



Langdale Dock Service

Establishing Bylaw No. 1079, 2011

Information Package

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General Information on the proposed Langdale Dock Service

Background

BC Ferry Services notified users of the pending closure of the Langdale terminal / Stormaway float to private boats effective June 15, 2009. This was due to safety and liability concerns, as well as the need to comply with Marine Transportation Security Act regulations.

Since that time, the Sunshine Coast Regional District (SCRD) and the Langdale Access Working Group have been working with BC Ferries to identify workable alternatives to address BC Ferries' concerns and meet the needs of residents and visitors.

Several deadline extensions have been granted by BC Ferries on the basis of the progress that had been made toward an agreement and the commitment that the SCRD Board had shown in directing staff to develop a solution.

After lengthy discussions, BC Ferries has agreed to:

- make improvements to the Stormaway Dock which include the construction of a float for public access, a buoy system for vessel traffic control and a gate between the float and Stormaway Dock; and
- grant a non-exclusive license to the SCRD for use of the dock.

In return, the SCRD will pay a license fee of \$35,000 per year (for an initial twenty year term) to compensate BC Ferries for the construction, maintenance and insurance of the float.

In order to collect the necessary funds from taxpayers, the SCRD must obtain the approval of the electors to establish a "dock service". The Board has chosen to obtain this approval through an Alternative Approval Process (AAP). Subject to the successful completion of the AAP, the SCRD will enter into an agreement with BC Ferries, for the provision of the dock service.

The cost of the service will be recovered from the area defined as the island portion of Electoral Area F – West Howe Sound.

The impact on residential taxation is projected to be \$12.19 per \$100,000 of assessed value on land and improvements in 2012 (assuming a mid-2011 implementation), falling to \$7.79 per \$100,000 of assessed value in 2013. The higher amount required in the first year is to recover costs incurred by establishing a service mid-year (after the deadline for taxation).

Highlights of Agreement with BC Ferries

Term

- The term of the agreement has been set at 20 years with an optional 10 year renewal ending 2041.

Fees

- The SCRD will pay to BC Ferries \$35,000 annually to offset the costs of construction of the new facility, ongoing maintenance and insurance costs. (An additional amount will be taxed to cover SCRD administration costs).

Operational Control

- BC Ferries would operate this new facility as part of the Langdale terminal.
- Private vessels would not be able to use the new dock during the period 10 minutes prior to ferry arrivals and until 10 minutes after departure (20 minutes for first and last ferry trips of the day).
- The operating hours of the new dock will be the same as the operating hours of the terminal.

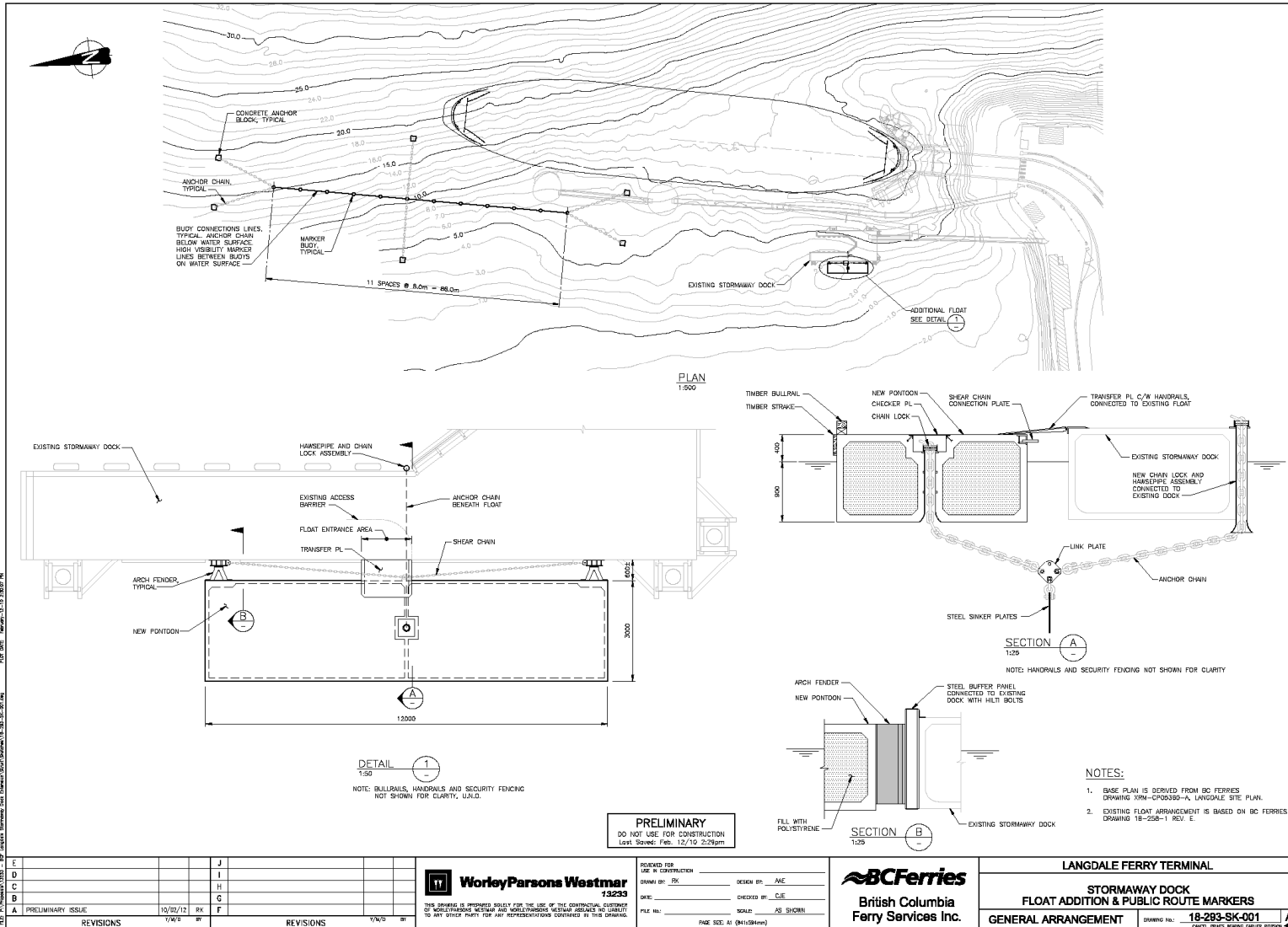
Permitted Uses

- The use of the dock would be for loading and unloading passengers and baggage with limited moorage time. No uses in competition with BC Ferries or Route 13 (excluding unscheduled water taxis) would be permitted without BC Ferries approval.

Public Consultation

- All parties recognized the benefits of establishing a process for addressing any issues that may arise with the new facility. The existing Public Wharves Advisory committee mandate will be expanded to provide that function. Recommendations from the PWAC would then be forwarded to the SCR D Infrastructure Services Committee.

Proposed Float



SUNSHINE COAST REGIONAL DISTRICT

BYLAW NO. 1079

A bylaw to establish a service within a portion of Area F - West Howe Sound for the purpose of providing a dock service

WHEREAS a Regional District may, by bylaw, establish and operate a service under the provisions of Part 24 of the *Local Government Act*;

AND WHEREAS the Regional Board of the Sunshine Coast Regional District wishes to establish a service for the purpose of providing public access to the Langdale dock;

AND WHEREAS the approval of the Inspector of Municipalities has been obtained under Section 801(1)(a) of the *Local Government Act*;

AND WHEREAS the Regional Board has obtained the approval of the electors in the service area by Alternative Approval Process in accordance with Section 801.3 of the *Local Government Act* and Section 86 of the *Community Charter*;

NOW THEREFORE, the Board of the Sunshine Coast Regional District in open meeting assembled enacts as follows:

1. Citation

This bylaw may be cited as "*Langdale Dock Service Establishing Bylaw No. 1079, 2011*".

2. Service

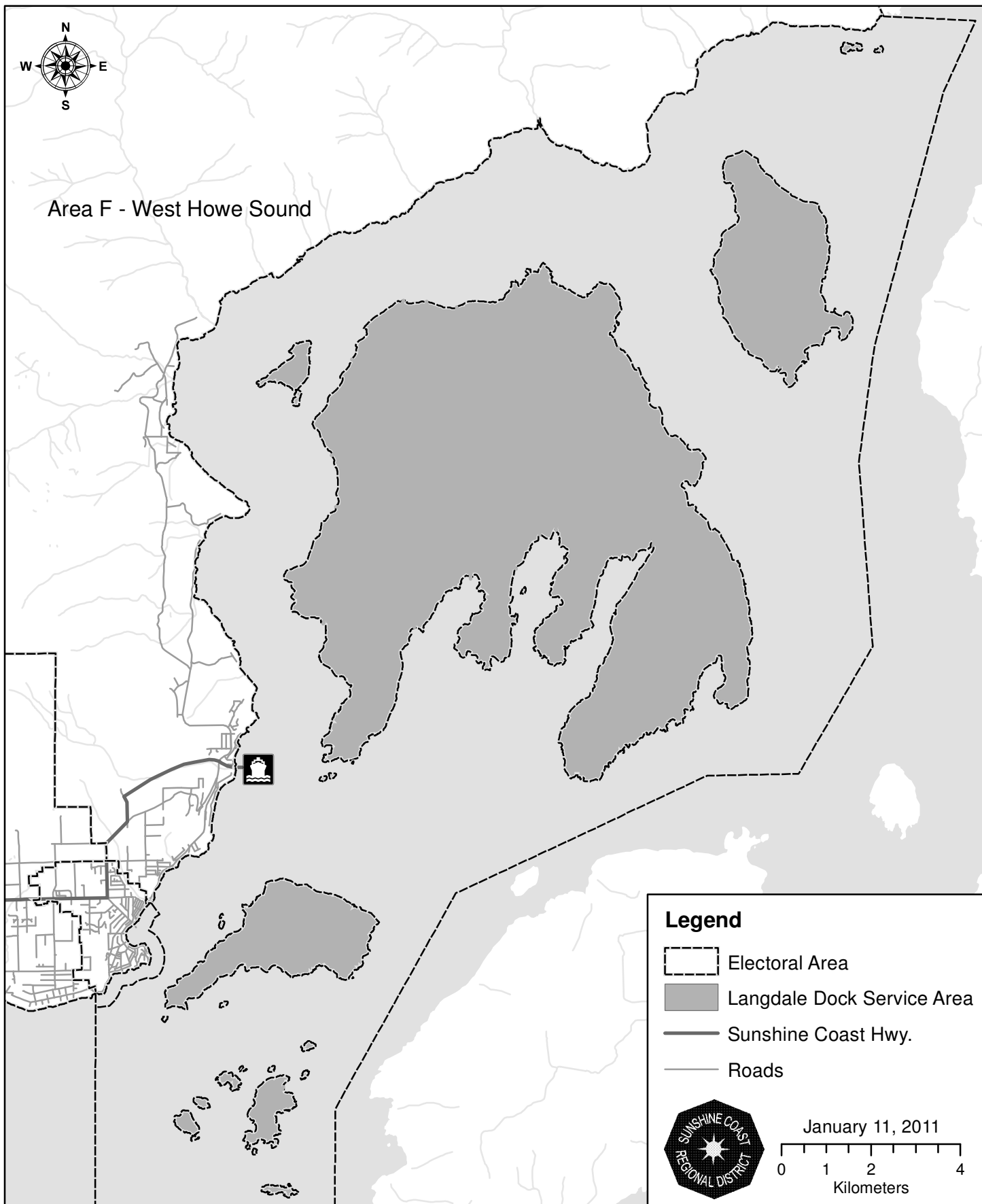
The service being established under this bylaw is the Langdale Dock service for the purpose of providing public access to the float at the Stormaway dock located at the British Columbia Ferry Services Langdale terminal.

3. Boundaries

The boundaries of the service area shall be the island portion of Area F – West Howe Sound within the Trust Area under the jurisdiction of the Islands Trust as shown on the map attached as Schedule "A".

4. Participating Areas

The participating area for this service is Area F – West Howe Sound.



CORPORATE OFFICER

CHAIR

**Langdale Dock Service
Establishing Bylaw No. 1079, 2011
Schedule A**



SUNSHINE COAST REGIONAL DISTRICT
NOTICE OF ALTERNATIVE APPROVAL PROCESS

Langdale Dock Service Establishing Bylaw No. 1079, 2011

NOTICE IS HEREBY GIVEN THAT, pursuant to the *Local Government Act* and the *Community Charter*, the Sunshine Coast Regional District proposes to adopt *Langdale Dock Service Establishing Bylaw No. 1079*.

Langdale Dock Service Establishing Bylaw No. 1079, 2011 establishes a service for the purpose of providing a dock service to the islands portion of Electoral Area F – West Howe Sound.

Due to safety and liability concerns, BC Ferry Services notified users of the pending closure of the Stormaway float (at Langdale terminal) to private boats. Since that time, the Sunshine Coast Regional District (SCRD) and the Langdale Access Working Group have been working with BC Ferries to identify alternatives to address concerns and meet the needs of residents and visitors. BC Ferries has agreed to:

- make improvements to the Stormaway Dock which include the construction of a float for public access, a buoy system for vessel traffic control and a gate between the float and Stormaway Dock; and
- grant a non-exclusive license to the SCRD for use of the dock.

In return, the SCRD will pay a license fee of \$35,000 per year (for an initial twenty year term) to compensate BC Ferries for the construction, maintenance and insurance of the float.

The maximum annual amount that may be raised under this proposed bylaw is a property value tax rate of \$0.13/\$1000 applied to the net taxable value of land and improvements in the Service Area. The anticipated budget for the service is as follows:

	<u>2011 (½year)</u>	<u>2012</u>	<u>2013</u>	<u>2032*</u>
Recover 2010 Feasibility Cost	2,515	0	0	0
Annual Agreement Cost	17,500	35,000	35,000	35,000
Staff Oversight	500	1,000	1,020	1530
Admin. Charge @ 7%	<u>1,260</u>	<u>2,520</u>	<u>2,541</u>	<u>3782</u>
Subtotal	\$21,775	38,520	38,561	40,312
Required Revenue from 2011		<u>21,775</u>	<u>0</u>	<u>0</u>
Total		\$60,295	\$38,561	\$40,312

This translates to a projected impact on residential taxation of **\$12.19** per \$100,000 of assessed values in 2012 (assuming a mid-2011 implementation), falling to an estimated **\$7.79** in 2013. With inflation, the impact in 2032 is projected to be **\$8.14**. This rate is subject to the fluctuations in assessment values in the service area.

Further information on this matter can be viewed at the Sunshine Coast Regional District office, 8:30 a.m. to 4:30 p.m. Monday to Friday, except Statutory Holidays, at 1975 Field Road, Sechelt, BC. Information packages are also available for viewing at the Gibsons and District Library and on the SCRD website at www.scrd.ca.

FURTHER NOTICE IS HEREBY GIVEN THAT, pursuant to the *Local Government Act* and the *Community Charter*, the Board of the Sunshine Coast Regional District may adopt *Langdale Dock Service Establishing Bylaw No. 1079, 2011* if, after the deadline, elector response forms are certified by the Corporate Officer as having been signed by less than 10% of the eligible electors in the proposed Langdale Dock Service Area (a

portion of Electoral Area F – West Howe Sound). If, after the deadline, elector response forms are certified by the Corporate Officer as having been signed by at least 10% of the eligible electors in the Service Area (calculated at **38**), the Board may not adopt *Langdale Dock Service Establishing Bylaw No. 1079, 2011* and may not proceed with the bylaw unless the bylaw receives assent of the electors in a voting proceeding.

Elector Response Forms

The response of the electors must be in the form established by the Sunshine Coast Regional District. Forms are available at the Sunshine Coast Regional District office located at 1975 Field Road, Sechelt. An accurate copy of the elector response form may be utilized, provided that it is made of the form prior to any electors signing such form, so that only elector response forms with original signatures are submitted. For an elector response to be accepted it must meet the following conditions:

- only eligible electors of the Service Area are entitled to sign an elector response form;
- the full name of the elector must be stated;
- the residential address of the elector must be stated;
- the elector must sign the elector response form;
- if applicable, the address of the property in relation to which the person is entitled to vote as a non-resident property elector must be stated; and,
- the elector response form must be submitted to the Corporate Officer before the deadline.

Forms may be submitted in person or by mail to be received by the Corporate Officer at the Sunshine Coast Regional District office located at 1975 Field Road, Sechelt, B.C. V0N 3A1 **NO LATER THAN 4:30 P.M. ON WEDNESDAY, AUGUST 31, 2011.** Elector response forms must be in the possession of the Corporate Officer by this time, as postmarks **WILL NOT** be accepted as date of submission. **FORMS MAY NOT BE RETURNED BY FAX.**

Eligible Elector

An eligible elector for the purpose of this Alternative Approval Process is a resident who meets the following criteria:

- is age eighteen or older;
- is a Canadian citizen;
- has been a resident of British Columbia for at least six months;
- has been a resident of the Service Area for at least thirty days; and,
- is not disqualified from voting by the *Local Government Act* or any other act.

A non-resident property elector who meets the following criteria is also an eligible elector:

- is not entitled to register as a resident elector for the Service Area;
- is age eighteen or older;
- is a Canadian citizen;
- has been a resident of British Columbia for at least six months;
- has been a registered owner of the real property within the Service Area for at least thirty days; and,
- is not disqualified from voting by the *Local Government Act* or any other act.

Note: Corporations are not entitled to vote nor is land held in a corporate name eligible to vote. In the case of multiple owners of a parcel, only one person (with the consent of the majority of owners) may vote as a non-resident property elector.

What is an Alternative Approval Process?

On January 1st, 2004 the *Community Charter* came into force and prescribes two methods by which a local government may seek approval of the electors. These are *Assent of the Electors* (which is approval by voting)

or *Alternative Approval Process* which allows a Board to proceed with an action unless at least 10% of the electors state their opposition within a prescribed period. In this case, the Board has opted for the latter process. If at least 10% of the electors state their opposition to the proposed action, the matter requires the *Assent of the Electors* if the Board wishes to proceed. The *Alternative Approval Process* under the *Community Charter* replaces the *Counter Petition Opportunity* under the *Local Government Act* that some may have been familiar with.

More information may be obtained by contacting Angie Legault, Manager of Legislative Services or Selina Williams, Deputy Corporate Officer, at the Sunshine Coast Regional District office at 1975 Field Road or by telephone at 604-885-6800.

Angie Legault
Corporate Officer

Calculation of Eligible Electors

The total number of electors of the area to which the approval process applies (the proposed Langdale Dock Service Area – island portion of Electoral Area F) has been calculated at **384**.

The number of electors was calculated as follows:

The number of resident electors on the Provincial voters list in the Service Area, at the time of the November 2008 General Local Government Election **(138)**

plus

The number of non-resident property electors currently registered for properties within the Service Area **(246)**

Approval of the electors by alternative approval process is obtained if the number of elector responses received by the established deadline is less than 10% of this total **(38)**.

Financial Information / Budget Implications

Langdale Dock Service

If the AAP is successful, cost of the service is projected to be as follows:

	<u>2011 (1/2 year)</u>	<u>2012</u>	<u>2013</u>	<u>2032*</u>
Recover 2010 Feasibility Cost	2,515	0	0	0
Annual Agreement Cost	17,500	35,000	35,000	35,000
Staff Oversight	500	1,000	1,020	1530
Admin. Charge @ 7%	1,260	2,520	2,541	3782
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