



COLUMBIA SHUSWAP REGIONAL DISTRICT Electoral Area Directors' Committee Meeting AGENDA

Date: September 28, 2021
Time: 9:30 AM
Location: CSR D Boardroom
555 Harbourfront Drive NE, Salmon Arm

Pages

1. Call to Order

2. Adoption of Agenda

Motion

THAT: the agenda of September 28, 2021 Electoral Area Directors' Committee meeting be approved.

3. Meeting Minutes

3.1. Adoption of Minutes

1

Motion

THAT: the minutes the minutes of the May 25, 2021 Electoral Area Directors' Committee meeting be adopted.

4. Reports by Staff

4.1. **Upcoming Changes to the Agricultural Land Reserve Use Regulation - Residential Flexibility**

The Ministry of Agriculture, Food and Fisheries has announced that changes to the residential permissions in the ALR Use Regulation will come into force and effect on December 31, 2021.

Read the BC Government news release and backgrounder here:

<https://news.gov.bc.ca/releases/2021AFF0043-001352>

The Order in Council (OIC) 438/2021 with the pending ALR Use Regulation language can be found here:

https://www.alc.gov.bc.ca/assets/alc/assets/legislation-and-regulation/the-act-and-regulation/oic_438_2021_additional_residences.pdf

Verbal update from DS staff.

4.2. **Agricultural Land Commission Exclusion Policy**

7

Verbal update by DS staff.

5. **Reports by Electoral Area Directors**

5.1. **Vacation Rental Licensing**

28

Request from Director Brooks-Hill.

6. **Adjournment**

Motion

THAT: the Electoral Area Directors' Committee meeting of September 28, 2021 be adjourned.



ELECTORAL AREA DIRECTORS' COMMITTEE MEETING MINUTES

Note: The following minutes are subject to correction when endorsed by the Committee at the next Electoral Area Directors' Committee meeting.

Date: May 25, 2021
Time: 9:30 AM
Location: CSRD Boardroom
 555 Harbourfront Drive NE, Salmon Arm

| | | |
|---------------------|--|--|
| Directors Present | K. Cathcart ^{^*} D. Brooks-Hill [^] P. Demenok (Vice Chair) [^] R. Talbot ^{^*} R. Martin [^] J. Simpson (Chair) [^] | Electoral Area A Electoral Area B Electoral Area C Electoral Area D Electoral Area E Electoral Area F |
| Staff in Attendance | C. Hamilton ^{^*} J. Sham G. Christie C. Paiement M. Herbert D. Sutherland* B. Payne* C. Robichaud K. Gipps* L. Gibson* | Chief Administrative Officer (CAO) Deputy Manager, Corporate Administration Manager, Development Services Team Leader, Development Services Team Leader, Building and Bylaw Services Team Leader, Protective Services Manger, IT/GIS Legislative Clerk Building Inspector II Planner II |

*attended a portion of the meeting only.

[^]electronic participation.

1. Call to Order

The Deputy Manager, Corporate Administration called the meeting to order at 9:32 AM.

2. Inaugural Proceedings

2.1 Election of Chair

Deputy Manager, Corporate Administration called three times for nominations for the position of Chair for 2021.

Director Martin nominated Director Simpson.

Director Simpson accepted the nomination.

Hearing no further nominations for the position of Chair, the Deputy Manager, Corporate Administration declared Director Simpson as Chair of the Electoral Area Directors' Committee for 2021.

2.2 Election of Vice Chair

Deputy Manager, Corporate Administration called three times for nominations for the position of Vice Chair for 2021.

Director Simpson nominated Director Demenok

Director Demenok accepted the nomination.

Hearing no further nominations for the position of Vice Chair, the Deputy Manager, Corporate Administration declared Director Demenok as Vice Chair of the Electoral Area Directors' Committee for 2021.

3. Adoption of Agenda

Moved By Director Demenok

Seconded By Director Talbot

THAT: the agenda of May 25, 2021 Electoral Area Directors' Committee meeting be approved.

CARRIED

4. Meeting Minutes

4.1 Adoption of Minutes

Moved By Director Demenok

Seconded By Director Talbot

THAT: the minutes of the November 24, 2020 Electoral Area Directors' Committee meeting be adopted.

CARRIED

4.2 Business Arising from the Minutes

6.1. Reduction of Fire Hazards - FireSmart

FireSmart topic from November 24, 2020 meeting brought forward for follow-up.

Item 5.1 on this agenda.

9:59 AM Director Cathcart joined the meeting.

5. Reports by Staff

5.1 Reduction of Fire Hazards - FireSmart

Team Leader, Protective Services to provide verbal update.

Discussion:

Team Leader, Protective Services provided an informational update to the Electoral Area Directors (EAD) regarding the FireSmart Program noting that the program has been gathering steam since 2019 and momentum is building. In 2020, there were a total of 200 assessments completed compared to 59 in 2019. The 2021 program started in March and so far, 75 assessments have been completed. Community group assessments are on the rise and have also helped to spur individual residential assessment numbers. Under the FireSmart program vacant land qualifies for assessments and to date, five vacant land assessments have been conducted in Area C. Shuswap Lake Estates has partnered in the effort to inform residents about the program and have sent informational letters out to all residents who own property in Shuswap Lake Estates. Areas A and F have been selected to be a part of the Community Wildfire Protection Plan Program for 2021.

Director Martin inquired about risks to properties that that border Crown land and how these wildfire risks are managed.

Team Leader Protective Services noted that FireSmart is a tool to provide education and help mitigate the risk of fire on privately owned land. The Province permits BC Wildfire to access grant funding for Crown land treatments to address the risk of fire on crown lands.

Director Demenok asked about social media messages to spread the word about the FireSmart program to the public. Team Leader, Protective Services noted that program information has been delivered to residents through social media, print ads, sandwich boards and articles written by the Fire Smart Coordinator.

Director Cathcart commented that the program seems to have stalled in Electoral Area A. Team Leader, Protective Services will follow up with the FireSmart Coordinator in Electoral Area A to share success with the program in the Shuswap in hopes to rejuvenate the program in Electoral Area A.

5.2 Agricultural Land Commission Exclusion Applications

Presentation from Laura Gibson, Planner II.

Discussion:

Planner II advised EADs of the ALC's new approach for exclusions from the ALR and in speaking with has gathered information on what options that other municipalities and regional districts are considering or have implemented to comply with the new regulations.

Director Demenok preferred option 4 as noted on the presentation. The workload appears to have been downloaded to local government and many questions need to be answered to have a meaningful discussion.

Director Martin noted that Directors should reach out to colleagues in the province to discuss this change from the province and that this could be a potential topic for UBCM. She does not favour option 4 as it could be perceived that the CSRD is delaying applications and is not prepared to provide staff with direction at this time.

Director Talbot asked for additional information as to what other regional districts and municipalities are considering.

Planner II noted that option 6 is the most widely contemplated of the options and some have already adopted a policy around option 6.

Director Brooks-Hill stated that he preferred option 4.

Moved By Director Demenok

Seconded By Director Martin

THAT: a special meeting of the Electoral Area Directors' Committee be convened to further discuss an ALC exclusion policy.

CARRIED

11:05 AM Director Cathcart left the meeting due to connectivity issues.

5.3 Building Act

Report from, Kenny Gipps, Building Official II, dated May 13, 2021.

Moved By Director Martin

Seconded By Director Demenok

THAT: the report be received for information.

CARRIED

11:23 AM Director Cathcart returned to the meeting.

6. Reports by Electoral Area Directors

6.1 Ticketing for Bylaw Offences

Request from Director Simpson.

Team Leader, Building and Bylaw Services provided a verbal response in response to the request from Director Area F and commented the topic is a challenging, much larger social economic issue. Ticketing for compliance is one small tool available in the bylaw enforcement toolbox. Local governments are not able to tie unpaid tickets onto taxes; outstanding tickets are sent to collections. Landowners are notified of potential bylaw enforcement issues on their property. Additional information will be presented in the fall to in order to help alleviate the challenges noted with ticketing.

6.2 Forestry Technical Committee

Request from Director Simpson.

Directors agreed that they do not feel they have the technical background or understanding to comment on forestry issues.

Team Leader, Development Services advised the Committee that the topic is listed in the Development Services 2021 workplan.

11:59 AM Director Cathcart left the meeting.

12:06 PM Director Talbot left the meeting.

6.3 Seasonal Accommodation

Request from Director Simpson.

Director Area E stated that accommodations are a huge problem everywhere and that poverty is a driving force in creating challenging situations for individuals and families.

Manager, Development Services advised that many factors come into play with the definition of seasonal occupation including types of dwellings approved for safe habitation in the colder months. In some cases, applications that come forward can be discussed on a case-by-case basis.

As a part of the Development Services 2021 workplan a housing policy will be drafted, and a more fulsome discussion can be had in when the policy is presented in the fall.

7. Adjournment

Moved By Director Demenok

Seconded By Director Martin

THAT: the Electoral Area Directors' Committee meeting of May 25, 2021 be adjourned.

CARRIED

12.23PM

CORPORATE OFFICER

CHAIR

Agricultural Land Reserve Exclusion Applications



Development Services

ALC Exclusion Applications

- The Agricultural Land Commission (ALC) has a new approach for property owner to request their land be excluded from the Agricultural Land Reserve
- Staff see a need for a policy and procedure for responding to these types of requests from property owners
- Staff are looking for feedback from Electoral Area Directors for developing a policy and procedure

Background

- The Agricultural Land Reserve (ALR) is a provincial zone in which agriculture is recognized as the priority use. Farming is encouraged and non-agricultural uses are restricted.
- The ALR takes precedence over but does not replace other legislation and bylaws that may apply to the land.
- Local governments are expected to plan in accordance with the provincial policy of preserving agricultural land.

Background

- The Agricultural Land Commission (ALC) Act sets the legislative framework for the establishment and administration of the agricultural land preservation program:
 - Agricultural Land Reserve Transitional Regulation
 - Agricultural Land Reserve General
 - ALC policies and Bulletins

Types of Applications to the ALC

Reviewed by Local Government:

- ALC Inclusion
- ALC Exclusion
- Non-Farm Use (*to conduct a use normally prohibited by ALC*)
- Non-Adhering Residential Use (*to exceed residential limitations imposed by ALC*)
- Subdivision

Made directly to the ALC:

- Soil & Fill Placement
- Transportation, Utility, Recreation Trail Use Applications

Exclusion Applications

The ALC has become increasingly reluctant to approve exclusion applications, and as of September 20, 2020, property owners are no longer permitted to make an exclusion application themselves.

Only the local government may make applications to the ALC for exclusion from the ALR.

What Has Changed?

| PRIOR TO SEPT 20, 2020 | PRESENT |
|---|--|
| Property owner applied to ALC to exclude their land from the ALR; ALC referred the application to the CSRD Board, who would review the application and provide recommendation to the ALC. | Property owner requests that the CSRD make an application to the ALC for their land to be excluded from the ALR |
| Property owner paid fees to ALC and to CSRD | CSRD pays application fee to ALC (\$750) |
| Property owner covered costs of posting a sign and for any supporting information, such as an agrologist report | CSRD advised by ALC to cover cost of posting a sign and for any related studies (i.e. agrologist report), etc. |
| No public hearing was required for an ALC Exclusion application. Signage and newspaper ads were the responsibility of the property owner. | CSRD directed by ALC to host public hearing, place newspaper ads, and send mailouts to adjacent or affected local or First Nation governments as part of the ALC Exclusion application process |

History of ALC Exclusion Applications and Approvals in the CSRD

- Since October 2009, the CSRD has received 23 applications for ALR Exclusion.
- Of these applications, the ALC ultimately refused 16 and approved 7.
- Of those 16 applications that were refused exclusion, the CSRD Board had recommended approval for 9 of the exclusion applications.
- Since the change in these regulations, one formal request has been received by CSRD staff from an individual property owner wishing to have his land excluded from the ALR (Electoral Area A).

Considerations for Developing a CSRD Policy/Procedures for ALC Exclusion Applications

- Cost
- OCP policies
- ALC's considerations for exclusion of ALR land
- Options for processing requests for exclusion

Cost Considerations

- ALC Exclusion applications will involve a cost to the CSRD:
 - Hard costs: ALC application fee (\$750), posting of a sign (est. \$500), paying for newspaper ads (\$650), venue rental for a public hearing, cost of mailouts
 - Soft costs: Staff time, time diverted away from other Development Services work
- Potential to pass on some of the hard costs to the individual property owner by charging service fees. Amendment to the DS Application Fees Bylaw No. 4001 required.

Official Community Plan Considerations

Most land which is in the ALR is also designated Agriculture in an OCP (where the CSRD has OCPs), i.e.:

South Shuswap OCP No. 725: **93% of ALR Land is designated Agriculture**

Ranchero/Deep Creek OCP No. 750: **95% of ALR Land designated Agriculture**

Salmon Valley Land Use Bylaw No. 2500: **98% of ALR Land designated Rural/Rural Holdings** (no Agriculture designation)

Rural Sicamous Land Use Bylaw No. 2000: **95% of ALR land designated Agriculture**

Electoral Area B OCP No. 850: **70% of ALR land designated Agriculture**

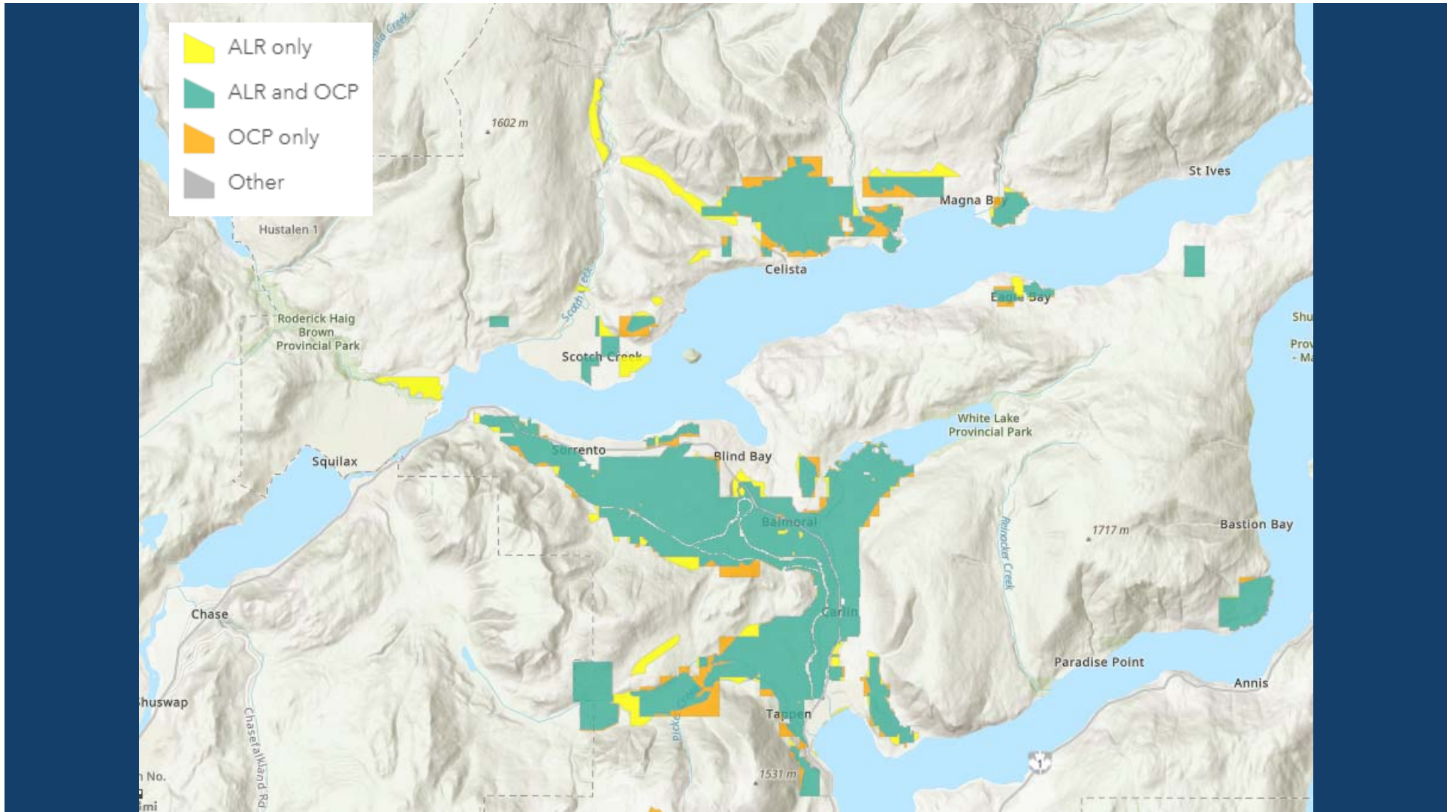
Electoral Area F Official Community Plan Bylaw No. 830

Section 11.3

Objective 1

To support the long-term viability of the agricultural industry in the North Shuswap and to ensure valuable agricultural lands are preserved for agricultural purposes and protected from inappropriate fragmentation through subdivision.

Policies of the Agriculture designation in various OCPs do not support exclusion from the ALR.



ALC Considerations for Exclusion

- Is the land suitable for agriculture?
- Has any effort been made to improve the land?
- What is the agricultural capability, with and without improvements?
- What types of uses surround the property?
- Would the exclusion affect the size, continuity, or integrity of the ALR land base?

6 Options for CSRD to Consider for ALC Exclusion Applications

| Option | Cost to CSRD | Notes |
|--|-----------------------------------|---|
| <p>1. CSRD does not consider requests for exclusion from property owners.</p> | <p>None</p> | <p>Individual property owners have no avenue for pursuing an exclusion from the ALR, even if their land is not suitable for agriculture. However, they could still apply for non-farm use, non-adhering residential use, or subdivision, depending on their goals.</p> <p>It may be reasonable for a property owners to have an opportunity to apply for exclusion.</p> |
| <p>2. CSRD considers applications based on OCP Policy only.</p> | <p>Staff time plus hard costs</p> | <p>Unlikely OCP would support exclusion of ALR land where there is one.</p> <p>Not all areas of CSRD have an OCP.</p> |

Options Continued

| Option | Cost to CSRD | Notes |
|--|---|---|
| 3. CSRD does not provide opinion but processes exclusion application with information directly from the property owners | Staff time plus hard costs | Without local government support, the ALC is unlikely to approve exclusion of ALR land. |
| 4. CSRD compiles property owners requests and brings to the Board at set intervals, i.e. once or twice per year. | Less staff time than processing all applications individually, potential to hold just one public hearing and save on some hard costs. | Still involves addressing all requests from individual property owners. |

Options Continued

| Option | Cost to CSRD | Notes |
|--|--|---|
| 5. CSRD only considers applications where there is a strategic interest. | Staff time plus hard costs | Individual property owners have no avenue to request ALR exclusion unless it benefits the CSRD and the CSRD initiates the application (i.e. Balmoral corner). |
| 6. Three-stage approach: CSRD requires initial fee and application, and only moves forward with application to ALC and charging a secondary fee if there is potential for CSRD to support exclusion | Less staff time required and hard costs as only application that met policy criteria would proceed to public consultation. | CSRD not obligated to host public hearing, post sign, etc. for applications they will ultimately not support. OCP policies considered where applicable. Similar to a bylaw amendment process (phased approach). |

Staff Recommendation

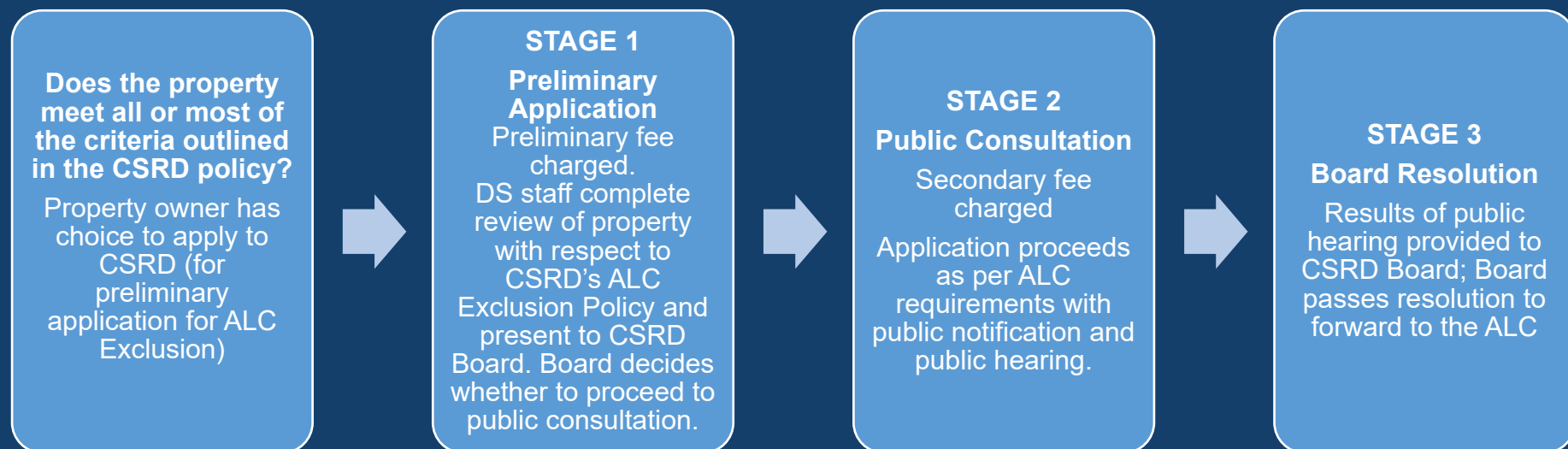
DS staff recommend the three-stage approach to applications, and suggest the ALC exclusion policy include a set of criteria that the applicant must meet for an application to proceed as an exclusion application to the ALC.

The policy would be made available to property owners inquiring about exclusion application so they could consider their chance of success prior to making an application for the first stage.

Potential Criteria to Include in ALC Exclusion Policy

- OCP Policies – not designated Agriculture in OCP
- Soil Capability – Class 5/6 soils or poorer
- Farm Classification – does not have farm classification with BC Assessment
- Surrounding Uses – not surrounded by ALR
- Slopes – has slopes that affect agricultural potential
- Other?

Three-Stage Approach example



Next Steps

- Development Services staff recommend the CSRD Board direct staff to prepare a CSRD policy using the three-stage approach for the Board's consideration to clearly address exclusion requests from property owners
- The policy would outline the process and considerations for the CSRD to review ALC Exclusion applications
- Direct staff to update the Development Services fees bylaw for ALC Exclusion applications
- A staff report with the proposed policy and amendments to the fees bylaw will be presented at a future Board meeting this summer



Request for EAD Meeting Business Item

| | |
|----------------------------------|---|
| SUBJECT: | Vacation Rental licensing |
| REQUEST BY: | David Brooks-Hill |
| DESCRIPTION/ CONTEXT: | I would like to figure out what is necessary to allow for licensing of vacation rentals as I understand it is not currently possible for the CSR to do this. |
| DISCUSSION: | The current system of granting a Temporary Use Permit (TUP) for several years that can only be renewed once is not a good solution. After a TUP can no longer be granted the CSR issues a permanent zoning amendment to permanently allow for vacation rentals with no ability to revoke it. This also allows a new owner of the property to provide vacation rentals with no proven record of doing this in a satisfactory manner. A better system would be a revocable licence with fees associated that could fund enforcement of providing such rentals in a reasonable way for the neighbours of the property. |
| OTHER COMMENTS: | It would be helpful if staff could provide information as to what would be necessary to allow for such licensing. |