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- 9.2 The Director of Finance reported that 2008 Property tax Notice distribution will be taking place near the end of May, 2008.
- 9.3 The Director of Finance reported that a Public Information Meeting regarding the proposed Target Marine Re-zoning was scheduled to be held at 7:00pm on May 8, 2008 in the Community Meeting Room.
- 9.4 The Coordinator of Council and Community relations reported on upcoming events, including:
- A Pesticide/Herbicide Drop Off Event on Saturday, May 10, 2008 on Block 7, from 10am to noon,
  - Free Pesticide-Free Gardening workshops with author Carole Rubin, on May 14 and May 27, 2008 at 7:00pm in the Seaside Centre.
- 9.5 The Administrator reported on Council progress towards their 2008 objectives, including:
- Recommendation of a budget for pre-engineering work for runway expansion and other development at the Airport
  - Sewer collection and treatment expansion planning,
  - The finalization of the local Road condition survey,
  - A grant has been obtained and a potential development contribution for the upgrading of downtown sewage collection line has been identified
  - The finalization of a contract for integration of Vision Plan recommendations into updated OCP and Zoning Bylaws over the next 18 months,
  - The announcement that Lotteries funding has been receive by a local Rotary Club for continued work at the Maritime Gateway Park.

## **10. BYLAWS**

### **10.1 Porpoise Bay Developments (Silverback) Comprehensive Development Application**

The report from the Corporate Officer dated March 27, 2008 was reviewed as circulated with the agenda. Mayor Reid explained reasons for his decision to bring this item forward for reconsideration, noting that:

- the development has evolved over the past 16 years,
- in 1996, the District engaged a consultant to provide a financial impact analysis on the development. The analysis recommended support for the previous (750 residential units and golf course) proposal for the property, largely due to job creation,
- new proposal incorporates 1600 residential units, a golf course and destination hotel, and would have a larger job creation component during both construction and operation,
- there will be considerable financial contributions from the development for community amenities and DCCs,
- there were changes in the Provincial legislation after the original Public Hearing on the proposal. These changes required each piece of property in the development, including parks and trails to be

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numbered. Given that this created some questions and concerns, Council held a second Public Hearing to explain the changes and hear from the public,

- the District also hosted a public information session with Legal Counsel to explain the development and servicing agreements related to this proposal,
- Council defeated the proposed OCP bylaw at Fourth Reading on April 2, 2008,
- following the defeat of the bylaw, a number of concerns were raised by community members regarding the defeat of the bylaw,
- there appeared to have been some confusion in both the community and on Council regarding the development, such as if burning of land clearing waste would occur, whether the \$8 million contribution for sewer treatment upgrading was a contribution or would be offset by DCC credits, whether there were issues with provision of SCRD water to the development, question about the amount of affordable housing contributions, etc.
- calling for reconsideration of the defeated bylaw allows Council members an opportunity to clarify questions related to the development and to reconsider its decision.

General discussion ensued. It was noted that:

- this project has been before Council for a period of time and the subject of this potential contribution had not been raised previously. It was noted that a specific request for a contribution had not been made previously,
- previous negotiation with staff on 5.13 acre of land donation to the District for “District purposes”, use for a fire hall, affordable housing, etc. were part of the agreement,
- concerns were raised at the Public Hearing relating to housing contributions, the resolution has been developed. The further Motion was developed following the Public Hearing to respond to concerns. Following a Public Hearing Council can give whatever effect it determines necessary to the bylaw,
- if late additions to the agreement are allowed, it was asked if Council require the developer contribute funds to the new sewage treatment plant and required developer construction of a plant to serve the development. It was noted that this requirement currently exists in the agreement,
- the additional requirement on housing would be added to the existing agreement which includes the \$8 million contribution to the District for sewage treatment and the intention that the development will construct its own sewage treatment, upgrading on Sechelt Inlet Road construction of a new watermain to the development, working with the Sechelt Indian Band to develop the ‘link road’, upgrading of the Wharf Street intersection, the construction of a grey water line from the District’s sewage treatment facility to the development for reuse of grey water,
- it is not usual for Council to make final decision on servicing agreements,
- concerns were expressed that the agreement is not adequate, as the housing component does not meet the District’s affordable housing bylaw which requires 10% of the units being built be ‘affordable’. This would translate to 160 units capped at \$206,000 purchase price for a 1600 unit development,
- there were concerns that a full review of the amended service agreement should be done,
- the issue of quality of life in Sechelt needs to be considered. There are over 7000 building lots currently approved in Sechelt today and this should keep the construction industry busy for seven to ten years. This scale of development is not needed,
- thanks were expressed to people who wrote Letters to the Editor

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- the Servicing Agreement indicates the developer will contribute \$8 million to the District for sewage treatment capacity expansion, but the developer can decide to connect all or part of the new development to the District's sewer system at his expense. If this is done, the requirement to build the private system for the development shall be discharged. If within five years of the date of the agreement, the developer pays the \$8 million, District shall repay to the owner the amount equal to the amount any sewer DCC's payable.

**Res: 19745: Poole/Steeves**

**That prior to issuance of a building permit, Porpoise Bay Developments is to make an initial contribution towards housing of \$1.2 million and on each of two subsequent years, a contribution of \$1 million, thereby making a total contribution of \$3.2 million for housing needs in Sechelt and that this contribution would be included in a housing agreement.**

### **CARRIED**

A question was raised as to whether the developer would accept this additional requirement. It was noted that the Housing Agreement for the development had not yet been finalized. The developer indicated his acceptance, and that the \$3.2 million contribution for housing was in addition to the \$8 million contribution for sewage system expansion, as this is a requirement as approved by Council.

There was a question as to whether the housing contribution was new information that should be referred to a Public Hearing. It was noted that the housing contribution is not new information but a requirement. After a Public Hearing, Council can take actions that place additional requirement on a development, but cannot make decision that would reduce requirements. Additional requirements do require the agreement of the developer. Should a developer not agree to an additional requirement, Council has two options; proceed with the development as reviewed at the Public Hearing, or hold a new Public Hearing. In this case the developer has agreed to make those voluntary contributions.

In further discussion on the subject of the proposed development, it was noted that:

- Council is working to resolve concerns raised by the public related to the development,
- the development offers a number of economic benefits for the District and does not have large impacts for neighbouring properties, as it is bordered by Sechelt Indian Band lands, a provincial park, crown land and the Heritage Forest,
- the proposal has made concessions lowering building heights, staggering heights to lessen impact on the waterfront areas and to chip rather than burn land clearing waste,
- a workable sewer alternative without the contribution of this proposal has been developed,
- the Director of Planning confirmed that the developer has committed to chipping of land clearing debris as part of the development permit,
- The Director of Planning noted the golf course, hotel and all land uses are regulated by the Zoning Bylaw and by the Comprehensive Development Plan, which is an appendix to the OCP Bylaw. There is no requirement to build the golf course in the works or service agreements,
- the current service agreement states that DCC charges in the first five years are refundable. Subsequent to year five DCC's are payable. The property is not currently a DCC area. Should a future Council introduce a DCC Bylaw applicable to this area, the development would be exempt for the first five years or the first 575 units.

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**Res. 19746: Shanks/Inkster**

**That construction of a golf course be commenced immediately and completed within the first three years from issuance of any original preliminary layout approval for the Silverback Comprehensive Development.**

**CARRIED**

**Opposed: Councillor Allan**

Further discussion ensued. It was noted that:

- it was questioned whether the Affordable Housing and Community Amenities Bylaw requires a contribution of 10% affordable housing or cash in lieu, or whether this percentage was applicable on any amount of higher density level being considered,
- the development meet the terms of the newly enacted Affordable Housing Bylaw above and beyond a number of concessions requested by Council and granted by the developer,
- any changes to the agreement at this point would require the approval of the developer,
- there were concerns that members of Council and the public were not privy to all discussions,
- it was questioned whether resort development, such as this proposal, will make the community unaffordable for working people to own homes in,
- Council must work to ensure that the best type of development for the community takes place which respects community values.

**Res. 19747: Thirkell/Inkster**

**That the development be subject to the terms and conditions of the District of Sechelt's Affordable Housing Bylaw.**

**DEFEATED**

In further discussion, it was noted that:

- there have been many changes to the agreement at this meeting and some do not understand the implications of these changes for the community or the development
- there was a request that the SCRDC be required to provide written confirmation within an established time frame that the developer is in negotiation regarding water provision to the development,
- originally, the developer proposed to have a private water system. Subsequently, a requirement was made that SCRDC water service be used. Prior to the supply of water, the SCRDC needs to assess the water supply, the treatment and transmission capacity, potential system upgrades and timing of these upgrades, as well as the financial and legal requirements. This can be done prior to Fourth Reading or at time of subdivision,
- there are concerns related to increased demand for water at a resort development that will have the most visitors in the summer months when water supplies are in high demand, and there is a need for assurances that there will be adequate water supply to meet the demands of all residents and for fire protection,

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- the plan should have details on water storage, water supply, filtration, etc.,
  - the developer plans to re-use grey water on landscaping and there will be water retention ponds on the property,
  - placing a time limit for the SCRCD to respond regarding water supply may be unworkable, given that engineering will need to be done.

**Res. 19748: Inkster/Allan**

**That the Sunshine Coast Regional District be requested to provide a letter to the District of Sechelt within 90 days confirming its plan for the provision of water to the Silverback Comprehensive Development.**

**CARRIED**

In further discussion, it was noted that:

- payment of the \$8 million sewer contribution is related to completion of the subdivision of the property. Once bylaws are adopted, it could be several years before subdivision is completed.
- improvements at the Wharf and Sechelt Inlet Road intersection are budgeted in 2009. These are DCC roads and improvements and are paid for by DCCs, not taxation.
- if the developer should be unable to negotiate the completion of the 'link' road over Sechelt Band Lands, there would be requirements for major upgrading on Wharf and Sechelt Inlet Roads by the developer.

**Res. 19749: Shanks/Thirkell**

**That Porpoise Bay Developments' \$8 million contribution toward the new sewer plant shall not be refundable in any form, and that no Development Cost Charge credits will be used to offset any portion of the original \$8 million contribution.**

**CARRIED**

In review, it was noted that:

- this development proposal has been divisive in the community,
- there was much confusion on some of the issues and some of these have been clarified by specific motions at this meeting,
- the development will make a major contribution towards sewage treatment capacity that will benefit the greater community of Sechelt,
- there is an adequate amount of growth occurring in the community,
- tourism will bring economic development to the community,
- thanks were expressed to District staff for their efforts on this project and the agreements,
- as a destination resort, the project proposes to have 30% occupancy, and many such resorts have occupancy rates of 15%. It will reconstruct Shannon Creek as a salmon bearing stream. There will be greywater re-use and full water metering. There will be road widening to accommodate pedestrians and cyclists, provision of a new watermain for this development and other neighbourhoods, there will be other road/intersection upgrades and donation of 5.3 acres of land to the District. This project will create signature golf course and hotel/convention centre with 350 construction jobs during the 10 year build out period. Once completed it could create 265 fulltime

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and 125 seasonal part-time jobs. Total DCC's are in excess of \$12 million. This will be a strata development responsible for its own maintenance of this infrastructure. The properties will pay property taxes to the District of Sechelt, in excess of \$5million annually.

Councillor Allan noted that he did not understand the implications of the changes made and would not be voting in support or opposition of the bylaw.

**Res. 19750: Poole/Steeves**

**That Bylaw No. 435-7, 2006 (Silverback Comprehensive Residential Golf Course Development) be Adopted this 7<sup>th</sup> day of May, 2008.**

**CARRIED**

**Opposed: Councillor Thirkell**

**10.2 Zoning Amendment Bylaw No. 25-195 (CD-13), 2006 (Silverback Comprehensive Development)**

Councillor Allan noted that he did not understand the implications of the changes made and would not be voting in support or opposition of the bylaw.

**Res. 19751: Steeves/Poole**

**That Zoning Amendment Bylaw No. 25-195 (CD-13), 2006 be read a third time this 7<sup>th</sup> day of May, 2008.**

**CARRIED**

Councillor Allan advised that he was abstaining from voting. Mayor Reid noted that abstaining is considered a vote in the affirmative.

**Res. 19752: Poole/Steeves**

**That Zoning Amendment Bylaw No. 25-195 (CD-13), 2006 be adopted this 7<sup>th</sup> day of May, 2008.**

**CARRIED**

**Opposed: Councillor Thirkell**

Recess: Mayor Reid recessed the meeting at 9:45 p.m.

Reconvene: Mayor Reid reconvened the meeting at 9:55p.m.

**Res. 19753: Poole/Thirkell**

**That the report of the Administrator dated March 27, 2008, regarding the Silverback Rezoning Amendment Bylaw, be received.**

**CARRIED**

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In response to a request, the developer, Mr. G. Khoury advised that his voluntary contribution consists of the \$8 million contribution toward the new sewer being non refundable in any form and that no DCC credits will be used to offset any portion of the original \$8 million contribution.

**10.3 OCP Amendment Bylaw No. 435-22, 2008 AND Zoning Amendment Bylaw No. 25-214, 2008 (CD-25) Emerson Clustered Housing and Development, 2008  
(Lot 6 and 7, DL 4305, Plan 20036 except portion in plans BCP 14263 and BCP 29814)**

The report of the Development Planner dated April 30, 2008 was reviewed as circulated with the agenda package. It was noted that the comments from the West Sechelt Community Association could be addressed in the subdivision process.

**Res. 19754: Thirkell/Inkster**

**That the Development Planners' report dated April 30, 2008 regarding proposed Emerson Clustered Housing and Development, be received.**

**CARRIED**

**Res. 19755: Allan/Thirkell**

**That Official Community Plan Amendment Bylaw No. 435-22, 2008 be read a first time this 7<sup>th</sup> day of May, 2008 and that the bylaw be referred to a Public Hearing.**

**CARRIED**

**Res. 19756: Allan/Thirkell**

**That Zoning Bylaw Amendment No 25-214 be read a first time this 7<sup>th</sup> day of May, 2008 and that the Bylaw be referred to a Public Hearing.**

**CARRIED**

**10.4 OCP Amendment Bylaw No 435-16, 2007 and Zoning Amendment Bylaw No. 25-210 (CD21)  
(Walter Burtnick Medusa Street Residential Facility) (Lot B DL 1331, Plan 18108)**

The Director of Planning's report dated May 2, 2008 was reviewed as circulated with the agenda package.

In discussion of this item, it was noted that:

- servicing agreement requirement may be moved to the time of Building Permit issuance, as the issues related to the Neptune Road connection are remain outstanding
- this will permit zoning to be considered and if approved the developer can then access his financing for further servicing agreement development, including sewer expansion and extension, sized to accommodate development past the proposed site,