



COLUMBIA SHUSWAP REGIONAL DISTRICT

Electoral Area Directors' Committee Meeting

AGENDA

Date: Tuesday, March 5, 2019
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 March 5, 2019 Electoral Area Directors' Committee meeting be approved.

3. Meeting Minutes

3.1 Adoption of Minutes

1

Motion

THAT: the minutes of the December 11, 2018 Electoral Area Directors' Committee meeting be adopted.

4. Reports by Staff

4.1 ALR Regulation Changes

7

Effective February 22, 2019, new ALR Regulation changes bring the newly amended ALC Act (Bill 52 - November 27th, 2018) into force and effect.

Staff have noted the most significant changes in the email attached. A copy of the ALC Information Bulletin #5 - Residences in the ALR is also attached for reference.

For discussion.

5. Reports by Electoral Area Directors

5.1 Vacation Rentals

26

Requested by Director Brooks-Hill.

For discussion on the possibility of imposing a tax on vacation rentals and use the revenue to enforce the bylaws.

Manager of Development Services report on Vacation Rentals Guiding Principles dated July 4, 2016 attached for reference.

5.2 First Responders, North Shuswap

37

Requested by Director Simpson

5.3 Community Child Care Planning Program

Requested by Director Martin

Follow up discussion on topic from the December 11, 2018 Electoral Area Directors' meeting, ie future opportunities/partnership(s).

5.4 Electoral Area Directors' Priorities for this Term

For discussion

5.5 Electoral Area Directors' Committee Topics for the Year

Discussion on listing and prioritization of topics, identify needs for staff support, further information, and guest speakers.

6. Adjournment

Motion

THAT: the March 5, 2019 Electoral Area Directors' Committee meeting 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: December 11, 2018
Time: 9:30 AM
Location: CSRD Boardroom
 555 Harbourfront Drive NE, Salmon Arm

Directors Present	P. Demenok S. Knaak D. Brooks-Hill R. Talbot R. Martin J. Simpson	Electoral Area C (Chair) Alt. Director Area A (Via Teleconference) Electoral Area B Electoral Area D Electoral Area E Electoral Area F
Directors Absent	K. Cathcart	Electoral Area A
Staff Present	C. Hamilton* J. Sham L. Schumi G. Christie* C. Paiement* M. Herbert* J. Thingsted*	Chief Administrative Officer Assistant Deputy Corporate Officer Administrative Clerk/Recorder Manager, Development Services Team Leader, Development Services Team Leader, Building and Bylaw Services Planner

*Attended a portion of the meeting only

1. **Call to Order**

The Chair called the meeting to order at 9:31 AM.

2. Adoption of Agenda

The Chair added Item 6.3: Electoral Area Directors' Committee meeting topics of discussion.

Moved By Director Simpson

Seconded By Director Talbot

THAT: the agenda of December 11, 2018 Electoral Area Directors' Committee meeting be approved as amended.

CARRIED

3. Meeting Minutes

3.1 Adoption of Minutes

Moved By Director Brooks-Hill

Seconded By Director Talbot

THAT: the minutes the minutes of the September 25, 2018 Electoral Area Directors' Committee meeting be adopted.

CARRIED

4. Reports by Staff

- None.

5. Delegations

5.1 9:45 AM: Childcare BC

Michelle Kirby, Senior Manager of Partnerships and Engagement for Child Care BC, participating via teleconference to outline the Childcare BC Plan.

PowerPoint presentation is attached, for information.

Requested by Director Martin.

Intent of presentation is for EA Directors to be informed on BC's Childcare Plan; for Directors to discuss any issues in regards to delivery of and access to childcare services in CSRD's electoral/rural areas, and for feedback on

related issues such as attraction of certified staff and parent(s) inability to access childcare subsidy.

Michelle Kirby, via teleconference, gave an overview of the PowerPoint presentation provided to the Committee. Focus is on affordability, quality of care and accessibility. Explained there are three grants available to local governments, two of which are administered by UBCM. Application deadline for these grants is fast approaching: January 18, 2019. Applications take generally six weeks to process.

In responding to a question, Ms. Kirby confirmed the Ministry would prefer that local government's partner with non-profit organizations, rather than private businesses, or option for local governments to run facilities solely.

Discussion around running daycare facilities in rural areas, difficulty finding qualified Early Childhood Educator's (ECE's). Ms. Kirby noted there is bursaries available for people wanting to become ECE's and highly encourages those interested to apply.

The Committee discussed the Needs Assessment grant that is available. Although \$25,000 is not a lot to cover the whole area, may be able to partner with member municipalities.

Moved By Director Martin

Seconded By Director Talbot

THAT: staff be directed to contact CSRD member municipalities to see if they are planning to apply for the available grants and inquire as to whether the municipalities would be interested in working together to apply for a grant jointly in order to do a region wide needs assessment with the CSRD as a co-partner.

CARRIED

6. Reports by Electoral Area Directors

6.1 Proposed Amendments to Cannabis Policy A-71

Requested by Director Simpson.

Director Simpson thanked Mr. Thingsted, Planner, for his work on the Cannabis Policy.

Director Simpson opened the discussion by explaining the amendments he would like to see to the Cannabis Policy. He contended that the policy is

too restrictive for potential cannabis businesses and that the setbacks are too large. He also spoke about how cannabis legalization provides a lot of opportunity to attract business owners to rural areas and create high paying jobs. Director Brooks-Hill said he agreed with these statement. Director Talbot commented that setbacks are a good thing as most people do not want to live near facilities that produce cannabis.

Mr. Thingsted then provided a summary of how Policy A-71 was developed and subsequently adopted by the Board in June 2018. He explained that the CSRD-wide policy approach was preferred by the Board since it applies to all areas within the CSRD, including areas without zoning. It was made clear that notwithstanding the Policy, there are still many parcels that would permit cannabis production. Furthermore, the Policy's criteria may be modified by the Board on a site by site basis, in consideration of local factors.

The Committee discussed, at length, the issues around growing cannabis on Agricultural Land Reserve (ALR) land. Mr. Christie, Manager, Development Services, clarified that a recent change to ALR regulations now requires that cannabis must be grown in the soil, rather than on concrete floors. This requirement means that a non-farm use application is now required for virtually all cannabis production facilities proposed on ALR land. Mr. Thingsted noted that the statement in the Policy about not supporting cannabis production on ALR land was included prior to this regulatory change.

After some additional discussion, the Committee unanimously decided to leave the policy as is but agreed that updates could be considered in the future to address challenges as they arise. Director Simpson thanked the Committee and staff for the discussion on this.

6.2 Affordable Housing

Requested by Director Demenok.

New proposed Provincial legislation will require all local governments in BC to conduct housing needs assessments once every five years.

For discussion in order to identify the course of action that should be taken on a local government level.

The Chair gave background to this topic and would like to discuss the needs of all the Electoral Areas. Directors agreed there is a definite need,

especially low maintenance housing for seniors and affordable rental housing for young families; prices going up, can't afford to buy anymore.

Director Martin commented that Area E has been experiencing good progress on getting funding from the Province for affordable housing going through a non-profit organization. Seasonal rentals in rural areas is also an issue.

Mr. Christie, Manager, Development Services, provided information to the Committee on a report from the Ministry of Municipal Affairs and Housing, stating that the new assessment reports will be a culmination of baseline data and analysis but is not the development of an affordable housing strategy. There are more questions than answers at this point as the Ministry is still working on the provincial regulation to bring this legislation into force and provide the necessary detailed content information to be required in the assessment reports. The Ministry is also working on publications and guidance documents for local governments to develop these reports. The regulation and other documents should be available in the spring of 2019.

Mr. Christie advised that the CSRD's first housing assessment would need to be completed within three years and then again every five years. \$5 million in provincial funding is to be made available in the spring of 2019 to help local governments start these assessments. Mr. Christie continued in stating that staff are working to amend the Official Community Plan (OCP) bylaws in Areas E and C and funding is included in the 2019 budget for housing needs assessments for these areas so that such data can be included in those OCPs. Housing data at this point is very limited however and a consultant would be hired to do this work.

Discussion ensued around secondary suites, that not all zones allow them, and that we would have to amend our Zoning Bylaws to permit. Other agencies would have to be involved in the secondary suite discussion such as Interior Health for septic- related issues as they would be concerned with ensuring that septic systems can sustain more people living in a dwelling. Also BC Building Code criteria needs to be adhered to, particularly servicing such as water and sewer to account for the increased habitable floor space.

6.3 Electoral Area Directors' Committee Meeting Topics

The Assistant Deputy Corporate Officer handed out copies of the Terms of Reference for the Committee. The Chair gave an overview on the types of

topics and opened the floor to the Directors to provide comments on types of services needed in their respective areas.

Discussion regarding new and/or improved services in the Electoral Areas. General consensus is the less populated areas such as Rural Revelstoke there is less demand for services whereas other areas, such as Area C, with a much more dense population, the demand for more and/or improved services is great.

Mr. Christie, Manager, Development Services, mentioned that there is a Strategic Planning session planned for February and these kind of discussions should take place there.

7. Adjournment

Moved By Director Brooks-Hill

Seconded By Director Simpson

THAT: the December 11, 2018 Electoral Area Directors' Committee meeting be adjourned.

CARRIED

CHAIR

CHIEF ADMINISTRATIVE OFFICER

Laura Schumi

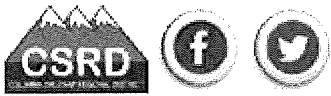
From: Laura Schumi
Sent: Friday, March 01, 2019 9:09 AM
To: Laura Schumi
Subject: FW: ALC Information Update: ALR Regulation Changes Bring Bill 52 into Force and Effect
 - March 5 EAD agenda topic

The following is a summary of key residential changes to the ALCA and the ALR Use Regulation:

- Generally land in the ALR may have **no more than one residence** per parcel: ALCA, s. 20.1(1)(a), subject to certain grandfathering exceptions (see "Grandfathering Provisions" section). In addition, the Commission may approve an application for an additional residence if necessary for farm use, but the Commission is prohibited from approving an additional residence otherwise: ALCA, s. 25(1.1).
- New size, siting and use requirements apply to residential structures: ALCA, s. 20.1(1)(c).
- The **total floor area of a principal residence must be 500 m² or less** in order to comply with the ALCA, though a local government may impose a lower size cap under their bylaws: ALCA, ss. 20.1(1)(b), 46. The Commission has resolved on a definition of "total floor area" for the purpose of the ALCA and ALR Use Regulation, as set out in the "Glossary" section at the end of this bulletin.
- The ALCA and regulations had previously contained provisions facilitating the construction of additional dwellings for farm help, manufactured homes for immediate family members, accommodation above an existing farm building, or (in parts of the province) a second single family dwelling. These provisions are no longer found in the ALCA and the ALR Use Regulation, though the ALCA provides some grandfathering protection for pre-existing structures of these kinds and the Commission may approve an application for an additional residence if necessary for farm use.
- If a landowner wishes in the absence of certain grandfathering exceptions to have a principal residence having a total floor area that is more than 500 m², to have an additional residence, or to use a residential structure in a manner that contravenes the regulations, the landowner may submit an application to the Commission, through the local government, seeking Commission approval: ALCA, ss. 20.1(2), 25. The ALCA calls this type of application an **"application for a non-adhering residential use"**. More information about this type of application is provided later in this bulletin under the heading "Applications for Non-Adhering Residential Use".

Gerald Christie, MNRES, MCIP, RPP

Manager Development Services
Columbia Shuswap Regional District



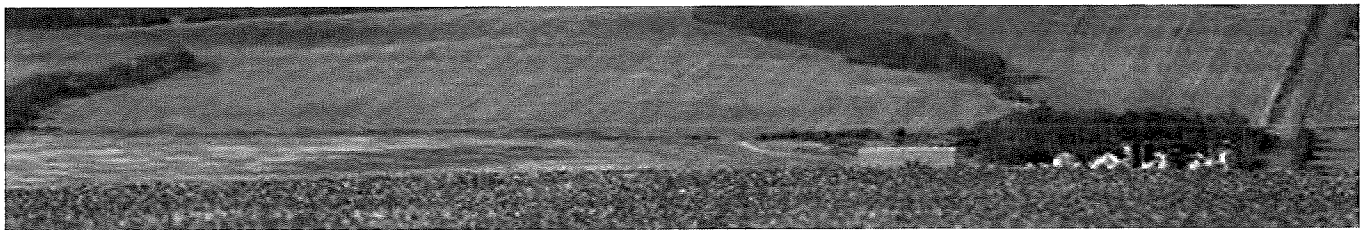
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This e-mail is CONFIDENTIAL. If you are not the intended recipient, please notify me immediately and delete this communication, attachment or any copy. Thank you.

From: ALC Burnaby ALC:EX [mailto:ALCBurnaby@Victoria1.gov.bc.ca]

Sent: Monday, February 25, 2019 12:33 PM

Subject: ALC Information Update: ALR Regulation Changes Bring Bill 52 into Force and Effect



ALC Information Update

February 25, 2019 – Please circulate to all departments that are involved in applications, permits, bylaws, enforcement and/or other work that affects the ALR.

ALR Regulation Changes Bring Bill 52 into Force and Effect

Effective February 22, 2019, new ALR Regulation changes bring the newly amended ALC Act (Bill 52 – November 27th, 2018) into force and effect.

The ALR Regulation has also been split into two regulations:

- The ALR General Regulation (process and procedures); and
- The ALR Use Regulation (permitted uses).

See Order in Council (OIC) No. 067/2019.

****Please note that until the ALC Act and ALR Regulations have been officially updated on the BC Laws website, the OIC 67/2019 and Bill 52 documents linked above will need to be consulted.**

Housing in the ALR

Housing restrictions in the ALR introduced in 2018 with Bill 52 are now of force and effect. Please refer to [ALC Information Bulletin #5 – Residences in the ALR](#) on the ALC website.

Local Government building departments may need to review pending and recently issued building permits to ensure consistency with the new provincial rules. All residences seeking to meet the grandfathering clauses must have a letter of confirmation from the ALC.

Any residential structure not compliant with the ALC Act and Regulations will need to make a Non-Adhering Residential Use Application to the ALC. See ALC Information Bulletin #5 – Residences in the ALR.

Soil and Fill Use in ALR

Notice of Intent (NOI) submissions for placement of fill or removal of soil are now subject to a \$150 fee. NOI's are submitted directly to the ALC with a read-only copy viewable in the Local Government Inbox.

Please note that the ALC has removed *Bylaw No.2 Placement of Fill in the ALR* from the website until such time that it can be updated to reflect the new ALC Act and ALR Regulations.

Information on soil and fill uses as they relate to residential uses are discussed in [ALC Information Bulletin #5 – Residences in the ALR](#) on the ALC website.

Additional information specific to soil and fill uses in the ALR will be available shortly.

Zones & Application Fees

Applications submitted in areas previously known as Zone 2 that did not have a decision as of February 22, 2019 will now be subject to the new ALC Act and ALR Regulations.

Applications currently with Local Governments

Local governments previously in Zone 2 do not need to change their application review process for any in-stream applications. ALC staff will be reaching out directly to

applicants and agents whose application may be affected by the ALC Act and ALR Regulation changes to make them aware of any impacts.

Applications In Progress

Applicants who were in the process of submitting an application to a local government previously in Zone 2 will receive a “Section 4.3 Notification” in the ALC Application Portal when they attempt to click submit. Once the notification is acknowledged, an email will be sent to the applicant and cc'd to the local government advising them of the changes.

Application Fees

Applications submitted to all local governments after February 22, 2019 are subject to a fee of \$1,500.

Application Portal & the ALC Website

The Application Portal has been taken offline for updating. It is scheduled to be brought back online in the afternoon on Monday, February 25th 2019, with the necessary updates to reflect the new ALC Act and Regulations.

Please refer to the [ALC website](#) for more information on all of these changes.

Contact Us:

<https://www.alc.gov.bc.ca/alc/content/contact-us>

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INFORMATION BULLETIN 05

RESIDENCES IN THE ALR

Revised February 26, 2019
February 25, 2019

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1. SCOPE OF THIS INFORMATION BULLETIN

This information bulletin provides guidance to assist in interpreting the *Agricultural Land Commission Act*, S.B.C. 2002, c. 36 (**ALCA**) and the Agricultural Land Reserve Use Regulation (the **ALR Use Regulation**), in relation to residences in the agricultural land reserve (**ALR**). The ALCA and ALR Use Regulation will govern if inconsistent with this bulletin.

This information bulletin is directed only to interpretation of the ALCA and the ALR Use Regulation. All other applicable laws, regulations and bylaws related to residential uses must also be complied with.

2. RECENT CHANGES TO STATUTE AND REGULATIONS

Effective February 22, 2019, the ALCA has been amended and the ALR Use Regulation has been created. Though many concepts contained in the ALCA and its regulations are unchanged from the past, there have been changes to the use of ALR land for residences. All references in this information bulletin to the ALCA and the ALR Use Regulation are as of February 22, 2019, unless otherwise stated.

The following is a summary of key residential changes to the ALCA and the ALR Use Regulation:

- Generally land in the ALR may have **no more than one residence** per parcel: ALCA, s. 20.1(1)(a), subject to certain grandfathering exceptions (see “Grandfathering Provisions” section). In addition, the Commission may approve an application for an additional residence if necessary for farm use, but the Commission is prohibited from approving an additional residence otherwise: ALCA, s. 25(1.1).
- New size, siting and use requirements apply to residential structures: ALCA, s. 20.1(1)(c).
- The **total floor area of a principal residence must be 500 m² or less** in order to comply with the ALCA, though a local government may impose a lower size cap under their bylaws: ALCA, ss. 20.1(1)(b), 46. The Commission has resolved on a definition of “total floor area” for the purpose of the ALCA and ALR Use Regulation, as set out in the “Glossary” section at the end of this bulletin.
- The ALCA and regulations had previously contained provisions facilitating the construction of additional dwellings for farm help, manufactured homes for immediate family members, accommodation above an existing farm building, or (in parts of the province) a second single family dwelling. These provisions are no longer found in the ALCA and the ALR Use Regulation, though the ALCA provides some grandfathering protection for pre-existing structures of these kinds and the Commission may approve an application for an additional residence if necessary for farm use.

- If a landowner wishes in the absence of certain grandfathering exceptions to have a principal residence having a total floor area that is more than 500 m², to have an additional residence, or to use a residential structure in a manner that contravenes the regulations, the landowner may submit an application to the Commission, through the local government, seeking Commission approval: ALCA, ss. 20.1(2), 25. The ALCA calls this type of application an “**application for a non-adhering residential use**”. More information about this type of application is provided later in this bulletin under the heading “Applications for Non-Adhering Residential Use”.

3. ROLE OF LOCAL GOVERNMENTS

A. Role as Approving Body

I. Principal Residence

In order to comply with the ALCA, an approving body such as a local government may not approve or permit construction or alteration of a principal residence on ALR land unless the principal residence has a total floor area of 500 m² or less and is sized, sited and used in accordance with the ALR Use Regulation, or is permitted by the Commission on application: ALCA, s. 18. See the Section 11 “Glossary”, found at the end of this bulletin, for the definition of “**total floor area**”.

II. Additional Residence

An approving body may not approve or permit construction or alteration of an additional residence on ALR land unless the residence is approved by the Commission on application or is permitted under the ALR Use Regulation: ALCA, s. 18.

B. Applications

An application to the Commission asking it to approve a non-adhering residential use, such as new construction of a principal residence with a total floor area of more than 500m² or an additional residence, may be submitted through the landowner’s local government. For more information on the process for making applications to the Commission, please see the Commission’s website, at www.alc.gov.bc.ca/alc/content/applications-and-decisions as well as Section 10 of this information bulletin entitled “Applications For Non-Adhering Residential Use”.

C. Consistency with Zoning and Other Bylaws

Any portion of a local government bylaw that purports to allow a use of land in the ALR that is not permitted under the ALCA or the ALR Use Regulation, or contemplates a use of land that would impair or impede the intent of the ALCA or the ALR Use Regulation, is inconsistent with the ALCA or the ALR Use Regulation and has no force or effect: ALCA, ss. 46(4), (5).

For example, **if a zoning bylaw provides for more residences on ALR land than do the ALCA and the ALR Use Regulation, its provision for extra residences is of no force or effect and cannot be relied on.**

Construction, alteration or use of any residences in contravention of the ALCA or the ALR Use Regulation may be subject to compliance and enforcement action even if the construction, alteration or use seems to be in compliance with a local government bylaw.

D. Local Government May Restrict

Local government bylaws can be more restrictive of residential use of the ALR than the ALCA: ALCA, s. 46(6). The ALR Use Regulation identifies certain designated farm uses and permitted non-farm uses that local governments must not prohibit, but places no limitation on local government powers to prohibit or otherwise restrict residential uses of ALR land. **As such, a local government may impose restrictions on sizing, siting and use of principal residences on ALR land additional to those found in the ALCA.** For example, a local government could enact a bylaw imposing a size limit smaller than 500 m² total floor area on principal residences on ALR land.

E. Areas Without Zoning Bylaws

Note that some areas of the province do not have zoning bylaws. The absence of local zoning bylaws does not relieve a landowner from complying with the restrictions in the ALCA and ALR Use Regulation.

4. NEW CONSTRUCTION OF A RESIDENCE ON ALR LAND THAT HAS NO EXISTING RESIDENCE

No application is required to the Commission in order to construct a residence with a total floor area of 500 m² or less on a parcel of ALR land which has **no existing residence** (a “**vacant parcel**”).

The Commission will consider the residence when built on a vacant parcel to be the “principal residence”.

If the proposed principal residence is more than 500m² or there is already another residence located on the ALR land, in order to construct the residence the landowner must apply to the Commission through the local government and obtain permission from the Commission: ALCA, s. 20.1(1).

“Construct” includes “to build a new structure” or “to place on land a new structure that is fully or partially pre-fabricated”: ALCA, s. 1(1).

5. GRANDFATHERING PROVISIONS

A. Completing a Residential Construction Initiated by February 22, 2019

If by February 22, 2019 a landowner had already initiated construction of a residence in the ALR, in certain circumstances the owner may be able to complete that work without application to the Commission. In other circumstances, the work will not be able to proceed unless the Commission first approves an **application for a non-adhering residential use** made by the owner: ALCA, ss. 20.1(2), 25. See Section 10 “Applications for Non-Adhering Residential Use” later in this bulletin.

I. Unfinished Principal Residence

Total Floor Area of 500 m² or less

If the landowner is completing construction of an unfinished principal residence which will on completion have a total floor area of **500 m² or less** and is otherwise also compliant with the ALCA and regulations, the owner may complete that construction without applying to the Commission for permission to do so.

Total Floor Area of more than 500 m²

If the landowner is completing construction of an unfinished principal residence which will, if completed as designed, have a total floor area of **more than 500 m²**, the landowner may continue if:

- a) Where building permit authorization **is required** by local government bylaw
 - all required authorizations to construct the residence were granted before February 22, 2019 and construction of the foundation of the residence substantially begins on or before November 5, 2019, AND
 - from the date construction of the residence began until completion, the construction or alteration (i) is carried out in accordance with all applicable authorizations and enactments, and (ii) continues without interruption, other than work stoppages considered reasonable in the building industry; OR
- b) Where building permit authorization **is NOT required** by local government bylaw
 - if no authorizations to construct the residence are required, construction of the foundation of the residence had substantially begun before February 22, 2019; AND
 - from the date construction of the residence began until completion, the construction or alteration (i) is carried out in accordance with all applicable authorizations and enactments, and (ii) continues without interruption, other than work stoppages considered reasonable in the building industry.

II. Unfinished Additional Residence

If the landowner is completing construction of a residence that, **if completed as designed**, will be an additional residence, the landowner may do so if:

- a) Where building permit authorization **is required** by local government bylaw
 - all required authorizations to construct the residence were granted before February 22, 2019 and construction of the foundation of the residence substantially begins before February 22, 2019, AND
 - from the date construction of the residence began until completion, the construction or alteration (i) is carried out in accordance with all applicable authorizations and enactments, and (ii) continues without interruption, other than work stoppages considered reasonable in the building industry; OR
- b) Where building permit authorization **is NOT required** by local government bylaw
 - if no authorizations to construct the residence are required, construction of the foundation of the residence had substantially begun before February 22, 2019; AND
 - from the date construction of the residence began until completion, the construction or alteration (i) is carried out in accordance with all applicable authorizations and enactments, and (ii) continues without interruption, other than work stoppages considered reasonable in the building industry.

B. Completing Residential Alterations Initiated by February 22, 2019

If an owner wants to complete alterations to a residence on ALR land that had been initiated prior to February 22, 2019, the owner may do so without application to the Commission only in limited circumstances.

To “alter” means “(a) to alter the exterior of a structure so as to increase its size; (b) to move or alter the exterior walls or edges of a structure so as to change its siting”: ALCA, s. 1(1).

I. Completing Alterations to a Principal Residence

Total Floor Area of 500 m² or less

If the landowner is completing alterations to a principal residence that will not cause its total floor area to exceed **500 m²** and that will otherwise also be compliant with the ALCA and regulations, the landowner may complete those alterations without applying to the Commission for permission to do so.

Total Floor Area of more than 500 m²

Alterations that had already been commenced as of February 22, 2019 to a principal residence that, **if completed as designed**, will have a total floor area of more than 500 m², may be completed if:

- a) Where building permit authorization **is required** by local government bylaw
 - all required authorizations to alter the residence were granted before February 22, 2019 and construction of the foundation of the residence substantially begins on or before November 5, 2019, AND
 - from the date alteration of the residence began until completion, the construction or alteration (i) is carried out in accordance with all applicable authorizations and enactments, and (ii) continues without interruption, other than work stoppages considered reasonable in the building industry; OR
- b) Where building permit authorization **is NOT required** by local government bylaw
 - if no authorizations to alter the residence are required, construction of the foundation of the residence had substantially begun before February 22, 2019; AND
 - from the date alteration of the residence began until completion, the construction or alteration (i) is carried out in accordance with all applicable authorizations and enactments, and (ii) continues without interruption, other than work stoppages considered reasonable in the building industry.

II. Completing Alterations to an Additional Residence

Alterations that had already been commenced as of February 22, 2019 to a residence in the ALR that, **if completed as designed**, will be an additional residence, may be completed if:

- a) Where building permit authorization **is required** by local government bylaw
 - all required authorizations to alter the residence were granted before February 22, 2019 and construction of the foundation of the residence substantially begins before February 22, 2019, AND
 - from the date alteration of the residence began until completion, the construction or alteration (i) is carried out in accordance with all applicable authorizations and enactments, and (ii) continues without interruption, other than work stoppages considered reasonable in the building industry; OR
- b) Where building permit authorization **is NOT required** by local government bylaw

- if no authorizations to alter the residence are required, construction of the foundation of the residence had substantially begun before February 22, 2019; AND
- from the date alteration of the residence began until completion, the construction or alteration (i) is carried out in accordance with all applicable authorizations and enactments, and (ii) continues without interruption, other than work stoppages considered reasonable in the building industry.

C. New Alterations Initiated After February 22, 2019

Alterations that were not initiated by February 22, 2019 may also be undertaken in some circumstances on ALR land even without application to the Commission.

An owner who wishes to alter a residential structure that exists on ALR land on February 22, 2019 but that (a) is an additional structure; or (b) is a principal residence with a total floor area of more than 500 m²; or (c) is of a size or is sited in contravention of a regulation, may do so in some circumstances. The owner may alter the structure without applying to the Commission **only** if the alteration will lead to no further contravention of the ALCA or regulations: ALCA, s. 20.2.

The Commission expects that the alterations undertaken in the context of the above paragraph would eliminate, or at least reduce or not worsen, any pre-existing contravention of the ALCA or the regulations. It does not expect that alterations would increase the size of the residential structure or initiate a non-adhering residential use; any such alterations should be the subject of an application to the Commission.

An owner who wishes to alter a principal residence that will remain no larger than 500 m² and that will otherwise also remain in compliance with the ALCA and regulations may also do so without application to the Commission.

D. Manufactured Home on ALR Land

If on February 22, 2019, there was one manufactured home which was an additional residence, was constructed in accordance with all applicable enactments, and was used as a residence by a member of the immediate family of the owner of the land in the ALR, it may continue to be used as a residence in the ALR if on February 22, 2019 there was one manufactured home, up to 9 m in width, constructed in accordance with all applicable enactments and used as a residence by a member of the immediate family of the owner of the land in the ALR, it may continue to be used as a residence in the ALR if:

- there is no other residence on the land other than the principal residence; AND
- the size and siting of the residence is not altered after February 22, 2019 unless
 - permitted on application, OR

- the size of the manufactured home or the total area occupied by all residences and other residential structures, roads and service lines, and all agricultural land between them, as applicable, is not increased by the alteration.

ALR Use Regulation, s. 32

There is no right to replace a residential structure which is permitted due to a grandfathering exception. An application to the Commission for its approval is required to replace such a structure. See the “Replacing a Residence” section for more information.

E. Single-Level Accommodation Constructed Above an Existing Building on the Farm

If on February 22, 2019 there was accommodation that had been constructed in accordance with all applicable enactments above an existing building on the farm and that had only a single level, it may continue to be used as a residence in the ALR if:

- there is no other residence on the land other than the principal residence; AND
- the size and siting of the residence is not altered after February 22, 2019 unless
 - permitted on application, OR
 - the total area occupied by all residences and other residential structures, roads and service lines, and all agricultural land between them, as applicable, is not increased by the alteration.

ALR Use Regulation, s. 32

There is no right to replace a residential structure which is permitted due to a grandfathering exception. An application to the Commission for its approval is required to replace such a structure. See the “Replacing a Residence” section for more information.

F. Second Single Family Dwelling in Former Zone 2 (“Zone 2 Second SFD”)

Until February 22, 2019, land in the ALR was considered to be either in Zone 1 (the panel regions of the South Coast, Island and Okanagan panels) or Zone 2 (the panel regions of the Interior, North and Kootenay panels).

Prior to February 22, 2019, certain activities were permitted in Zone 2 that were not permitted in Zone 1. The term “**Zone 2 Second SFD**” is used in this bulletin to refer to a second single family dwelling in the area of the province that until February 22, 2019 was Zone 2, if the parcel was at least 50 ha in size and if the total area occupied by all residences and other residential structures, roads and service lines, and all land between them, was 4 000 m² or less.

If on February 22, 2019 there was a “**Zone 2 Second SFD**” on Zone 2 land in the ALR, constructed in accordance with all applicable enactments, the Zone 2 Second SFD may continue to be used as a residence in the ALR if:

- there is no other residence on the land other than the principal residence; AND
- the size and siting of the Zone 2 Extra Home is not altered after February 22, 2019 unless
 - permitted on application, OR
 - the total area occupied by all residences and other residential structures, roads and service lines, and all agricultural land between them, as applicable, is not increased by the alteration.

ALR Use Regulation, s. 32

There is no right to replace a residential structure which is permitted due to a grandfathering exception. An application to the Commission for its approval is required to replace such a structure. See the “Replacing a Residence” section for more information.

6. REPLACING A RESIDENCE

The term “construct” includes “to replace a structure, 75% or more of which has been substantially damaged or destroyed”: ALCA, s. 1(1). In order to replace a structure, an owner must abide by the requirements in section 20.1 and, if applicable, section 20.2 of the ALCA.

A. Parcels on which there is only one residence

If an owner is replacing the only residence on a parcel in the ALR, the total floor area of the new residence must not be more than 500 m².

B. Parcels on which there is more than one residence

An application to the Commission, and Commission approval of that application, are required to replace residences which pre-date the ALR (that is, are older than December 21, 1972), residences approved by local government under the former section 18 of the ALCA and its predecessors, residences permitted without application to the Commission under previous versions of the ALCA and regulations, and residences constructed in contravention of local zoning bylaws or the ALCA or regulations.

Whether an application is required to replace a residence that the Commission itself had previously approved on application may depend on the terms of that approval.

7. USE OF RESIDENCE IN ALR

Use of a residence located in the ALR is limited. Generally it may be used only as a residence, subject to limited exceptions:

A. Secondary Suites

The use of land in the ALR for a secondary suite is permitted if there is one suite only, located in the principal residence: ALR Use Regulation, s. 31.

B. Limited Accommodation for Tourists

See the Commission's information bulletin called "Accommodation for Tourists" for more information. Strict conditions must be met for such use.

8. SOIL OR FILL FOR RESIDENTIAL CONSTRUCTION

Removing soil from or placing fill on ALR land is permitted for the construction or maintenance of a principal residence if the total area from which soil is removed or on which fill is placed is 1,000 m² or less. If the affected area is in a floodplain, an additional condition applies: the resulting elevation level must be consistent with applicable local government or first nation government requirements for flood protection: ALR Use Regulation, s. 35.

Removing soil from or placing fill on ALR land in connection with other residential uses (such as for the construction of an additional residence, alteration of a residence or where the area affected by a principal residence is greater than 1,000 m²) is not permitted. An owner of ALR land seeking to remove soil or place fill may submit a notice of intent along with payment of the required fee to the ALC's chief executive officer requesting approval: ALCA, s. 20.3. The landowner may also apply to the Commission for a soil or fill use under s. 25 of the ALCA.

The following types of fill are prohibited on ALR land (ALR Use Regulation, s. 36):

- construction or demolition waste (including masonry rubble, concrete, cement, rebar, drywall and wood waste);
- asphalt;
- glass;
- synthetic polymers;
- treated wood;
- unchipped lumber.

9. INFRASTRUCTURE NECESSARY FOR RESIDENTIAL USE

Subject to any limits and conditions set out in Part 4 of the ALR Use Regulation, the use of agricultural land to construct, maintain or operate the following is permitted:

- (a) a structure, other than a residential structure, that is necessary for a residential use permitted under Part 4. Examples include detached garages;
- (b) a driveway or utility necessary for a residential use permitted under this part: ALR Use Regulation, s. 30.

10. APPLICATIONS FOR NON-ADHERING RESIDENTIAL USE

An owner may apply to the Commission for permission under section 25 of the ALCA for a non-adhering residential use: ALCA, s. 20.1(2). A “**non-adhering residential use**” means “any of the following: (a) an additional residence; (b) a principal residence having a total floor area that is more than 500 m²; (c) a use of a residential structure that contravenes the regulations”: ALCA, s. 1(1).

For more information on making applications to the Commission, please see the Commission’s website, at www.alc.gov.bc.ca/alc/content/applications-and-decisions.

Section 25(1) of the ALCA provides that on receiving a use application the Commission normally may:

- refuse permission for the use applied for,
- grant permission, with or without limits or conditions, for the use applied for, or
- grant permission for an alternative use or subdivision, with or without limits or conditions, as applicable.

With respect to an application for a non-adhering residential use, the Commission (a) must consider the prescribed criteria, if any, (b) must not grant permission for an additional residence unless the additional residence is necessary for a farm use; and (c) must reject the application if required by the regulations to do so: ALCA, s. 25(1.1).

Examples of considerations that the Commission may take into account in determining a use application are found here: www.alc.gov.bc.ca/alc/content/applications-and-decisions/what-the-commission-considers

11. GLOSSARY

The following key definitions are relevant to this information bulletin:

“additional residence” means “a residence on a parcel of agricultural land, other than the principal residence”: ALCA, s. 1(1)

“alter” means “the following: (a) to alter the exterior of a structure so as to increase its size; (b) to move or alter the exterior walls or edges of a structure so as to change its siting”: ALCA, s. 1(1)

“as designed” means as stated or shown in (a) a design, proposal or other plan approved under or accepted in support of an authorization, or (b) a design or plan finalized, before the date this section comes into force, by an architect or engineer or, if none, the designer of the residence, if no authorizations are needed to construct or alter the residence: ALCA, s. 20.2

“authorization” means a permit or other authorization, issued under an enactment, to construct or alter a residence: ALCA, s. 20.2

“construct” means “the following: (a) to build a new structure; (b) to place on land a new structure that is fully or partially pre-fabricated; (c) to replace a structure, 75% or more of which has been substantially damaged or destroyed”: ALCA, s. 1(1)

“farm use” means “an occupation or use of agricultural land for (i) farming land, plants, mushrooms, truffles or animals, (ii) a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*, or (iii) a purpose designated as a farm use by regulation”, but “farm use” does “not include a residential use or a soil or fill use”: ALCA, s. 1(1)

“fill” means “any material brought onto agricultural land other than materials exempted by regulation”: ALCA, s. 1(1)

“non-adhering residential use” means “any of the following: (a) an additional residence; (b) a principal residence having a total floor area that is more than 500 m²; (c) a use of a residential structure that contravenes the regulations”: ALCA, s. 1(1)

“non-farm use” means “a use of agricultural land other than a farm use, a residential use or a soil or fill use”: ALCA, s. 1(1)

“pre-existing residential structure” means “a residential structure that exists on agricultural land on the date this section comes into force [February 22, 2019], and (a) is an additional residence, (b) is a principal residence having a total floor area of more than 500 m², or (c) is of a size or is sited in contravention of a regulation”: ALCA, s. 20.2

“prescribed residential structure” is either a “structure” that, or a “vehicle” that, is “used, whether permanently or temporarily, to provide or in connection with providing accommodation as described in [Part 4 of the ALR Use Regulation]”: ALR Use Regulation, s. 29

“principal residence” means “the residence permitted under section 20.1(1)(a)”: ALCA, s. 1(1)

“residential structure” means “a structure used, during all or part of the year and whether fully or partially, as (a) a residence, (b) if prescribed, accommodation, or (c) if prescribed, in relation to a residence or accommodation”: ALCA, s. 1(1)

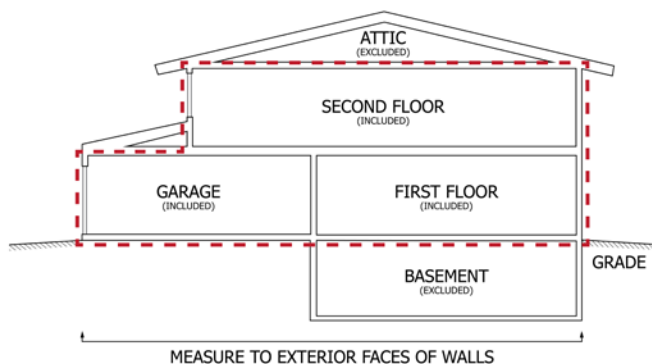
“residential use” means “a use of agricultural land for a residential structure” but “does not include a farm use or a soil or fill use”: ALCA, s. 1(1)

“soil or fill use” means “the removal of soil from, or the placement of fill on, agricultural land” but “does not include a farm use or a residential use”: ALCA, s. 1(1)

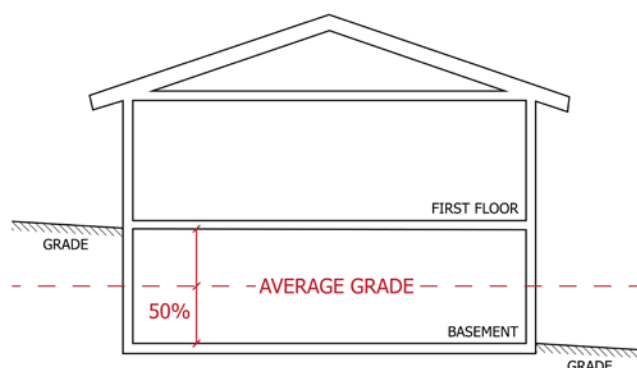
“total floor area” means, for purposes of the ALCA and ALR Use Regulation and pursuant to Commission Resolution No. 054N-2019, the total area of all floors measured to the outer surface of the exterior walls, including corridors, hallways, landings, foyers, staircases, stairwells, enclosed balconies, enclosed porches or verandas, attached garages and excluding:

- (a) unenclosed carports;
- (b) basements, with basement meaning that portion of any floor area having more than one-half its vertical height below the average finished grade at the perimeter of a building;
- (c) attics, with attic meaning the unfinished space between the roof and the ceiling of the top storey of a building or between a partial wall and a sloping roof.

Total Floor Area Illustration



Basement Illustration



“unfinished pre-existing residence” see the definition at s. 20.2 of the ALCA and in the body of the information bulletin above

“use or subdivision application” means “an application for permission made under any of the following: (a) section 20 (2) for a non-farm use; (b) section 20.1 (2) (a) for a non-adhering residential use; (c) section 20.3 (5) for a soil or fill use; (d) section 21 (2) for subdivision”: ALCA, s. 1(1)

“Zone 2 Second SFD” means a second single family dwelling in the area of the province that until February 22, 2019 was Zone 2, but only if the parcel was at least 50 ha in size and if the total area occupied by all residences and other residential structures, roads and service lines, and all land between them, was 4 000 m² or less



Request for EAD Meeting Business Item

SUBJECT:	Vacation rentals
REQUEST BY:	David Brooks-Hill
DESCRIPTION/CONTEXT:	<p>I want to explore the idea of taxing vacation rentals through the providers – Air B+B and other major providers are willing to and do provide tax collection for municipalities in Ontario and elsewhere. Can we impose a tax on these rentals or only MRDT under the applicable legislation?</p> <p>TUP is not a permanent solution for handling this under restrictions of the Local Government Act (6 years max). We need a long term plan.</p>
DISCUSSION:	<p>In Revelstoke and Area B as well as other Electoral areas there are numerous vacation rentals. These are generally carrying on business in non-compliance with the CSR D TUP requirements. There is no way to really enforce these rules with our limited resources. I instead propose we impose a very high tax on the rentals through the providers and use this money to enforce bylaws by imposing fines around noise etc to stop out of control rentals. It is better to not have bylaws we cannot enforce. This damages the legitimacy of all of our bylaws when it happens.</p>
OTHER COMMENTS:	<p>I request staff outline the taxation powers we do and don't have in this context and what the extent of these possibilities are. I would also request statistics on the compliance with the TUP system currently in place.</p> <p>I also request that staff try and get a representative of Air B&B, VRBO and/or other vacation rental providers to present to the Directors their taxation programs and how they work.</p>



BOARD REPORT

TO: Chair and Directors

FROM: Gerald Christie
Manager Development Services

SUBJECT: Vacation Rentals Guiding Principles

File No: 3010-90-40

Date: July 4, 2016

RECOMMENDATION# 1: THAT:
the Board endorse the attached "CSR D Vacation Rental Guiding Principles";

RECOMMENDATION# 2: THAT:
the Board forward the CSR D Vacation Rental Guiding Principles to the Honourable Minister Fassbender at the Ministry of Community, Sport and Cultural Development for consideration.

APPROVED for Board Consideration:

Meeting Date: July 21, 2016

Charles Hamilton
Charles Hamilton, CAO

SHORT SUMMARY:

In response to the April 8, 2016 letter from Minister Fassbender of the BC Ministry of Community, Sport and Cultural Development regarding the 'sharing economy' for transportation and accommodation services, the CSR D Board at its May 19, 2016 meeting, adopted a resolution directing Development Services staff to prepare a *Vacation Rental Guiding Principles* Sheet for consideration at a future Board meeting. If endorsed, the Vacation Rental Guiding Principles will be forwarded to Minister Fassbender for the Ministry's consideration when contemplating new regulations for the vacation rental industry. CSR D Directors and staff will also consider the principles of this sheet when developing or amending bylaws or policies, or when considering the issuance of a Temporary Use Permit.

VOTING:	Unweighted Corporate	<input checked="" type="checkbox"/>	Weighted Corporate	<input type="checkbox"/>	Stakeholder (Weighted)	<input type="checkbox"/>
	LGA Part 14 (Unweighted)	<input type="checkbox"/>				

BACKGROUND:

The BC Ministry of Community, Sport and Cultural Development is initiating a consultation process with local governments to better understand the impacts of the sharing economy on local services, e.g. transportation and accommodation. At the May 19, 2016 Board meeting, Minister Fassbender's letter was discussed by the Directors who noted several issues with the burgeoning vacation rental industry in the CSR D. The Board discussion focused on the need to have the provincial government better understand the challenges facing local governments in dealing with vacation rentals and to also have the provincial government more involved in the regulation of that industry.

Currently estimated at over \$100 billion, the vacation rental industry is very large and increasing significantly every year. Airbnb, the largest vacation rental website company has a market valuation in excess of \$25 billion and over two million listings; more than doubling its valuation from 2014. The dramatic increase and overall scale of the industry now being operated in most communities and rural areas has resulted in several local governments in BC adopting new bylaw regulations for vacation rental use, many others are considering such regulations, and most are increasing enforcement for non-compliance with applicable bylaws, e.g. Nelson, Revelstoke, Vancouver, Victoria, Sun Peaks, Whistler.

At a presentation to the CSRD Board earlier this year, Tourism Golden noted that there are approximately 155 vacation rentals in the town, and approximately an additional 125 in the immediate surrounding area. The City of Revelstoke recently reported that the number of illegal vacation rentals in the City was approximately 300; the CSRD identified a further 30 vacation rentals in the rural Revelstoke area, most of which were located near Revelstoke Mountain Resort. In other areas of the CSRD staff are aware of numerous other vacation rentals, some of which have existed for several years, others have been recently converted to this use, and some have been built for the sole purpose of being a vacation rental.

In accordance with the direction from the Board, the intent of this guiding principles document is to coalesce the concerns and challenges the CSRD has had in dealing with vacation rentals and to provide a response to the Minister's request for comment with regard to this issue.

POLICY:

The CSRD currently has some policy and regulation pertaining to vacation rentals. Electoral Area 'B' Official Community Plan Bylaw No. 850 and Electoral Area 'F' Official Community Plan Bylaw No. 830 both contain references to vacation rentals. The OCP Bylaw No. 850 states the following:

- 4.3.34 Vacation Rentals allow the use of temporary accommodation in residential areas on a commercial basis and are regulated either by a temporary use permit or through the zoning bylaw. Vacations Rentals shall:*
- a. first be considered on a three year trial basis by the use of a temporary use permit (refer to Section 14);*
 - b. not create an unacceptable level of negative impact on surrounding residential uses;*
 - c. comply with all applicable regulations of the Provincial Agricultural Land Commission when located within the Agricultural Land Reserve; and*
 - d. be subject to local health authority requirements.*
 - e. be subject to all Ministry of Transportation and Infrastructure Access Permit requirements.*

Electoral Area 'F' Official Community Plan Bylaw No. 830 also supports the use of Temporary Use Permits (TUPs) as a way to accommodate property owners wishing to use their home as a vacation rental. Section 14 of Bylaw No. 830 states:

- 1. For all temporary use permits:*
 - a) Applicants must demonstrate how the proposed use will not markedly impact adjacent residents, local services and the environment. Where impacts are expected, applicants must provide details of those impacts and mitigative measures.*
- 2. For vacation rentals and similar short-term property rentals, applicants may be required to:*
 - a) Demonstrate that the proposed use will not alter the general character of the neighbourhood;*

- b) Screen, fence or provide vegetative buffers between the proposed use and adjacent properties for greater privacy and noise reduction;*
- c) Obtain approval from the ALC, if the proposed use is on ALR land;*
- d) Show proof of adequate servicing (water & sewer) for the proposed use at maximum capacity for the entire duration of the permit. This may include a required inspection by a registered professional.*
- e) Supply an occupancy permit or provide written proof from a qualified professional that the dwelling meets the fire code and is appropriate for the proposed use;*
- f) Designate a local caretaker to be available at times if the property owner is not available or does not reside in the area. The property owner or local caretaker's contact information should be made available to the CSRD and adjacent property owners along with a copy of the temporary use permit;*
- g) Demonstrate adequate parking. Generally, one parking space should be provided per let bedroom;*
- h) Limit the number of guests per bedroom. Generally, the limit should be 2 guests per bedroom;*
- i) Limit the number of pets on site at anytime;*
- j) Restrict signage;*
- k) Restrict number of vehicles and watercraft on site, including RVs, motorized personal watercraft & ATVs;*
- l) Restrict rentals of items and crafts, including motorized personal watercraft, ATVs;*
- m) Supply additional information or meet additional requirements deemed necessary for the safe and unobtrusive use of the site. Additional steps to ensure adequate notification of the proposed use to adjacent property owners may also be required.*

In addition to the OCP policies noted above, both Electoral Area 'B' Zoning Bylaw No. 851 and Scotch Creek /Lee Creek Zoning Bylaw No. 825 provide additional regulations pertaining to vacation rental use, e.g. temporary use, parking, noise, and residential character. There are no other policies or regulations contained within other OCP, zoning or land use bylaws which pertain directly to the use of residential dwellings for vacation rental use. However, the regulations in Magna Bay Zoning Bylaw No. 800 that pertain to home occupation and home industry expressly exclude accommodation to the public.

It is also important to note that other jurisdictions often make distinctions in their regulations as to the permissible amount of time for which vacation rentals may operate. Like the CSRD, some local governments only limit vacation rental use to 'temporary accommodation' often meaning a maximum of four consecutive weeks, or 30 days, per rental; however, there is no yearly limit to the vacation rental use. Other local governments provide limits based on seasonal use only, e.g. 90 to 120 days, or to no more than half of the year, e.g. 180 days. The justification for establishing a yearly limit on the length of time that a property may be used as a vacation rental is to protect the existing residential nature of the neighbourhood by prohibiting the creeping of commercialization/hotelization into the residential area for the majority of the year, i.e. residential use should be the Principal use of the property, and vacation rental use is secondary. The Board may wish to provide additional comment in the guiding principles document on this point. Additionally, the Interior Health Authority has a policy regarding on-site sewerage systems for Bed and Breakfast use which provides for useful upper limits on the number of bedrooms that should be utilized for vacation rental use, i.e. 4 bedrooms.

FINANCIAL:

Financial impacts to the CSRD are most directly related to (1) costs incurred investigating bylaw enforcement complaints including legal fees, and (2) loss of tax revenue due to inaccurate property

assessment for the commercial use of residential dwellings for vacation rentals. As the number of vacation rentals in the CSRD is significant in some areas, increased taxes paid to the CSRD from an accurate assessment on the actual vacation rental use of properties could be substantial with such additional tax assessment being used to provide regional district services or to help mitigate future property tax increases. Further, the Municipal and Regional District Tax (i.e. Hotel Room Tax) is not currently collected on vacation rental properties therefore creating an uneven playing field with other commercial accommodation providers. Unfortunately BC Assessment does not have the legislative authority to change their classification system to accommodate vacation rental use, however the Vacation Rental Guiding Principles supports changes to the classification system in this regard.

KEY ISSUES/CONCEPTS:

As noted in the CSRD Vacation Rental Guiding Principles, the intent of the guiding principles are:

- To inform land use planning and economic development decisions of CSRD staff and the Board;
- To briefly describe the issues pertaining to vacation rentals and the purpose of the associated guiding principle;
- To provide consistency in decision-making when considering vacation rental issues;
- To provide information and direction to residents who may be considering establishing a vacation rental use on their property; and,
- To advise provincial ministries and agencies of the challenges facing local government in regard to vacation rentals.

The key points of the guiding principles, and those expressed elsewhere by other local governments, revolve around the need to:

1. Have vacation rental properties that are safe for their use to accommodate guests on a short term basis, e.g. building code compliance, insurance coverage, fire safety;
2. Have vacation rental properties that are serviced appropriately for their use and do not or will not cause any health concerns for guests or other residents of the area, e.g. potable water, approved sewage system;
3. Have BC Assessment appropriately assess vacation rental properties through legislated changes to their assessment classification system to accommodate such use;
4. Have vacation rental property owners pay the Municipal and Regional District Tax, where in force, and to create a fair taxation system for all commercial accommodation operators;
5. Have the vacation rental home and property be in keeping with the surrounding residential character of the area; and,
6. Have the CSRD continue to work with the Union of BC Municipalities in lobbying the Province of BC to enact appropriate regulation, taxation and oversight of the vacation rental industry.

IMPLEMENTATION:

If the Board resolves to endorse the CSRD Vacation Rental Guiding Principles, staff will forward the document to Minister Fassbender for his and ministry staff's information. CSRD staff will also consider these guiding principles when preparing bylaws, amendments, permits or policies for the Board's consideration.

SUMMARY:

The CSRD was asked by Minister Fassbender of the Ministry of Community, Sport and Cultural Development to provide comment in relation to the sharing economy and the issues and challenges that we face as a local government. As most of the concerns of the CSRD are focused on vacation rentals of the sharing economy, the Board directed staff to prepare a Vacation Rental Guiding Principles Sheet that would outline the issues and recommendations with this very fast growing industry. If endorsed, the guiding principles will be sent to the ministry and utilized by CSRD Directors and staff when considering vacation rental applications, bylaw amendments or policies.

LIST NAME OF REPORT(S) / DOCUMENT(S):

Vacation Rentals Guiding Principles Sheet	Attached to Board Report: <input checked="" type="checkbox"/>	Available from Staff: <input type="checkbox"/>
Letter from Minister Fassbender of the Ministry of Community, Sport and Cultural Development and Minister Responsible for TransLink dated April 8, 2016	Attached to Board Report: <input checked="" type="checkbox"/>	Available from Staff: <input type="checkbox"/>
Interior Health HPE0100 – Definition of Bed and Breakfast	Attached to Board Report: <input checked="" type="checkbox"/>	Available from Staff: <input type="checkbox"/>

DESIRED OUTCOMES:

Endorse the Staff recommendations.

BOARD'S OPTIONS:

1. *Endorse the Recommendations. The CSRD Vacation Rentals Guiding Principles will be endorsed by the Board, and will be forwarded to Minister Fassbender at the Ministry of Community, Sport and Cultural Development.*
2. *Deny the Recommendation.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

REVIEWED BY:	Date Signed Off (MO/DD/YR)	Approval Signature of Reviewing Manager or Deputy Manager
Team Leader, Development Services	July 12, 2016	SBey
Manager, Development Services	07/11/16	Heidi Christie
Manager, Financial Services	07/11/16	Forci

CSRD Vacation Rental Guiding Principles Sheet

PURPOSE

The purpose of this Vacation Rental Guiding Principles Sheet is to aid CSRD staff and the Board in making land use and economic development recommendations and decisions as they pertain to the temporary/short term lodging of guests in residential dwelling units on a commercial basis. It is recognized by the Board that vacation rentals can contribute positively to the tourism economy of the region; however, it is also recognized that without appropriate consideration being given to the regulation of such commercial activity in residential areas, vacation rentals can negatively impact on the quality of life of existing nearby residents, while also creating an uneven playing field for existing and heavily regulated commercial property owners in the accommodation industry.

The intent therefore of these guiding principles are:

- To inform land use planning and economic development decisions of CSRD staff and the Board;
- To briefly describe the issues pertaining to vacation rentals and the purpose of the associated guiding principle;
- To provide consistency in decision-making when considering vacation rental issues;
- To provide information and direction to residents who may be considering establishing a vacation rental use on their property; and,
- To advise provincial ministries and agencies of the challenges facing local government in regard to vacation rentals.

GUIDING PRINCIPLES

1. Inappropriately sized, maintained, or installed sewer servicing of the dwelling(s) used for a vacation rental can lead to individual health issues and have significant environmental impacts on the neighborhood or downstream residents. Property owners are expected to meet all applicable Interior Health requirements for sewerage treatment and to have obtained a 'Letter of Certification' from Interior Health for the vacation rental use.
2. For the health and safety of renters, proof of the provision of potable water is required and landowners are expected to meet all appropriate provincial or Interior Health requirements in the provision of such water, e.g. wells, community water system.
3. Safety of guests staying in vacation rentals is of paramount concern to the CSRD. For this reason, confirmation from a Qualified Professional who is able to confirm that the dwelling unit proposed for vacation rental use meets with BC Building Code, and BC Fire Code, regulations is required.
4. A vacation rental should be restricted to a maximum occupancy of four (4) bedrooms per dwelling unit, and eight (8) guests, to minimize neighborhood impacts and to mitigate issues with the BC Building Code, e.g. fire separation for sleeping rooms, and BC Fire Code; there are difficulties in dealing with rescue and fire fighting operations in managing an incident at a residential structure where egress design has not been appropriately considered for large numbers of people compared to that of a commercial structure. At a minimum, a fire safety plan, portable fire extinguishers and carbon monoxide detectors are required for each level of the vacation rental, and integrated smoke detectors located in each bedroom, as required for BC Building Code compliance per location and number.

5. In keeping with a residential neighborhood character, one off-street parking space must be provided for each room used for vacation rental purposes.
6. As most vacation rental units are located within homes in residential areas, the vacation rental users must not cause a nuisance to other residents through excessive noise, lighting or traffic so as to allow existing residents to have quiet enjoyment of their property. This includes a quiet time between 10pm and 7am.
7. Recreational vehicles, tents or park models are not permitted to be used for habitation purposes as part of the vacation rental.
8. Vacation rentals shall not operate as a bed and breakfast, hotel, motel, lodge or inn, nor include ancillary uses typical of such operations, e.g. meeting rooms, restaurants, concierge or retail sales.
9. From a risk management perspective, and since the CSRD is the approval authority for a TUP or rezoning for a vacation rental, the landowner must also provide a \$5 million Commercial General Liability insurance policy naming the CSRD as the additional insured prior to issuance of the TUP.
10. The CSRD supports vacation rental operators paying into the Municipal and Regional District Tax, where applicable, and also encourages the Ministry of Job, Tourism, and Skills Training and Destination BC to provide for legislation and policy in this regard.
11. The increase in use of residential dwellings for vacation rentals has caused a significant decrease in housing affordability and long term and season rental for workers in the tourism industry, and others. The CSRD supports provincial initiatives aimed at housing affordability and maintaining a sustainable rental market for long term tenants of all housing types, demographics and income levels.
12. As the use of the property changes from primarily residential to part-time or full-time vacation rental, the CSRD will forward a copy of any verified vacation rental, approved permit or bylaw amendment to BC Assessment so that they are aware of the change in use; at this time there is no legislative framework for BC Assessment to change the tax classification system for vacation rentals, however the CSRD supports such changes being made.
13. Since the property owner is most often not located on-site of a vacation rental, an easily accessible representative and emergency contact must be provided for all vacation rental guests.
14. Temporary Use Permit or rezoning is required for any property not currently zoned for vacation rental use. If zoned for vacation rental use the property owner must meet all other zoning regulations as applicable and as amended from time to time. In situations where a landowner expects that they may not be able to comply with specific zoning regulations, e.g. special event, a landowner may always apply to vary specific zoning regulations, or apply for a TUP.
15. It is expected that the vacation rental home and property will be in keeping with the residential character of the neighborhood.
16. For the health and safety of residents and visitors, the CSRD will continue to work with the Union of BC Municipalities (UBCM) in lobbying the Province of BC to enact appropriate regulation, taxation and oversight of the vacation rental industry. The CSRD will also continue to work towards the implementation of a building regulation service as a method of oversight for structures built specifically for vacation rental purposes.

2.2



April 8, 2016

Ref: 166815

Ms. Rhona Martin
Columbia Shuswap Regional District
PO Box 978
Salmon Arm, BC V1E 4P1

<input type="checkbox"/> CAO	<input checked="" type="checkbox"/> Agenda	Ownership:
<input type="checkbox"/> Works	<input checked="" type="checkbox"/> Reg Board	File#
<input type="checkbox"/> DBS	<input type="checkbox"/> Info Camera	0410-20-10
<input checked="" type="checkbox"/> FinAdm	<input type="checkbox"/> Other	
LS/ES	APR 13 2016	
R. Cyr		
<input checked="" type="checkbox"/> Gen Dev	<input type="checkbox"/> Staff to Respond	<input type="checkbox"/> Fax
<input type="checkbox"/> IIT	<input type="checkbox"/> Staff to Respond	<input type="checkbox"/> Email
<input type="checkbox"/> Perks	<input type="checkbox"/> Staff Info Only	
<input type="checkbox"/> SEP	<input type="checkbox"/> Air Mailbox	
<input type="checkbox"/> HR	<input checked="" type="checkbox"/> Air Circulate	
<input type="checkbox"/> Other		

Dear Chair Martin:

Via email to
Board, for information, please.
Thank you, L. Shykora

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

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

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

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

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

.../2

Ms. Rhonda Martin
Page 2

I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Peter Fassbender', written over a light gray background.

Peter Fassbender
Minister



HPE0100 - DEFINITION OF BED AND BREAKFAST

1.0 PURPOSE

The *BC Food Premises Regulation* (BC Reg 361/99) states that the regulation "...applies to every food premises other than...a bed and breakfast establishment operated in a private residence." The regulation fails to define Bed & Breakfast more completely. A definition of Bed and Breakfast (B&B) is necessary to ensure that the *BC Food Premises Regulation* (BC Reg 361/99) can be applied consistently across Interior Health and the risk to the public's health remains low.

2.0 POLICY

The definition of a Bed and Breakfast for the purposes of exclusion from application of the *BC Food Premises Regulation* (BC Reg 361/99) is, "an owner-occupied private residence with 4 or fewer bedrooms (total, including outbuildings) for rent with food service limited to a morning meal to the guests of those hired rooms".

If an establishment does not strictly meet this definition (e.g. has 5 or more bedrooms for rent; offers more than breakfast, etc.) all the provisions of the *Health Act* and the *Drinking Water Protection Act* apply.

3.0 REFERENCES

- *BC Food Premises Regulation* (BC Reg 361/99) definition for bed and breakfast, "a bed and breakfast operated in a private residence".
- BC Tourism definition for Bed and Breakfast, "An establishment must be a privately owned home offering individual sleeping units or suites, where breakfast is provided by the proprietor, and where the home is the primary residence of the owner/operator."
- Canadian Food Inspection System-Food Retail and Food Services Regulation
- The BC Hotel Tax is collected and remitted by facilities with greater than 3 rooms for rent.

From: [Lynda Shykora](#)
To: [Laura Schumi](#)
Subject: FW: March 5 EAD agenda First Responders - Email message to include with Director Simpson EAD agenda topic
Date: Thursday, February 28, 2019 2:44:04 PM
Importance: High

The North Shuswap First Responders are not getting the volume of calls that it previously received. Year/year calls went from 40+ to 15 in recent months. There is a blockage they figure within the Dispatch process.

- Certain types of calls are not coming to FR, should be virtually every call. There is an automatic 'push' system that could be used but doesn't seem to be
- They definitely should be called when an ambulance will be > 10 minutes which is pretty much every call in the NS
- volunteer group, doesn't cost the province any money, why are they not being used?

Concerns

- the population is not well served when they're not called out
- volunteers lose interest when they're not used. If calls are down to a few per week the FR board feels that they will lose volunteers
- The training and knowledge will be lost in our community

I'm told there was a provincial policy change in March '18 which the dispatchers did not implement until Aug/Sept '18. Since then the volume has dropped by half or more.

Could you check with your FR groups to see if they've noticed the same thing. We would be better served as one voice in this matter if it is indeed a widespread issue.

Update:

190227: In talking to Blaine Wiggins, M.A. , Manager, First Responder Program & Indigenous Health at BC Emergency Health Services, he suggests that inviting himself and the person that actually makes the decisions, Neil Lilley MSc Senior Provincial Executive Director, Patient Care Communications & Planning at BCEHS to a meeting do discuss rural First Responder call out options. Possibly next EA meeting in May? Basically this is a money saving and resource saving measure for larger urban Fire Departments that doesn't really translate well to a rural setting.

The Auditor General has just released a report on BCEHS services

<http://www.bcauditor.com/pubs/2019/access-emergency-health-services>

Jay Simpson
 North Shuswap, Area F Director
 CSRD, SWC, TRHD, ORL
 250-517-9578

All in? Let's Go!!
