



MEMORANDUM

To: Chair and Members of the Electoral Area Services Committee
From: Jane Sowik, Manager of Administrative Services
CC: Director Arne Zabell
Gerald Kingston, Chief Administrative Officer
Staff Directors
Date: September 3, 2003
Subject: Sunshine Valley – Chronology of Events
File No.: 6520-21-033

ISSUE:

To outline the chronology of events with respect to the community of Sunshine Valley in Electoral Area B.

SYNOPSIS

Sunshine Valley Developments applied for deregulation and exemption from zoning of the entire extent of privately held land in Sunshine Valley on March 15th, 1983. The application had alleged that the Regional District of Fraser Cheam “slows down and frustrates progress” in Sunshine Valley and proposed that the Sunshine Valley Co-operative Association administer all land use and building regulations including the building inspection function. After a lengthy, very public process, a series of Bylaws were adopted on September 26th, 1984, that effectively deleted Sunshine Valley, as defined on a map schedule, from the area of application of the respective zoning or regulatory bylaws.

Several discussions have taken place over the years regarding the governance of Sunshine Valley ranging from forming a Village, to forming a Local Community Commission, to reinstating the Regional District regulatory scheme. The Board of Directors directed staff to initiate the process of implementing building inspection and zoning regulations in Sunshine Valley at the regular March meeting in 2001. Provincial Grants have been applied for to fund the undertaking of the required studies to enable this initiative to proceed.

BACKGROUND:

The 1270 acres of land known as Sunshine Valley was purchased by Sunshine Valley Developments in May of 1970. There were no applicable zoning or building bylaws for the area at this time. The Building Bylaw was adopted in 1976 and zoning, subdivision, mobile home park and campground bylaws that encompassed the Sunshine Valley area were adopted between 1976 and 1980.

Sunshine Valley Developments applied for deregulation and exemption from zoning of the entire extent of privately held land in Sunshine Valley, including the properties known as Cedar Village (93 lots), Alpine Village (68 lots), Meadow Village (16 lots), Sumallo Village (15 sites), for a total of 192 lots in 1983. It was proposed that the Sunshine Valley Community Co-Operative Club would administer land use and Building Regulations, the Building Permit process, and the enforcement of the "National Building Code". In the application, Sunshine Valley Developments alleged that the Regional District impeded development in the area as the local government simply added another layer of identical process that the Developer was already doing in tandem with the Province, thus unnecessarily burdening the purchasers/lessees with more cost and a lot of additional time.

After much deliberation, the following Bylaws were given first reading at the May 17, 1983 Board Meeting :

1. Bylaw # 488, 1983 - Amendment of Subdivision policies of Resort designation (withdrawn Feb. 21, 1984)
2. Bylaw # 489, 1983 - Building Bylaw amendment (withdrawn Oct. 24, 1984)
3. Bylaw # 490, 1983 - Mobile Home Park application amendment (map amendment – excludes Sunshine Valley area)
4. Bylaw # 491, 1983 - Campground and Holiday Park application amendment (map amendment – excludes Sunshine Valley area)
5. Bylaw # 492, 1983 - Subdivision Bylaw amendment (map amendment – excludes Sunshine Valley area)
6. Bylaw # 493, 1983 - Zoning Bylaw amendment (map amendment – excludes Sunshine Valley area)

On May 26, 1983 members of the Regional District's Advisory Planning Commission (APC) discussed the proposed bylaws and voted not to support them in view of Provincial interests and comments, and for technical reasons.

On July 18, 1983, a letter was sent by mail to each and every household in Sunshine Valley calling for a Public Hearing on the matter. The letter outlined the purpose of the proposed deregulation Bylaws and included a backgrounder on what had led up to the Public meeting being called.

A Public Hearing was held on Saturday, August 6, 1983 in Sunshine Valley. Sixty-four residents, six Board Directors, and three Regional District staff were in attendance. The background of the application for deregulation was reviewed and discussed. Current regulations were explained and discussed and the three functions that the Regional District delivered, being: Building Inspection, Zoning, and Subdivision Control, were thoroughly reviewed. The Developer, Mr Don Low, spoke to the deregulation proposal and answered several questions. Most of the residents favoured the deregulation, although the question of long-term effects was raised by several of the residents. It was generally decided that more information would be required to make a final decision on the matter.

The Planning Department prepared an outline of seven options for the Board to explore. The options included:

1. Deregulate all areas of Sunshine Valley;
2. Withdraw Bylaw amendments and leave status quo;
3. Deregulate the leased and subdivided land and to continue existing regulation on the undeveloped portions of Sunshine Valley;
4. Deregulate the undeveloped portions of Sunshine Valley and retain regulations on the developed land;
5. Amend some of the Bylaws (partially deregulate);
6. Local autonomy through an Advisory Planning Commission, Developing Community Status, Local Community; or
7. Creation of a separate Electoral Area in Sunshine Valley.

At the August 16, 1983 Board meeting, the Board resolved to refer the Bylaws back to the Planning Department for more research and to hold the Public Hearing open until the Board determined that it should be concluded.

The Planning Land Use Committee (PLUC) reviewed the seven options at their October, 1983 meeting and decided to convene a meeting with the Developers to discuss the options more thoroughly, and to set a date for another public meeting.

Pursuant to the meeting with the Developers, and another Public Information meeting on November 4, 1983, the options were narrowed down to two. Firstly, the Developers were still proposing deregulation, and the Planning staff had proposed establishing a Local Community. These recommendations were presented and discussed at the November PLUC meeting, and the Committee resolved that a an Advisory Planning Commission for Sunshine Valley be set up within the next few months and that a letter be sent to the residents to inform them of provisions for Local Communities, Developing Communities, Advisory Planning Commissions and separate Electoral Areas.

These recommendations were considered at the November, 1983 Board meeting at which time the President of Sunshine Valley Developments also requested a rezoning of Cedar Village from Limited use (L-1) to Urban Residential (RS-1) - Bylaw No. 526, 1983 to address fire insurance issues with the residents. First reading to this Bylaw was given but did not proceed any further.

Another Public Meeting was held on May 5, 1984, and from that meeting the residents proposed that through the local Sunshine Valley Community Co-Operative they would provide the services currently supplied by the Regional District; and they stated that they had 93% support of the residents, so again requested deregulation. This was presented to the PLUC meeting of May 7, 1984 and the Directors recommended that the Board proceed on all of the deregulation Bylaws. These Bylaws got second and third readings at the May 15, 1984 Board Meeting. A small amendment was made to Bylaws 490, 491, 492, and 493 and thus third reading was rescinded then given third reading again to the amended Bylaws at the June 19, 1984 Board Meeting.

Both the Ministry of Forests, and Ministry of Environment - Fish and Wildlife Management sent letters that they did not support the deregulation of Sunshine Valley. The Ministry of Municipal Affairs approved the subject Bylaws and they were subsequently adopted by the Board on September 26, 1984. All residents were mailed a notice of the deregulation.

This series of Bylaws had the effect of deleting "Sunshine Valley ", as defined on a map schedule, from the area of application of the respective zoning or regulatory bylaws. (Until more recently) the Regional District has had no contact or involvement with the Co-Operative respecting subsequent proposals to deliver services to the residents.

In the mid-eighties, post de-regulation, Parkhill Village, which included 104 serviced lots, was developed and a few of the lots in the other villages were subdivided. This brought up the number of lots to approximately 296 (not all lot subdivisions were registered). Huckleberry Village, which included 61 serviced mobile home sites were also developed at some time after de-regulation, but we are not able to establish dates as the plans were never registered. Statistics Canada reports in the 2001 census that Sunshine Valley has 213 residences and 165 people.

Several letters and a few petitions were received from 1985 to 1991, most asking to pull out of various Regional District functions as they did not receive any services that they were taxed for, e.g. regional land use planning services as mandated by legislation.

In 1991, several public hearings took place introducing changes to Solid Waste Service in Electoral Areas B & C. Requirements were imposed on the Town of Hope Landfill by the Ministry of Environment, and the new Provincial Solid Waste legislation requirements for the Regional District were enforced to achieve the Provincial Solid Waste goals of Reduction and Disposal. The Regional District was required to implement the "Interim Solid Waste Management Plan". Sunshine Valley Developments was strongly opposed to the changes and demanded to be treated as a special case due to its high seasonal type population. The Board of Directors and District of Hope Council gave the request for a "special status" serious consideration and delayed the introduction of the Solid Waste function. After much discussion and investigation, the Board and Council voted unanimously that Sunshine Valley could not be treated differently than the rest of the communities in the Electoral Areas. The Provincial Ombudsman was also contacted by the Co-Operative and Sunshine Valley Developments when they did not gain satisfaction in this matter. The Ombudsman also considered the matter around being taxed for services not received. The Ombudsman ruled in favour of the Regional District with respect to these matters.

In 1992 Sunshine Valley Developments wrote several letters to the Regional District opposing their inclusion into the recreation service area . A petition was sent to the Regional District petitioning against being a part of the service area, with emphasis on the fact that the ratepayers did not want to be a part of funding a new pool in Hope. These discussions continued through the pool referendum which sought Electoral Areas B & C participation in the construction of the new pool (this referendum was ultimately defeated).

At the June 8, 1993 Board Meeting, Sunshine Valley Developments, represented by Don Low, appeared as a delegation to object to Sunshine Valley's participation in the recreation services claiming that Sunshine Valley did not benefit from any services in Hope. The delegation also requested a review of all Regional District functions in which Sunshine Valley participates in, claiming that little or no service is received, and that their taxes should reflect the same. An itemized list, as set forth below, of Regional District services that the Sunshine Valley Developments Ltd. objected to paying for was submitted:

General Government/Administration – claimed no service

Response: Large staff effort in responding to letters and petitions and copying of agendas and minutes of all RDFC meetings to Sunshine Valley Developments.

Solid Waste Management – sought exclusion.

Response: Provincial Government mandates Regional District responsibility

Planning/Development – claimed no service

Response: Local decision not to take advantage of service offered (and mandated). Regardless of this decision, Regional Planning (directly or indirectly) benefits all communities of interest on a more global scale, e.g. regional transportation, regional growth, air quality and land use.

Community Parks/Regional Parks – no service

Response: No taxes are levied for Community Parks, Developer contributions for acquisition of community parkland. All municipalities and Electoral Areas opted into the creation of a plan to gradually develop parks for conservation and protection throughout the areas in the RDFC.

Mapping – no service

Response: All areas pay into this function to fund all types of mapping, from cadastral, to house numbering, to E911 map support. It is considered an essential service of the region.

Electoral Area Government Services – claiming Sunshine Valley is not represented by the Regional District

Response: This function supports local elections and referendums and is considered an essential service.

Economic Development – Sunshine Valley wishes to perform its own function

Response: All Municipalities and Electoral Areas participate and sizable grants are also received. This function looks at the entire region for enhancement of tourism and protection of jobs in the regional community. All participants receive either a direct or indirect benefit.

Non-resident Property Elector Eligibility – Sunshine Valley was opposed to having this opportunity taken by the Province claiming that it disenfranchised voters in Sunshine Valley. The Province did eventually restore this vote in subsequent legislation, albeit in a limited conditional manner

NB: Sunshine Valley continues to participate in 3 of the 4 established recreation services. The SCCC has recently declined the opportunity to contract with the Regional District for the delivery of specific recreation services at Sunshine Valley facilities (this opportunity being outside the scope of the recreation services currently being requisitioned for).

As Sunshine Valley Developments and the SCCC did not make much headway in obtaining exemption from taxation over the next few years (1994-1997), they approached the Regional District regarding the procedure in having Sunshine Valley “Incorporated” as a Village. Bob Moore, the Administrator referred them to Derek Trimmer at the Ministry of Municipal Affairs. Sunshine Valley Developments began discussions with the Province with respect to this matter and eventually met with Jenny Kwan, Minister of Municipal Affairs in November of 1998.

The Ministry responded by letter, dated November 16th, 1998 (attached) citing the “Public” nature of a Local Government and explained the differences between public responsibility and private responsibility and how Sunshine Valley did not meet the “public” criteria by way of service delivery or their vision with respect to service delivery. The Ministry concluded that, “it does not appear that the

concept of incorporation of Sunshine Valley as a Village is a feasible response to issues of local governance which may be occurring in the community. The combination of the low permanent population, the essentially private nature of the development, and the current methods of local service delivery tend to rule out incorporation at this time." The Ministry recommended working with the Regional District to look at change in the responsibilities for local service rather than entertaining incorporation..

Through the rest of 1998, all of 1999, and 2000, Sunshine Valley Developments and the Community Co-Operative held more public meetings with the residents and wrote several letters and reports outlining the benefit and the many disadvantages of allowing the Regional District to gain any control in Sunshine Valley. They invited Derek Trimmer and other Ministry staff out to two public meetings with the residents to convince them of the need to incorporate. Again the Ministry advised the group to work with the Regional District to develop an approach for local service delivery and a long term plan to meet the community objectives (letter dated November 26th, 1998 attached).

In 2000, Electoral Area Director Bourcier promoted the development of a Local Community Commission (LCC) to give the local residents more impact on governance issues. Although the purpose of a LCC is to manage the local services and address community issues relating to these services; local services do not exist in Sunshine Valley given the current regime. The services are (currently) all privately owned and managed services, therefore limiting an LCC's role substantially. At the onset, it was contemplated that the LCC's role would be more involved in the process of considering the feasibility of creating service areas, and advising the Board on the contents of service bylaws to be created.

As there are many issues involved regarding who is allowed to legally vote within Sunshine Valley (given statutory prescriptions around non-resident property elector eligibility), a pre-referendum opportunity was undertaken to establish whether the majority of residents, property owners and lessees wished to pursue this governance model or not. Mail-out ballots were sent to all residents, property owners and lessees of Sunshine Valley at the end of June 2000, and they were given until July 31, 2000 to return their ballot in a stamped, return envelope supplied with the ballot package. Three hundred and fifty-four ballots were sent out and two hundred and fifty were returned. Of these ballots returned, one ballot was rejected, 137 voted NOT to establish the LCC and 112 voted in favour. Bylaw 385, 2000 establishing the LCC had received three readings and approval from Municipal Affairs previous to the vote, but was then set aside with no further readings. This bylaw remains at third reading to date.

The Regional District received many complaints in 1998 regarding the unsightliness, smells and bears on and surrounding the transfer station site in Sunshine Valley which was located within the residential sections of the community. The site was located on Sunshine Valley Development land, thus staff approached the developers regarding site clean-up, and plans for fencing etc. Director Boucier was involved in these discussions and negotiations. During these discussions, the Developer offered to sell the site to the Regional District for \$60,000. Given that the service area would be unable to fund such an expense, and given that the Regional District preferred to have the site relocated out of the residential area for safety reasons, a deal was reached with the Ministry of Transportation for the use of an unused portion of their property located immediately west of the residential area at the end of 2000. This area was developed and fenced in April of 2001 and an attendant was hired to manage the site. The move, fencing and an attendant seems to have addressed many of the problems that had plagued the former site.

CURRENT STATE OF AFFAIRS

In February of 2001, a petition was circulated in Sunshine Valley, and there was a request to the Regional District from several residents in the community, on the question of whether Building Permit and Inspection Services could be reinstated in Sunshine Valley. The Board of Directors discussed the matter at the March 27th, 2001 meeting and it was resolved : “**THAT** the process of implementing building inspection and zoning regulations in Sunshine Valley be initiated, and that the following actions be undertaken in order to understand all issues arising from the planned implementation:

- (i) Secondary geotechnical study of the developed area of Sunshine Valley
- (ii) Official Community Plan for Sunshine Valley area
- (iii) Ownership study of the Sunshine Valley area.”

In August 2001, the Regional District published its intention (*attached*) to reintroduce Building Inspection in Sunshine Valley after the completion of an Official Community Plan, Zoning Bylaw, Geotechnical review, and other legal requirements (e.g. investigation into land tenure issues in Sunshine Valley). Subsequently, the FVRD applied for funding assistance through MCAWs to assist in this process as it is anticipated that the costs will be significant to achieve these results. To date, no funding assistance has been secured from MCAWs. If this work is to be undertaken without funding assistance, it will need to be reviewed by the EASC and the Board, and the funds allocated within the annual financial planning process. It should be noted that the contemplated work will take some significant time and resources, notwithstanding budgetary implications. This initiative is currently on hold due to budgetary and prioritization considerations.

It should finally be noted that Sunshine Valley currently participates in the following services:

<i>E911</i>	<i>Hope Airpark</i>	<i>Garbage & Recycling</i>
<i>Emergency Response</i>	<i>Electrification</i>	<i>Regional Development</i>
<i>Emergency Programs</i>	<i>Mosquito Control</i>	<i>Regional Mapping</i>
<i>House Numbering</i>	<i>Regional Air Quality</i>	<i>Electoral Area Planning</i>
<i>Regional Library</i>	<i>Regional Parks</i>	<i>Soil Deposit & Removal</i>
<i>Hope Arena</i>	<i>Hope & District</i>	<i>Dan Sharrers Aquatic Centre</i>
<i>Community Parks</i>	<i>Recreation Programming</i>	<i>General Government</i>

COMMENT BY DEPARTMENT HEAD:

Report reviewed and edited in consultation with the Director of Planning.

COMMENT BY DIRECTOR OF FINANCE:

Report reviewed & accepted as to content

COMMENT BY ADMINISTRATOR:

Report reviewed & accepted as to content