforcement of noise infractions. They are also concerned with potential rowdy behaviour induced by the drinking of alcohol. While recognizing that the patio can support the Legion financially, these residents contend that the primary function of the Legion to commemorate and serve veterans should not fall into the sideline, and the Legion, as a reputable institution, should exemplify the manners of a good neighbour and manage the operation of the patio to mitigate adverse impact on neighbouring residents.

The Legion has been made aware of noise complaints by neighbours about outdoor music and events and has agreed to make adjustments to operations. The patio will be used mostly for food service. The musical events will be managed to ensure that the neighbours will not be negatively impacted by noise, for example, there will be no outdoor amplified sound, the event hours (5 - 8 pm) will be shorter than the patio's operating hours, and noise level will be controlled below 70 decibels (generally comparable to the loudness of a laundry machine or dishwasher).

While noise issues should be dealt with by enforcement of SCRD Noise Bylaw, further operational managements as indicated above can be implemented through a covenant registered on title of the property. Staff recommend that such a covenant be registered before SCRD indicates to LCRB acceptance of the proposed patio liquor license application.

The conditions proposed in the covenant (indicated in the recommendations) have been confirmed with the Legion as acceptable.

CONCLUSION

Roberts Creek Legion's application to the LCRB for a patio liquor license endorsement is compliant with the zoning bylaw and OCP policies of the SCRD. Feedback from neighbouring residents indicates that noise and operation of the patio are main concerns. Staff recommend acceptance of the application to proceed to LCRB review subject to a covenant to implement noise and operation management of the patio.

ATTACHMENTS

Attachment A – Public comments received

Reviewed by:			
Manager	X - J. Jackson	Finance	
GM	X - I. Hall	Legislative	X - S. Reid
CAO	X - D. McKinley	Other	

Attachment A – Public comments received

Thank you for seeking input on this topic. On the surface of it, the request of the Roberts Creek Legion for a patio liquor licence seems reasonable and a logical expansion of their activities. I believe that if it was executed well, an ongoing patio at the Legion would be an asset to our community. I also believe it is possible to mitigate and manage the impact on the neighbourhood. I further believe there will be considerable local support for this proposal. Unfortunately, none of that support will come from the 11 – 15 families who live immediately across Lower Road from the Legion and continue to suffer, on a weekly basis, from the poorly-managed sound levels, and excess liquor consumption, often associated with many of the Legion musical acts.

Those of us who live in closest proximity to the Legion must view this request through the lens of decades of frustration with the inability and, until the merciful involvement of the LCRB 2 years ago, utter lack of interest from the Roberts Creek Legion leadership to effectively mitigate their impact on their immediate neighbours, living in the “blast zone” opposite the Legion, where the loudest noise, escaping from their open doors/windows like a loudspeaker, is focused. We haven’t had a punk band this year, however beyond that we do not experience any significant reduction in harm from the “adjustments”, your letter refers to. They still play their music very loud, and still, on warm evenings, leave their big front doors/windows open. They still play their music well past 9 PM on weekdays, and well past midnight on weekends. (See the link below for a sample of the acts coming next week.)

Further, I do not believe the word “occasional” is accurate to describe their musical acts, as a visit to their Facebook page can attest. In fact, during the peak of summer, they can have live music playing there Tuesday, Wednesday, Thursday, Friday, Saturday and sometimes Sunday (Check their Calendar <https://robertscreeklegion.com/> and road signage) and keep in mind, that beyond what is on the calendar, some of these acts are regular weekly jam nights, open mic nights and jazz nights.) Also, they continue to book loud musical acts. And even on jazz or open mic nights they connect the musicians to big amplifiers.

With the exception of acts with crazy loud bass amps, this is not a too big a noise problem if the Legion doors and windows are shut. However as soon as anything is opened, on the Lower Road side of the building, those openings act as a very effective megaphone to direct the heavily amplified music through the trees on the rear of our properties directly to our homes.

This has been a very long battle for many of us. Over the years we the affected neighbours have documented countless incidences where music decibel readings at our houses, behind trees, ranging from 50 meters to over 200 meters away from the Legion, have seen sound spikes exceed 80 decibels. They have kept us all awake, had a impact on the young children in our families who cannot fall asleep, and had a material and very negative effect on the peaceful enjoyment of our property. Some of my neighbours are collecting evidence that this has also effected the perceived value of our properties. As whom, beyond a regular Legion participant, wants to live in the Legion’s blast zone.

To add insult to injury, all our efforts to have the SCRD and/or the RCMP enforce the existing noise bylaws have proved fruitless. Personally, I live twice as far from the Legion as some of my most vulnerable neighbours. And as sound intensity varies with the square of distance, some of

my neighbours experience four times the sound levels I do. Nevertheless, there are dozens of nights each summer when I cannot fall asleep, or am awakened past midnight by the music at the Legion. Also, I have personally, over the years, made many attempts to discuss the problem with the Legion, RCMP, and SCRD. My neighbours have similar stories of waiting on the RCMP non-emergency line (we have been told not to call 911) for over 45 minutes at 11 PM on a Saturday night, before giving up. In fact, the only thing that has given us true lasting respite has been Covid related restrictions, which have now expired. So we are once again hearing amplified music well into the night.

So I hope you understand why we are leery of taking the best intentions of the Legion at face value. As I understand it, the mission of the Canadian Legion is to *"To serve veterans and their dependents, promote remembrance and act in the service of Canada and it's communities."* This is a bad joke to us here in Roberts Creek, as hardly anything the Legion does is focused on veterans. On their Facebook page the Roberts Creek Legion leadership describe it as a pub. But, really, the Roberts Creek Legion leadership exploits their legacy liquor licence, and runs the place as a roadhouse. There still appears to be a core group in the Legion leadership who believe they need to, and have the right to, play their music as loud as they want, with open doors or windows, well past midnight. They appear to want to run the Legion as a roadhouse/concert venue with 4 or 5 events a week – in the middle of a residential neighbourhood. And they know that the SCRD and RCMP are unable or unwilling to intervene. And if the music level is not bad enough, when the Legion finally does close, some patrons regularly take the party out into the adjacent parking lot, or Lower Road, or down to the Pier or beach, where the drinking (consuming beer supplies from their cars), hooting and loud talking continues.

As I mentioned, I still believe that these problems can be resolved to both party's satisfaction. With just a little consideration, and a few mitigating steps, everyone could win. Roberts Creek has a vibrant music scene. Other venues figure this stuff out. With just a few alterations to their operations, the Legion could easily make a patio area work.

There are a number of steps the Legion could take if they were serious about minimizing their impact on those of us closest to them, and thus gaining our support for the patio initiative:

- They could run it as a true Canadian Legion, focusing on the needs of veterans, their dependents and the community. Rather than run it like a roadhouse bar.
- They could simply turn down the volume of all their acts. There are lots of other venues in Roberts Creek where people enjoy music at more reasonable sound levels. (And by the way, I have talked to quite a few Legion supporters who would like the sound levels lower, so they could carry on a conversation.)
- They could not allow hard rock, punk, techno, big bass DJs and other famously loud acts to perform. (On July 30th, the Legion had a big hip/hop event. They blessedly kept the windows and doors closed, possibly because there were visuals/light show. The event started at 9 PM and for the first hour was mercifully benign, as very little sound was making it way outside. Unfortunately, around 10 PM an act started with some sort of stadium sized bass, which could be heard and felt through the neighbourhood for the rest of the night.)

- Get Air Conditioning, or effective fans, and/or ensure their Lower Road windows and doors stay closed. (Or, have an effective sound deadening barrier/wall/partition, preventing the music from freely travelling out into the neighbourhood like a megaphone.)
- They could not allow members of the visiting acts to run the sound board. Members of the band are there for one night only and could care less if they offend the neighbours.
- They could have a senior member of their leadership team in charge of monitoring sound with a decibel reader. (No one listened to one of the previous volunteers tasked with monitoring sound. Peer pressure is high when some audience members keep calling for more volume. No one wants to be a party pooper. And so as the night progresses the sound is typically turned up, and up. That volunteer apologised to me, and resigned from her role in frustration.)
- Close the venue earlier, and tell all attendees to leave the parking lot/venue quickly and quietly, and monitor it. No one deserves to be kept awake by tailgating drunks yelling at each other, and leaving empties or broken bottles on our road and driveway. And cut off serving the regular heavy drinkers (generally 20 somethings) that go to the Legion to get a snoot full before closing time, and then noisily pour out onto the street, or take the party down to the Roberts Creek Pier or beach. On the early morning of August 13th, a rowdy young crowd exited the Legion, (after the 1 AM closing of the "DJ Prezzy Summer Heat" show and noisily headed down to the pier, and got into fights that necessitated a 911 call. RCMP attended and arrested 2, one person evacuated by ambulance. If they are serving unlimited liquor to anyone over 19, the Legion cannot shirk the responsibility they have to conduct themselves in such a way as to keep patrons and the community safe and orderly. Currently, the way operates it is a danger to the community.
- They could measure the peak decibel external readings at the edge of their property and keep peak spikes below say 65 db. (Note, the current outside target of an average db level of 70 means nothing, and is a totally inappropriate target level. I have been measuring db levels for 3 years now, and with music, if you aim for an average of 70 db, you will see constant spikes of music (drum solos, guitar riffs, song climaxes, etc. beyond 80 which as you know in the decibel scale is 10 times louder. It is the spikes that make the sound startling to anyone trying to sleep.)

Not every act is disruptive. However, living next to the Legion, is like living next to a nutty neighbour that regularly fires up his un-muffled Harley Davidson motorcycle at night, and cruises back and forth in front of your house, for hours at a time when you are trying to get your kids to sleep.

I love music. I play music. I also love veterans. Both my parents were veterans. I would look forward to enjoying appropriate acts at the Legion, inside or on the patio. And, should anyone want to listen to really loud music, I wish them well. Just please don't leave your windows and doors open so the rest of us can't sleep.

So, unfortunately, until I see some real progress, and effective accountability, on these chronic issues, and there is some evidence the Legion can conduct their activities, in compliance with the mission of Canadian Legions, and act within existing SCRDL noise bylaws, I am not in favour of any liquor licence being approved, including their existing one.

And until that day comes, I request that the SCRD and LCRB instruct the Legion to keep their front doors and windows closed, and take responsibility to carefully meter how much they serve patrons, and patrol their property after closing, to discourage tailgating or street, pier or beach parties.

There is a long history of unresolved problems here, that effect the wellbeing of our families. If I sound frustrated, I am. However, I am by far the one of my neighbours most willing to work this thing out. Most of my other neighbours have lost hope. They are completely fed up with this chronic lack of consideration and lack of enforcement. After all these years of neglect, those who are most directly effected by this chronic problem are genuinely out of patience. They are aware of their rights, they receive excellent legal advice, and are aware the SCRD has a legal responsibility to enforce their own noise bylaws. So, before this escalates further, or heaven forbid ends up in a class action lawsuit, I implore you to enforce the current noise bylaws.

Finally, as I believe a picture is worth a thousand words, and specific db reading on specific dates provide the data to allow us to verify our position and reach a workable solution – I attach the following images and videos.

Attachments: (I will send these in following emails, as the file size would otherwise prevent transmission.

Image 1 – This is screenshot from Google Earth, showing the area most adversely affected by the music coming out of the open doors and windows of Legion acts. Beneath the trees, halfway from the shoreline to Lower Road are the cabins with the families with young children receiving the brunt of the noise.

Historic Video

August 29, 2020 – Just for your reference, many of our fears of outside performers stem from 2 years ago, when after a summer of many emails and assurances given to us by the Legion leadership, the Legion broke commitments and any common sense and scheduled a punk act outside. Crazy loud. No one slept that night.

Video Samples of Recent and Future Acts

July 27, 2022 Open mic night. Great band, but playing typically loud with the windows open. So again, within the blast zone, the sound could be heard all the way to the shoreline. And for the families in the close cabins it was hard to get the kids to sleep, and the heat necessitates open windows. The band played to around 9:30 PM

July 28th, 2022 Jazz night. Nice jazz, but again windows and doors open, so drum solos kept spiking db readings up and keeping kids awake. Played to around 9:50 PM

Aug 12, 2022 Poppa Greg band and DJ Sam Pulpo. This is a typical weekend act. With doors and windows open, the sound was disruptive down to our cabins. Ear plugs were required.

Video of Coming Attractions for August 24th. – FYI - Here are a couple of video samples of the two acts we will have to endure on Wednesday August 24th. https://www.youtube.com/watch?v=2z-ncAnGNMg&ab_channel=666MrDoom

Sincerely,

SC Mitten

Hello,

We are homeowners near the Roberts Creek Legion, Branch 219. It has been brought to our attention that they have submitted an application to build a patio and extend musical acts.

While we are very supportive of community building the idea of extending music at the legion worries us incredibly. Although the Legion has been more considerate with noise output this year than in years past there have recently been some very concerning issues. Last weekend they had two musical events, both of which involved DJ's. When these events finished participants flooded into the heart of the creek, down to the pier to continue their party. Fireworks were let off between 2-3am. After police dispersed the crowd a number of people returned and there was a fight and police came again.

The area around the pier in Roberts Creek has become vile. It is loud, uncouth and uncomfortable having children and families around, especially any night that there is a concert at the Legion. There is a strong correlation between the people who attend some of the events at the legion and the people who (after drinking) drive to the pier to continue.

If the legion were restricted to musical acts such as the Davis Bay Jazz Ensemble, acoustic acts and other community/family friendly acts (such as those at Slow Sunday) I would support the expansion. While heavy metal and DJ acts are brought into a residential family area I am not. It honestly makes living here challenging and does more to ruin the family community than build it.

Thank you for your consideration.

Paisley Aiken

I live at 3081 Lower Road and received a copy of the patio application and discussion note from a neighbour.

While I understand the proposed times are 4:30 to 8:00, I do not have any confidence that the SCRD, RCMP or Legion officials will enforce properly. This is based on prior history of loud music increasing and no attempt to either lower decibels or shut down at the prescribed time.

Another recent issue:

As recently as Aug 13 Saturday night into Sunday morning, we were awakened by loud fireworks at 2am and rowdy behaviour at the Roberts Creek Pier. One person was taken away in an ambulance after being assaulted. It takes time for RCMP to respond and there is little they can do as the damage is already done. One of my neighbours was up all night and apparently the people crowded near the pier came from the RC Legion and many were likely drunk.

While the SCRD has good intentions, history tells me that the enforcement of the regulations will be a problem so I do not approve of the proposal.

Regards,
Brian Covernton

In response to the LCRB liquor primary new outdoor patio application (038526) – Royal Canadian Legion Branch 219 (Roberts Creek).

I am writing this letter to let you know that I am 100% opposed to this application. The Legion received many noise complaints from its neighbours during the temporary outdoor music and patio license which was granted during Covid and no doubt this will be the case if this new application is approved. Music and drinking were held indoors this summer and the noise was far more acceptable.

However, beyond the noise that a patio creates, our biggest concern is the increased drinking and partying in our community that the patio atmosphere promotes. Currently, when the Legion closes, many of the patrons move to the Mandela or the beach at Roberts Creek. They arrive with liquor already in their systems and then continue to consume more, much of it purchased from the local General Store. The situation frequently gets out of hand with constant rowdiness, noise, fights, fires, etc.

The Roberts Creek Pier is a designated park and should be patrolled to ensure it can be enjoyed appropriately by everyone. There should be no parking or loitering after 10pm, and certainly no alcohol allowed in the area at anytime. Unfortunately, the police are understaffed and do not adequately patrol this area and the result is constant loitering, drinking and often fighting, until well past midnight, many nights of the week. On the rare occasion when the police do arrive, it is often a single officer and it is actually frightening to watch the belligerence and total lack of respect that is shown to them. The Legion has become a party center and adding a patio with music and liquor will only increase the problems and noise pollution in our community. We do not need this.

Trish DesBrisay and Phil Locke

I am the owner of a property on Lower Road Roberts Creek which is directly across Lower Road from the Canadian Legion. I am opposed to this application based on the lack of enforcement of the district bylaws in the past when entertainment noise at this location has far exceeded the allowed decibel levels as well as operating hours. I have no confidence that the district's bylaw officers nor the RCMP will enforce the bylaws nor will the Legion be compliant.

Harold Charters

Dear Sir,

It is the right of every homeowner and tenant to have peaceful enjoyment of their property. For us, that does not happen Wednesday through Saturday nights. The current level of noise kept

to 70 decibels feels like I'm right there at the event, over 700 feet away, in my easy chair. The other buildings on our property closer to the Legion endure much more noise. We have grandchildren now, and they are kept awake just like their parents were, just like we were going back decades. Ancient history you say? Not so, nothing has changed with different management over the years, we are still losing sleep and are subjected to music way too loud.

So in considering a patio with musical acts, I'm left wondering how many days a week will we be subjected to more music? Can it be limited to acoustic acts that would be befitting a garden patio scenario? And if it goes ahead, and it is amplified music, what will our recourse be to mitigate the noise?

The Legion, located in a residential area, is asking a lot of the neighbours to have musical acts several nights a week, at levels that disturb our peace and keep people awake. And now they are asking for more. I'm asking what are they doing to be good neighbours? Keeping the doors and windows closed and installing AC? Installing sound mitigation systems? Keeping the music at a level where it is not impacting the neighbours?

We have such a long history of being disturbed by the Legion. We have no trust that they can move forward with their plans for a patio and mitigate the noise, when they haven't addressed that 70 decibels is too loud for a residential area when they open the door and windows or have music outside.

Laurie Mitten

I am writing to provide feedback on the application submitted by the Roberts Creek Legion requesting permission to establish a permanent patio in the location where the Liquor and Cannabis Regulation Branch issued a temporary outdoor liquor service license during the COVID-19 pandemic.

As a long-term resident of Roberts Creek, I am very concerned about this application. Since established, the outdoor patio has hosted numerous music events, many of which have been excessively loud with a noise level much higher than the proposed "lower than 70 decibels", negatively impacting residents that live within a 1-mile radius on the Legion.

The Legion's mission is to serve veterans and their families, to promote Remembrance, and to serve the communities of BC. The Royal Canadian Legion/BC Yukon Command is one of the most respected community service organizations in Canada, serving many aspects of community life.

However, in recent years, we have seen the Roberts Creek Legion promote events that encourage excessive drinking and disruptive behaviour that causes distress for many residents. A recent example is from Saturday August 13th, when the Legion hosted DJ Prezzy from 9pm to 1am. At the close of the concert, upwards of 100 drunk and disorderly event goers exited the Legion disrupting the sleep of those people who live close to the Legion. Those event goers then spilled into the park at the Roberts Creek Pier, where they blasted music, set off fireworks, and extended the party until it eventually ended at 4:30am in assault and a call to 911.

Safety is also a paramount concern given the number of cars that were speeding in and out of the Roberts Creek Pier parking lot between 1:30 and 4:30am that morning, especially considering the level of intoxication of most of the people in attendance. Not only is this behaviour in contravention of several SCRD bylaws (Noise Control Bylaw 597 and Parks Regulations Bylaw No. 356), and poses a significant safety concern, it also does not uphold the mission of the Legion.

Although the Legion's proposal is for the patio to be used mostly for food service, to close by 8pm, and to control the noise level of the "occasional" music event to lower than 70 decibels, their recent events have not instilled confidence that these parameters will be upheld. Rather, the Legion has been increasingly hosting music events that encourage excessive alcohol consumption and unmanageable behaviour. Point in case are the two heavy metal bands – Hoopsnake and Confusion Master – that are scheduled to perform on Wednesday August 24th and being promoted by the Legion as "head splitting, beer smashing, sonic tunes".

I urge the SCRD to prioritize the health, wellbeing and safety of the residents of Roberts Creek by not only declining the application submitted by the Legion, but by also enforcing the relevant bylaws and returning Roberts Creek into a family-oriented community.

Sincerely,
Meghan Day

I live across the street from the Legion (my address: 3053 Lower Road)

For several years, we have experienced problems with noise coming from loud music from the Legion at night, particularly when the doors are open. This has continued this summer, despite complaints being made in the past.

In my view, the noise problem could be improved if the doors were not opened. Perhaps the Legion should be encouraged to investigate an air conditioning system so that the doors may remain closed at night.

I do not agree with the proposed expansion of Legion's operations to the patio area for "occasional musical events". The reason is that these events will involve loud music during the day time, in addition to the loud music at night.

I do not have any concerns with the food service proposed, and I support this this part of the application.

Sincerely

Mary Macaulay

I am writing in full support of the application for an Outdoor Patio Application for the Roberts Creek Legion.

My two children and I live on lower Largo Rd, a close neighbour to the Legion. The Legion existed here long before I chose to move here. It is an invaluable part of Roberts Creek and I support it wholeheartedly. It is a hub for our community, a place where people can gather and enjoy a wide variety of music and events. In fact, I moved here to be close to the action of both the Legion and “downtown” Roberts Creek. As a single adult, a hub such as the Legion makes a positive impact on my social life and mental health. I believe many feel this way!

I hear the music from my property, generally only if I am outside or if my windows are all wide open. I love it! What a blessing to hear live music from my garden. On occasion the music has not been to my taste, but I am grateful for the exposure to something new, and to support the artists involved and it is just for a few hours on summer afternoons and early evenings. The hours have always been respectful!

I have never heard raised voices or any sort of disputes coming from the patio, only peaceful gatherings. The grounds and surrounding areas have always been clean and well maintained. My kids and I cut through there regularly and have never come across so much as a stray drink can.

I lived here all through covid and the temporary outdoor liquor license and thus know what it would be like if that license was made permanent and I welcome it. I know some community members are still very concerned about covid and having an outdoor patio where they can socialize gives them both the connection they need and some peace of mind.

I’m sure like many businesses and families, the Legion has struggled financially over the past couple years. I believe the priority here should be ensuring that the Legion, a landmark of our community is able thrive and keep bringing people together for as long as possible.

Thank you,

Aleisha Friesen

This is to support the application of the Roberts Creek Legion for a permanent outdoor patio licence.

The legion is an important, and valued, institution in this community: as the only bar; as a restaurant; and as a venue for music and social gatherings. During the ups-and-downs of the pandemic, Legion volunteers took a down time to redo the interior, including the restoration of a beautiful wood dance floor – a commitment to continue its role as an important gathering space.

Insofar as the patio will help the Legion maintain its financial health, it is a welcome addition. As well as a beautiful outdoor spot, mostly shaded, where I have enjoyed food, drink and music (under the current, temporary licence).

It is true that – particularly in the summer, when doors are open – the music can be heard through the woods, often to a late hour, and not always to everyone’s taste. But this, surely, is a separate issue from the use of the patio. If, as I understand, the patio service, and music, will cease at 8pm, it is unlikely that the addition of patio service could be seen as negative.

Sincerely,

John Gibbs

I am writing to strongly support the application for an Outdoor Patio Application for the Roberts Creek Legion.

The Roberts Creek Legion is a community hub in lower Roberts Creek. Aside from a lively and interesting music program, it has consistently good food service, and with the Gumboot Restaurant gone to take out only, is the only place in Roberts Creek where you can sit down and have a half decent dinner. I have also attended funerals at the Legion, other meetings, and craft fairs.

During Covid, intrepid Legion volunteers gave the slightly dim interior a wonderful upgrade with new floors and new paint. The Legion was one of the first venues to offer live music again using the outdoors in a safe and responsible way as the pandemic seemed to wane. The volunteers always followed Public Health mandates, including vaccine mandates. Since we don't know what the course of the ongoing pandemic will be, it seems like an excellent idea to have a place for safe gathering outdoors with food and music. In my view this is a huge contribution to make to community mental health.

As a close neighbour of the Legion I appreciate the 8 pm closing time and the control of decibels. I don't love every band that plays the Legion, but this seems like a good compromise. I have heard that some people don't believe these measures will be enforced, but to deny the license on this basis is like taking away someone's driver's license because they might speed or run a stop sign. It is not respectful of people's general will to do the right thing.

I really hope this lovely patio idea goes ahead.

Sincerely,

Jane Covernton



**Royal Canadian Legion #219
(Roberts Creek Legion)**

3064 Lower Road, PO Box 42
Roberts Creek, BC, V0N 2W0 Tel:
604-886-9813
Email: info@robertscreeklegion.com

www.robertscreeklegion.com

November 28, 2022

Sunshine Coast Regional District
Attn: SCRD Directors
1975 Field Road
Sechelt, BC
V0N 3A1

Delivered via email to: Yuli.Siao@scrd.ca

Dear SCRD Directors:

Thank you for debating the Roberts Creek Legion's request for a permanent extension to our extended licensed serving area at your September 22, 2022 meeting. We regret not attending that meeting and plan to attend the next meeting where our outdoor patio application is being discussed. We respectfully submit this report in writing, after much deliberation and consideration of the SCRD staff suggestion for a restrictive covenant on title.

Our executive team realizes and regrets that our initial use of our temporary extended license area, during the early days of COVID restrictions, had a negative impact on some of our neighbours. The following summer, we made several changes to try to rectify those issues and had significantly less complaints. Since re-opening in-doors, we have used the lawn on less than a handful of occasions for musical acts and have not received complaints related to those events. We hope to continue to use the lawn in a mindful manner, with occasional musicians entertaining our members and guests during the early hours of summer evenings or on special occasions. We are reluctant, however, to move forward with a restrictive covenant on title due in part to costs and the permanence of the covenant. As written, we would be in violation of the covenant if we were to host a winter market with carolers. Even our trumpeter at our Remembrance Day ceremony would be a technical violation of the covenant. We realize that this is not the intent of the staff recommendation but we question why the SCRD would not rely on the existing noise bylaw to handle complaints rather than impose a restrictive covenant that would need to be enforced similarly.

We hope that SCRD directors will consider our request to extend our license area without a covenant and look forward to engaging in a discussion at a future meeting.

Thank you for your continued discussion and support.

Sincerely,

A handwritten signature in black ink that reads "John Davis". The signature is fluid and cursive, with the first and last names clearly legible.

John Davis
President

Cc. Yuli Siao, Senior Planner, SCRD

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Electoral Services Area Committee – December 15, 2022

AUTHOR: Jonathan Jackson, Manager, Planning & Development

SUBJECT: REQUEST FOR PROPOSAL (RFP) 2250002 – PLANNING ENHANCEMENT PROJECT 1 (PEP1) – LOCAL GOVERNMENT DEVELOPMENT APPROVALS GRANT PROGRAM CONTRACT AWARD

RECOMMENDATIONS

THAT the report titled Request for Proposal (RFP) 2250002 – Planning Enhancement Project 1 (PEP1) – Local Government Development Approvals Grant Program Contract Award be received for information;

AND THAT the grant-funded contract to provide consulting services related to PEP1 – Local Government Approvals Grant Program be awarded to KPMG LLP in the amount of up to \$185,170 (excluding GST);

AND FURTHER THAT the delegated authorities be authorized to execute the contract.

BACKGROUND

SCRD received funding through the Local Government Development Approvals Program Fund in the amount of \$253,000 in order to partake in the provincially-initiated Development Approvals Process Review (DAPR) program.

Of the grant funding SCRD received the majority is allotted for professional fees related to consultant-led work on the project. The balance of the funding is to be used to supplement staff costs and support public engagement, advertising, and communications materials.

The desired outcome from SCRD participating in this program is to establish development approval best practices and to develop innovative approaches to effectively process applications in a timely fashion while supporting the successful implementation of local planning policy.

DISCUSSION

Request for Proposal (RFP) Process and Results

Request for Proposal 2250002 – Planning Enhancement Project 1 (PEP1) – Local Government Development Approvals Grant Program Contract Award was issued on October 4, 2022 and closed on October 28, 2022.

Three compliant proposals were received. Led by Purchasing, the evaluation team consisted of five team members. The evaluation committee reviewed and scored the proposal against the criteria set out in section 7 of the RFP. Staff have recommended that a contract be awarded to KPMG LLP as they met the specifications as outlined and are the highest scoring proponent, offering the best value for the above-mentioned project.

The recommended proposal is within the budgeted amount for this project, with a value of \$185,170, excluding GST.

Summary of Bids Received

Company Name	Value of Contract (excluding GST)
Dillon Consulting	\$163,049.00
KPMG LLP	\$185,170.00
McElhanney	\$187,720.00

Financial Implications

There are no direct financial implications associated with this report, as the cost of the subject RFP is covered by grant funding.

Timeline and Next Steps

Following direction from the Board's decision, the contract award will be made. The project timeline has been developed to ensure completion during Q3 of 2023, which will facilitate reporting back to UBCM in the fall of 2023. It is additionally noted that implementation items resulting from this project will follow after, most likely in Q4 2023, or as otherwise recommended through the outcomes of the project.

STRATEGIC PLAN AND RELATED POLICIES

N/A

CONCLUSION

In accordance with the SCRD's Procurement Policy, RFP 2250002 was issued to provide consultant services to support work on PEP1. Three compliant were received. Based on the best overall score and value offered, staff recommend that the SCRD enter into a contract agreement with KPMG LLP with a value of up to \$185,170.00 excluding GST, and that the delegated authorities be authorized to execute the contract.

Reviewed by:			
Manager	X – J. Jackson	CFO/Finance	X – T.Perreault
GM	X – I. Hall	Legislative	
CAO	X – D. McKinley	Purchasing	X – V. Cropp

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Electoral Area Services Committee – December 15, 2022

AUTHOR: Tara Crosby, Corporate & Administrative Services Assistant

SUBJECT: 2023 ELECTORAL AREAS' GRANT-IN-AID TIMELINES

RECOMMENDATION(S)

THAT the report titled 2023 Electoral Areas' Grant-in-Aid Timelines be received for information;

AND THAT the timeline with respect to the 2023 Electoral Areas' Grant-in-Aid process be approved as presented or amended.

BACKGROUND

The funding of Electoral Areas' Grant-in-Aid is provided by the Sunshine Coast Regional District's (SCRD) five (5) unincorporated Electoral Areas being Egmont/Pender Harbour (Area A), Halfmoon Bay (Area B), Roberts Creek (Area D), Elphinstone (Area E), and West Howe Sound and Islands (Area F). The Electoral Areas provide Grant-in-Aid funding in order to assist non-profit societies / organizations and registered charitable societies / organizations that provide community, tourism or regional benefit and enrichment, enhancing the quality of life for residents.

The Electoral Areas' Grant-in-Aid Process is scheduled to start in mid-February as approved by the Sunshine Coast Regional District (SCRD) Board and is based on the Board Policy 5-1850 Grants to Organizations – Electoral Areas' Grant-in-Aid.

The purpose of this report is to formalize the 2023 Electoral Areas' Grant-in-Aid process timelines to begin public advertisement.

DISCUSSION

Timeline and Next Steps

Staff recommends the following timeline with respect to the 2023 Electoral Areas' Grant-in-Aid process and recommends one intake of the program:

- February-March- Public Advertisement
- March 31, 2023 – Electoral Areas' Grant-in-Aid intake for applications deadline.
- April 14, 2023 Electoral Area Directors will receive the Special Finance Committee meeting agenda to review;
- May 4, 2023 – Finance Committee meeting 9:30 a.m. to 12:00 p.m.;
- May 25, 2023 – recommendations will be placed on May 25, 2023 Board Agenda.

Communications Strategy

Advertisements will be placed in the local newspapers by mid-February, and the SCRD website will be updated accordingly.

STRATEGIC PLAN AND RELATED POLICIES

The Electoral Areas Grant-in-Aid process supports the Board’s strategic focus area of “Working Together”.

CONCLUSION

Staff recommend the timeline with respect to the 2023 Electoral Areas’ Grant-in-Aid process be approved as presented to commence public advertisement.

ATTACHMENTS

Attachment A - Electoral Areas’ Grant-in-Aid Board Policy 5-1850

Reviewed by:			
Manager		CFO/Finance	X-T.Perreault
GM		Legislative	X – S. Reid
CAO	X – D. McKinley	Other	



BOARD Policy

Attachment A

Section:	Finance	5
Subsection:	Grants to Organizations	1850
Title:	Electoral Areas' Grant-in-Aid	1

1. PURPOSE

This policy provides the framework to enable the Sunshine Coast Regional District (SCRD) Electoral Area Directors to make fair and equitable recommendations to the SCRD Board on behalf of their respective areas in the granting of funds to the community.

2. SCOPE

This policy applies to all SCRD officers, employees, Board members, and applicants to the Grant-in-Aid process.

The SCRD Electoral Areas provide Grant-in-Aid funding in order to assist non-profit societies / organizations and registered charitable societies / organizations that provide community, tourism or regional benefit and enrichment, enhancing the quality of life for residents.

3. DEFINITIONS

Electoral Areas: means SCRD's five (5) unincorporated Electoral Areas being Egmont/Pender Harbour (Area A), Halfmoon Bay (Area B), Roberts Creek (Area D), Elphinstone (Area E), and West Howe Sound and Islands (Area F).

4. POLICY

This policy establishes open and transparent guidelines for the evaluation and distribution of Electoral Areas' Grant-in-Aid, respecting the limited financial resources available for this purpose.

- 4.1 Each year, as part of the budget process, the SCRD Board will establish a maximum amount for Electoral Areas' Grant-in-Aid funding for the following year's budget.
- 4.2 The maximum allowable grant request for a single Electoral Areas' Grant-In-Aid application (per project / per event) is \$5,000 (five thousand dollars). Requests for \$500 (five hundred dollars) or less will be accepted from non-registered organizations, societies, or groups demonstrating a community need and / or whose objectives are charitable in nature. If a request is for more than \$500 (five hundred dollars) the organization must be a registered society to be an eligible applicant, or otherwise may apply through a partner organization that is a registered society.
- 4.3 To be considered for funding, the proposed project, program, service or special event should fill a need in the community with no overlap to identifiable or competing projects, programs, services or special events.
- 4.4 Electoral Areas' Grant-in-Aid is not intended to replace any financial responsibilities of senior levels of government or other government agencies or affiliates.



BOARD Policy

- 4.5 Organizations funded on an ongoing basis through taxation or those that receive a fee for service from the SCRD are not eligible for grant funding under this policy, unless the application is for a program other than the funded service.
- 4.6 The SCRD is subject to the provincial *Freedom of Information and Protection of Privacy Act* and cannot guarantee the information provided on Grant-in-Aid applications can or will be held in confidence.
- 4.7 On or before April 1st of each year, the SCRD will accept applications for Electoral Areas' Grant-in-Aid funding.
- 4.8 Late applications may be considered for emergent requirements subject to available Electoral Areas' Grant-in-Aid funding (see Section 8.3).
- 4.9 Grant funding is not guaranteed from year to year. Organizations are encouraged to work toward financial independence.

5. POLICY – BURSARY, SCHOLARSHIP, SUBSIDY

- 5.1 Grants will not be awarded to societies for use as scholarships, bursaries, or subsidies, with the exception of the School District 46 (SD46), under the direct approval of the SCRD.
- 5.2 Grants may be awarded to SD46 if the grant provides a direct benefit to a project that has significant benefit to the community.
- 5.3 Grant allocation to SD46 for bursary funding for each of the four secondary schools is to be approved each year within the SCRD budget process. Unclaimed bursary funding provided to SD46 will be reported to the SCRD on an annual basis. If amounts remain unclaimed after 2 years, funds will be returned to the SCRD to be re-allocated as the SCRD Board sees fit.

6. EXCEPTIONS

- 6.1 Funding requests that do not meet the basic criteria of the policy will be considered on a case- by-case basis at the discretion of the SCRD Board.

7. AUTHORITY TO ACT AND RESPONSIBILITIES

7.1 Legislation

The authority to provide grants of assistance is set out in the *Local Government Act*, section 263(1) as follows: "Subject to the specific limitations and conditions established under this or another Act, the corporate powers of a board include the following:... (c) to provide assistance for the purpose of benefitting the community or any aspect of the community."



BOARD Policy

7.2 SCRD Board

The SCRD Board has an obligation to all of its citizenry to protect the SCRD from exposure to unacceptable liability that could arise as a result of its funding relationships.

The SCRD Board has both statutory and budgetary limitations on Electoral Areas' Grant-in-Aid and wish to ensure that these funds are disbursed as fairly and equitably as possible to deserving applications with due regard to the degree of benefit that will result to the residents of the Sunshine Coast communities. Therefore, the SCRD Board has full discretion whether grants are allocated and for what amounts and all decisions are final.

8. EVALUATION CRITERIA

8.1 The Electoral Areas' Grant-in-Aid Committee shall use some or all of the following criteria to assess applications (in no particular order):

- Evidence of community need or desire for proposed program, project, service or event
- Potential benefit to the residents of the Sunshine Coast - use new approaches and techniques in the solution of community needs; whose project, program, service or special event is accessible to a large portion of the community's residents
- Evidence of community partnerships or support (financial or in-kind)
- Capacity to deliver the proposed program, project, service or event
- Level of volunteer participation and citizen involvement
- Evidence of financial need
- Evidence of funding from other sources
- Ability to demonstrate or anticipate future outcomes
- Public accessibility
- Exercise co-ordination, co-operation and collaboration with other groups to prevent duplication of projects, programs, services or special events

8.2 Electoral Areas' Grant-in-Aid will not be approved for:

- Large capital costs for equipment or improvements to (Privately) owned properties;
- Fire Suppression and Life or Emergency Safety Equipment;
- Annual Expenses;
- Remuneration (wages, salaries, other fees);
- Personal benefit, individuals, industrial, commercial, business undertakings (proprietor, member or stakeholder), educational institutions hospitals / healthcare;
- Religious or ethnocultural organizations serving primarily their membership or their own religious or ethnic promotion or purpose;
- Annual fundraising campaigns;
- Endowment funds;
- Debt retirement, interest payments or reserves;
- Cost of developing a proposal or undertaking a facility study;



BOARD Policy

- Non-profit societies conducting regional, Provincial or Federal level fundraising campaigns

8.3 If an applicant's project, program, service or special event is time sensitive where:

- funding is required prior to the application deadline date (on or before April 1st) and / or the August 1st payment date; or
- funding for a project that was not realized by the announced application deadline date and / or the August 1st payment date;

the applicant may submit an application to the SCRD to be brought forward to a standing committee for review. The applicant must use the Electoral Areas' Grant-in-Aid application form and comply with the requirement and criteria of this Policy and provide justification for late application.

9. ACCOUNTABILITY AND ACKNOWLEDGEMENT

- 9.1 In the event that the Electoral Areas' Grant-in-Aid funding results in a surplus to the applicant's needs or is no longer required for the project, program, service or special event for which it was intended or described in the application, the SCRD will be notified immediately and any remaining funding must be returned to the SCRD as soon as possible.
- 9.2 Recipients must acknowledge the SCRD as a supporter of the project, program, service or special event in publications or marketing. Projects, programs, services or special events may not be represented as an SCRD event nor may the society / organization hold itself out as an agent of the SCRD in anyway.

10. REFERENCES (Bylaws, Procedures, Guiding documents)

Terms of Reference – Rural Areas' Grant-in-Aid Review Committee

Approval Date:	February 11, 2021	Resolution No.	040/21 Rec. No. 1
Amendment Date:		Resolution No.	
Amendment Date:		Resolution No.	
Amendment Date:		Resolution No.	

SUNSHINE COAST REGIONAL DISTRICT

AREA A - EGMONT/PENDER HARBOUR
ADVISORY PLANNING COMMISSION

June 29, 2022

RECOMMENDATIONS FROM THE AREA "A" ADVISORY PLANNING COMMISSION MEETING
HELD ELECTRONICALLY VIA ZOOM

PRESENT:	Chair	Peter Robson
	Members	Yovhan Burega Jane McOuat Dennis Burnham Tom Silvey Janet Dickin Gordon Littlejohn Catherine McEachern
ALSO PRESENT:	Electoral Area A Director	Leonard Lee (Non-Voting Board Liaison)
	Senior Planner	Yuli Siao
	Recording Secretary	Kelly Kammerle
REGRETS:	Members	Alex Thomson
		Alan Skelley
		Sean McAllistar

CALL TO ORDER 7:15 p.m.

AGENDA The agenda was adopted as presented.

MINUTESArea A Minutes

The Egmont/Pender Harbour (Area A) APC Minutes of November 24, 2021 were approved as circulated.

The following minutes were received for information:

- Halfmoon Bay (Area B) APC Minutes of November 30, 2021 & January 25, February 22 & March 22, 2022
- Roberts Creek (Area D) APC Minutes of February 28, 2022
- Elphinstone (Area E) APC Minutes of January 26, 2022
- West Howe Sound (Area F) APC Minutes of January 25, 2022

REPORTS

The Area A APC discussed the draft of Zoning Bylaw 722 with SCRD Senior Planner.

Discussion Points:

- Bylaw 722 does not apply to Electoral Area A
- Is there concern that the OCP may have to change current Zoning Bylaws?
- Secondary suites permitted. Bigger auxiliary dwelling units such as carriage house or garden cottage: size increased from 592 ft² (55 m²) to 969 ft² (90 m²)
- Cannabis production is not permitted in residential areas. Medical cannabis is exempt from residential areas.
- Will Electoral Area A Zoning Bylaw 337 be absorbed into Bylaw 722 if so shouldn't we have been included in the discussion from the beginning?
- Climate change support means in a technical way, not financial. Examples: information about water setbacks, green roofs, solar panels and wind turbines.
- A mini-farm in your backyard. Beekeeping and chickens permitted, along with your own farm stand in some areas.

NEW BUSINESS

The APC hopes that the APCs will be consulted and asked for input regarding the current review of Planning Department practises which is undergoing an examination pursuant to the newly received provincial grant in the amount of \$250,000.

DIRECTOR'S REPORT

The Director's report was received.

NEXT MEETING July 27, 2022

ADJOURNMENT 8:45 p.m.

SUNSHINE COAST REGIONAL DISTRICT**AREA F – WEST HOWE SOUND
ADVISORY PLANNING COMMISSION****November 22, 2022**

RECOMMENDATIONS FROM THE WEST HOWE SOUND (AREA F) ADVISORY PLANNING COMMISSION MEETING HELD ELECTRONICALLY VIA ZOOM

PRESENT:	Vice Chair	Doug MacLennan
	Members	Sarah Macdonald Fred Gazeley
ALSO PRESENT:	Director, Electoral Area F	Kate-Louise Stamford (Non-Voting Board Liaison)
	Planner II, SCRD	Nick Copes
	Recording Secretary	Diane Corbett
	Public	3
REGRETS:	Members	Susan Fitchell Alicia Lavalley
ABSENT:	Member	John Rogers

CALL TO ORDER 7:00 p.m.

Members congratulated previous Area F APC member Kate Stamford on her election by acclamation to the position of SCRD Area F/West Howe Sound Director.

Director Stamford announced that the Alternate Director is Ian Winn.

AGENDA The agenda was adopted as presented.

DELEGATIONS

Gaetan Royer, a planner with CityState, addressed the APC regarding reasons for his support for the Zoning Amendment Bylaw No. 722.4 application for 1747 Storvold Road. He commended the approach of the proposal and remarked that it exhibited social conscience and care, and was worthy of support.

MINUTESWest Howe Sound (Area F) Minutes

The West Howe Sound (Area F) APC minutes of June 28/July 5, 2022 were approved as circulated.

Minutes

The following minutes were received for information:

- Egmont/Pender Harbour (Area A) APC Minutes of June 29, 2022 (under review)
- Halfmoon Bay (Area B) APC Minutes of June 28, 2022
- Roberts Creek (Area D) APC Minutes of June 20 2022
- Elphinstone (Area E) APC Minutes of June 22, 2022

REPORTS

Zoning Amendment Bylaw No. 722.4 for 1747 Storvold Road

The APC discussed the staff report regarding Zoning Amendment Bylaw No. 722.4, to amend Zoning Bylaw 722 to allow for assembly use and two auxiliary dwelling units with a maximum size of 75 m2 each, on a parcel located at 1747 Storvold Road in West Howe Sound.

The Planner gave an overview of the zoning amendment application and responded to questions from APC members and the Director. Points included:

- The property is located within Rural Residential B land use designation and Rural Residential One zoning. It is within G Subdivision District so cannot be subdivided.
- A site-specific Comprehensive Development Zone is proposed.
- An applicant-led public information meeting was held in April 2022.
- A public hearing is not required for zoning amendments, but the Board could decide to schedule a public hearing.
- There would need to be a development permit with a geotechnical study to address slope hazard on the site.
- The application was submitted prior to adoption of Bylaw No. 722, the new and updated zoning bylaw, which includes provision for secondary suites.
- SCRDC received correspondence from neighbours with concerns.
- Applicant had proposed mitigation measures and conditions of use to address concerns surrounding assembly, with a limit on number of people, number of gatherings per month, and hours for gatherings. The conditions of use could be included in the Comprehensive Development Zone.

Chad Herschler, applicant, and Joanne Norris, a director of the Art Farm Society, were present to respond to inquiries about the application. It was noted that:

- After the public information meeting, there was an effort to address neighbours' concerns around traffic and noise with a second proposal.
- Concerns received had been around the assembly use and density of the homes.
- The Art Farm has been operating for fourteen years and conducts community-engaged arts, focused on creating collaborative projects with community members. That involves small groups of people coming together. This has been done mostly off the property. Examples of activities include: small classes working on a project; group of elders living with dementia; work with Sechelt Indian Band on projects such as a summer youth program. That is the majority of types of programs the Art Farm would like to officially host and be able to offer more publicly so it becomes more accessible to a wider group of people.
- This would be scaling up of operations. Members are in the process of figuring out the

organizational structure, which has values built into it. The idea is for a cooperative structure that people would buy into.

- This is about a way of living that addresses social and cultural aspects. There is a demand for this way of living, from a family and a community perspective.
- Discussion of the impact of having more people on the land to enable the land to be better used, such as in the case of farming. There is a yearning for different models to be explored. Can appreciate that this is taking a bit of a risk; it isn't a proven model. There are existing models around the country that are working.

Staff noted that after the public information meeting staff had a discussion with Chad and colleagues from the Art Farm. They developed a number of proposals that were included in the agenda package around assembly use, parking, and noise. Applicant was to revise the proposal, and do referrals. Then a draft bylaw would be developed, taking a look at measures for visitors, time for visitors, parking requirements, and other measures. Neighbours would be notified of a public hearing, the next opportunity for comment.

Members of the public left the meeting at 7:52 pm.

The following points were noted:

- It sounds like an amazing idea; I like the idea of having productive use of the land.
- Concern with how the site-specific zoning being contemplated plays out in the future. If the property were to be sold, it would have four houses on it, not in keeping with everyone located around the property. Concern about approaching this on a site-specific basis, especially when the Regional District is looking at approaching affordable housing on a more area-wide basis.
- Concern regarding the idea that this is tied to affordable housing. It was described as supporting affordable housing in modelling a different housing opportunity. You've got the two auxiliary units, and people who have them would buy into them. That is a 750 square-foot home on a five-acre property; not sure how that addresses affordable housing issues in our community, due to how much it would cost for the land. If you need more people on the land, could you do that by secondary suites? That would create flexibility for people to move in and out without buying into it, and addresses food production... and not take away from the cultural vitality. See if it could be accommodated through the existing bylaw.
 - Applicant clarified the model doesn't mean that every housing member would have to buy in. It would be stewarded by the Art Farm, who would become a contributing member.
- Am familiar with what Chad is doing; am in favour as long as meets code and concerns. In favour of rezoning.
- In favour; well put together package. Concern: What is the next step?
- Recommend that we have a public hearing to address neighbours' issues.
- Neighbour to the south won't agree with what they are doing. Neighbour to north is new to area, never lived here. They don't want any other development in the area. They have a right to leave comments at a public hearing after the applicant applies for the rezoning.
- Density is going to be an issue; four dwellings on a five-acre plot is not unreasonable.
- Concern: densification isn't being more addressed at a general level. Why is this Subdivision District G, where you can't subdivide?
- Have general bylaw on dealing with densification.
- Regarding fire protection: it is one thing to be outside the Fire Protection District when you have a dozen people on the property, but more problematic with a gathering of

eighty people at a concert if something goes wrong. They are on their own regarding fire protection, unless the regional district comes in with an approach to densification in that area and extends fire protection to it. Have a time limit for amplified music.

- They have had a lot of gatherings on the farm to date. They don't want to become a nuisance to their neighbours. One neighbour doesn't want any activity. I think 11:00 pm is a bit late; it should follow the Regional District Noise Bylaw. A proposed assembly maximum of eighty attendees seems excessive. Suggest forty attendees; end noise at 9:00 pm. This would be more proactive with respect to neighbours.
- Recommending that there be fewer people seems reasonable. Not being loud seems reasonable. Question: why is SCRD supporting it? Because it is a package, it ticks a lot of options. It isn't really a model going forward; it is down to individuals.

Recommendation No. 1 *Zoning Amendment Bylaw No. 722.4 for 1747 Storvold Road*

Regarding the Zoning Amendment Bylaw No. 722.4 application for 1747 Storvold Road, the Area F APC recommended that:

- a public hearing be scheduled for the zoning amendment bylaw application;
- planning staff consider whether there are alternatives such as secondary suites available in Zoning Bylaw No. 722 that could accommodate the applicant's need for additional residents on the land, without the requirement of the auxiliary buildings being part of the bylaws;
- the Board look at the assembly aspect in the broader sense of the SCRD;
- the assembly part of the application takes into account the safety aspects of larger gatherings; and
- the density be re-examined and discussed before proceeding to have a site-specific zoning.

DIRECTOR'S REPORT

The Director's report was received.

NEXT MEETING Tuesday, January 24, 2023

ADJOURNMENT 8:22 p.m.