



# PLANNING AND COMMUNITY DEVELOPMENT COMMITTEE

Thursday, July 12, 2018  
SCRD Boardroom, 1975 Field Road, Sechelt, B.C.

## AGENDA

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**CALL TO ORDER**            9:30 a.m.

### AGENDA

1. Adoption of Agenda

### PETITIONS AND DELEGATIONS

2. Penny Gotto, Agent, Development Variance Permit Application DVP00033            *Verbal*  
Regarding Development Variance Permit Application DVP00033.

### REPORTS

3. Manager, Planning and Development – Egmont/Pender Harbour Official Community Plan Bylaw No. 708, 2017 - Second Reading            Annex A  
**Electoral Area A (Rural Planning) (Voting – A, B, D, E, F)**            pp 1 - 77
4. Senior Planner – Development Variance Permit DVP00037 (Carvajal) - Electoral Area F            Annex B  
**Electoral Area F (Rural Planning) (Voting – A, B, D, E, F)**            pp 78 - 101
5. Senior Planner – Provincial Referral CRN00059 for Private Moorage (AJB Investments) – Electoral Area F            Annex C  
**Electoral Area F (Rural Planning) (Voting – A, B, D, E, F)**            pp 102 - 129
6. Planning Technician - Development Variance Permit Application DVP00033 (Davis) – Electoral Area A            Annex D  
**Electoral Area A (Rural Planning) (Voting – A, B, D, E, F)**            pp 130 - 143
7. Planning Technician – Development Variance Permit Application DVP00036 (Richards) – Electoral Area A            Annex E  
**Electoral Area A (Rural Planning) (Voting – A, B, D, E, F)**            pp 144 - 150
8. Planning Technician – Subdivision Frontage Waiver SD000015 (Gemmell) – Electoral Area D            Annex F  
**Electoral Area D (Rural Planning) (Voting – A, B, D, E, F)**            pp 151 - 154
9. General Manager, Planning and Community Development – Sunshine Coast Search and Rescue Association Lease – Building Expansion            Annex G  
**(Voting – All)**            pp 155 - 157
10. General Manager, Planning and Community Development – Planning and Community Development Department – 2018 Q2 Report            Annex H  
**(Planning and Community Development) (Voting – All)**            pp 158 - 174

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|---|-------------------------|
| <b>12.</b> General Manager, Planning and Community Development – Cannabis Legalization – Regional District Bylaw Comparison<br><b>(Voting – All)</b>  | Annex I<br>pp 175 - 199 |
| <b>13.</b> Electoral Area A (Egmont/Pender Harbour) APC Minutes of June 27, 2018<br><b>Electoral Area A (Rural Planning) (Voting – A, B, D, E, F)</b> | Annex J<br>pp 200 - 202 |
| <b>14.</b> Electoral Area B (Halfmoon Bay) APC Minutes of June 26, 2018<br><b>Electoral Area B (Rural Planning) (Voting – A, B, D, E, F)</b>          | Annex K<br>pp 203 - 208 |
| <b>15.</b> Electoral Area D (Roberts Creek) APC Minutes of June 18, 2018<br><b>Electoral Area D (Rural Planning) (Voting – A, B, D, E, F)</b>         | Annex L<br>pp 209 - 211 |
| <b>16.</b> Electoral Area E (Elphinstone) APC Minutes of June 27, 2018<br><b>Electoral Area E (Rural Planning) (Voting – A, B, D, E, F)</b>           | Annex M<br>pp 212 - 215 |
| <b>17.</b> Electoral Area F (West Howe Sound) APC Minutes of June 26, 2018<br><b>Electoral Area F (Rural Planning) (Voting – A, B, D, E, F)</b>       | Annex N<br>pp 216 - 218 |

## COMMUNICATIONS

## NEW BUSINESS

- 18.** Notice of Motion, Planning and Community Development Committee, May 10, 2018

*Alternate Director Stamford provided a notice of motion requesting that the Area F islands contribution to function [650] – Community Parks be reviewed in light of the large tax apportionment they provide to this function given the small benefit they receive in return.*

## IN CAMERA

That the public be excluded from attendance at the meeting in accordance with Section 90 (1) (a), (e), (i) and (k) of the Community Charter – “personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality, or another position appointed by the municipality”, “the acquisition, disposition or expropriation of land or improvements...”, “the receipt of advice that is subject to solicitor-client privilege, including communication necessary for that purpose” and “negotiations and related discussions respecting the proposed provision of a municipal services that are at their preliminary stages...”.

## ADJOURNMENT

## SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

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**TO:** Planning and Community Development Committee– July 12, 2018

**AUTHOR:** Andrew Allen, Manager, Planning and Development

**SUBJECT:** EGMONT/PENDER HARBOUR OFFICIAL COMMUNITY PLAN BYLAW No. 708, 2017 -  
SECOND READING

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### RECOMMENDATIONS

**THAT the report titled Egmont/Pender Harbour Official Community Plan Bylaw No. 708, 2017 - Second Reading be received;**

**AND THAT *Egmont/Pender Harbour Official Community Plan Bylaw No. 708, 2017* be forwarded to the Board for Second Reading;**

**AND THAT a Public Hearing be scheduled for 6:30 p.m., September 5, 2018 to be held at the Pender Harbour Community Hall, located at 12901 Madeira Park Road, Madeira Park;**

**AND FURTHER THAT Director \_\_\_\_\_ be delegated as the Chair and Director \_\_\_\_\_ be delegated as the Alternate Chair for the Public Hearing.**

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### BACKGROUND

Egmont/Pender Harbour Official Community Plan Bylaw 708, 2017 received First Reading on April 27, 2017. Following First Reading referrals commenced to a number of agencies, including provincial ministries, *shíshálh* Nation and the Egmont/Pender Harbour Advisory Planning Commission. Many of the comments received from the referral process shaped amendments to the OCP. The amendments include a series of improvements to the OCP, which is intended to serve, per the *Local Government Act*, as a guiding policy document for the future.

An updated OCP is attached as Attachment A. Amendments are shown in track changes for ease of review. A copy will be produced which consolidates the changes into a complete OCP document which can be attached to Bylaw 708 for Second Reading.

Next steps in the process include Second Reading and scheduling of a Public Hearing, which staff recommend to take place in early September.

## DISCUSSION

### *Analysis*

During the referral process the Egmont/Pender Harbour Advisory Planning Commission supported the OCP and First Reading. However, the APC noted that the chapters within Part Four: Regional Planning were not central to the document and should be removed and replaced with links to the primary related documents.

Staff attended the July 2017 Egmont/Pender Harbour APC meeting to further discuss the issue and receive feedback. At the APC meeting, were able to clarify the legislative requirements of an OCP and relationship between regional context and community planning and development. After careful consideration in the following months, the chapters remain largely in place as drafted and reviewed with the OCP Review Advisory Committee and presented at First Reading in April, 2017.

In August 2017, correspondence was received from the Pender Harbour Advisory Council. The letter suggests that Part Four of the OCP indicate the duty to consult and that the *shíshálh* Nation Lands and Resources Decision Making Policy and the Strategic Land Use Plan be referred to as reference documents.

Staff observe that Part 4.2: *shíshálh* Nation Strategic Land Use Plan provides background information as it is intended and indicates the duty to consult. Furthermore, it articulates the working relationship between SCRD and *shíshálh* Nation. The chapter does not include the entire plan nor decision making policy but points to it as a summary and a reference.

There is regional significance as well as shared decision making authority within the territory covered in the OCP. Part 4.2 recognizes the consultation and partnership between levels of government and with the community and indicates a willingness to work together on land use decisions. Staff believe this provides value to the OCP and applies an approach used with success in the Roberts Creek and Halfmoon Bay OCP's.

A positioning statement at the beginning of Part Four has been added to promote clarity about the relationship between the OCP and other documents.

A number of amendments are recommended to the document in response to the referral process and passage of time since First Reading. Changes such as the following are presented:

- Release of updated 2016 census data
- Support for re-development in brownfield sites
- Buffering residential developments in proximity to Agricultural Land Reserve (ALR)
- Strengthened language for Agricultural Land Commission and related regulation role in ALR
- Support for social hubs and community connectedness



- Updated ministry names and related wordsmithing pertaining to areas of provincial interest
- Removal of Streamside Protection and Enhancement Area (SPEA) Bending, due to change in interpretation of provincial Riparian Areas Regulation
- Addition of densification strategies to support affordable housing section, per recent Board direction
- One housekeeping change to the land use map to adjust a boundary between rural residential and industrial within the Kleindale Area.

An updated version of the OCP is appended to this report as Attachment A. Amendments to the text are identified in track changes. If amendments are accepted at Committee a consolidated version of the OCP will be appended to Bylaw 708 for consideration of Second Reading.

#### *Organizational and Intergovernmental Implications*

With respect to organization implications, the First Reading of Bylaw 708 in April 2017 included an examination of the draft Official Community Plan in respect to the Financial Plan and Solid Waste Plan. Subsequent changes to the OCP have been minor in nature and additional text is not substantive enough to trigger another review.

#### *Financial Implications*

In April 2017, the Board considered that the OCP is consistent with both of the SCRD's 2017-2021 Financial Plan and 2011 Solid Waste Management Plan. There will be no additional financial implications pertaining to Second Reading and potential future adoption of the OCP.

#### *Timeline for next steps or estimated completion date*

Bylaw 708 can be considered for Second Reading at the July 26, 2018 Board meeting. This provides approximately 6 weeks to advertise and prepare for a Public Hearing in early September. Staff recommend the Public Hearing be held on September 5<sup>th</sup>. This is after the Labour Day long weekend yet still early in the month in order to enable participation from both local and off-Coast property residents and owners.

An early September Public Hearing could provide an opportunity for the OCP to be considered at a Committee in the latter part of September and potential for Third Reading and Adoption at the October 11 Planning and Community Development Committee meeting.

If amendments are to be made after the Public Hearing a revised timeline may need to be considered. Some changes can be made to the OCP document with consideration for Third Reading as amended. However, if any of the changes relate to use or density then an additional Public Hearing is required. If there are changes that require amendment to use and density there is an opportunity to adopt the OCP as presented and then immediately follow up with a second process to address the required changes. This secondary process was utilized with success in 2014 to adopt the Halfmoon Bay OCP and then to follow up with one area-specific amendment. This was done to ensure the integrity and momentum of the remainder of the OCP, which was not changing.

### *Communications Strategy*

The OCP process has been proceeding slowly in 2018 and there will be communication needs to ensure a path toward Adoption. Staff will reach out to the members of the OCP Review Advisory Committee to communicate the project completion plan. Additionally the OCP web page will be updated and distributed to project contacts and placed on SCR D social media and bulletin board within the Coast Reporter newspaper.

Advertising requirements for a Public Hearing are described in the *Local Government Act* which requires advertisement in two consecutive weeks of a newspaper. Advertising will commence in the Coast Reporter in August.

Staff will also place an advertisement in the July edition of Harbour Spiel to further reach the local audience in Egmont/Pender Harbour.

External agencies who have participated in the referral process to date can be sent a courtesy follow up referral to share the date of the scheduled Public Hearing.

### **STRATEGIC PLAN AND RELATED POLICIES**

Many of the values from the Board Strategic Plan are directly reflected in the OCP and development process, including: collaboration, environmental leadership and transparency.

Along this same line many of the key strategic priorities of the plan are reflected within the OCP, including: supporting sustainable economic development, enhanced collaboration with *shíshálh* Nation and community development.

### **CONCLUSION**

Egmont/Pender Harbour Official Community Plan Bylaw 708, 2017 received First Reading in 2017. Referrals were subsequently sent to provincial ministries, *shíshálh* Nation and the Egmont/Pender Harbour Advisory Planning Commission.

Responses to the referrals have been considered and many amendments have been made to the OCP document. The changes provide an overall improvement to the OCP and provide a solid foundation for future planning direction in Egmont/Pender Harbour.

Staff recommend that Bylaw 708 be forwarded to the Board for Second Reading and that a Public Hearing be scheduled for September 5, 2018.

### *Attachments*

Attachment A: Egmont/Pender Harbour Official Community Plan, with proposed amendments in track changes

Reviewed by:			
Manager		Finance	
GM	X - I. Hall	Legislative	
CAO	X – J. Loveys	Other	



# Egmont/Pender Harbour Official Community Plan

April 2017 July, 2018

Photo Credit: Jeff Dyck

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# Part One: Introduction

## 1.1 Acknowledgements

The Sunshine Coast Regional District (SCRD) acknowledges the time and valuable contribution made by the following residents in preparing the Egmont/Pender Harbour Official Community Plan (OCP). An advisory group was established to assist in guiding the public engagement process and providing insight into the vision, goals, objective and policies which shape this plan.

## 1.2 Egmont/Pender Harbour Official Community Plan Advisory Group

Peter Robson, Chair

Les Falk	Karen Dyck
Joe Harrison	Bob Fielding
Sid Quinn, <i>shíshálh</i> Nation and returning OCP advisory group member	Kal Helyar
Gordon Littlejohn	Maureen Juffs
Catherine McEachern	Steve Luchkow
Din Ruttelynck	Patti Soos

The Official Community Plan was prepared during the elected term of Director for Electoral Area A: Egmont/Pender Harbour, Frank Mauro, who attended as an ex officio member and guide to the Advisory Group.

The Advisory Group would like thank of Andrew Allen, SCRD Manager, Planning and Development for the meeting preparation and writing of this document.

This current OCP builds on the work of the original Egmont/Pender Harbour OCP that was also created with the assistance of a public advisory group. The current advisory group and SCRD thank the public advisory group which helped create the original OCP, which provided a foundation for this OCP.

### 1.3 Introduction

Official Community Plans (OCPs) are described in the *Local Government Act* and must contain a number of goals, objectives and policies pertaining to community planning and development. An OCP is a high level document which guides decision making on land use, water and sewer service, road development, parks and use of Crown land. Ultimately an OCP forms recommendations for land use and zoning but is not to be used as zoning bylaw. Zoning bylaws implement the ideas of an OCP and provide details to carry out the intent of the OCP.

An OCP also provides specific detail on the development of sensitive properties in the Development Permit Areas chapter. Development Permit Areas are in place for a variety of reasons, including environmental protection and geotechnical safety.

Official Community Plans must have policies suitable for at least five years and are often valid for upward of 15 to 20 years. The first OCP for Egmont/Pender Harbour was adopted in 1998, and remained in place through to the adoption of this OCP. In 2005 there were several changes made to Zoning Bylaw 337 to implement many of the policies within the OCP and as well there have been other changes throughout the years to accommodate community growth and changes in provincial legislation.

In the years since the initial OCP completion, Egmont/Pender Harbour has seen a modest population increase and a sharper increase in the average age. The average age in Egmont/Pender Harbour is higher than the average on the Sunshine Coast as a whole, which is significantly higher than the provincial rate.

According to the 2016 Census, the percentage of the population over the age of 15 years was 94.18% within the Plan area. This compares to 78% for the Sunshine Coast as a whole and close to 71.85% across British Columbia. It is evident that the population in Egmont/Pender Harbour is growing older. Efforts need to be made to create a more balanced community to ensure a prosperous and sustainable future.

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Another indicator of local settlement and population is the distinction between full and part time residents within the community. From the most recent census data in 2016, there were 2,329 dwellings and 1,381 or 59% of these were occupied by full time residents, this is compared to an average of 80% for the Sunshine Coast and 91% for the province. Again, this indicates a unique character of the community, a real mix between full time and part time residents, indicating the seasonal population differences.

The OCP serves as the guiding document for land use and community development and provides options for moving forward into the future and reflects the values of the community. An effective OCP is based on a mix of science and community preference and which meets values of the community at the time of adoption and that is flexible enough to move into the future.

The goal of an OCP is to steer the community in a favourable and sustainable direction that can assist in creating a balanced community; which can manage the best possible mix of land uses in both a cost effective and environmentally sensitive manner.

A balanced community aims to provide sustainable social and economic growth and this starts with an effective OCP.

The Egmont/Pender Harbour Plan area includes the more settled and partially serviced portion of Electoral Area A covering close to 25,000 hectares including a 300 metre off-shore buffer area into the ocean. The entire Plan area is within the *shíshálh* Nation territory and includes private *shíshálh* Nation land holdings in Bargain Harbour, Madeira Park, Kleindale, Garden Bay, Sakinaw Lake and Skookumchuck Narrows.

The Plan area extends north and west of Electoral Area B (Halfmoon Bay) near Wood Bay to the northern end of the Sechelt Peninsula at Egmont and across the water into East Egmont and the surrounding hillside. Within the Plan area there are several distinct neighbourhood areas including Middlepoint, Francis Peninsula, Madeira Park, Kleindale, Garden Bay, Irvines Landing, Daniel Point, Sakinaw and Ruby lakes, Earls Cove and Egmont.

The Plan area is blessed with numerous lakes, ranging in size from less than 10 hectares in area to 686 hectares for Sakinaw Lake. From smallest to largest, the more accessible lakes include Katherine Lake, Lily ~~(Pae)~~ Lake, Ambrose Lake, McNeil Lake, Hotel Lake, Klein Lake, North Lake, Mixal Lake, Garden Bay Lake, Waugh Lake, Ruby Lake and Sakinaw Lake. These lakes and their shore areas provide many benefits for natural fish and wildlife habitat, in some cases community water supply, recreational and seasonal settlement. -Multiple demands and uses are put on many of the lakes within the Plan area, including environmental and recreational considerations.

The primary commercial services and focal points for the community are located in Garden Bay and Madeira Park for the Pender Harbour area; and as well as Egmont.

Recognizing that the Egmont/Pender Harbour area falls within the territory of the *shíshálh* Nation, the OCP goals and policies offer respect and recognition to the *shíshálh* Nation and their land use planning. This OCP includes a chapter dedicated to a summary description of the *shíshálh* Nation strategic land use plan and how it relates to this OCP and decision making at the SCRD.

The OCP starts-commences with the community vision and goals and is followed by the land use designations in Part 2. Parts 3 and 4 comprise community and regional planning initiatives.

## 1.4 Egmont/Pender Harbour OCP: Community Vision and Goals

### COMMUNITY VISION

Our vision is to foster a unified, vibrant, healthy, safe, and diverse community within our unique lake, mountain, and marine coastal landscapes that balances economic opportunities with the natural environment.

### COMMUNITY GOALS

- To build a strong sense of community based on respect and understanding amongst plan area residents, the *shíshálh* Nation, and ~~the~~ SCRD.
- To promote and attract a thriving, diverse and balanced community which allows economic and employment opportunities able to support healthy lifestyles for current and future generations.
- To recognize and preserve the area's historical, heritage and archaeological sites.
- To protect the quality and quantity of all water sources.
- To ensure that there are sufficient and efficient infrastructure and services available to support the community interests and values.
- To respect and enhance our environment and recognize it as the foundation of our past, present, and future.



## Part Two: Land Use Designations

### 2.1 Residential, Comprehensive Residential, Rural Residential and Multi-Family

According to the *Local Government Act* an Official Community Plan must contain statements and land use designations to indicate the location, amount, type and density of residential development to meet anticipated needs for a period of at least 5 years. The objectives and policies within this chapter meet this requirement.

Part two is the land use designation chapter, which outlines where certain uses can occur and distinguishes between residential, rural and commercial areas. Within the different land use designations there are specific objectives and policies which outline current and future land uses. The policies are to be reflected in the zoning bylaw, which provides the details and specifics. The land use designations provide direction for current and future land uses.

In some cases the zoning bylaw permits the uses noted with the specific land use designation, whereas in other cases amendments to the zoning are required to implement the policies.

Parcel size designations in this plan have attempted to strike a balance between soil suitability for on-site sewage disposal, the community's desire for an affordable supply of land as well as protection of important environmental features, including the [Plan area's various](#) lakes.

Variability of soil and slope conditions make it difficult to assign exact minimums for parcel size designations. Therefore plan designations only generally reflect soil capability for on-site sewage disposal.

Availability of community water, community sewer, road access, historical settlement patterns, habitat conditions, and proximity of geotechnical assessment areas are all additional factors influencing parcel size designations in this part of the OCP.

A variety of dwelling and building types are permitted in residential zones. The definitions and parameters of the dwellings and buildings are described within the SCRD zoning bylaw for the Plan area.

Part 3.1 of this OCP, within the Community Plan section, provides clarity regarding the value of using densification methods in the right location to increase housing supply and providing diverse housing choices for residents within the community. Housing availability and choices will assist in providing options for new-comers and long-time residents alike.

#### 2.1.1 Objectives

- (a) To focus future residential growth in appropriate community areas.
- (b) To minimize residential conflicts [and air quality impacts](#) by establishing appropriate buffer zones to industrial and resource activities, including forestry and agriculture.

- (c) To minimize residential impact on sensitive habitat by establishing buffers to significant natural habitat features.
- (d) To minimize the impact of residential development activity on community watersheds within the Plan area.
- (e) To encourage subdivision design and development which provides a variety of parcel sizes.
- ~~(f)~~ To minimize, where possible, land clearing activity at all phases of residential development.
- ~~(f)~~~~(g)~~ To support development in brownfield sites (previously developed) as a priority over greenfield sites (undeveloped land).
- ~~(g)~~~~(h)~~ To encourage dwelling design and siting which takes advantage of opportunities for energy efficient homes including passive solar heating.
- ~~(h)~~~~(i)~~ To encourage the building of a range of housing types and opportunities to address affordable, rental, seniors and special needs housing including persons with disabilities and low-income residents.
- ~~(i)~~~~(j)~~ To provide for cluster housing opportunities in appropriate residential areas.
- ~~(j)~~~~(k)~~ To discourage additional driveway access onto the Sunshine Coast Highway.
- ~~(k)~~~~(l)~~ To provide for home occupation employment opportunities compatible in scale and character with residential and rural neighbourhoods.
- ~~(l)~~~~(m)~~ To provide rural lifestyle opportunities through larger parcel sizes and compatible rural land uses.
- ~~(m)~~~~(n)~~ To provide for auxiliary small scale commercial and light industrial activity in appropriate areas.
- ~~(n)~~~~(o)~~ To provide for a greater variety of agricultural activities, including local food production and sales.
- ~~(o)~~~~(p)~~ To reduce the risk of wildfire hazard in residential areas.
- ~~(p)~~~~(q)~~ To encourage sustainable uses when considering development approval of ~~the~~ land.

### 2.1.2 Policies

- (a) Opportunities for affordable rental, seniors and special needs housing shall be made available through zoning providing for auxiliary dwellings, duplexes, suites within houses, mobile homes, special rental housing, transition homes, and full size second dwellings in most parts of the Plan area subject to parcel size and other requirements.
- (b) Through the subdivision review process for subdivisions and building permit applications, homeowners or developers are encouraged to organize their projects to capitalize on available opportunities for implementation of sustainable building strategies

for example, passive and active solar energy, particularly in off-grid areas, water conservation and green roofs.

- (c) Homeowners are encouraged to practice careful vegetation management in proximity of their homes in order to reduce the spread of forest fire and to reduce the threat of property damage from wildfire. This may include the removal of ladder fuels such as low branches on trees and fuel on the ground. -Non-combustible finishing on houses and buildings may be considered to reduce the threat of spreading fire.
- (d) Map 1 designates select residential lands as Residential A & B, for which the principal use shall be single family detached housing and associated auxiliary uses, including auxiliary structures, limited commercial opportunities such as bed and breakfasts, home based business and food production and sales.
- (e) Parcel size and land use requirements for the residential land use designation, to be regulated within the zoning bylaw as described in the specific land use designations described below.
- ~~(e)~~(f) Property development in a Residential or Rural Residential designation adjacent to the Agricultural Land Reserve must include an on-site buffer to protect current and future agricultural uses.

#### **2.1.3 Residential A**

- (a) This designation is primarily located within neighbourhood and community core areas, which are primarily serviced by community water supply systems. The average size of new subdivided lots shall be 2,000 square metres subject to subdivision approval.
- (b) Provision for a second single family dwelling requires a minimum parcel area of 4,000 square metres in areas served by on-site septic disposal systems. A duplex, auxiliary dwelling or suite within a dwelling are supported for the provision of affordable housing options.
- (c) Additional land uses include a home-based business, as defined in the zoning bylaw, and bed and breakfast home.
- (d) Subdivisions and cluster homes with higher density can potentially be created with an average parcel size of 1,000 square metres to provide a housing and community benefit where approved septic treatment technology has been established to treat the effluent from the development.
- (e) The ability to create areas of higher density will likely require community sewage treatment and disposal facilities to be developed in accordance with the policies in Part 3.6.

#### **2.1.4 Residential B**

- (a) This designation is located primarily along Highway 101 and outside of community water supply areas and has a larger parcel size pattern. The minimum size of new subdivided lots shall be 1 hectare, subject to subdivision approval, due in part, to moderate

constraint of soil types and terrain characteristics for on-site sewage disposal common to residential acreage properties, generally located outside of community and neighbourhood core areas.

- (b) Consideration may be given to smaller parcels in waterfront areas where additional highway accesses are not required.
- (c) Specific land uses may include a variety of housing forms, including second dwellings or duplexes, as well as bed and breakfast home and home-based business. Bed and ~~breakfast-breakfast~~ inn (maximum five bedrooms) and ~~transition-supportive houses~~ housing may serve as additional uses.

#### **2.1.5 Comprehensive Residential**

- (a) Map 1 designates select residential lands as Comprehensive Residential for which the principal use is residential but may include auxiliary commercial uses and auxiliary light industry, as defined in the zoning bylaw.
- (b) The average parcel size for newly subdivided lots shall be 2,000 square metres in areas served by a community water system and 10,000 square metres in areas not yet served by a community water system.
- (c) Subdivisions with higher density will be considered, with an average parcel size of 1,000 square metres, in neighbourhood areas where there is an affordable housing component and a community benefit. High density developments shall be serviced by community water supply and approved septic treatment technology.
- (d) Actual parcel size shall be determined on site at time of subdivision approval and the ability to create an average of 2,000 square metre parcels on a broad basis will likely require community sewage treatment and disposal facilities to be developed in accordance with the policies in Part 3.6.
- (e) Compatible land use include a variety of housing types as well as bed and breakfast home and home-based business. Light industry, bed and breakfast inn, mixed housing types, a broad range of auxiliary commercial activities, sleeping units, and campground may be permitted as additional uses depending on parcel size.
- (f) The density for sleeping units and campgrounds shall be 10 units per hectare up to a maximum of 30 units on properties.

#### **2.1.6 Rural Residential**

- (a) Map 1 designates as Rural Residential A and Rural Residential B. These areas provide a transition zone from the more dense residential areas to the less dense rural areas and encourage a range of land uses to promote community diversity while also providing a buffer to the lakeshore and watershed protection.
- (b) The minimum size of new subdivided lots with Rural Residential A shall be 1.75 hectares along the lakeshores and 1 hectare for other properties, subject to subdivision approval,

and a minimum of 4 hectares within Rural Residential B. Both designations require a minimum lakeshore frontage of 60 metres.

- (c) Lakefront properties may be permitted to have a second single family dwelling or a bed and breakfast home on parcels exceeding 2 hectares.
- (d) Terrain characteristics and soil types pose mainly moderate development constraints for on-site sewage disposal, road development and site preparation. Geotechnical reviews may be required during future development.
- (e) Development in proximity to lakeshores is subject to Development Permit Area #4 and the policies contained within Part 3.1.3: The Aquatic Environment.
- (f) Additional land uses may include up to two detached single family dwellings, a variety of housing types as well as bed and breakfast home, agriculture, and home-based business. Auxiliary light industry, bed and breakfast inn, garden nursery, riding stable, transition house, storage, and campground may be permitted as additional uses depending on parcel size. The density for sleeping units and campgrounds shall be 10 units per hectare up to a maximum of 30 units.
- (g) Existing non-conforming lakefront campgrounds, such as Hotel Lake shall be enabled to maintain operations, pursuant to the provisions of the *Local Government Act*. Future expansion of the campsite may be subject to a zoning bylaw amendment to accurately reflect the use and will be subject to riparian and sewage treatment reviews.
- (h) A 30 metre assessment area for structures and land development and alteration from the natural boundary of all lakes and creeks in the Plan area is required pursuant to the Riparian Areas Regulation for the purpose of habitat protection, vegetation retention, water quality protection and geotechnical constraints, and as further described in Development Permit Area 4: Riparian Assessment Areas. The 30 metre assessment is in addition to the recommended 20 metre building setback.
- (i) Ecological interpretive assemblies and related field study centres operated on a non-profit or public basis may also be a compatible use on sites where there is no conflict with community water supply and where such use demonstrates environmental stewardship within the watershed protection area.
- (j) Subdivision approval for water access only properties is contingent upon off-site parking on suitably zoned lands. Properties located at the north end of Sakinaw Lake in proximity to the boat launch on Sakinaw Lake Road and Lakeshore Road have been identified as properties within the Rural Residential A designation that may be suitable in the future for off-site parking subject to a zoning bylaw amendment.
- (k) Other properties within the Rural Residential designations may be considered in the future for off-site parking on water access lakefront properties, subject to review by the SCRD and the community in the zoning bylaw amendment process. A future bylaw amendment for on-site parking must consider nearby creeks and spawning areas as well as other important environmental considerations. Stormwater management, visual and noise buffering shall also be considered.

(l) To protect existing and future agricultural activities from potential conflicting non-agricultural uses within and adjacent to the Agricultural Land Reserve.

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### 2.1.7 Multi-Family

- (a) Map 1 designates as Multi-Family, land where existing zoning recognizes established multi-family housing opportunities, at densities no less than one unit per 500 square metres of land, providing alternative and affordable housing opportunities, such as cluster housing, town houses and apartments and mobile home parks.
- (b) Market restricted affordable housing may also be considered as part of a development approval for future multi-family developments.
- (c) The ~~existing~~ mobile home park located at 12248 Sunshine Coast Highway shall remain as a mobile home park or similar multi-family long-term housing development.
- (d) Proposals for additional multi-family sites may be considered in residential areas except for properties fronting Highway 101, unless alternative access is readily available, and will be evaluated on criteria that includes the following site selection considerations and information requirements which are subject to development approval information, pursuant to the *Local Government Act* and SCRD Procedures and Fees Bylaw ~~522~~:
  - i. served by on-site sewage disposal and community water service;
  - ii. in proximity to facilities and services such as convenience shopping and commercial retail areas;
  - iii. the proposed development will not pose a detrimental impact on environmentally sensitive areas and watercourses and geotechnical hazard areas as indicated on Map 2: Development Permit Areas;
  - iv. in proximity to a major collector road forming part of the Major Road Network as shown on Map 3 in order that traffic generated by the development does not adversely affect established residential properties;
  - v. access to the proposed development is acceptable to the Ministry of Transportation and Infrastructure in terms of safety and efficiency of traffic flows;
  - vi. vehicular access to a proposed development will be provided in a location which, through sensitive siting and design, causes minimal impact on adjacent properties;
  - vii. the traffic demand and impact from the proposed development will be compatible with the capacity, character and traffic patterns of adjacent roads and with the character of the area;
  - viii. liquid waste disposal from the overall development must be acceptable to the SCRD (for community sewer systems under SCRD ownership) ~~or~~ Vancouver Coastal Health Authority or Ministry of Environment (depending upon sewage volume);

- ix. developments that compensate for increased density by dedicating areas not to be built on as green space or open space will be encouraged [and re-development on brownfield sites is encouraged](#);
- x. a proposed development in residential or rural areas should respect existing neighbourhood character through compatible architectural design and landscaping, sensitive siting of all buildings and an appropriate overall scale;
- xi. building height and building mass shall be reviewed in relation to the impact on the surrounding properties.
- xii. a community amenity shall be provided for those residing in the cluster housing development, such as a tennis court, exercise room, public meeting or green spaces [to create social hubs for the neighbourhood and overall community](#).

## 2.2 Resource

This land use designation is focused primarily on Crown resource lands typically used for either resource development or without a present identified use, which includes forest lands and managed provincial forest. These resource lands provide employment opportunities to the region through forestry and are also used for recreation and non-timber harvesting of foraged food product. Land use controls which have been introduced seek to protect this land base and its resource, while offering a level of protection and certainty to nearby residents.

Large blocks of private land in East Egmont where resource uses are most appropriate also fall within this designation.

This land base is within the territory of the *shíshálh* Nation and resource and land use decisions will be reviewed in the context of this OCP and shall be referred to the *shíshálh* Nation respecting the consistency with the Strategic Land Use Plan.

### 2.2.1 Objectives

- (a) To provide for forestry related and other compatible resource activities, including non-timber harvesting within and adjacent to the managed Provincial Forest.
- (b) To preserve managed forest lands for forestry and other compatible resource uses.
- (c) To support uses such as outdoor recreation and education.
- (d) To allow for sand and gravel processing activities, subject to zoning allowance, in appropriate locations within this designation where significant recoverable deposits of these materials exist.
- (e) To minimize conflicts between [agricultural](#), sand and gravel processing operations, forestry related operations and adjacent land uses.
- (f) To provide adequate protection to [the environment as a whole including, air quality and watersheds](#) which contribute to water supplies and overall health of the forests.
- (g) To minimize residential conflicts within the Resource designation.
- (h) To review all land uses with [in the](#) Resource Designation [for](#) compatibility with the *shíshálh* Nation Strategic Land Use Plan.
- (i) To encourage the protection of important ecological and recreation areas on both public and private lands.

### 2.2.2 Policies

- (a) Map 1 designates select parcels and other land as Resource, for which the principal use shall be resource activities such as the establishment, management, and harvesting of the forest cover for timber and other forest products and values, silviculture practices and integrated resource management.



- (b) The minimum size of new subdivided lots shall be 100 hectares to limit residential development and to minimize the potential for alienation of land from the working forest land base.
- (c) Compatible land use will include management and harvesting of the forest cover, silviculture, agriculture, forest or wilderness recreation, outdoor natural science education or research, and non-timber harvesting.
- (d) Pursuant to the 2104 SCRD and BC Timber Sales communication protocol forest stewardship plans and operational plans are to be shared with the SCRD and the community ~~well~~ in advance of the proposed harvest date to ensure suitable feedback and comments on the proposed forest harvesting operations.
- (e) Gravel extraction opportunities must be consistent with the *Mines Act* and any assembly and sorting of gravel on-site may be subject to zoning requirements.
- (f) Expansion and new facilities for gravel extraction and related operations in this designation will be considered consistent with the OCP. Bylaw amendment approvals will consider the following development approval information:
  - i. community consultation;
  - ii. noise and dust control;
  - iii. visual buffers from adjacent and nearby properties;
  - iv. protection of nearby agricultural, recreational, cultural and environmental values including water resources; and
  - v. reclamation plans.
- (g) ~~Referrals from the~~ The Provincial Government shall be encouraged to send referrals for resource extraction on Crown land within the *shíshálh* Nation territory ~~shall will be referred to both SCRD and the shíshálh Nation. Rights and Title Department prior to providing input to the Province.~~
- (h) Outdoor recreation is permitted within the Resource designation, where appropriate and site specific zoning allowances may be required along with a license of occupation from the Provincial Government if located on Crown land.
- (i) Pursuant to the *Local Government Act*, land within the Resource designation on Map 1 is designated as a Temporary Use Permit Area.

## 2.3 Agriculture

The agricultural lands within the Plan area are located in two areas: Kleindale and in the McNeil Lake community watershed area. With improvability to Class 2, 3, and 4 (Canada Land Inventory) these lands are comparable to other useable agricultural soils on the Sunshine Coast. Commercial agricultural operations take place on privately owned Agricultural Land Reserve properties in the Kleindale area on Garden Bay Road. The McNeil Lake area is within the Crown Provincial Forest and within the watershed of the South Pender Harbour water service area. Overlapping priorities are recognized in the McNeil Lake area and water quality from the lake shall not be compromised by agriculture, or any other use.

The OCP provides input into land uses within the Agricultural Land Reserve and provides direction for the SCRD ~~and the provincial Agricultural Land Commission in their role as decision makers to work in collaboration with the Agricultural Land Commission in its role as a decision maker~~ for agricultural land.

The use of agricultural land is subject to both the local zoning bylaw and ~~the land use regulations of the Agricultural Land Commission~~ Agricultural Land Commission Act, Regulations and Orders of the Agricultural Land Commission. In the future the zoning bylaw can be amended to more explicitly permit agricultural uses within the agricultural land reserve to support an increase in local food production.

### 2.3.1 Objectives

- (a) To protect agricultural land and support agricultural opportunities.
- (b) To preserve agricultural land by maintaining large parcel sizes.
- (c) To provide for a greater variety of agricultural activities, including the opportunity for marketing locally produced agricultural products in accordance with the Agricultural Land Commission Act, Regulations, and Orders of the Agricultural Land Commission.
- ~~(d) To protect existing and future agricultural activities from potential conflicting non-agricultural uses within and adjacent to the Agricultural Land Reserve.~~
- ~~(e)(d)~~ To encourage the inclusion of quality arable land into the Agricultural Land Reserve.
- ~~(f)(e)~~ To ensure that agricultural activities do not adversely impact water quality and quantity within lake, watercourse corridors and foreshore areas.
- ~~(g)(f)~~ To support the development of small scale business opportunities consistent with the provisions of the *Agricultural Land Commission Act*, Regulations, and Orders of the Agricultural Land Commission.

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### 2.3.2 Policies

- (a) Map 1 designates select parcels and other non-parcelized land as Agricultural.

- (b) Land is to remain in the Agricultural Land Reserve with a minimum parcel size designation of 4 hectares in the Kleindale area and 100 hectares around McNeil Lake.
- (c) Subdivision of land within the ALR is not normally supported. [Although not likely to be support, #subdivision](#) may be considered where the intent is to improve the agricultural production of the land. The subdivision district zoning is a guideline for minimum parcel size and is not necessarily relied upon for subdivision within the ALR [as the goal is to preserve agricultural land and encourage farming opportunities](#).
- (d) ~~The Regional District~~ [SCRD](#) may consider permanent second dwellings within the ALR in accordance with policies established in the zoning bylaw, providing that the second dwelling is a benefit to the on-site agricultural operation. [A request for second dwelling is also referred to the Agricultural Land Commission for approval](#).
- (e) The zoning bylaw shall contain policies specifically applicable to the ALR for the purposes of regulating land uses and parcel sizes within the ALR.
- (f) The Regional District shall allow sale of farm products through on-site small produce stands [in accordance with the Agricultural Land Commission Act, Regulations, and Orders of the Agricultural Land Commission](#).
- (g) Any land considered for inclusion into the ALR shall have proven agricultural potential, based on the findings of a detailed capability assessment, and shall be either of significant size or contiguous with an existing parcel in the agricultural designation.
- (h) Future roads and major utility or communication corridors, where possible, are to be directed away from the ALR.
- (i) The use, storage and management of agricultural waste shall take place in accordance with the provisions of the Code of Agricultural Practice for Waste Management.
- (j) To protect aquatic habitat and improve marine and freshwater water quality the Regional District encourages the following restrictions:
  - i. Agricultural buildings and storage areas to be setback a minimum of 30 metres from the natural boundary of any watercourse, wetland, lake, ocean, or top of bank;
  - ii. Confined livestock areas and manure storage structures must be located at least 30 metres back from the natural boundary of any watercourse, wetland, lake, ocean, or top of bank;
  - iii. Storage sites for petroleum, pesticides, and other chemicals to be located a minimum of 30 metres from any well and from the natural boundary of any watercourse, wetland, lake, ocean, or top of bank;
  - iv. Maintain groves of trees, or provide some shade such as a roofed shelter beyond the natural boundary of any watercourse, wetland, lake or the ocean to draw livestock from these sensitive areas;
  - v. Manure should not be applied within 30 metres horizontal from the natural boundary of any watercourse, wetland, lake, ocean, or top of bank;

- vi. The quality and quantity of the drinking water supply at McNeil Lake and surrounding area is a priority over agriculture; and
- vii. Agricultural use shall be undertaken in a careful manner which does not create additional water run-off onto adjacent properties, nor should it impede the existing natural run-off.

## 2.4 Industrial

Industrial land use activity contributes to the economic diversity of the community. The presence of industries such as fishing, forestry, wood processing, aggregate extraction, barge loading and marine facilities recall the area's early history and contribute to the social fabric of the overall community.

The policies within this chapter recognize the industrial areas within the Plan area boundary and provide an opportunity for an expansion of industrial zoning and temporary industrial use permits.

### 2.4.1 Objectives

- (a) To recognize water and land areas currently zoned or utilized for industrial and marine industrial activities.
- (b) To support the creation and expansion of industrial and marine industrial activities where the expansion will have a minimal impact on properties designated for residential purposes.
- (c) To support industries that will not have a deleterious impact on sensitive habitat areas or the natural environment due to air, water or land pollution.
- (d) To encourage and protect the continued presence of the fishing community.
- (e) To encourage higher value manufacturing and the establishment of new industrial businesses.
- (f) To recognize existing opportunities for light industry in appropriate areas, provided that impact on adjacent and nearby properties is minimized.
- (g) To recognize existing opportunities for small scale industrial activity in all areas as home-based business, as defined in the zoning bylaw.
- (h) To consider temporary use permits for industrial activity located within a different designation that is temporary in nature, likely due to a construction project, such as a mobile plant during highway construction or works project. [Any industrial activity within the ALR shall be conducted in accordance with the Agricultural Land Commission Act, Regulations, and Orders of the Agricultural Land Commission.](#)

#### 2.4.2 Policies

- (a) Map 1 designates land for industrial uses. Industrial uses shall be permitted except where they will have a deleterious impact on sensitive habitat areas or the natural environment due to air, water or ground pollution. Land use requirements in the industrial areas for a variety of uses shall be as follows:

i. Light Industrial:

The minimum size of new subdivided lots shall be 2,000 square metres in areas served by community water and 1.0 hectare in areas not served by community water, subject to Provincial ministry approvals.

Properties designated as Light Industrial are recognized as having potential for activities such as light industry. —as defined in the zoning bylaw, such as retail, wholesale and storage. —~~such as retail or wholesale sales, gasoline service station, general repair outlet, office, restaurant, moving and light storage, marina and boat building. One caretaker residence is permitted as a benefit to the industrial operation.~~

ii. Heavy Industrial:

The minimum size of new and existing parcels subdivided lots shall be 2.0 hectares, subject to Provincial ministry approvals.

Properties designated as Heavy Industrial are recognized as having potential for activities such as mineral, aggregate, asphalt, concrete or wood processing, log booming, shakemill, sawmill, auto wrecking, auto storage yards, landfill, refuse transfer station and recycling depot, airport, heliport, marine freight handling facility as well as all uses permitted in the Light Industrial designation.

iii. Aquaculture:

The minimum size of new subdivided lots shall be 2.0 hectares, subject to Provincial ministry approvals.

Properties designated as aquaculture are recognized as having potential for activities such as the storage, processing and distribution of fish, shellfish and other marine products as well as one caretaker residence is permitted as a benefit to the industrial operation.

The Regional District may support applications for shellfish tenures over marine foreshore areas where upland conflicts are minimized and where natural habitat conditions are least impacted. Upland developments related to such a tenure will require appropriate zoning.

- (b) Land within this designation shall remain within the industrial land base for present and future use.

- (c) The area between Menacher Road and Garden Bay Road at Kleindale is well suited as an alternate primary commercial centre for the Plan area. Map 1 designates land as General Commercial; however light industrial uses may also be suitable.

- (d) The scale of development may be limited due to lack of water servicing. Any large scale development involving habitable or combustible buildings may require an on-site reservoir to provide fire protection.
- (e) The extension of zoning to permit additional facilities described in the Industrial designations may be considered for land located in proximity to existing industrial uses. Any proposed rezoning will be evaluated on the site selection considerations and information requirements which are subject to development approval information, pursuant to the *Local Government Act* & SCRD Procedures and Fees Bylaw ~~522~~:
  - i. ~~The~~ the proposed development does not pose a detrimental impact on environmentally sensitive areas and geotechnical hazard areas as indicated on Map 2: Development Permit Areas;
  - ii. access to the proposed development is acceptable to the Ministry of Transportation and Infrastructure;
  - iii. sewage disposal from the proposed development is acceptable to the Regional District and to the Provincial authority, either the Vancouver Coastal Health Authority or the Ministry of Environment;
  - iv. availability of off-street parking; and
  - v. ability to buffer proposed commercial and industrial uses from adjacent residential uses.
- (f) Under certain circumstances it may be advisable to consider allowing establishment of an industrial or commercial use on a temporary basis. This enables the SCRD to put a maximum time limit on certain uses. Issuance of a temporary use permit may be accomplished by an examination of the following guidelines:
  - i. ~~p~~Pursuant to the *Local Government Act*, land within Industrial designation on Map 1 is designated as a Temporary Use Permit Area ~~1~~;
  - ii. ~~a~~Applications for temporary use permits will be evaluated in terms of their consistency with the policies of this plan respecting the scale, type and location of industrial development; the expected duration of the use; potential impacts on adjacent uses; and the environmental suitability of the land for the use proposed ~~1~~;
  - iii. ~~These~~ temporary use provisions are intended to accommodate heavy industrial uses such as asphalt manufacturing or high impact commercial outdoor recreation ventures. Uses such as PCB storage, chromium manufacturing and other high impact chemical plants; fish/animal rendering plants; and noxious industries are deemed to be incompatible uses within the Plan area and therefore will not be considered for temporary industrial permits ~~1~~;
  - iv. ~~No~~ no additional permanent structures are to be constructed in conjunction with a temporary industrial use. Financial security shall be required to ensure that temporary structures are removed upon expiration of a permit and that the land is restored to a satisfactory condition if it has been altered ~~1~~;

- v. ~~All~~ all applications for temporary uses must conform with the Ministry of Transportation and Infrastructure access requirements; Vancouver Coastal Health Authority sewage disposal regulations for small sewage systems, and Ministry of Environment for large scale sewage systems; Ministry of Environment/Federal Fisheries habitat protection guidelines and any other agency regulations as may be necessary.
- (g) Efforts ~~are to~~ shall be made to secure the former maintenance yard on Francis Peninsula Road owned by the Ministry of Transportation and Infrastructure for public use or ownership for a variety of community level industrial opportunities.



## 2.5 Public Use and Utilities

Institutional uses are those which provide for community, social and educational services within the Plan area. These essential services contribute greatly to the character of the community.

### 2.5.1 Objectives

- (a) To recognize established institutional uses.
- (b) To provide for additional institutional uses that can be appropriately located in the Plan area to serve existing and future residents.
- (c) To ensure the protection of cemeteries and other known burial sites.

### 2.5.2 Policies

- (a) Map 1 designates land and buildings as Institutional for public and community uses in facilities such as schools, community halls, churches, fire halls and training, educational and science and research facilities.
- (b) The Pender Harbour Fire Protection District and the Egmont and District Volunteer Fire Department provide fire and emergency response within the Plan area and provide mutual aid for the ambulance service, emergency fire and rescue with one another and with the Provincial Government.
- (c) A heliport with safe landing sites should be developed to enhance access to the Plan area in the event an emergency.
- (d) School District 46 and ~~the~~ SCRD shall be encouraged to maintain the Egmont School site for public use.
- (e) School District 46 is strongly encouraged to maintain full K-12 school facilities in the Plan area.
- (f) Community schools are supported for the purpose of promoting community access to schools and resources, with a priority of providing for additional programs for youth and seniors.
- (g) Institutional uses such as public offices, training centres, colleges and research facilities are encouraged.
- (h) Pender Harbour Health Centre shall be maintained and expansion supported if required.
- (i) Existing and future community projects, current examples include the Egmont Heritage Centre and Sarah Wray Hall in Irvines Landing should be supported.
- (j) Government services with strong marine capabilities such as RCMP, DFO, Conservation, Coast Guard, RCM SAR, and *shíshálh* Nation are encouraged to maintain their presence in the Plan area.
- (k) Increased communication options such as high speed internet, cable and telephone are encouraged throughout the Plan area for emergency communications.

- (l) The provision of public washroom and laundry facilities at public wharves and marinas, shopping areas and swimming areas are encouraged.
- (m) Provision of electric vehicle charging stations at public and community facilities is encouraged.
- (n) Cemeteries are managed by the SCRD Parks Function and first nation burial sites are protected by the *shishálh* nation heritage policy and the *Heritage Conservation Act*.
- (o) BC Hydro is encouraged to take measures to reduce the noise and light pollution at transmission sub-stations.
- (p) Public Utilities and businesses are encouraged to comply with the SCRD Outdoor Lighting Guidelines.
- (q) Shared use of transmission corridors for low-impact recreational purposes is encouraged and will be explored where practical.

## 2.6 Community Recreation and Conservation

The Community Recreation and Conservation designation includes properties that are formally designated parks as well as Crown lands used for recreation and conservation purposes. This includes SCRD parks: Pender Hill, Katherine Lake, Dan Bosch Park, and smaller neighbourhood parks; Provincial Parks: Garden Bay Marine Park, Francis Point and Skookumchuck.

Within this designation not all lands are used exclusively for recreation or conservation; therefore possible future uses must also be recognized.

The Parks and Recreation Master Plan is the guiding document that provides direction on site specific planning for parks owned and managed by the SCRD. The OCP provides additional direction for parks and indoor and outdoor recreation areas in the Plan area.

### 2.6.1 Objectives:

- (a) To recognize the need for park opportunities at neighbourhood, community, regional and provincial levels to fulfill the recreational needs of residents and visitors.
- (b) To support outdoor recreational opportunities and public access to the backcountry throughout the Plan area.
- (c) To increase public access to the waterfront of both lakes and the ocean, for example, by pursuing the development of road rights-of-way.
- (d) To recognize that major watercourse areas are a valuable environmental, economic and recreation resource that need to be protected to preserve land and water areas with natural recreational potential for public use.
- (e) To enhance public access and use of water resources in a manner that minimizes detrimental effects on the environment and adjacent land uses.
- (f) To develop relations with the community and in particular community groups that can provide stewardship and oversight for beach access trails and road accesses;
- (g) To support additional recreation opportunities such as pickle ball, tennis and gyms.

### 2.6.2 Policies:

- (a) SCRD and Provincial Parks within the Plan area as shown on Map 1 are designated as Community Recreation and Conservation.
- (b) Existing waterfront accesses shall be maintained and enhanced and remain viable into the future.
- (c) ~~The~~ SCRD will not support a request to close or alienate roads leading to the waterfront.
- (d) In areas noted Future Park/Trail Opportunity on Map 1, dedication of land at the time of subdivision for park purposes shall be a priority for the SCRD.

- (e) Dan Bosch Park shall continue to provide day use beach access at Ruby Lake.
- (f) Lions Park shall provide a sports field for the Plan area.
- (g) Future dedication of land within the Katherine, Mixal and Sakinaw Lake area should be explored to complete hiking trail circuits.
- (h) ~~The~~ SCRD and *shíshálh* Nation should explore means of acquiring District Lot 4700 between Ruby Lake and Sakinaw Lake. Future plans to construct a public boat launch, campground or any other use would be subject to an environmental assessment conducted by a Registered Professional Biologist and public consultation with both Ruby and Sakinaw Lake landowners and the general community.
- (i) Bicycle and walking paths [accessible to all users](#) should be developed in the Plan area.
- (j) Access to the waterfront is to be secured at the time of subdivision or other development approval, where applicable.
- (k) Park acquisition during subdivision and development stage shall be consistent with the Parks and Recreation Master Plan and the SCRD Board Parks Acquisition Policy.
- (l) Map 1: Land Use Designations show areas where park dedication would be favourable during subdivision development. These areas are marked by insignias on the map and are general locations of potential future park dedications. Any land accepted in this area would be subject to on-site analysis, general agreement with land developer and ~~approval from SCRD Board~~.
- (m) The Ministry of Forests, Lands and Natural Resource Operations [and Rural Development](#) is encouraged to decommission only those roads that are urgently required to be decommissioned due to safety concerns. Existing logging roads and forest recreational trails continue to provide multi-purpose recreation routes and back-country activities.
- (n) An alternative route shall be developed for the portion of the Suncoaster Trail that is [presently](#) located ~~on the H~~ [Highway 101](#).
- (o) To support community groups that can provide stewardship and oversight for beach accesses and trails.

## 2.7 General Commercial

The general commercial designation applies to the commercial areas, particularly the Madeira Park commercial core and to the expanding commercial area in Kleindale in proximity to the intersection of Highway 101 and Garden Bay Road. There are other spot designations throughout the Plan area which identify commercial uses.

There is support for a mix of commercial uses and a pedestrian friendly street market appeal, particularly within Madeira Park.

The Kleindale area is an area with a mix of rural residential, light industrial and commercial uses. The existing land use zoning shall remain in place and, as residential properties transition into industrial or commercial properties individual zoning bylaw amendment applications may be required to implement commercial uses.

### 2.7.1 Objectives

- (a) To maintain existing commercial facilities on land and water areas, and to provide for additional facilities and a variety of commercial enterprises in appropriate areas.
- (b) To provide for smaller commercial outlets to allow for small scale neighbourhood commercial opportunities.
- (c) To encourage the development of centralized street markets in the commercial areas.
- (d) To consider the impact from traffic, noise and visual pollution on the surrounding area.

### 2.7.2 Policies

- (a) Map 1 designates select lands as General Commercial, for land and water parcels for commercial facilities which include retail sales, commercial marinas, motels, gasoline service stations, and food and drink sales amongst other commercial uses.
- (b) Land within this designation shall remain within the general commercial land base.
- (c) The minimum size of new subdivided lots shall be 2,000 square metres in areas served by community water, and 1 hectare in areas not served by community water. Smaller parcel sizes may exist within historical subdivision patterns. The creation of smaller parcels is contingent upon advanced sewage treatment systems.
- (d) The SCRD and business community shall investigate options and funding for a central sewage treatment system as described within Part 3.6.
- (e) The area between Menacher Road and Garden Bay Road at Kleindale is located within a transition zone where there is a mix of industrial, commercial and residential properties. The area shall be designated as commercial, though rural residential zoning in the zoning bylaw will remain in place until such time that amendments to the zoning bylaw are requested through applications by property owners.

- (f) The extension of zoning to permit additional facilities described in the Commercial designation is to be considered for land located in proximity to existing commercial uses. Any proposed rezoning will be evaluated on the site selection considerations and information requirements which are subject to development approval information, pursuant to the *Local Government Act* and SCRD Procedures and Fees Bylaw-522:
- i. the proposed development will not pose a detrimental impact on environmentally sensitive areas, as determined by a qualified environmental professional;
  - ii. if the proposed development is located within or in proximity to identified geotechnical hazard areas the property must be considered safe for the use intended and within the parameters of the SCRD risk assessment hazard threshold policy;
  - iii. the access to the proposed development is acceptable to the Ministry of Transportation and Infrastructure;
  - iv. liquid waste disposal from the overall development must be acceptable to the SCRD (for community sewer systems under SCRD ownership) or Vancouver Coastal Health Authority or Ministry of Environment (depending upon sewage volume);
  - v. availability of off-street parking;
  - vi. ability to buffer proposed commercial uses from adjacent residential uses; and
  - vii. the development will be referred to the *shíshálh* Nation for review.
- (g) Madeira Park has a commercial core as shown on Map 1. The Madeira Park commercial area has historically been used for commercial purposes. In the long term additional commercial development will require a strategy for stormwater and liquid waste disposal if more intensive development is proposed. Short term development will be constrained by existing septic field disposal limitations. Stormwater management is further described in Section 3.8.
- (h) The development of new commercial facilities and the redevelopment of existing facilities within the Madeira Park and Egmont commercial area is to be consistent with local character to promote business growth and to foster community identity.
- (i) Open markets with mobile vending and locally grown agricultural produce, fresh seafood and/or crafts shall be supported for the Madeira Park, Kleindale and Egmont commercial areas.

## 2.8 Tourist Commercial

The tourist commercial properties are an important part of the Egmont/Pender Harbour community. They provide an economic and social benefit are frequented by residents and tourists alike for boating, camping and dining out opportunities.

Future expansion of existing facilities or establishment of new facilities requires careful consideration of the surrounding properties and the natural environment.

### 2.8.1 Objectives

- (a) To recognize existing tourist commercial services and facilities throughout the Plan area, including historic uses with residential and rural areas.
- (b) To encourage additional marine oriented and land based commercial recreational activities that have minimal impact on residential properties and on sensitive habitat areas.
- (c) To ~~preserve~~ enhance public spaces within the Plan area, including public meeting spaces located within commercial properties and businesses.
- (d) To consider the impact from traffic, noise, light and visual pollution from commercial areas on the surrounding area.

### 2.8.2 Policies

- (a) Map 1 designates select lands as Tourist Commercial, for land and water parcels providing services for tourist commercial purposes, such as: accommodations, including lodges, motels, sleeping units and campgrounds, restaurants/pubs, general stores and marinas.
- (b) Land within this designation shall remain within the tourist commercial land base.
- (c) The minimum size of new subdivided lots shall be 2,000 square metres in areas serviced by community water supply, and 1 hectare in areas not served by community water supply. Smaller parcel sizes may exist within historical subdivision patterns. The creation of smaller parcels is contingent upon advanced sewage treatment systems.
- (d) A maximum of 30 campsites per parcel.
- (e) Future Tourist Commercial sites not yet designated on Map 1 may be considered consistent with the OCP. A proposed amendment to the zoning bylaw will be evaluated on the site selection considerations and information requirements which are subject to development approval information, pursuant to the *Local Government Act* and SCRD Procedures and Fees Bylaw-522:
  - i. the proposed development will not pose a detrimental impact on environmentally sensitive areas, as determined by a qualified environmental professional;

- ii. if the proposed development is located within or in proximity to identified geotechnical hazard areas the property must be considered safe for the use intended and within the parameters of the SCRD risk assessment hazard threshold policy;
- iii. the proposed expansion over tidal waters will not pose a navigational hazard;
- iv. the access to the proposed development is acceptable to the Ministry of Transportation and Infrastructure;
- v. vehicular access to the property and on-site parking shall be provided in a location which, through siting and design, causes minimal impact on adjacent properties;
- vi. the development will be referred to the *shíshálh* Nation for review;
- vii. consideration be given to the traffic and noise from tourist commercial areas impact on the surrounding area;
- viii. liquid waste disposal from the overall development must be acceptable to the SCRD and Vancouver Coastal Health Authority or Ministry of Environment (depending upon sewage volume); and
- ix. proposed developments in residential or rural areas shall respect existing neighbourhood character through compatible architectural design and landscaping, sensitive siting of all buildings, parking and an appropriate overall scale.



## Part Three: Community Planning

### 3.1 Densification Strategies to Support Affordable Housing

Densification is vital to increasing housing supply and providing diverse housing choices. Densification can create land use opportunities and favourable conditions for developing affordable housing through a number of strategies including residential infill, cluster and mixed-use development and density bonus in appropriate areas.

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#### 3.1.1 Objectives

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- (a) Increase the supply of housing units through infill development on existing eligible parcels.
- (b) Direct cluster housing, multi-unit and mixed-use development to village hubs and similar settlement cluster areas.
- (c) Integrate housing development with the rural context.
- (d) Use density bonus in appropriate areas to encourage density increase and affordable housing contribution.
- (e) Use housing agreements to secure affordable housing.

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#### 3.1.2 Policies

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- (a) Infill development of auxiliary dwellings, duplexes and second dwellings shall be encouraged on existing eligible parcels in accordance with zoning bylaw parcel size requirements. To fully utilize the infill potential of such parcels, the existing minimum parcel size requirements to qualify for multiple dwellings on a parcel, as defined in the zoning bylaw, shall be reflective of the residential or rural residential designation.
- (b) Subdivision creating lots smaller than 1000 m<sup>2</sup>, cluster residential development such as townhouse and multi-unit building and mixed-use development that combines residential use with commercial, retail, service and office uses are encouraged to be located in village hubs or similar settlement cluster areas.
- (c) Developments exceeding density limits of the Official Plan and or the zoning bylaw are encouraged in these areas, subject to amendments to the Official Community Plan and or the zoning bylaw and all of the following criteria:
  - i. Water supply, solid waste collection, storm water management, sewage treatment facility, traffic circulation and provision of or access to community amenities can all be appropriately provided and the development design is compatible with the surrounding neighbourhoods; and
  - ii. With the exception of any other applicable density increase policies of this Plan, a contribution to affordable or special needs housing must be made in the form of housing unit, land, money or other types of provision and registered with a housing agreement in accordance with the *Local Government Act* and approved by the Regional District Board.

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(d) Developments exceeding established density limits of the Official Community Plan and or the zoning bylaw and creating a total of 3 lots or less, may be considered through an amendment to the Official Community Plan and / or the zoning bylaw for areas designated Residential outside of village hubs or similar settlement cluster areas where water supply, solid waste collection, storm water management, sewage treatment facility, regional fire protection, traffic circulation and convenient access to major roads and community amenities can all be appropriately provided and the development design is compatible with the surrounding rural environment.

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(e) Developments exceeding established density limits of the Official Community Plan and or the zoning bylaw and creating a total of more than 3 lots, may be considered through an amendment to the Official Community Plan and / or the zoning bylaw for areas designated Residential outside of village hubs or similar settlement cluster areas, subject to all of the following criteria:

i. Water supply, solid waste collection, storm water management, sewage treatment facility, regional fire protection, traffic circulation and convenient access to major roads and community amenities can all be appropriately provided and the development design is compatible with the surrounding rural environment; and

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ii. A contribution to affordable or special needs housing must be made in the form of housing unit, land, money or other types of provision and registered with a housing agreement in accordance with the *Local Government Act* and approved by the Regional District Board.

(f) Affordable or higher-density housing shall be developed to integrate into rural communities and strengthen community identity and character. This can be achieved by creating developments that are complementary to the scale, layout, architectural design, landscaping and view of neighbouring properties and the surrounding natural environment. Specific design criteria may be imposed by establishing a development permit area for form and character for a development site.

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(g) Housing agreements pursuant to the *Local Government Act* shall be used wherever applicable to secure the provision of affordable housing in appropriate areas and the long term affordability of housing. A housing agreement shall determine the terms, conditions and forms of provision or contribution of designated affordable or special needs housing and shall use concurrent criteria of the Canadian Mortgage and Housing Corporation (CMHC) and data of Statistics Canada to define housing affordability.

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### 3.13.2 Natural Environment

The Natural Environment chapter provides broad level policies that apply to all lands and waters throughout the Plan area. Further on into this document there are more specific policies which apply to certain land use designations or even particular properties. However, the objectives and policies in this chapter provide general direction for the use of land and water within the Plan area. The chapter is divided into the 'Upland Environment' and the 'Aquatic Environment'.

The upland environment includes all lands within the Plan area from neighbourhood areas, rural properties, to the resource lands and the slopes of the Caren Range. The aquatic environment includes all of the tidal, non-tidal, and watercourse areas.

#### UPLAND ENVIRONMENT

##### 3.1.13.2.1 Objectives

- (a) To focus settlement and related facilities as well as commercial and industrial development on terrain most suitable for such developments so that constraints such as land slip, flooding, detrimental marine processes, and environmental problems are least likely to occur.
- (b) To maintain and improve the existing environmental quality within the Plan area.
- (c) To encourage a sense of community pride and to make provisions to ensure generally tidy and attractive neighbourhoods, while recognizing the nature of a 'working-harbour' community.
- (d) To develop a program to recognize and manage invasive species. To recognize the unique environment of the Plan area and to encourage homeowners and developers to manage for the retention of indigenous trees and vegetation for aesthetic, natural habitat, and erosion control reasons.
- (e) To develop a program to stop illegal dumping and support the SCRD Good Samaritan program of free dumping at the transfer station for community clean up events.

##### 3.1.23.2.2 Policies

- (a) Policies within this OCP, particularly geotechnical hazard areas and riparian areas, shall be used to protect watercourses and adjacent areas during the course of development.
- (b) Development applications or referrals which include the release of smoke, noxious chemicals or odours shall be carefully assessed with the objective of maintaining air quality in the community.
- (c) Applicants shall be encouraged to design residential subdivisions in a manner that maintains and enhances the natural attributes of the site, including the retention of indigenous vegetation and providing walking links within the neighbourhoods and existing trails.

- (d) The use of cosmetic pesticides is prohibited on SCRD property and discouraged on all lands within the Plan area, with the exception of pesticide use on noxious weeds or invasive species that pose significant risk to the environment, economy, or public health per the SCRD Pesticide Use and Invasive Species Policy.
- (e) Federal and Provincial agencies shall be discouraged from using pesticides for cosmetic purposes.
- (f) Restore and protect habitats that support native species of both plants and animals and address threats to biodiversity from invasive species and land development in sensitive areas.
- (g) Work with the community to build awareness on the impact of invasive species through developing mitigation measures, best practices and opportunities to participate in volunteer eradication programs; and co-ordinate efforts with the [Coastal](#) Invasive Species Council.
- (h) Effective enforcement of the noise bylaw is a priority for the Plan area, particularly where there are conflicting land uses within close proximity.
- (i) Outdoor storage of personal materials on parcels shall be appropriately screened through the use of fencing or a natural vegetation buffer, pursuant to the zoning bylaw.
- (j) During subdivision or other property developments, wherever possible, stormwater shall be managed by creating permeable surfaces and using retention measures rather than directing onto adjacent lands and roads.
- (k) Land developers are required to ensure that natural drainage conditions are retained, including subsurface flows to springs, wells, wetlands and streams.
- (l) Illegal dumping on public land shall be reported to the BC Conservation service.
- (m) Illegal dumping and storage of trash on private property shall be reported to the SCRD Bylaw Compliance Officer.
- (n) The SCRD should consider continuing to offer the Good Samaritan Program to support free tipping fees for the proper disposal of trash collected from illegal dump sites.

## AQUATIC ENVIRONMENT

### 3.1.33.2.3 Objectives

- (a) To protect the quality and quantity of tidal, non-tidal and watercourse areas and groundwater sources and surrounding riparian areas for the purpose of maintaining the natural environment as well as drinking water supply sources.
- (b) To provide direction and oversight through zoning and information to regulatory government agencies with respect to the private use of waterbodies for moorage and other tenures.

### 3.1.43.2.4 Policies

- (a) Approval for treated shared sewage ocean outfalls will only be considered where a minimum of a high level secondary treatment meeting the Regional District Subdivision and Servicing Bylaw 320 is proposed. Treated sewage should only be disposed of into the ocean in areas with high flush capacity in a tidal waterbody. Effort is to be made to re-use water for on-site irrigation or retention to reduce to amount of effluent discharge. subject to approval from Environmental Health Officer of the Vancouver Coastal Health Authority.
- (b) Working together with provincial agencies the SCR D will assist in identifying solutions for individual sewage outfalls to be eliminated and ground disposal and alternate solutions are to be utilized.
- (c) Malfunctioning septic systems, particularly adjacent to waterbodies, shall be reported to the Vancouver Coastal Health Authority for appropriate action.
- (d) The flushing of holding tanks, boat heads, and bilges shall be prohibited in low flush tidal areas, such as Pender Harbour and densely populated and ecologically sensitive zones be prohibited pursuant to the Vessel Pollution and Dangerous Chemicals Regulation.
- (e) The Vancouver Coastal Health Authority shall be encouraged to continue water quality monitoring in the lakes and watercourses.
- (f) Foreshore tenures shall match the upland use zoning and use in terms of the size and the scale of the facility. Consideration is to be given to creating a zoning designation on the foreshore to enable the Regional District to provide specific comments to the provincial government and *shíshálh* Nation and other organizations when there are applications for moorage or other tenure on the water and foreshore area.
- (g) Development of zoning on water bodies is to take place in a separate process after adoption of the OCP. The process of creating zoning over the water shall be a local solution that works for the community complete with input and guidance from a community advisory group. The intent of the zoning is to ensure that the foreshore use is an appropriate match for the upland use and to determine that there may be limits on the size and use of moorage structures. The development zoning shall review existing uses

and recognize the difference between fresh and salt water and include the entire Plan Area. Fresh water zoning is considered to be a priority.

- (h) Private moorage structures shall not obstruct use and access in foreshore areas used by the public nor be detrimental to existing aquatic habitat.
- (i) Vessels used as dwellings shall be prohibited on non-tidal waters and shall be permitted on tidal water only in accordance with all Transport Canada holding tank and sewage discharge requirements and comply with the requirement to use an approved pump out station for sewage discharge, as described in Part 4.3.
- (j) Setbacks, and use of toxic substances on fresh and salt water bodies shall follow provincial and federal moorage best practices guidelines.
- (k) A 30 metre assessment area for structures and land development and alteration from the natural boundary of all lakes and creeks in the Plan area is required pursuant to the Riparian Areas Regulation for the purpose of habitat protection, vegetation retention, water quality protection and geotechnical constraints, and as further described in Part 4.9.10: Development Permit Area 4: Riparian Assessment Areas
- (l) If a development permit has been issued within the 30 metre assessment area, the setback shall be no less than 20 metres for new construction adjacent to all lakes.
- (m) [The Regional District/SCRD](#) may give consideration to additions to existing lakefront dwellings that do not conform to the established lakefront setbacks ~~under through a~~ development variance permit application to a maximum [floor area](#) of 28 square metres, including deck space, subject to the following considerations:
  - i. the addition does not encroach any closer to the lake;
  - ii. the parcel complies with current standards and requirements for a septic disposal system pursuant to the Sewerage System Regulation;
  - iii. a qualified environmental professional in accordance with the Riparian Areas Regulation assesses the proposal, provides recommendations and identifies the streamside protection and enhancement area;
  - iv. a covenant is registered on the title of the property to protect the native vegetation within the Streamside Protection and Enhancement Area (SPEA) and to confirm that the addition is on a one-time-only basis and all ~~additional future~~ buildings and structures shall meet the setbacks established within the zoning bylaw.
- (n) Marinas and related commercial facilities, in particular fuel sales, shall not be permitted on lakes and fresh water within the Plan area.
- (o) [The Regional District/SCRD](#) will investigate options for additional boat launches, parking areas and public access to the lakes in the Plan area. The preservation of the natural environment will be a priority in the consideration of additional access points, along with enhanced public access and neighbourhood/traffic safety.
- (p) Properties that are subdivided along a lakeshore shall have a minimum frontage of 60 metres along the lake.

- (q) It is recommended to add Pender Harbour to the list of designated Marine Areas as a no sewage discharge area as defined in the Pleasure Craft Sewage Regulation of the *Canada Shipping Act*.
- (r) ~~The Regional District~~ SCRD shall work with community associations around the lake areas to agree upon best practices for water craft operations to ensure safe use and best practices on the lake.
- (s) Support for any future referrals from the Ministry of Environment respecting outfall renewals and permits and renewals shall be contingent upon a high level of sewage treatment.

### 3.23.3 Land Transportation System

Planning the road network is a collaborative effort between the SCRD and the Ministry of Transportation and Infrastructure. ~~(MOTI)~~ The hierarchy of road types in the Plan area consists of trunk highways, major collector roads, minor collector roads and local roads. The ministry has jurisdiction over all public roads throughout the Plan area and makes the final decision on road dedication, construction and maintenance considerations. However, the OCP and other guiding documents such as the Integrated Transportation Study (2011) guide the decision making process to ensure the development of an efficient and multi-modal transportation system.

The Integrated Transportation Study is primarily focused on the Highway 101 corridor and the intersections leading into neighbourhoods. Additional objectives and policies within this chapter apply to neighbourhood roadways.

Future transportation planning must include more than consideration of private automobiles; public transit, cycling and walking also form a part of transportation decisions.

#### 3.2.13.3.1 Objectives

- (a) To utilize the SCRD Integrated Transportation Study in future road improvements and planning
- (b) To encourage the development of a balanced system of roads that ~~promote safe, active transportation safely and while~~ efficiently provide ~~ings~~ for through traffic and for the needs of residents and visitors, while having minimal impact on the rural residential character of the Plan area.
- (c) To work with various partners ~~such as including~~ the Ministry of Transportation and Infrastructure, developers and community groups to coordinate bicycle and walking path routes along road ways that will promote safe and efficient bicycle and pedestrian movement.
- (d) To encourage the development of local transportation options to serve the Plan area, including ride shares and other public and private transportation options.
- (e) To assure the provision of adequate off street parking and safe access to serve residential, commercial, and industrial activities in order to ensure no parking spillover onto the Sunshine Coast Highway and other major roads.
- (f) To encourage property owners to maintain a vegetative treed buffer between their property and the adjacent road.
- (g) To consider social, ~~and~~ environmental, ~~agricultural and health~~ impacts in the planning of future bypass highways.
- (h) To provide opportunities within road allowances to be used as bicycle and pedestrian access corridors.
- (i) To co-operate with land owners, visitors and the Ministry of Transportation and Infrastructure to ensure that roads remain safe and accessible for emergency vehicles.



- (j) To work together with the Ministry of Transportation and Infrastructure when considering approval of subdivisions in difficult to access locations.
- (k) To support park and ride locations in proximity to the highway and collector roads.
- (l) Support the creation of private facilities for public parking to accommodate water access only properties.
- (m) Parking facilities should contain washroom facilities for customers.

### **3.2-23.3.2 Policies**

- (a) The Ministry of Transportation and Infrastructure is encouraged to maintain and improve their existing standards of road development.
- (b) The Major Road Network Plan shown on Map 3 is intended to integrate major roads with the Provincial Highway to ensure efficient traffic movement and safety.
- (c) Through the Major Road Network Plan the SCRD and Ministry of Transportation and Infrastructure shall facilitate the provision of efficient and safe transit, ride share, pedestrian and bicycle traffic and on-street parking.
- (d) Paved shoulders, with a minimum 1.5 metre width, and paved driveway aprons shall be provided along highways and major roads for bicycles and pedestrians.
- (e) All future major realignments along the Sunshine Coast Highway shall be done in a safe and efficient manner and take into account the recommendations contained within the 2011 SCRD Integrated Transportation Study.
- (f) Any future highway bypass around Pender Harbour shall be planned in consultation with the community. It must also be constructed and located in a manner that does not have an overall negative impact on the community water supply from McNeil Lake and the environment in general.
- (g) The Ministry of Transportation and Infrastructure and the SCRD shall cooperate to enforce on-street parking infractions in high priority areas such as boat launches and community cores.
- (h) Parking plans are to be developed for the community core areas to minimize the impact of vehicle parking.
- (i) Off-street parking and staging areas for water access only subdivisions in lake areas are required.
- (j) A multi-use pedestrian and bicycle bridge link across Gunboat Bay from Madeira Park to Garden Bay shall be considered by the Ministry of Transportation and Infrastructure and SCRD in consultation with the local community.
- (k) Where feasible subdivision developments shall contain linkages and connectivity to neighbourhoods and amenities for bicycles and pedestrians.
- (l) View areas and rest stops should be provided along Sunshine Coast Highway 101 as well as along local roads for public foreshore access.

- (m) The Ministry of Transportation and Infrastructure shall be encouraged to consider flexibility of road access and design requirements during the development approval stage.

### **3.3.4 Marine Transportation System**

The marine transportation system is an integral part of the Plan area. There are harbours in the Plan area, which are both working harbours and destinations for pleasure crafts and tourists.

The Harbour Authority of Pender Harbour manages three docks within Pender Harbour: Madeira Park Government Wharf, Hospital Bay Government Wharf and Gerran's Bay Government Wharf.

Key considerations in this OCP include a recommendation for zoning on the water as well as an integrated harbour use management plan to determine management of harbours within the Plan area.

#### **3.3.4.1 Objectives**

- (a) To recognize existing marine public transportation facilities throughout the Plan area.
- (b) To promote marine safety initiatives, including oil spill response and other environmental concerns.
- (c) To recognize the need for diverse marine transportation facilities located in appropriate areas.
- (d) To support the Harbour Authority of Pender Harbour in its jurisdiction of the three public wharves for the benefit of the fishing industry as well as the general public throughout the Plan area.
- (e) To explore ways to increase access to the foreshore throughout the Plan area.
- (f) To provide better access to docks and enable the docks to be shared, which will enable the harbour areas to be more attractive for marine tourism and business.
- (g) To work with stakeholders from all levels of government, as well as the community to develop an integrated harbour use action and management plan, which will create a needs assessment for harbour and marine uses within the Plan area.

#### **3.3.4.2 Policies**

- (a) Map 3 highlights the existing public wharves and the Earl's Cove ferry terminal. These facilities shall continue to be utilized for this purpose, with upgrading or expansion being undertaken as required.
- (b) Marine transport safety is encouraged through recognition of Department of Transport and Canadian Coast Guard regulations and co-operation and collaboration with these and other senior government agencies and the local Royal Canadian Marine Search and Rescue.
- (c) Crown leases for existing government wharves and other public facilities should be for the benefit of both the commercial marine industry and the general public.

- (d) Harbour areas shall continue to be used by the local pleasure craft, commercial and tourist commercial industry as well as other resource-based industries.
- (e) Parking shall be provided by marina facilities to provide pick up and drop off areas for passengers and supplies.
- (f) Derelict vessels shall not be left anywhere within the Plan area and the SCRD shall work with senior levels of government to come to a resolution on this issue.
- (g) Sewage discharge into local waters from live-aboard vessels shall not be permitted.
- (h) Vessels and boats shall not be moored in the harbour areas for the purpose of advertising billboards and signs.
- (i) The Harbour Authority of Pender Harbour should be granted the authority to manage mooring buoys.
- (j) Additional marine service facilities, public docks and boat ramps are supported, subject to being located and constructed in a manner that reduces conflict with surrounding properties and reduces the impact on the foreshore environment.
- (k) An integrated harbour use action and management plan shall be considered the entire Plan area, with a focus on the harbour areas, such as Pender Harbour, Earl's Cove and Egmont.

The study shall create a vision for marine use as well as a needs assessment. An integrated harbour use management study would be undertaken in conjunction and cooperation from other harbour users and stakeholders including government, *shíshálh* Nation and industry.

The study shall reflect adjacent upland uses as well as collect the aquatic and biophysical information of the harbour areas and provide an action plan to protect and enhance the environmental qualities of the harbour areas.

- (l) Future commercial or high density residential developments in the Oyster Bay area shall require an individual on-site environmental study as a condition of development approval.

### 3.4.3.5 Service Utilities

Utilities include hard infrastructure such as community water and waste-water systems, hydro, telephone, cellular, fibre optics and natural gas supply lines. This form of service is essential to the development of a community.

#### 3.4.3.5.1 Objectives

- (a) To recognize existing public utilities.
- (b) To maintain the environmental qualities and aesthetics by utilizing common utility corridors.
- (c) To promote efficient energy supplies to facilitate cost effective residential, commercial and industrial development.
- (d) To support the expansion of natural gas into the Plan area.
- (e) To support the expansion of high speed internet and mobile phone service and other technological improvements.
- (f) To support the development of renewable and small scale green energy production.

#### 3.4.3.5.2 Policies

- (a) Utilities such as the major BC Hydro power transmission line, cellular transmission towers, natural gas line, public water supply lines and water storage facilities will be permitted throughout the Plan area subject to impact assessment requirements and consultation with the community.
- (b) Service providers, such as BC Hydro are strongly encouraged to share vegetation and pest management plans prior to implementation.
- (c) Utilities be it private or public shall be strongly encouraged to share in the use of transmission corridors in an effort to reduce costly duplication of poles, roadside hazards, and visual clutter.
- (d) ~~The~~ SCRD shall engage the public as new policies and bylaws pertaining to local energy production are established.

### 3.5.3.6 Water Service

Community drinking water supply is provided by the SCRD through the North and South Pender Harbour, Earls Cove and Egmont water service areas. Individual parcels outside water service areas are served by surface or ground supplies.

Impacts from growth on surface water quality, limited summer-time reserves, and the detection of ground water arsenic have all raised community concerns. -Additional domestic water sources need to be investigated to accommodate expected growth into the future. Water master plans are developed by the SCRD to determine the needs for infrastructure growth. -This official community plan points to the areas within the community that are considered most suitable for community growth.

#### 3.5.13.6.1 Objectives

- (a) To identify and protect surface and ground water supply sources from contamination and diversion.
- (b) To supply sufficient quality and quantity of Regional District water for domestic consumption and fire protection purposes in areas serviced by a Regional District water system that are guided by water supply master plans.
- (c) To support future integration of water systems in the Plan area.

#### 3.5.23.6.2 Policies

- (a) Develop and maintain reservoirs and storage, water supply mains and other facilities required to provide clean and sufficient water to the water service areas.
- (b) A comprehensive water supply and management strategy shall be updated for the Plan area that identifies potential community ground and surface water supply sources to serve existing residents and future growth and identify any expansion and system connection opportunities.
- (c) A water supply and management system shall be practical, cost effective and supported by the community.
- (d) The lakes within the Egmont and Pender Harbour area shall be viewed as a system, which can feed one another and provide flexibility in the supply side.
- (e) Demand reduction is a priority for new and existing developments.
- (f) Protection of water supply is a priority for the community and the SCRD.
- (g) If an expansion of a water system is required to serve a development, this expansion must be conducted by the developer with approval from ~~the~~ [both Vancouver Coastal Health Authority and](#) SCRD.

### 3-6.3.7 Liquid Waste Management

The methods of sewage disposal within the Plan area includes the standard septic tank and drain field system, private package treatment plants, community sewer systems, and ocean outfalls. Higher density areas and commercial areas such as Madeira Park and Garden Bay will require future liquid waste management planning to accommodate redevelopment and future growth.

Replacement of aging septic systems and implementation of modern systems consistent with current Vancouver Coastal Health Authority standards will assist in environmental protection for both marine, lake and watercourse areas.

Consideration must be given as to how a community sewage system can benefit core neighbourhood and commercial areas. This is to be investigated for higher density areas such as Madeira Park and Garden Bay to be utilized for both existing connections and new developments.

#### 3-6.13.7.1 Objectives

- (a) As a priority to develop and adopt a liquid waste management strategy for the Plan area.
- (b) To support proven and reliable new technologies for individual on-site sewage disposal for both new installations and for replacement systems.
- (c) To design and maintain common sewage disposal systems to the standards of the ~~SCRD~~ for community sewage disposal systems as established by the SCR D Bylaw in a way that reinforces the desired settlement pattern, provides cost efficiency, and protects the health of the community.

#### 3-6.23.7.2 Policies

- (a) On-site sewage treatment systems shall continue to be the preferred method of effluent disposal in the Plan area and be subject to the requirements of the appropriate governing authority be it the Vancouver Coastal Health Authority or Ministry of Environment along with the SCR D.
- (b) A liquid waste management study will identify where any future community sewer systems could be developed, and to confirm areas to be serviced by on-site septic systems. Attention is to be given to the provision of community sewer to serve the community commercial centres and higher density neighbourhoods.
- (c) The Vancouver Coastal Health Authority through the Municipal Sewage Regulation is responsible to establish, maintain, and enforce a health-related non-pollution standard for septic effluent disposal ~~in all areas including lake watersheds, along all watercourses, and in marine waterfront areas for both existing and new dwellings on land based sewerage systems. The Ministry of Environment through the Municipal Wastewater Regulation is responsible to establish, maintain, and enforce a health-related and non-~~

pollution standard for effluent from larger sewerage systems that treat waste water and eventually discharge to land, water bodies or ocean.

- (d) ~~The Vancouver Coastal Health Authority is~~Residents are encouraged to consider proven and reliable alternate sewage disposal systems for single parcels as either replacement systems or for properties with limited soil for conventional systems. Such alternate systems must be designed and installed by authorized persons as required by the Municipal Sewerage Regulation.
- (e) Community sewage treatment systems shall be constructed to SCRD subdivision servicing bylaw standards and maintained by either the SCRD or a strata corporation, with a vision of integration with an overall community system developed in compliance with a liquid waste management strategy.
- (f) Support for sewage ocean outfalls will only be considered where a minimum of high level secondary treatment/tertiary treatment, pursuant to SCRD subdivision servicing bylaw standards is proposed to serve existing developments with an understanding that any approved facility be integrated into a future community sewer system recommended by an SCRD Liquid Management strategy.
- (g) Sewage discharge into local waters from live-aboard vessels shall not be permitted.



### 3.7.23.8 Solid Waste

Solid waste planning and services are guided by the SCRD Solid Waste Management Plan (2011). The plan identifies opportunities for waste reduction and diversion.

#### 3.7.23.8.1 Objectives

- (a) To provide for the disposal of solid waste at the transfer station.
- (b) To encourage and facilitate waste reduction activities including source reduction, reuse and repair of items, and recycling of materials within the Plan area.
- (c) To encourage safe and responsible backyard composting within the Plan area that will minimize conflict with wildlife.
- (d) To support a commercial composting operation.

#### 3.7.23.8.2 Policies

- (a) The Pender Harbour transfer station will continue to be the major disposal site for refuse from the Plan area as shown on Map 1.
- (b) Residents and commercial enterprises are encouraged to reduce the amount of waste they generate through waste reduction activities including source reduction, reuse and repair of items, and recycling of materials in order to meet the SCRD waste reduction and diversion target, as noted in the Solid Waste Management Plan.
- (c) Residents/property owners are encouraged, where safe, to undertake residential backyard composting of yard, garden, and food waste in order to meet the SCRD waste reduction and diversion target, as noted in the Solid Waste Management Plan.
- (d) To reduce the impact of illegal dumping the SCRD shall investigate options for local collection of invasive plants and other similar hard to dispose of products.

### 3-8.13.9 Stormwater Management

Management of drainage and stormwater in the SCRD has traditionally been overseen by the Ministry of Transportation and Infrastructure; however its mandate is focused on protecting the road system against flooding and damage rather than on the overland flow of stormwater which may impact properties.

The guiding principle for dealing with on-site stormwater is to not increase flow from the site and to return a property to its natural condition post development. Stormwater infrastructure should not funnel water into streams, particularly where there are geotechnical and environmental concerns. Managing stormwater on-site by creating permeable surfaces and using detention measures is the preferred approach to stormwater management. Soft solutions are preferred to hard engineered solutions such as planted swales over hard pipes.

Climate change predictions include the possibility of more numerous precipitation events of greater intensity and extended hot and dry periods. On-site management of stormwater, particularly through landscaping, must account for the possibility of more extreme weather events.

The SCRD will continue to work with the Ministry of Transportation and Infrastructure in their role of subdivision approving authority to ensure that adequate drainage management systems are implemented at the time of subdivision and development approval.

#### 3-8.13.9.1 Objectives

- (a) To maintain the existing natural flow characteristics of watersheds within the Plan area by taking into account the cumulative impacts of development within the watershed areas.
- (b) To minimize the negative effects of stormwater runoff on streams and other watercourses and properties located below new developments.
- (c) To limit the percentage of total impervious area surfaces on properties.
- (d) To minimize the impact of stormwater and drainage at the subdivision and development stage.

#### 3-8.23.9.2 Policies

- (a) Amend current zoning bylaws to include provisions limiting the percentage of impervious paving and building areas on a development to encourage on-site retention and to reduce surface runoff.
- (b) Through development approval consideration, require stormwater treatment and management strategies that prevent hydro-carbon run-off into nearby waterbodies.
- (c) Establish a protocol with the [Ministry of Transportation and Infrastructure](#) regarding requirements for site specific drainage plans to minimize the impact of stormwater at the time of subdivision both on the site and on properties downstream.

- (d) Amend the Subdivision Servicing Bylaw to ensure that developments requiring building permit or subdivision applications meet on-site and off-site stormwater management criteria. The criteria shall support the above stormwater objectives and address the following types of development:
  - i. a dwelling unit, duplex, multi-family unit development, expansion or development of a mobile home park;
  - ii. auxiliary buildings with a floor area exceeding 200 square metres;
  - iii. a commercial, industrial or institutional building; and
  - iv. Subdivisions that would result in a net increase in three or more parcels for any type of land use.
- (e) At the time of rezoning and other discretionary development applications, the retention of native trees and vegetation may be required to reduce the effect of rainfall on stormwater flows.
- (f) Where retention of native vegetation is not possible, re-vegetation using the Naturescape B.C. guidelines shall be undertaken to reduce the effect of rainfall on stormwater flows.
- (g) Stormwater planning shall take into account the full spectrum of rainfall events to maintain or replicate natural systems to the greatest possible extent.
- (h) Stormwater infrastructure shall relate to the size of the development and its potential impact on the area.
- (i) Stormwater infrastructure shall be planned and implemented in a way that does not negatively impact adjacent properties.
- (j) Development shall not result in the pollution of surface or groundwater supplies. Particular care shall be taken to ensure that there are no detrimental impacts to agricultural land, water wells or streams due to water pollution.

### 3.93.10 Development Permit Areas

In 2015 Kerr Wood Leidel Associates Ltd. Consulting Engineers (KWL) conducted an inventory of hazardous lands within the Egmont/Pender Harbour Official Community Plan area including creek flow areas and coastal and open slopes. In addition to the inventory of hazardous lands, KWL provided recommendations on the safe use of these lands.

Coastal zone hazards include flooding of lower-lying terrain (DPA 1A) and erosion and instability of oceanfront slopes (DPA 1B). Provincial Guidelines prepared by Ausenco Sandwell in 2011 establish the flood control guidelines and are further described below.

Creek hazards include flooding (DPA 2A), debris floods (DPA 2B), debris flow (DPA 2C) and slope instability associated with ravine sidewalls (DPA 2D). There are three categories within this DPA: creek corridor, ravines, and floodplain. Creeks in the Plan area were examined by the Kerr Wood Leidel consulting engineers; each creek contains its own set of potential hazards.

Slope hazards (DPA 3) include slope failure/landslides and rock falls. It is important to note that this DPA encompasses areas in the OCP where slope hazards have the highest probability to occur. However, slope hazards may occur in other areas not identified here due to changes in land use, land disturbance or extreme precipitation events.

Seismic-initiated slope hazards (earthquakes) need to be considered under the current guidelines for assessment of slope hazards developed by the Association of Professional Engineers and Geoscientists BC (2008). No map-based screening tool is currently available to identify seismic slope hazard areas and therefore is not an identified development permit area for this purpose.

Riparian Assessment Areas (DPA 4) applies to lakes and creeks pursuant to the Provincial Riparian Areas Regulation. There is a 30 metre assessment area along watercourses, which must be considered by a Qualified Environmental Professional prior to land alteration and development.

A development permit on lands identified on Map 2 as being within a development permit area is required for the following activities:

- (a) Subdivision as defined in the *Land Title Act* and *Strata Property Act*;
- (b) Building permits; and
- (c) Land alteration, which includes, but is not limited to, the removal and deposition of soils and aggregates, paving, removal of trees, and the installation of septic fields.

Forestry development subject to the *Forest Range and Practices Act* or *Private Managed Forest Land Act* is regulated separately and not subject to development permit requirements.

## COASTAL ZONE HAZARDS

### 3.9.13.10.1 DEVELOPMENT PERMIT AREA 1A: COASTAL FLOODING

Rising sea level has been considered in the development of DPA 1A, but the impact of sea level rise on ocean slope erosion and stability is difficult to anticipate. -Consideration shall be given to a regional study to define future coastal flood construction levels incorporating sea level rise.

DPA 1A extends from the ocean to eight metres Canadian Geodetic Datum (CGD - national reference standard for heights across Canada). -Within this DPA, development applications require a coastal flood hazard assessment to define the coastal flood components, namely wave runup, wave setup and wind setup.

Guidelines to address coastal flood hazard and sea level rise have been released by the provincial Ministry of Forests, Lands and Natural Resource Operations [and Rural Development](#). The guidelines define the coastal flood construction level (FCL) as the sum of a number of components, such as tide, sea level rise, storm surge, wave effects and freeboard.

A coastal flood hazard assessment within this development permit area would estimate the FCL for construction on a property. -The following chart summarizes the components that make up the flood construction level:

COMPONENT	NOTE
<b>Tide</b>	Higher high water large tide
<b>Sea Level Rise</b>	Recommended allowance for global sea level rise: 1 m for year 2100, 2 m for year 2200
<b>Storm Surge</b>	Estimated storm surge associated with design storm event
<b>Wave Effects</b>	50% of estimated wave run up for assumed design storm event. Wave effect varies based on shoreline geometry and composition
<b>Freeboard</b>	Nominal allowance = 0.6 m
<b>Flood Construction Level = Sum of all components.</b>	

If areas on the property are below 8 metres CGD a coastal flood hazard assessment is required, that would include: estimation of coastal flood levels, consideration of future sea level rise and wave run-up effects as outlined in the Provincial Guidelines.

A report within DPA 1A shall include an analysis of the coastal flood hazard including the following:

- (a) An estimation of coastal flood levels for the expected life of the development; and

- (b) An outline all protective measures required to achieve the FCL (e.g. engineered fill or foundations or coastal bank protection or building envelope design).

### **3.9.23.10.2 DEVELOPMENT PERMIT AREA 1B: COASTAL SLOPES**

Slope stability issues on oceanfront slopes have been considered in the development of the Coastal Slopes DPA 1B. Hazards may arise as a result of coastal erosion (e.g. undermining of the toe), poor or mismanaged drainage, gradual weakening, or seismic shaking.

Land is located within DPA 1B if the future estimated natural boundary is located 15 metres or less seaward of the toe of the bluff. If this is the case then the assessment area shall extend from the future estimated natural boundary will be located at a horizontal distance of at least 3 times the height of the bluff.

In some conditions, setbacks may require site-specific interpretation and could result in the use of a minimum distance measured back from the crest of the bluff. The setback may be modified provided the modification is supported by a report, giving consideration to the coastal erosion that may occur over the life of the project, prepared by a suitably qualified professional engineer.

A report within DPA 1B shall include the following:

- (a) Slope profiles with documentation of the limits of slope instability. Consideration shall be given to the limits and types of instability and changes in stability that may be induced by forest clearing. The down-slope impact of land alteration and development shall also be considered. As well, slope stability assessments will consider potential coastal erosion under conditions of future sea level rise;
- (b) A detailed stability assessment indicating foreseeable slope failure modes and limiting factors of safety, and stability during seismic events;
- (c) An assessment of shallow groundwater conditions and the anticipated effects of septic systems and footing drains on local slope stability;
- (d) A recommendation of required setbacks based on slope height, erosion susceptibility, and stability from the crest of steep slopes, and a demonstration of suitability for the proposed use;
- (e) If required, definition of the site-specific rock fall shadow area, including an indication of the appropriate buffer zone and required protective works; and
- (f) Appropriate land use recommendations such as restrictions on tree cutting, surface drainage, filling and excavation.

## CREEK HAZARDS

### **3.9.33.10.3 DEVELOPMENT PERMIT AREA 2A: CREEK CORRIDOR**

DPA 2A applies to all creeks and extends 30 metres from the streamside natural boundary. Flood, debris flow and debris flow hazard assessments will be required within this development permit area. Riparian assessments, as described below in DPA 4 are also required.

A development permit in DPA 2A shall include a review of the property by an appropriately qualified Professional Engineer or Professional Geoscientist as part of a development permit review process. The report shall include an analysis of the land located within the development permit area as well as an analysis of the proposed developments including, but not limited to, building footprint, septic field and land alteration, including tree removal.

Flooding and associated creek processes are subject to assessment and hydrologic investigation at the time of subdivision or building permit or land alteration application. The assessment and investigation shall include a survey of the natural boundary of the creek, and the degree of confinement (e.g. typical cross-sections) and shall consider upstream channels and floodways, debris dams, culverts, sources of debris (channels and eroded banks) and related hydrologic features.

Analysis shall include an estimate of the 200-year return period peak flow and corresponding flood elevation. In addition, consideration shall be given to potential for overbank flooding due to blockages in the creek, such as at upstream road crossings, or areas where debris accumulates.

### **3.9.43.10.4 DEVELOPMENT PERMIT AREA 2B: RAVINES**

Ravine areas were defined using the crest lines mapped in the SCRD GIS mapping and based on consideration of stable angles of repose and the typical terrain seen on the Sunshine Coast. A 30 metre assessment from ravine crests defines the area that falls within DPA 2B. A 15 metre assessment line is also indicated.

A report within DPA 2B shall include the following:

- (a) A recommendation of required setbacks from the ravine crests and/or toes of ravine or other steep slopes, and a demonstration of suitability for the proposed use;
- (b) A field definition of the required setback from the top of a ravine crest or other steep slope; and
- (c) The required setback to top of ravine crests and recommendations relating to construction design requirements for the above development activities, on-site storm water drainage management and other appropriate land use recommendations.

### **3.9.53.10.5 DEVELOPMENT PERMIT AREA 2C: FLOODPLAIN**

Floodplain areas are distinguished from the creek/river corridor based on their spatial extent. The creek corridor flood hazard applies to relatively well-confined creeks while DPA 2C applies

where there is a large area of low-lying land susceptible to flooding located adjacent to watercourses, which is not captured in DPA 2A. Flood and erosion hazard assessment will be required within DPA 2C.

### **3.9.63.10.6 DEVELOPMENT PERMIT AREA 2D: LOW CHANNEL CONFINEMENT**

DPA 2D delineates alluvial fans or areas of low channel confinement. -These may exist at several locations on a single creek, although typically at the mouth. -These areas are either current or former deposition zones that provide opportunities for channel avulsions (significant erosion) to occur.

Available air photographs and contour mapping were used to identify potential areas of low channel confinement, which are included in DPA 2D. -Flood and erosion, and channel avulsion hazard assessment will be required within DPA 2D.

A report within DPA 2C and 2D shall include the following:

- (a) A review of the property by an appropriately qualified Professional Engineer or Professional Geoscientist;
- (b) An analysis of the land located within the development permit area as well as an analysis of the proposed developments including, but not limited to, building footprint, septic field and land alteration including tree removal;
- (c) A hydrologic investigation and assessment of flooding and associated creek processes at the time of subdivision or building permit or land alteration application;
- (d) A survey of the natural boundary of the creek and degree of confinement (e.g. typical cross-sections) and consideration of upstream channels and floodways, debris dams, culverts, sources of debris (channels and eroded banks) and related hydrologic features; and;
- (e) An estimate of the 200-year return period peak flow and corresponding flood elevation.

In addition, consideration shall be given to potential for overbank flooding due to creek blockages such as at upstream road crossings, or areas where debris accumulates.

## **SLOPE HAZARDS**

### **3.9.73.10.7 DEVELOPMENT PERMIT AREA 3: OPEN SLOPE FAILURE AND ROCKFALL**

Potential for open slope failures in the Plan area were identified where there are areas of moderately steep and steep terrain. -Potential landslide impact areas were only estimated for slopes of 10 metres in height or greater. -Impact areas were estimated based on the landslide travel angle details. -Open slope crests where initiation of a landslide may occur (bluffs higher than 10 metres) are delineated in the DPA map. Landslide risk assessments will be required within DPA 3.



Different hazards have been identified within the general category of “steep slope hazards”; applications for subdivision, building permit or land alteration shall include a report from an appropriately qualified professional.

Within the Plan area, there are no extensive, tall rock bluff areas that present a significant rockfall hazard. However, there are small, isolated steep areas that consist of low rock hummocks projecting from surficial material cover. These areas present a low hazard and have not been specifically mapped.

Areas of potential rockfall hazard coincide with the open slope failure areas delineated for DPA 3. Consideration shall be given to the limits and types of instability and changes in stability that may be induced by forest clearing. -The down-slope impact of forest clearing and land development shall also be considered.

A report within DPA 3 shall include the following:

- (a) Slope profiles with documentation of the limits of slope instability. -Consideration shall be given to the limits and types of instability and changes in stability that may be induced by forest clearing. The down-slope impact of forest clearing and land development shall also be considered;
- (b) A detailed stability assessment indicating foreseeable slope failure modes and limiting factors of safety, and stability during seismic events;
- (c) An assessment of shallow groundwater conditions and the anticipated effects of septic systems, footing drains, etc. on local slope stability;
- (d) A recommendation of required setbacks from the crests and/or toes of steep slopes, and a demonstration of suitability for the proposed use;
- (e) A field definition of the required setback from the top of steep slope;
- (f) Appropriate land use recommendations such as restrictions on tree cutting, surface drainage, filling and excavation; and
- (g) If required, definition of the site-specific rock fall shadow area, including an indication of the appropriate buffer zone and required protective works.

## RIPARIAN PROTECTION

### **3.9.83.10.8 DEVELOPMENT PERMIT AREA 4: RIPARIAN ASSESSMENT AREAS**

Development Permit Area 4: Riparian Assessment Areas consists of the lakes and streams as shown on Map 2, including un-mapped streams and tributaries. The development permit area includes land adjacent to all streams, tributaries, wetlands and lakes connected to fish and fish habitat. The assessment area generally extends 30 metres on both sides of the stream, measured from the natural boundary and more specifically applies as follows:

#### A. Setbacks

- i. for a ravine less than 60 metres wide, a strip on both sides of the stream measured from the natural boundary to a point that is 30 metres beyond the top of the ravine bank;
- ii. for a ravine 60 metres wide or greater, a strip on both sides of the stream measured from the natural boundary to a point that is 10 metres beyond the top of the ravine bank; and
- iii. 30 metres from the natural boundary of a lake.

#### B. Development Permits

Proposed developments shall include an analysis by a Qualified Environmental Professional (QEP) to determine the appropriate setback to the water course, known as the Streamside Protection and Enhancement Area (SPEA) and to determine the necessary measures to protect the SPEA both during and after construction. Development Permits may require that:

- i. areas of land, specified in the permit must remain free of development, except in accordance with any conditions contained in the permit;
- ii. specified natural features or areas be preserved, protected, restored or enhanced in accordance with the permit;
- iii. required works be constructed to preserve, protect, restore or enhance watercourses or other specified natural features of the environment;
- iv. protection measures be followed, including retaining or planting vegetation to preserve, protect, restore or enhance fish habitat or riparian areas, or to control drainage or erosion or to protect banks; and
- v. a reference plan be prepared by a BC Land Surveyor, in conjunction with a subdivision plan to delineate the identified SPEA.

#### C. ~~SPEA Bending~~

~~A development permit may include bending of the SPEA boundary under the condition that the overall riparian area (as calculated in square metres) remains the same. This enables a shifting of the SPEA boundary, but not an overall reduction in the amount of area providing riparian protection. The following will be considered if SPEA bending is proposed by the consulting QEP:~~

- ~~i. Bending of the SPEA is not appropriate for sites that have not been previously developed. This tool is intended for use where activities are proposed for small parcels or existing buildings located in close proximity to watercourses;~~
- ~~ii. Bending of the SPEA boundary must not result in any portion of the boundary being less than 10 metres from the high water mark;~~

**Commented [AA1]:** Delete due to legal precedent and change in provincial implementation of riparian areas regulation.

- iii. ~~New areas added to the riparian area to make up for those shifted out must be contiguous with the original SPEA area and located as close to the watercourse as possible;~~
- iv. ~~The quality of the existing riparian vegetation must be considered in decisions around bending the SPEA boundary (for example the boundary should not bend in a place that removes the only large trees in the riparian area from the SPEA). If the developer has retained a QEP, he or she will provide assistance with this aspect of the project. Geotechnical stability cannot be compromised in any variation of the SPEA. The QEP will need to reassess the slope stability measures in relation to the new SPEA boundary;~~
- v. ~~The SPEA (and areas that are added to the SPEA through this approach) must be planted with native plant species; and~~
- vi.i. ~~Fencing of the SPEA (and areas added to the SPEA through this approach) may be required and is to be addressed in the QEP assessment in the Encroachment measures.~~

### **3.9.93.10.9 DEVELOPMENT PERMIT EXEMPTIONS**

Development permits shall be required prior to: the subdivision of land; commencement of the construction or addition to a building or other structure; or alteration of land within Development Permit Areas Nos. 1A-B, 2A-D, 3 and 4 indicated on Map 2. The following are exemptions, which may apply. Exemption (a) applies to Development Permit Area 1A, whereas the remaining exemptions apply to all development permit areas.

- (a) Sundeck additions or other projecting features of non-habitable portions of a building within Development Permit Area 1A (Coastal Flooding).
- (b) For "Low Importance" structures or buildings that represent a low direct or indirect hazard to human life in the event of failure, including: low human-occupancy buildings, where it can be shown that collapse is not likely to cause injury or other serious consequences.
- (c) The proposed construction involves a structural change, addition, or renovation to existing conforming or lawfully non-conforming buildings or structures, provided that the footprint of the building or structure is not expanded and provided that it does not involve any alteration of land;
- (d) The planting of native trees, shrubs, or groundcovers for the purpose of enhancing the habitat values and/or soil stability within the development permit area;
- (e) A subdivision or rezoning application, where an existing or proposed covenant with reference plan based on a qualified professional's review of the subject development permit area, is registered on title or its registration secured by a solicitor's undertaking;
- (f) Construction commencing on a property within two years of a development permit or covenant, as described above, has been issued.

- (g) Emergency procedures to prevent, control, or reduce erosion, or other immediate threats to life and property provided they are undertaken in accordance with the provincial *Water Act*, *Wildlife Act*, and the *Federal Fisheries Act*, and are reported to the Regional District;
- (h) The lands are subject to the *Forest Act* or *Private Managed Forest Land Act*, and  
The removal of up to 2 trees over 20 centimetres, measured at 1.5 metres in height, or 10 square metres of vegetated area per calendar year per lot, provided there is replanting of 4 trees, or re-vegetation of the same amount of clearing.

## Part Four: Regional Planning

### 4.1 Regional Planning Context

The shíshálh Nation Strategic Land Use Plan, We Envision: Regional Sustainability Plan and Climate Action Plan are regional planning documents that coordinate with the OCP. Part Four summarizes and references each of these documents to demonstrate the inter-connectivity of land use and community development. Each section make reference to these external plans, as written at the time of OCP adoption.

If plans referred to in this section are updated the new version or replacement plan will become the source document to be reviewed and utilized for land use recommendations and decisions.

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#### 4.14.2 shíshálh Nation Strategic Land Use Plan

~~According Pursuant~~ to the *Local Government Act* ~~during throughout~~ the preparation of an Official Community Plan a local government must consider opportunities for early and ongoing consultation with first nations. ~~The~~ SCR D recognizes that lands within the Plan area are located within the territory of the *shíshálh* Nation. The SCR D has a close working relationship with the *shíshálh* Nation who are represented on the SCR D Board by a member of the *shíshálh* Nation Council. Elected officials and staff from both the SCR D and the *shíshálh* Nation meet on a ~~regular on-going~~ basis to discuss issues of mutual interest and both are parties to several memoranda of understanding and agreements. ~~The~~ SCR D has engaged with the *shíshálh* Nation regarding the development of the Official Community Plan and will do so with any future requests for amendment to this plan and related zoning bylaw amendments.

Working in conjunction with the *shíshálh* Nation, the SCR D is committed to the protection and, when appropriate, restoration of environmental, cultural and archaeological resources within the Plan area. The decision making process related to land use will progress in an open and transparent fashion that meets the needs of the *shíshálh* Nation and the Egmont/Pender Harbour community.

The *shíshálh* Nation also has adopted a Strategic Land Use Plan (SLUP) which covers their entire territory, and was prepared through interviews with Elders, community members, and staff. It has also been formally approved by the Nation. Loosely translated, *lil xemit tems swiya nelh mes stutula* in the *shashishalhem* language means “we are looking after our land, where we come from.”

The SLUP represents the Nation’s summary of the values found across the territory, and describes how the Nation would like to see their intertidal and land resources protected, managed, and utilized now and into the future. The *shíshálh* Nation developed the SLUP in order to provide a more comprehensive and integrated view of their territory, so that they can be proactive in determining what happens in the future.

~~The SCR D will work with the shíshálh Nation to align with their SLUP.~~

Further information about ~~these areas and their~~ the SLUP and values to the shíshálh Nation values, including how the Nation would like to see the intertidal and land resources protected, managed, and utilized now and into the future, can be found in the SLUP ([www.shishalh.com](http://www.shishalh.com)).

The SLUP designates lands within the *shíshálh* Nation territory into land use zones including: Stewardship Areas, Conservation Areas, Cultural Emphasis Areas and Community Forests.

The *shíshálh* Nation has a shíshálh Nation Lands and Resources Decision-Making Policy, which identifies the principles and process through which the Nation reviews proposals for the use of lands and resources in their Territory.

The policy is consistent with and reflective of the principles enunciated by the Supreme Court of Canada, and provides a foundation for appropriately engaging together. ~~Information~~ is available on the Nation’s website [at: www.shishalh.com](http://www.shishalh.com).

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Land use recommendations within this OCP and future decisions made by the SCRD will consider the recommendations provided within the *shíshálh* Nation's Strategic Land Use Plan. The following is a brief summary of the land use zones and their relationship to the land within the Egmont/Pender Harbour OCP area:

## CONSERVATION AREAS

The conservation areas are of prime importance to the *shíshálh* Nation and the OCP supports conservation and appropriate land use within this area. The primary management intent for land within this zone is to protect and where necessary to restore their cultural and natural values, while maintaining and enhancing opportunities for cultural use. Industrial land uses and permanent land dispositions (public to private) are prohibited in the Conservation Areas, although appropriate low impact tourism and recreation is permitted.

*lil xemit tems swiya* (Conservation Areas) areas in the SLUP are acknowledged for their sensitive cultural, social, ecological, and special values. The primary management intent of a *lil xemit tems swiya* area is to maintain and if necessary restore the area to largely natural or wilderness condition for the benefit, education, and enjoyment of present and future generations. Additional purposes of the *lil xemit tems swiya* are to protect and restore the biological diversity and natural environments within *shíshálh* territory, including critical wildlife habitat values and riparian ecosystems; also to preserve, maintain, protect, and enhance the integrity of the *shíshálh* Nations' cultural use resources and activities, as well as their sensitive cultural and ecological values. Intensive tourism, industrial resource development, permanent land dispositions, new road access, and aquaculture sites are prohibited within *lil xemit tems swiya* in order to protect cultural values or sites, cultural use activities, wildlife and their habitats.

### ***selkant kwátámus lil xemit tems swiya* (Egmont Point Conservation Area)**

Egmont point is within the *selkant kwátámus lil xemit tems swiya* (Egmont Point Conservation Area), comprising approximately 941 hectares of protected area at the head of *?álhtulich* (Sechelt Inlet), adjacent to *stl'íkwu* (Skookumchuk Narrows). This area is noted for its extremely high cultural and spiritual values, which include but are not limited to cultural harvesting resources, the location of the initial contact between the *shíshálh* Nation and Europeans, and ceremonial and spiritual use sites. Due to the significance of the area, *selkant kwátámus lil xemit tems swiya* has been supported for protection by the SCRD through a protocol agreement with the *shíshálh* Nation since 2006.

### ***spipiyus swiya lil xemit tems swiya* (Caren Range Conservation Area)**

Part of the southeastern portion of the Plan area enters into the *spipiyus swiya lil xemit tems swiya* (Caren Range Conservation Area). The *spipiyus swiya lil xemit tems swiya* (Caren Range Conservation Area), which comprises approximately 14,640 hectares located on Sechelt Peninsula, extending northwest from *ch'átlich* (Sechelt) to east of the *kálpilín* (Pender Harbour) area. *shíshálh* community members use this area heavily for cultural harvesting activities, including hunting, plant gathering, and fishing. Protection of this area was strongly supported through the *shíshálh* land use planning community consultation process. The boundaries of *spipiyus swiya* include a community drinking watershed that supplies water to the *kálpilín* (Pender Harbour) area. This area is close to main *shíshálh* band lands, and is not only used for

youth cultural education activities and spiritual activities, but is also home to one of the main areas for *k'éyich* (elk) recovery and remnant patches of old growth, including the oldest recorded *tixw-ay* (Yellow Cedar).

## CULTURAL EMPHASIS AREAS

*kw'enit sim alap* (Cultural Emphasis Areas) are acknowledged in the SLUP for their sensitive cultural, social, and ecological values. Loosely translated, *kw'enit sim* means "we are watching". The primary management intent of a *kw'enit sim alap* area is to protect and restore *shíshálh* cultural use resources and activities, as well as sensitive cultural, ecological and/or tourism and recreation values, while at the same time allowing for appropriate resource development. Although there is no blanket prohibition on industrial land use in a *shíshálh kw'enit sim alap*, in some cases specific sites may prohibit some or all forms of development while in other locations terms and conditions may be placed on appropriate land use to protect cultural values or sites, cultural use activities, wildlife and their habitats, or tourism values.

The bulk of the Plan area from Madeira Park through to Egmont is located within a Cultural Emphasis Area. Land in this area should be managed in a way that promotes protection of cultural use and activities.

### ***kálpilín* – *stséxwena kw'enit sim alap* (Pender Harbour – Sakinaw Cultural Emphasis Area)**

Part of the Plan area is located within the *kálpilín* – *stséxwena kw'enit sim alap* (Pender Harbour – Sakinaw Cultural Emphasis Area), as designated in the *lil xemit tems swiya nelh mes stutula: A Strategic Land Use Plan for the shíshálh Nation*. The *kálpilín* – *stséxwena kw'enit sim alap* comprises approximately 10,623 hectares and contains an extremely high concentration of *shíshálh* cultural use and occupation sites, cultural features, and archaeological evidence. Located at the heart of the historically most populous region in the territory, this area was the site of the main winter villages of the *shíshálh* people, and included a great many well-protected home sites and productive harvest locations with varied marine and terrestrial resource opportunities.

To the north, an extensive lake district was used for hunting and fishing with main camps at *stséxwena* (Sakinaw Lake) and *kwíkwilúsin* (east side of Sakinaw Lake) and *lólh-uhlth* (Mixel Lake). The *kálpilín* area contains the main villages of *p'úkwp'akwem* (Bargain Harbour), *sálálus* (Madeira Park), *smishalin* (Kleindale), and *kway-ah-kuhl-ohss* (Myer's Creek) and *séxw?áwini* (Garden Bay). These villages included a primary location for winter dances and ceremonies, and with access to fishing at Ruby, Ambrose, and *stséxwena* lakes for rainbow trout, and hunting (primarily for *húpit* (black tailed deer)) in the adjacent forests. Similarly, *wah-wey-we'-lath* (Mt. Cecil) and *shélkém* (Mt. Daniel) are important local mountain peaks used for a variety of cultural and spiritual purposes. Numerous fish weirs, canoe skids, and ceremonial sites can be found in *kálpilín*.

### ***stl'ikwu kw'enit sim alap* (Skookumchuck Narrows Cultural Emphasis Area)**

The northeastern portion of the Plan area includes part of the *stl'ikwu kw'enit sim alap* (Skookumchuck Narrows Cultural Emphasis Area). *stl'ikwu kw'enit sim alap* comprises



approximately 5,762 hectares and is located in the heart of *shíshálh* territory, straddling the narrows of *?áhtulich. stl'íkwu* ('fast water'), contains a portion of the west side of the inlet, and encompasses the area of the foreshore and upland that directly affects the narrows. An extremely productive marine environment contributes to abundant intertidal and marine resources and a concentration of *shíshálh* occupation and use sites, diverse harvest activities, and high cultural significance. Marine and foreshore resources, wild foods, and medicinal plants at *stl'íkwu* (Skookumchuck Narrows) continue to be important supplements to *shíshálh* economy, diet and health, and cultural and spiritual use, perhaps more valuable as a result of their relative scarcity. The resources that are harvested in the area include, but are not limited to: *s-ts'éxwu* (lingcod), *s-t'élxwets'* (octopus), *s't'élum* (cockles), *s-?úlh-kwu* (clams), *?elás* (sea cucumber), devil fish, *tsíyákwup-s te s-chálihhten* (jellyfish), shrimp, roe, *yúm-ach* (chinook salmon) and many other species. The area is referred to as the 'soupbowl' of the Nation due to its extremely abundant marine life year round.

### EARL – TREAT CREEK COMMUNITY FORESTRY AREA OF INTEREST

The northeast corner of the Plan area enters the Earl – Treat Creek Community Forestry Area of Interest as designated in the SLUP. The *shíshálh* Nation has identified *Community Forestry Areas of Interest* in the SLUP for their potential suitability for long-term forest management by the *shíshálh* Nation. Further analysis is needed to fully assess the feasibility of *shíshálh* community forests in these areas. In the interim, the primary management intent for these areas is to ensure that the land base is not further alienated from potential use by the *shíshálh* Nation for sustainable forest management.

The *Earl – Treat Creek Community Forestry Area of Interest* comprises approximately 9, 541 hectares on the south side of lower *lékw'émin* (Jervis Inlet), adjacent to *stl'íxwim – kékaw kw'enit sim alap* (Narrows Inlet – Tzoonie River Cultural Emphasis Area) and *stl'íkwu kw'enit sim alap* (Skookumchuck Narrows Cultural Emphasis Area). The area comprises productive growing sites and access to *lékw'émin*.

### STEWARDSHIP AREAS

The southern portion of the Plan area around Middlepoint is located within a Stewardship Area. The intent of a Stewardship Area is to maintain opportunities for *shíshálh* cultural use, while allowing for appropriate economic development activities which respect the integrity of the *shíshálh* Nation territory as whole.

### Relation to Egmont/Pender Harbour OCP

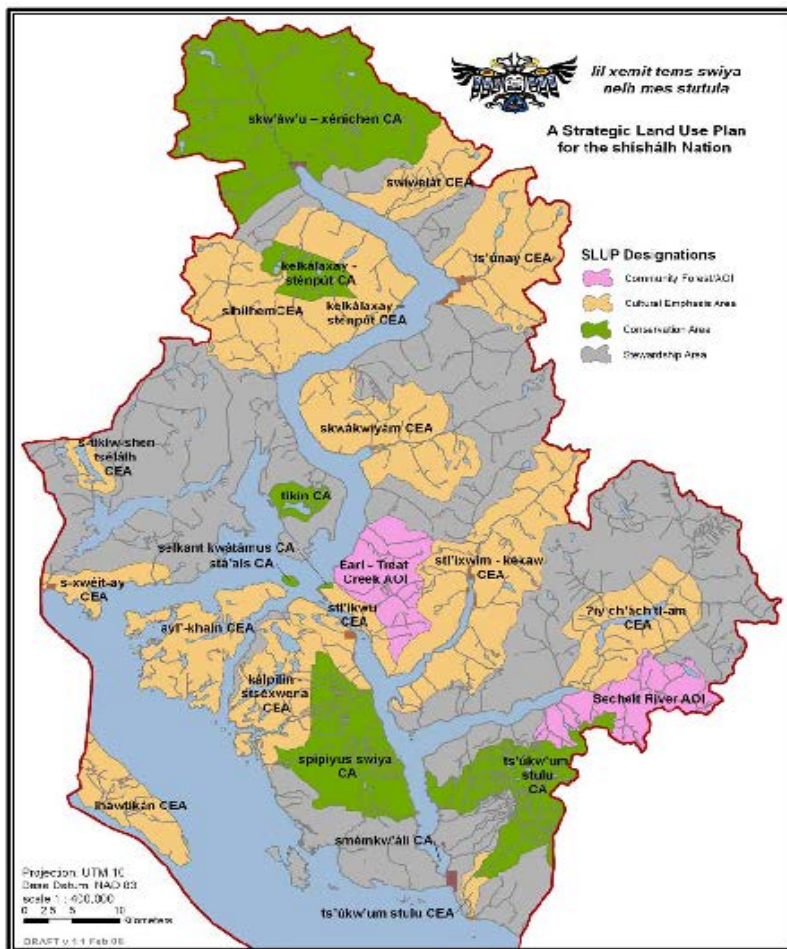
Each of the land use areas from the Strategic Land Use Plan will be considered during [future use and](#) implementation of the Egmont/Pender Harbour OCP to provide, where possible, for protection of identified archaeological sites and territory of the *shíshálh* Nation. The culture, traditions, history, present and future of the *shíshálh* Nation deserve respect and consideration through the vision and land use decisions found within this official community plan.

Development applications on both private and public land will be referred to the *shíshálh* Nation for review, pursuant to the *shíshálh* Nation Lands and Resources Decision Making Policy. The

subsequent referral comments will be considered by the SCRCD in the approval process. Applications on private land that are commonly referred [are to external agencies, including the shishálh Nation are](#) development variance permits, Board of Variance applications, as well as zoning and OCP amendment requests, [as directed by the SCRCD Board](#).

At time of adoption of this plan the agreed upon response time for a development referral is 60 days. [The](#) SCRCD shall work with the *shishálh* Nation to ensure timely communication.

Figure 1: *shishálh* Nation Land Use Zones



### 4.24.3 We Envision: Regional Sustainability Plan

Official Community Plans and other local and regional initiatives on the Sunshine Coast are informed and guided by the Regional Sustainability Plan entitled: *We Envision - One Coast: Together In Nature, Culture and Community* (2011). *We Envision* was developed by representatives from a number of local decision makers and organizations including the SCRD, District of Sechelt, Town of Gibsons, School District 46, Sunshine Coast Community Foundation, Sunshine Coast Community Services and Sunshine Coast Community Futures. Letters of support were also received from numerous local individuals, groups and companies.

*We Envision* is the Sunshine Coast's long range vision, action and policy recommendation document that provides direction to specific and regulatory documents, such as the Egmont/Pender Harbour OCP. The plan outlines a set of core values for a sustainable region and thirteen interrelated strategic directions to assist in moving towards our best possible future.

This OCP looks at the future of the community in the context of land use and related servicing decisions for the Egmont/Pender Harbour community. Together, *We Envision* and the OCP inform the way in which land use decisions are made to help create a better future for the community.

#### THE 13 STRATEGIC DIRECTIONS OF WE ENVISION

*We Envision* includes thirteen Strategic Directions which represent critical paths towards a more sustainable future. Each Strategic Direction includes a long term vision to 2060 and a set of targets to be achieved by 2020. The Strategic Directions are as follows:



All thirteen of the Strategic Directions are connected to community development and many are linked to the goals, objectives and policies within the OCP. The strategic directions are described in more detail in the *We Envision* document. Future land use decisions within the Sunshine Coast Regional District jurisdiction will be measured against the applicable directions.

The following is a summary of the 'Land Use' Strategic Direction which is most relevant to the foundation of values within this OCP.

### LAND USE STRATEGIC DIRECTIONS

The development and subsequent implementation of the OCP will be based on the following land use principles which set the table for a pathway to a sustainable future:

- (a) Focusing growth in existing neighbourhoods;
- (b) Concentrating new development within easily serviced areas;
- (c) Providing a variety of transportation choices;
- (d) Creating diverse housing opportunities;
- (e) Celebrating the unique attributes of the different communities;
- (f) Preserving open spaces;
- (g) Protecting and enhancing agricultural lands;
- (h) Discouraging development and resource extraction within drinking-watersheds; and
- (i) Enhancing our aquatic resources for both drinking water and recreation.

The preceding principles from the Land Use strategic direction are a reflection of not only the We Envision plan but the vision and goals of the Egmont/Pender Harbour OCP and they represent key fundamentals of smart growth and a more sustainable future.

#### 4.34.4 Climate Action

In 2009, the SCRD, in partnership with local governments on the Sunshine Coast developed Our Coast, our Climate, the Community Energy and Emissions Plan (CEEP) to determine the source and amount of Green House Gasses (GHG's) emitted on the Sunshine Coast. The original goal of the CEEP, which applies throughout the SCRD was to achieve a 7% greenhouse gas reduction by 2031. However, the inventory was reviewed in 2013 and it was determined that there are further opportunities to reduce the greenhouse gas emissions to 32% below 2007 levels by 2030 and 39% by 2050. These reductions can be made across the SCRD through management of land use through pockets of density, solid waste and organics separation and landfill gas collection.

##### **CEEP Goals**

1. Support Energy Efficient Land Use Practices.
2. Reduce Dependence on Single Occupant Vehicles.
3. Enhance the Green Building Sector.
4. Expand Local Renewable Energy Opportunities.
5. Reduce and Reuse Solid Waste as a Resource.
6. Strengthen the Local Economy.
7. Manage Brownfield Sites.
8. Foster a Culture of Conservation in the Community.

The GHG emission sectors that apply to the Egmont/Pender Harbour Plan area are: Residential, Commercial, Solid Waste, Transportation and Agriculture/Land Conversion. As is to be expected in a rural environment where the private automobile is the primary method of movement, transportation has the highest sector output (about 65%) on the Sunshine Coast, followed closely by land use patterns (residential output and land use conversion). For the Egmont/Pender Harbour Plan area, focusing actions and initiatives towards transportation and land use patterns will support the biggest emissions reductions.

##### **4.3.14.4.1 Objective**

- (a) To reduce the greenhouse gas output by 32% below 2007 levels by 2030.

##### **4.3.24.4.2 Policies**

- (a) Focus new development in existing neighbourhood and core areas.
- (b) Increase efficiency in design and construction of dwellings to meet or exceed the target adopted by the SCRD, dating back to the 2007 output levels.
- (c) Support clean energy transportation initiatives and alternatives to the private automobile.
- (d) Encourage increasing the energy efficiency of both existing and new buildings.

## Part Five: Map Schedules, Glossary and Conversion Scale

### MAP SCHEDULES:

Map 1: Land Use Designations

Map 2: Development Permit Areas

Map 3: Transportation Systems

### GLOSSARY:

**Assessment Area** – land within a development permit area that is reviewed by a consulting professional such as geotechnical engineer or qualified environmental professional to determine where safe and suitable land development and construction can occur.

**Auxiliary Dwelling** – Secondary dwelling with a size restriction of 55 square metres (592 square feet) as described in the zoning bylaw.

**Bed and Breakfast Home** – Up to 2 bedrooms within a dwelling may be rented for bed and breakfast use.

**Bed and Breakfast Inn** - Up to 5 bedrooms within a dwelling may be rented for bed and breakfast use.

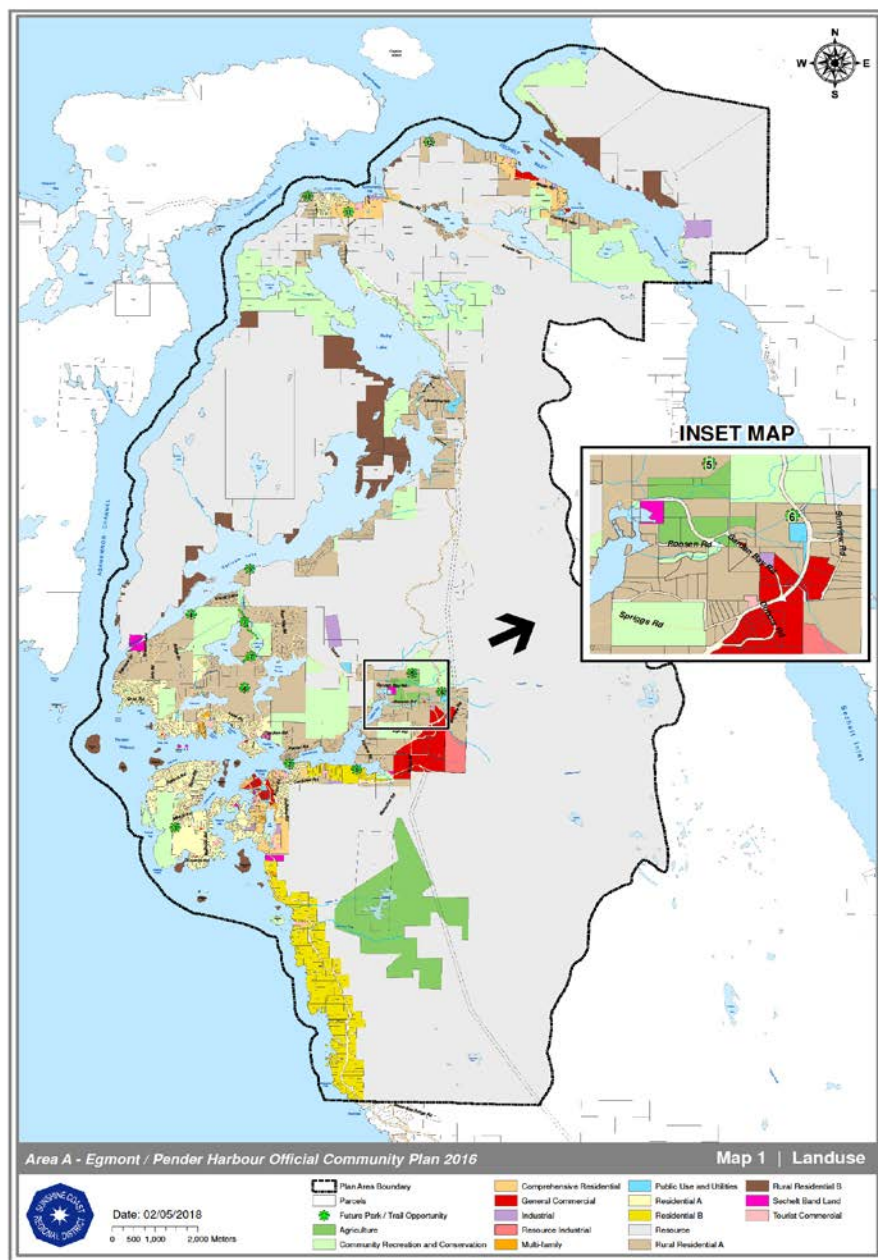
**Cluster Housing** – a group of building or parcels which are clustered in proximity to save on development costs and preserve land for greenspace and environmental benefit.

**Development Permit Area** – An area of land that has been identified as being potentially hazardous or environmentally sensitive. Advice from a qualified geotechnical engineer and/or qualified environmental professional is required to receive a development permit. Development permits may be required prior to land alteration, subdivision or building permit.

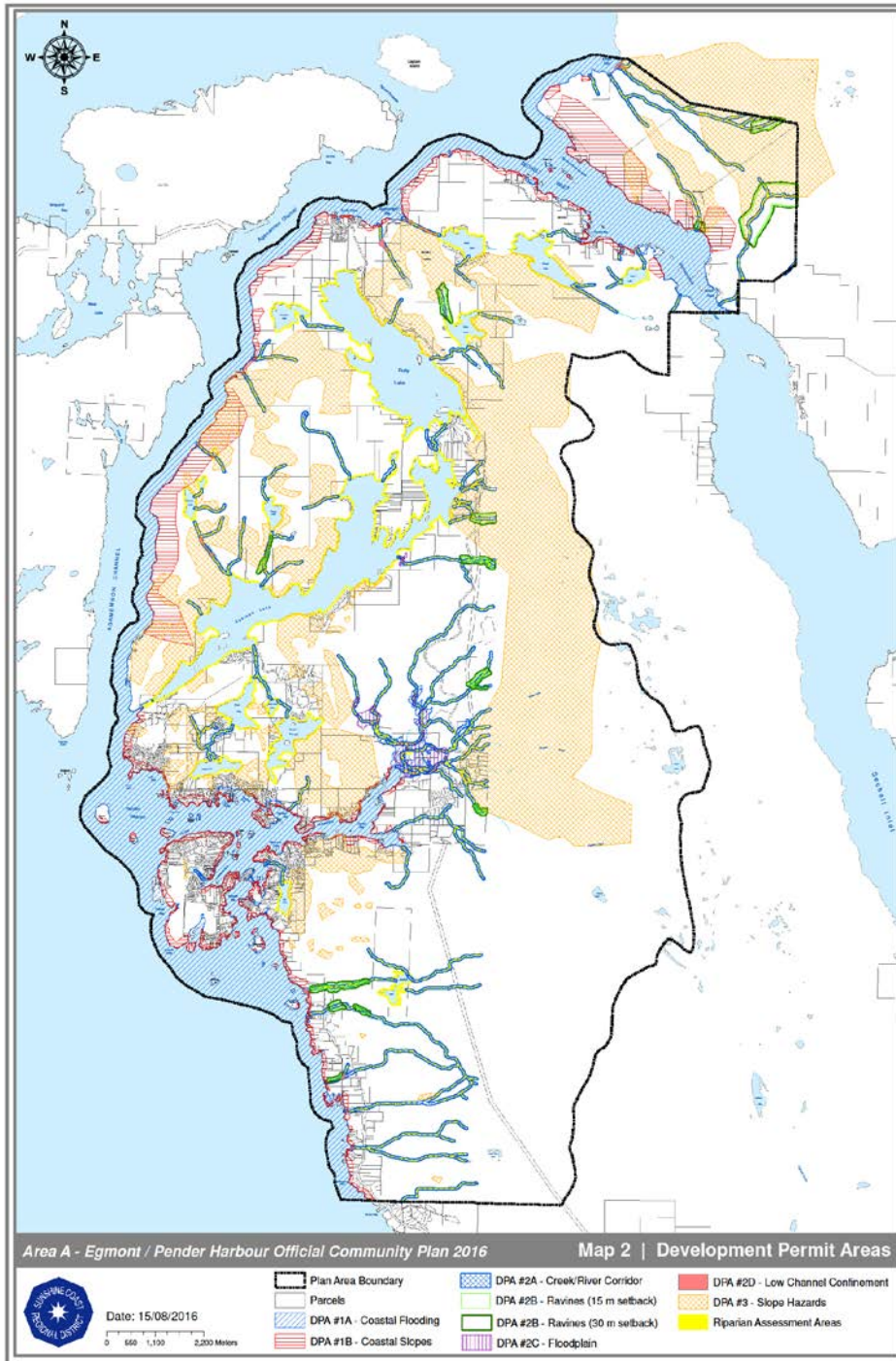
**Setback** – A specific minimum distance to a property line or body of water as described in the zoning bylaw.

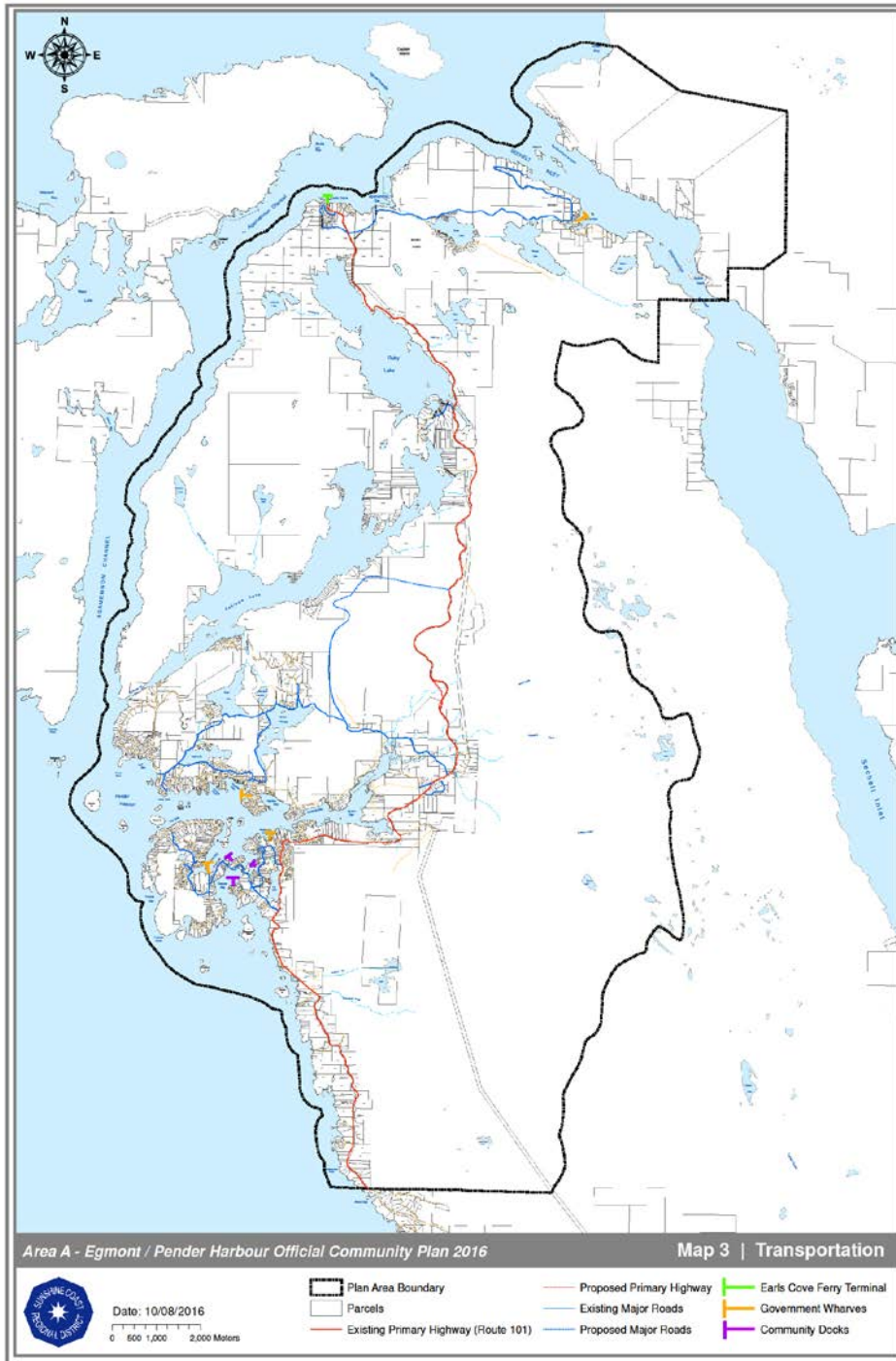
## METRIC IMPERIAL CONVERSION CHART

Metric	Imperial
15 metres	49 feet
20 metres	66 feet
30 metres	98 feet
60 metres	197 feet
100 metres	328 feet
1,000 square metres	0.25 acre
2,000 square metres	0.49 acre
4,000 square metres	0.99 acre
1 hectare	2.47 acres
2 hectares	4.94 acres
4 hectares	9.88 acres
100 hectares	247 acres
28 square metres	301 square feet











## SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

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**TO:** Planning and Community Development Committee – July 12, 2018

**AUTHOR:** David Rafael, Senior Planner

**SUBJECT:** DEVELOPMENT VARIANCE PERMIT DVP00037 (CARVAJAL) - ELECTORAL AREA F

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### RECOMMENDATIONS

**THAT the report titled Development Variance Permit DVP00037 (Carvajal) - Electoral Area F be received;**

**AND THAT Development Variance Permit Application DVP00037 to vary Zoning Bylaw No. 310 Section 601.4 (3) setback from 4.5 metres to 1.5 metres for the single family dwelling and 0 metres for access stairs be issued subject to:**

- 1. Receipt of a Setback Relief Permit by the applicant from the Ministry of Transportation and Infrastructure;**
  - 2. Comments received from Skwxwú7mesh Nation within the 60 day referral period.**
- 

### BACKGROUND

SCRD has received an application for a development variance permit for a single family dwelling at 503 Elphinstone Avenue in Grantham's Landing, West Howe Sound. The subject parcel is on the southeast corner of Elphinstone Avenue and Fisher Road (see Figure 1 on the next page). The subject parcel is approximately 511 square metres in area and within the Residential One (R1) zone.

The intent of the application is to:

- a) increase the maximum floor area allowed for all buildings;
- b) increase the maximum site coverage, and
- c) reduce the setback to a road; and

The applicant provided information supporting the requested variances (Attachment A) and architectural drawings including site plans showing coverage (Attachment B). Staff support one of the three requested variances.

The purpose of this report is to provide information on the application and obtain direction from the Planning and Community Development Committee on moving forward.

Owner / Applicant:	Sean Carvajal	
Civic Address:	503 Elphinstone Avenue, Grantham's Landing	
Legal Description:	Lot 1, Block 2, District Lot 687, Plan VAP20175	
Electoral Area:	West Howe Sound	
Parcel Area:	511 square metres	
Maximum Floor Area	Permitted 153.3 square metres	Proposed 211.1 square metres
Parcel Setback		
Side next to a road	Required 4.5 metres to road	Proposed: 0 for stairs, 1.5 metres for dwelling
Side	1.5 metres	1.5 metres
Front	5 metres	greater than 5 metres
Rear	2 metres	greater than 2 metres
Site Coverage:	Required 35%	Proposed 40%
Application Intent:	The proposal is to vary zoning requirements to facilitate building a single family dwelling on a parcel with two road frontages.	

Table 1 - Application Summary



Figure 1 – Location of Subject Parcel

## **DISCUSSION**

### Applicant's Supporting Information

The applicant has stated that the dwelling's design is guided by the slope of the land, the desire to retain a large Douglas Fir tree (see photos in Attachment B) and to build sufficient floor area to take advantage of changes in technology/home automation.

The design incorporates deck space to provide useable back yard space as land alteration near the tree, such as retaining walls to create level outdoor space, could compromise the tree. The deck space results in an increase in site coverage.

After the June 26, 2018, West Howe Sound Advisory Planning Commission meeting the applicant provided additional information and a revised design in response to discussion at the meeting (Attachment C). The revised design illustrates how the proposed dwelling would look if decks were removed to meet the 35% site coverage limit and an estimate of \$20,000 was provided to backfill the basement to reduce the floor area. The estimate does not include costs for geotechnical engineer's input or contingency to address unforeseen costs.

An alternative includes removing the tree which would allow for terracing to create a more useable outdoor area and allow for the basement (if it was not backfilled) to be used as a 45 square metre garage accessed from Fisher Road.

While these changes will meet the zoning requirements, that applicant notes this is not the preferred solution and that local residents the applicant has spoken with support retaining the tree.

### Maximum Floor Area

Zoning Bylaw No. 310 has a floor area ratio in the R1 zone on parcels less than 1500 square metres in area based on the total parcel area multiplied by 0.3. This results in a total floor area of all buildings to be of 153 square metres for the subject parcel. An additional 45 square metres is permitted for enclosed parking.

Zoning Bylaw No. 310 defines *floor area* as:

“the total area of all floors within a building having a clear ceiling height of 1.8 metres or more... but excluding unenclosed auxiliary parking, carports, unenclosed balconies, decks and other building projections permitted by this bylaw, elevators, and areas devoted exclusively to electrical or mechanical equipment servicing the building.”

The proposed deck and balcony are not considered to be floor area as they are not enclosed. Also not included are the mechanical/electrical equipment areas and crawl space areas. The rest of the basement is included as it meets the floor space definition. The applicant provided supporting information regarding the basement's height which was determined due to the parcel's slope resulting in the basement area having high ceilings. The applicant noted that the basement area could be backfilled so that it is smaller or does not result in floor area (reduce the floor to ceiling height below 1.8 metres) which is considered by the applicant to not be an ideal solution and would not change the overall size of the building.

The proposed and maximum permitted floor areas are:

Basement	61.7 square metres (does not include 20.5 square metre mechanical/electrical equipment area and 18.5 square metre crawl space)
Main Floor	112 square metres
Top Floor	37.4 square metres
<b>Total Proposed Floor Area</b>	<b>211.1 square metres</b>
<b>Maximum Permitted Floor Area</b>	<b>153.3 square metres</b>
<b>Requested Variance</b>	<b>57.8 square metres</b>

The proposed design does not include enclosed parking and vehicles will be parked in an open area in the parcel's northwest corner. The applicant notes that by taking the Douglas Fir into account when designing the dwelling a decision was made to forego the 45-square metre floor area allowed for enclosed parking and allocate that space to the dwelling. The unused floor space allowance for enclosed parking does not translate to additional floor space allowance for the dwelling, per the provision within the zoning bylaw.

#### Site Coverage

The R1 zone also requires that the maximum parcel coverage of all buildings and structures shall not exceed 35% which equates to a footprint of 179 square metres. This includes any projections such as eaves but does not include floor space on upper floors. Attachment B shows site cover including the eaves to be just under 40 percent or 204 square metres. Thus a variance is required to allow for the development as proposed.

The applicant noted that there is a need for a large deck to compensate for the constrained useable outdoor space that resulted from the large Douglas Fir which takes up about 32% of the parcel area. The rear deck area is about 25 square metres which is the additional site cover requested by the variance.

#### Density

Use and density cannot be varied through a development variance permit. Staff consider that this application pertains to the size and siting rather than density. Density is not clearly defined in either the zoning bylaw or the *Local Government Act*. Key aspects of density relate to the number of dwellings on a parcel and minimum parcel area to qualify for dwellings. Thus it is possible to consider development variance permits to increase floor area, building size and site cover within a parcel as these determine the size of a building.



### Setback to Fisher Road

The R1 zone requires that no structures be located within 4.5 metres of a side parcel line that is contiguous of a highway. The proposed dwelling would be 1.5 metres from the side parcel line to Fisher Road. Stairs leading up to main floor deck would be 0 metres to the parcel line to Fisher Road. Features such as steps are permitted within the setback by up to 50 percent of the distance with a two metre maximum setback reduction.

The proposed design includes external stairs from the Elphinstone Avenue side that descend to the basement along the east side parcel line. The wall and fence to these stairs along the parcel boundary are considered to be a fence, providing they are under two metres in height, and therefore are permitted with the parcel line setback.

The subject property is 15.5 metres by 33 metres. Setbacks (4.5 metres to the road and 1.5 metre to the side parcel line) reduce the width that is available for development to 9.5 metres. The neighbourhood's subdivision pattern includes several parcels with similar dimensions. For those that are not corner parcels the width available for development is 12.5 metres as the two side parcel setbacks combine to reduce the width by 3 metres. Several of these parcels have dwellings that have built to the 12.5 metre width. The SCRD has issued variance permits to reduce the setback to a road in similar circumstances in other locations.

The applicant will need to receive a setback relief permit from the Ministry of Transportation and Infrastructure (MoTI) before DVP00037 can be issued. The referral to MoTI also allows the Ministry to identify if there are any concerns regarding the stairs from Elphinstone Road.

### Building Height

On parcels less than 750 square metres building height is limited to 8.5 metres unless the average slope exceeds 20 percent then maximum building height is 11 metres. Staff confirmed that the average slope is 24 percent:



Figure 2: Average Slope

Thus the maximum permitted building height is 11 metres and the applicant provided information confirming the proposed dwelling is less than this.



### Consideration of Variances

Variance applications are considered on the proposal's merits and take into account site constraints. A key aspect is whether the constraints, including the regulations set out in Zoning Bylaw No. 310 would result in development that is overly restricted.

The development pattern of the neighbourhood can provide guidance as to what can be possible if the regulations are met. Property owners are expected to design the development to meet parcel constraints where possible. In other cases owners within the neighbourhood on similar sized parcels have worked with staff to ensure that the proposed dwelling meets the floor area and site coverage requirements. Staff consider that the dwelling could be redesigned to accommodate the floor area and coverage requirements while maintaining protection of the Douglas Fir.

The proposed dwelling could be redesigned to meet the floor area and site coverage requirements. While this would reduce the desired floor area from 211 to 153 square metres, it would allow for a two-bedroom dwelling. The applicant's proposed design is for a two-bedroom dwelling.

The revised design included in Attachment C meets the site cover limit. The applicant notes that the basement could be redesigned to reduce ceiling height below that to be considered floor area. This would meet the floor area limit at an additional estimated cost of approximately \$21,000.

Staff do not recommend increasing maximum floor area or site cover as there is scope to meet the requirement and provide a dwelling with sufficient floor area for a two-bed single family dwelling.

Parcels with two or more road frontages can present significant constraint and this can be the case when the parcel is small or narrow. SCRDC has approved setback reductions to roads in similar situations. Staff recommend that the reduction in setback to Fisher Road be supported.

### *Communications Strategy*

Referrals were sent to the Skwxwú7mesh Nation, Ministry of Transportation and Infrastructure, and owners/occupiers within 50 metres of the subject property. To date no comments have been received.

The application was considered at the West Howe Sound Advisory Planning Commission (APC) meeting of June 26, 2018. The APC resolved to support all three requested variances. The APC minutes follow:

#### Development Variance Permit DVP00037 (Carvajal) to Reduce Setback to Road, Increase Site Coverage and Increase Maximum Floor Area

The APC discussed the staff report regarding Development Variance Permit DVP00037 (Carvajal) to reduce the setback to a road, increase maximum site coverage and increase maximum floor area.

The applicant provided site drawings and highlighted aspects of the proposed plan to construct a two-bedroom single-family dwelling on a steep lot with a tall Douglas Fir tree. They described challenges in designing to fit the house on the lot and safely accommodate the tree. The applicant explained that the proposed deck space would be utilized as the outdoor space, rather than creating level ground areas through land excavation.

The Senior Planner commented on technical issues and responded to inquiries.

The following concerns/points were noted:

- Inquiry on whether deck space could be reduced.
- Concern that other property owners in this area have had to adjust their size. It seems unfair to give one an okay when others have accommodated what is required.
- Comment that this is an incredibly designed house; it fits the neighbourhood and the style of the neighbourhood.
- Suggestion that the applicant show the designs to neighbours to get their feedback.
- Support for the requests, subject to comment from neighbours and Ministry of Transportation and Infrastructure permit regarding Fisher Road.
- Suggestion that the applicant look at the cost of infilling the basement to reduce the square footage.

**Recommendation No. 2** *Development Variance Permit DVP00037 (Carvajal)*

The APC recommended support for Option 2: Issue Development Variance Permit DVP00037 to reduce setback, increase maximum floor area, and increase site coverage.

*Options*

Possible options to consider:

**Option 1:** **Issue DVP00037 to reduce the setback to Fisher Road from 4.5 meters to 1.5 metres for the single family dwelling and 0 metres for access stairs.**

Planning staff recommend this option.

The applicant's design or an alternative revised design could meet site coverage and floor area requirements while retaining the Douglas Fir.

**Option 2:** **Issue DVP00037 to reduce setback, increase maximum floor area, increase site coverage.**

The APC supports this option.

If this Option is pursued then staff recommend that a covenant be placed on title to ensure that the Douglas Fir is protected from land alteration and is not cut down unless it becomes a hazard to persons or property.

Part of the applicant's justification is that the development foregoes including the permitted 45-square metre parking area and has allocated this to the dwelling. If

DVP00037 is issued to permit an increased floor area then a covenant should be registered on title not allowing an addition or auxiliary building that would provide enclosed parking.

**Option 3: Deny DVP00037.**

The dwelling could be designed to accommodate all setbacks, floor area limit and site coverage regulation. However the proposed variance to the Fisher Road parcel line is reasonable given the relative narrow parcel width and similar DVPs have been issued.

Planning staff do not recommend this option.

*Organization and Intergovernmental Implications*

Provision of a septic system that meets Provincial requirements will be confirmed during Building Permit stage.

**STRATEGIC PLAN AND RELATED POLICIES**

Review of the application for the development variance permit supports the SCRD Values of Collaboration and Transparency.

**CONCLUSION**

The SCRD received a development variance permit application to permit a single family dwelling with the following variances:

- a) increase the maximum floor area allowed for all buildings from 153.3 square metres to 211.1 square metres;
- b) reduce the setback to a road; from 4.5 m to 0 metres for stairs and 1.5 metres for the dwelling and
- c) increase the maximum site coverage from 35% to 40%:

The APC supports issuing all three proposed variances.

Staff consider that the proposed dwelling could be redesigned to meet site coverage and floor area limits and provide a two-bed dwelling while protecting the Douglas Fir. Reducing the setback to a road on a corner parcel can be supported given the parcel's width and development pattern in the area.

The applicant provided a revised design that meets the floor area and site coverage requirements. He also provides an alternative of removing the tree, terracing the back yard and providing driveway access from Fisher Road to a basement garage of 45 square metres.

Staff recommend that Development Variance Permit Application DVP00029 to vary Zoning Bylaw No. 310 Section 601.4 (3) setback from 4.5 metres to 1.5 metres for the single family dwelling and 0 metres for access stairs be issued subject to:

- a) Receipt of a Setback Relief Permit by the applicant from the Ministry of Transportation and Infrastructure;
- b) Comments received from Skwxwú7mesh Nation within the 60 day referral periods.

*Attachments*

Attachment A: Variance Criteria and Additional Information

Attachment B: Architectural Drawings and Site Plans (including site coverage)

Attachment C: Applicant Information and Revised Design dated July 4, 2018

Reviewed by:			
Manager	X – A. Allen	Finance	
GM	X – I. Hall	Legislative	
CAO	X – J. Loveys	Other	

## ATTACHMENT A

### Variance Criteria and Additional Information

#### Variance Criteria:

All new development should meet the Regional District's applicable bylaw standards. A variance is considered only as a last resort. An application for a development variance permit should meet most, if not all, of the following criteria, in order to be considered for approval:

- 1 The variance should not defeat the intent of the bylaw standard or significantly depart from the planning principle or objective intended by the bylaw. Please elaborate how the requested variance meets this criteria:

*Assuming Hwy Setback is in place for safety and to create neighborhood uniformity - I believe that the variance would not adversely affect any of these things. Elphinstone Ave has an eclectic mix of vacation homes (many of which were built in the early 20th century) and so when it comes to house siting there has been no siting uniformity observed. From a Safety perspective, I see no reason that this could create any concern. Having the proposed house placed on this very sloped lot would, if anything, increase safety by restricting fall hazards at the most sloped portion of the lot (the west bank bordering Fisher Rd.)*

- 2 The variance should not adversely affect adjacent or nearby properties or public lands. Please elaborate how the requested variance meets this criteria:

*This house has been designed around a 100 year old (estimated by an arborist) Douglas Fir tree that is on the lower 1/3rd of the lot (the south side). I have been very diligent in the planning stages and design of this house to avoid the necessity of having it removed and this is the design that I came up with. Unfortunately it has greatly constrained the area that I able to develop on and has given the house a more square shape than a rectangular one. I believe the design of the house and the keeping of this douglas fir tree will enhance the neighborhood.*

- 3 The variance should not be considered a precedent, but should be considered as a unique solution to an unusual situation or set of circumstances. Please elaborate how the requested variance meets this criteria:

*Allowing the footprint of the house to maximize the width of the property will allow me to build a suitable size home for a family while keeping the lower 1/3rd of the property undeveloped. Leaving this portion of the lot undeveloped is integral to keeping the 100 year old Douglas Fir Tree alive. A lack of usable outdoor space also led to an increase in the need for deck and patio space which has increased my overall site coverage as a result.*

- 4 The variance represents the best solution for the proposed development after all other options have been considered. Please elaborate how the requested variance meets this criteria:

*I have consulted with 2 arborists regarding the steps required to keep the douglas fir tree alive and taking their recommendations into account this house design was the best way to keep the tree alive. Alternatively I could remove the tree and build a house that utilizes the lower portion of the lot but I felt that this would be a poor solution. I designed the house have the least amount of impact on the natural grade of the lot and to showcase the natural beauty that already exists on the lot.*

- 5 The variance should not negatively affect the natural site characteristics or environmental qualities of the property. Please elaborate how the requested variance meets this criteria:

*The natural characteristics of the lot are absolutely at the top of the list when it came to this design. Not only was the 100 year old douglas fir tree considered during all stages of planning, but also the terrain and natural grade of the lot. a 3D model of lot was generated based on contour lines and the foundation and house layout were all designed to have the least amount of impact on the property as possible. This resulted in a reduced excavation depth and the need for less extraction of the natural earth.*

**Staff Report to Planning and Community Development Committee - July 12, 2018**  
**Development Variance Permit DVP00037 (Carvajal) - Electoral Area F**

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Additional Information Provided by Applicant:

The natural grade of the lot is what has dictated the size of the basement - I have stepped up the foundation in 3 tiers to go along with the existing terrain and how it worked out (because it is quite a sloped lot) is that the majority of basement level ended up being much more than a crawl space - it became a very large mechanical room with 10ft ceilings. The height different in the natural grade of the lot from the North-East corner of the house to the South-West corner of the house is approximately 16 feet which is quite substantial.

While I did always have plans on utilizing a large portion of the basement level as a mechanical room, you are absolutely right in saying that it is quite spacious. A workaround would be to backfill the basement with 6 feet of material but I thought was too extreme a solution and jeopardizes the integrity of the design of the house. I also expect this house to be standing where it is in 100 years. With changes in technology and home automation I also thought it was good to err on the side of bigger than smaller. I have included a service conduit in the middle of the house running from the basement to the top floor for just this reason - so that this house is future-ready.

I just wanted to elaborate further on my point about the need for additional deck space to create outdoor living space.

In February I hired PGL Environmental consultants to discuss keeping the Douglas Fir tree alive during the house build. Their recommendation was to not build any structures too close to the tree as it would disrupt the root system. I inquired about the possibility of building a few retaining walls in the surrounding area to level out some of earth around it to create a bit of a "backyard" area and they also said that this would compromise the ability of the tree to breath if the area around it were to be covered up with more than a few inches of dirt.

This meant a lack of usable outdoor living space. My solution to this problem was to add deck space around the house and because of the big slope in the lot, that deck space ends up being higher than 6' off the ground and suddenly a normal deck becomes a structure contributing to the lot coverage.

Hope this helps to explain the 5% increase in lot coverage.

**Staff Report to Planning and Community Development Committee - July 12, 2018**  
**Development Variance Permit DVP00037 (Carvajal) - Electoral Area F**

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Thursday, June 21, 2018

Dear Advisory Planning Commission (West Howe Sound -Area F)  
CC: David Rafael

Thank you to the Advisory Planning Commission for hearing my variance request. And thank you David Rafael for preparing your report in such short window of time - it was only one week before the APC agenda was set on June 18th that I submitted this variance application to the SCRD.

I am not sure if I provided sufficient explanation as to the thought and reasoning behind the design of the proposed house so I hope that perhaps I could take a moment to let you all know what my process was and answer any questions that you might have about it.

**Design Motivation:**

- Preserve the existing 100 year old Douglas Fir tree. It is beautiful, it is old and it deserves serious consideration.
- Design a home that was complementary to the existing neighborhood
- Modify the existing natural terrain as little as possible while still creating enough usable outdoor living space.
- Achieve all these goals while create a unique, tasteful and functional design by today's standards and one that is ready for the future.

Alternate house designs were attempted in order to achieve these important design factors but this was the best compromise I could come up with that blended the above noted considerations.

The short explanation to the alternate design proposals being inadequate were as follows:

**Regarding the Setback to Fisher Rd.**

Keeping to a 4.5m setback on Fisher Rd. and maintaining a safe distance to the root system of the Douglas Fir tree meant compromising the design integrity of the house by constraining it's footprint to a much smaller area. Reducing the house's footprint would result in either a reduction in integral outdoor and indoor living space or an impractical and less accessible layout where the 1650 sq. ft. of allowable living space would be spread out over 3 stories.

**Regarding Site Coverage**

An expansion from the allowed 35% site coverage to the proposed 40% was a product of two important factors. First and foremost the lack of usable outdoor space due to 1/3rd of the lot being reserved exclusively for the preservation of the existing Douglas Fir Tree. My solution to this lack of usable outdoor space was to increase deck space which would not interfere with the trees viability. Because of the 24% slope of the lot, additional deck space translates directly into site coverage - as the flat surface of a deck remains flat and travels across the lot its height very quickly becomes greater than the definition of "artificial surface" and quickly becomes a "structure" which is counted towards site coverage. I would like to note that the proposed increase in site coverage represented by this additional deck space described is 744 sq. ft. or 13% of the total lot area. Without this additional deck space my total site coverage would be less than 27%. I should also note that the area dedicated to the preservation of the Douglas Fir tree is 1750 sq. ft. which is roughly 32% of the entire lot. Without removing the Douglas Fir tree, I see no alternative in creating the necessary "outdoor living space" that one should expect to have on a 5500 sq. ft. lot.



**Staff Report to Planning and Community Development Committee - July 12, 2018**  
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**Regarding Floor Area**

The proposed increase in floor area is made up entirely of the unfinished basement level which I have designated as a mechanical room in my building plans. While the size is larger than what is typically needed for the equipment that I have in my current proposal, I thought it is was important to consider where the next 20 to 30 years of home automation and technological changes might take us. It is certainly possible to reduce the size of the proposed mechanical room to be smaller than I have currently drawn it but I think that this would be contradictory to my plan of having a home that is "future-ready". Reducing the size of the proposed mechanical room would also mean fighting the existing natural grade of the property - the way the house is currently drawn means excavating the bare minimum required to hit hard earth capable of holding up a foundation. In order to reduce the height of the basement level to be below 1.8m and considered a "crawl space" I would need to backfill with at least 6 feet of solid material suitable for the foundation slab. It would be a very costly and unnatural endeavor just to reduce the size of a mechanical room.

Finally, I would like to add that one of the biggest compromises I have had to make in order to incorporate the Douglas Fir tree into the house design was to forego the ability to have an enclosed parking area. This would allow for an additional 45 square meters of space that could be used for not only a vehicle but for personal storage, for bike storage and sports equipment, for an electric vehicle charger, for tools and a workshop.

The fastest and easiest solution to fully conforming to all of the bylaws during the initial design phase of this house was to remove the Douglas Fir Tree but I saw the value in and felt the responsibility in making every attempt I could to keep it. As I mentioned earlier I believe fully in this design the way it is drawn in the plans presented.

If there is any part of my design process that you require further elaboration on, please do not hesitate to ask.

Thank you very much for your time and consideration,

Sean Carvajal  
Art Director



Staff Report to Planning and Community Development Committee - July 12, 2018  
Development Variance Permit DVP00037 (Carvajal) - Electoral Area F

# ATTACHMENT B

## Architectural Drawings and Site Plans (including site coverage)



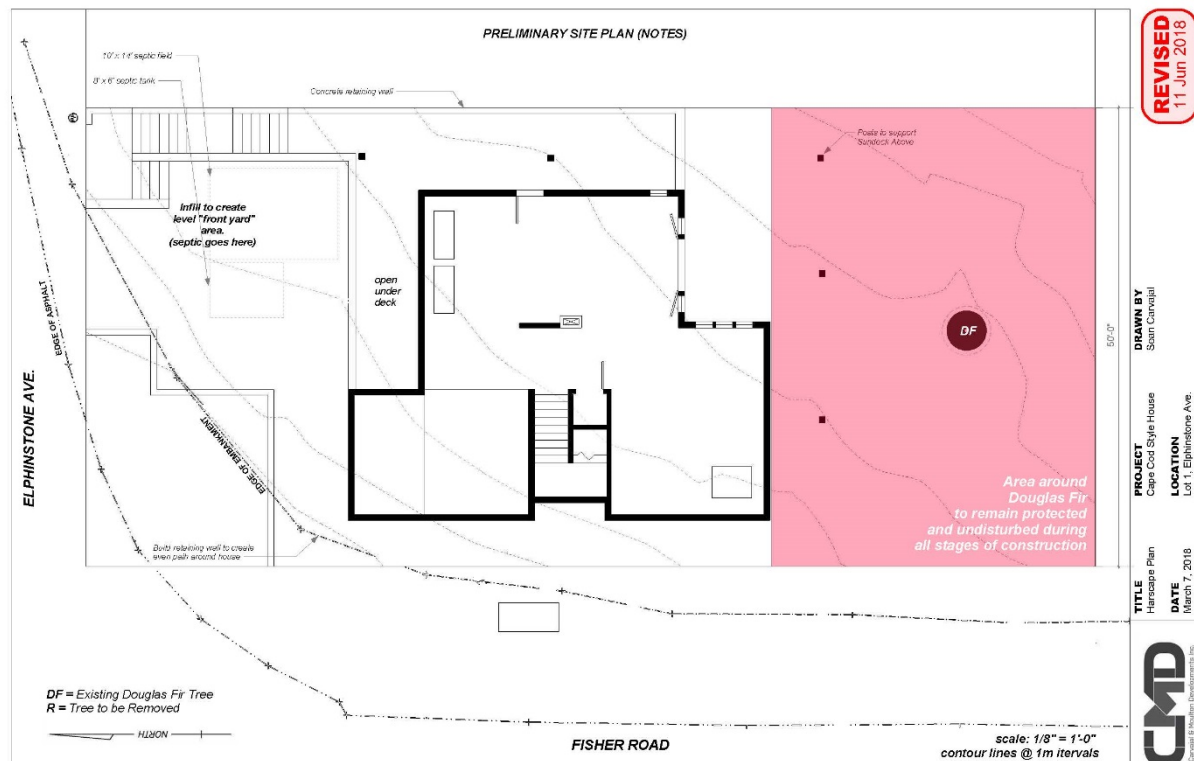
**Staff Report to Planning and Community Development Committee - July 12, 2018**  
**Development Variance Permit DVP00037 (Carvajal) - Electoral Area F**



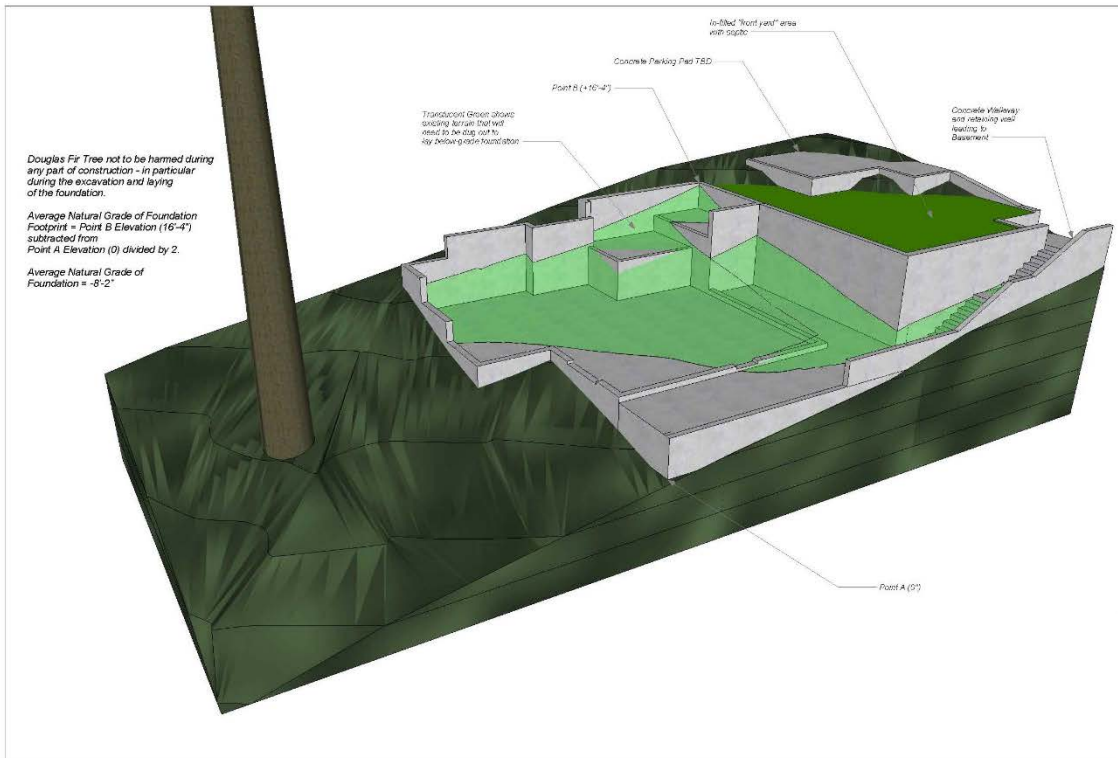
**PHOTO OF LOT FACING SOUTH**



PHOTO OF LOT FACING SOUTH-EAST



## 2018-Jul-12 Attachments for PCDC report re DVP00037 Carvajal





2018-Jul-12 Attachments for PCDC report re DVP00037 Carvajal



## 2018-Jul-12 Attachments for PCDC report re DVP00037 Carvajal







## **ATTACHMENT C**

### Applicant Information and Revised Design dated July 4, 2018

**From:** Sean Carvajal  
**To:** [David Rafael](#)  
**Subject:** 503 Elphinstone Ave. - Follow up after APC Meeting  
**Date:** Wednesday, July 04, 2018 4:40:40 PM  
**Attachments:** [Lot 1 Elphinstone Ave - Construction Concept r12 - 11x17.pdf](#)

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Hello David,

Just emailing you to follow up with our phone call and to give you an update on where I stand with the recommendations made during the APC meeting that took place last week.

During the APC meeting Fred Gazeley (APC Chair) had asked me if I had discussed my development proposal with the neighbours around me. While I had already discussed the design and shown plans to a number of neighbours I agreed that further effort could be made. On Wednesday and Thursday of last week I went door to door and brought my plans with me to see if any of the neighbours had any questions or objections. I was able to knock on nine doors of the neighbours surrounding the proposed development site. Six of the nine neighbours were home and I was able to walk them through my plans and answer any questions they had. Three of the neighbours were not home or did not answer their door so I left a note with my contact information and asked them to give me a call or to write if they had any further questions and I would be happy to meet with them and go over my design. All of the six neighbours I spoke to were very pleased to see that I was trying to keep the Douglas Fir tree and they were all happy with the house that I'd designed and fully understood the reasoning behind the variance requests - some of the neighbours even went so far as to offer letters of support should I need them. Further to these in-person discussions I had with my neighbours, I also emailed the owner of the vacant lot adjacent to mine (Lot 2 Elphinstone). I emailed him my concept plans and a cover letter with the reasoning behind the design.

Also during the APC meeting Fred recommended that I have priced out the cost of infilling the basement. At the end of the meeting Fred's recommendation was to accept the design as-is and it was agreed that this was not a suitable option but I went ahead and priced this out anyways. A conservative estimate to do infill the basement would be approximately \$20,000.00 which would include the costs of purchasing 200 cubic yards of crushed rock, the delivery costs, onside labor, additional excavating hours and additional costs for increasing the height of the foundation/retaining walls to accommodate the infill. This estimate does not include any additional geotechnical fees or any other unforeseen costs so it could easily bloat beyond that. Please find attached a PDF with a fairly quick modification to the 3D model of the proposed development. I changed the height of the basement level to be below 5'11 and removed deck space which reduced my site coverage to below 35%. These changes would satisfy 2 of 3 bylaws that I am requesting a variance on. As you can see from these changes, it not only creates an unseemly design but presents a significant reduction in outdoor living space. I am including this PDF only to illustrate what these changes could look like, but should the variance not be approved I believe the solution at that point would be to remove the tree and redesign the house to include a 45 square meter garage and a terraced backyard.

I also wanted to point out something that I felt was important to consider when the SCRD board is looking at making their decision on this variance. The simple act of removing the Douglas Fir tree on the lower 1/3rd of the lot would mean that this house, as drawn, could come very close to complying with the current bylaws. By removing the tree it would make a clear path from Fisher St. to the lower basement level at which point it could be turned into a garage. It would also open up the lower end of the lot for terracing which could easily mean a

**Staff Report to Planning and Community Development Committee - July 12, 2018**  
**Development Variance Permit DVP00037 (Carvajal) - Electoral Area F**

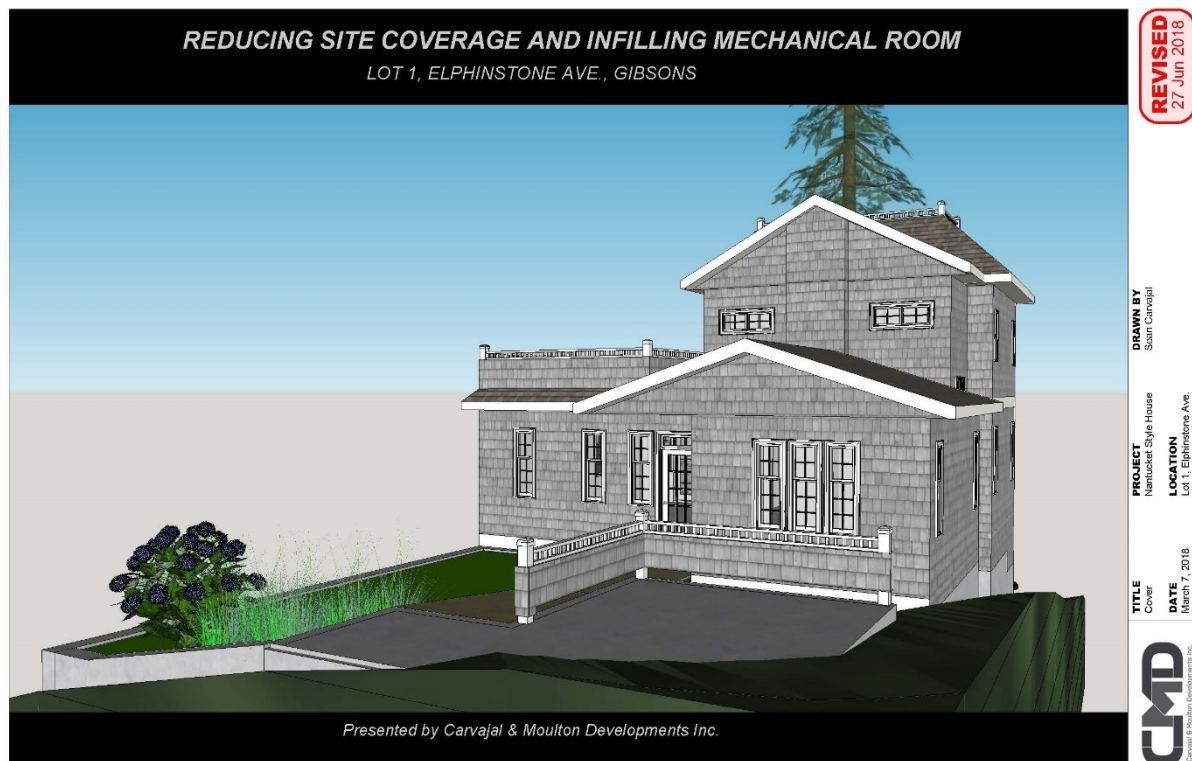
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5% reduction in deck space to accommodate the site coverage bylaw.

Once again wanted to stress that removing the 100 year old Douglas Fir tree is not the option that I or the residents of Grantham's Landing that I have spoken with would like to see happen. I believe that when designing a home one should consider the topography of lot and it's natural features and make the design work fo that, not that the lot be altered and modified in such a way to accommodate a desired design.

Thanks again,

Sean Carvajal & Mitchell Kwak





Staff Report to Planning and Community Development Committee - July 12, 2018  
Development Variance Permit DVP00037 (Carvajal) - Electoral Area F

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**Staff Report to Planning and Community Development Committee - July 12, 2018**  
**Development Variance Permit DVP00037 (Carvajal) - Electoral Area F**



**Staff Report to Planning and Community Development Committee - July 12, 2018**  
**Development Variance Permit DVP00037 (Carvajal) - Electoral Area F**

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**SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT**

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**TO:** Planning and Community Development Committee – July 12, 2018

**AUTHOR:** Yuli Siao, Senior Planner

**SUBJECT:** **PROVINCIAL REFERRAL CRN00059 FOR A PRIVATE MOORAGE (AJB INVESTMENTS) – ELECTORAL AREA F**

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**RECOMMENDATIONS**

- 1. THAT the report titled Provincial Referral CRN00059 for a Private Moorage (AJB Investments) – Electoral Area F be received;**
- 2. AND THAT the following comments be forwarded to the Ministry of Forests, Lands, Natural Resources Operations, and Rural Development:**  
  

**Subject to the following conditions, SCRD has no objections to the proposed residential private moorage fronting District Lot 2657 Group 1 New Westminster District, Provincial Referral Number 103755611-001:**

  - i. SCRD will require a building permit and/or a development variance permit if any structures are constructed to access the moorage facility.**
  - ii. Any eelgrass beds in or near the tenure area, should be identified and protected.**
  - iii. Water quality should not be impacted by maintenance or construction activities, materials, or fuel storage.**
  - iv. Public access to the tenure area should be maintained for shellfish harvesting, as well as for recreational boating and emergency refuge. Docks and associated tenure area should be designed to maintain public access along the foreshore and emergency refuge.**
  - v. The applicant should implement the Provincial Best Management Practices for building and maintaining moorage facilities to protect the foreshore ecosystems.**
  - vi. This moorage facility should be shared with other uses in addition to residential use such as tourism should they be developed on the upland parcel in the future, and if necessary the applicant should upgrade the facility and modify the tenure with the Province to accommodate the additional uses.**
  - vii. The applicant should consult the Skwxwú7mesh Nation and address any of their concerns.**
- 3. AND THAT Comments from the SCRD Natural Resource Advisory Committee and the West Howe Sound Advisory Planning Commission be provided to the Ministry;**
- 4. AND FURTHER THAT this recommendation be forwarded to the Regular Board meeting of July 12, 2018.**

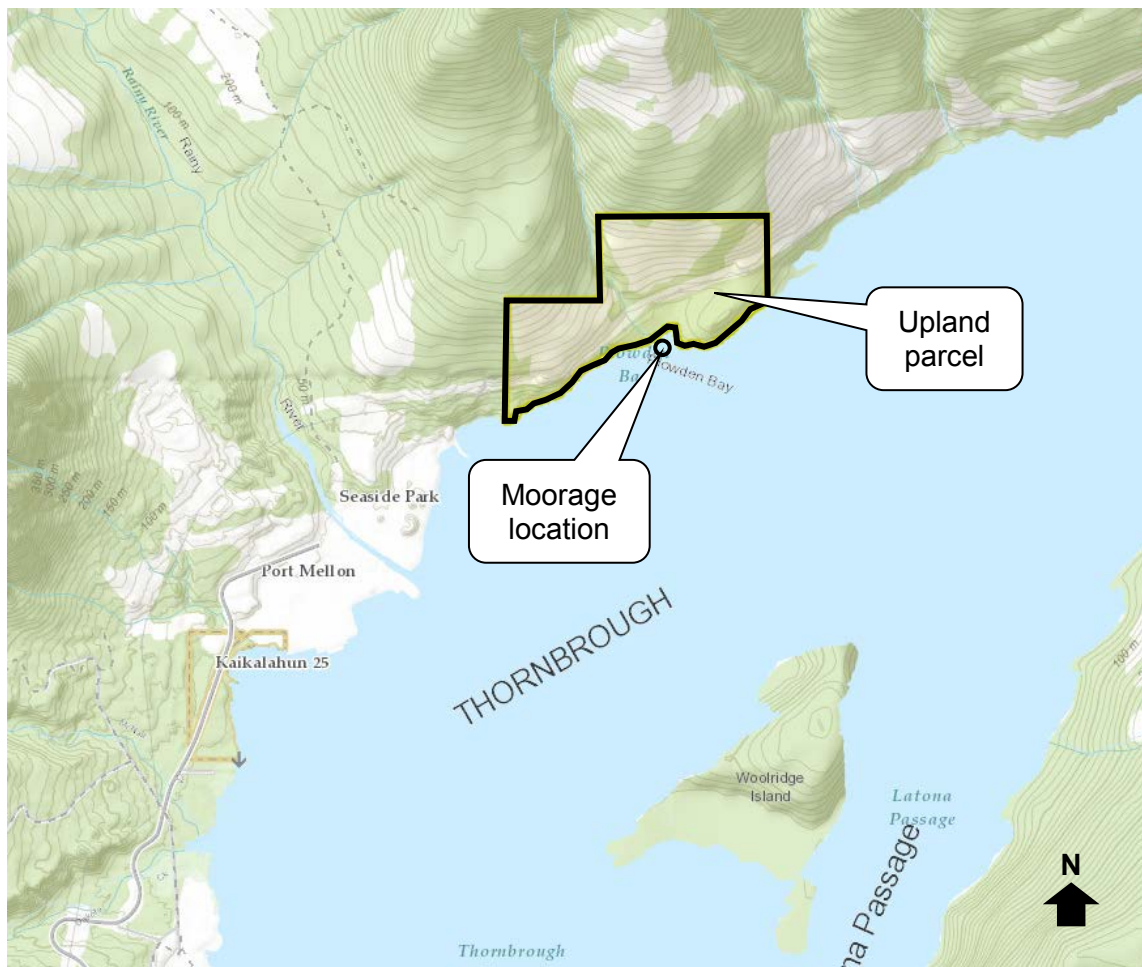


## BACKGROUND

The SCRД received a Provincial referral from the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) for permission for a private residential moorage fronting District Lot 2657 Group 1 New Westminster District (referred to as the upland parcel), located northeast of Port Mellon (Figures 1 & 2). The referral package can be found in Attachment A. A location map and a plan of the moorage and an application summary are provided below.

The purpose of this report is to provide an analysis of the proposal and recommend a response to FLNRORD.

Figure 1 – Location Map

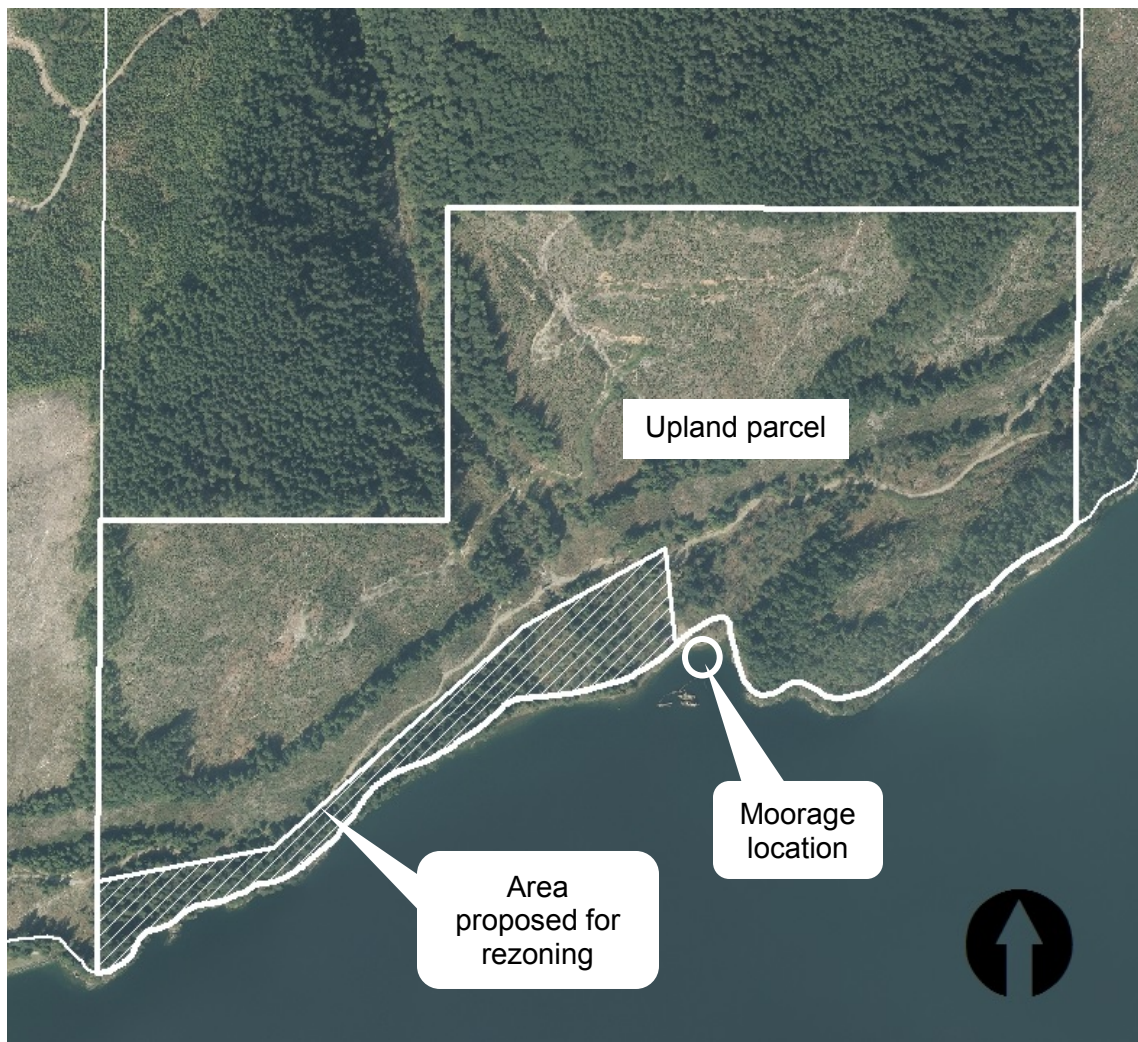




*Table 1 - Application Summary*

## DISCUSSION

The subject area is located northeast of Port Mellon and the Howe Sound Pulp and Paper Corporation. The moorage site and the upland parcel are outside of the boundaries of any Official Community Plans of the SCRD. The foreshore on which the proposed moorage is located is not zoned. The upland parcel fronting the moorage is zoned RU2 which is a resource land use designation that permits residential use on the property. The parcel can be accessed by water and via a forest service road, which traverses several adjacent parcels to the west. The applicant plans to construct three dwellings on the parcel and construct a group moorage facility for the dwellers and their guests arriving by private boats.



The strip of land (map above) on the southwest side of the upland parcel is currently under review for a rezoning application with the SCRD for tourist commercial and accommodation uses to be known as the Plowden Bay Eco-lodge. The moorage facility is not intended for the proposed tourism uses of the parcel. Although adjacent to the area proposed for rezoning, all parts of the moorage structure are outside of that area. If the rezoning is approved, it is anticipated that the tourist resort will need a moorage facility for water access by boats, kayaks, etc. Sharing the moorage in this proposal with the tourism use will be preferred rather than an

additional separate moorage, so that environmental impact can be minimized. Upgrading the facility may be necessary to accommodate additional uses, and modifying the tenure with the Province will be required if the facility is to be altered or upgraded. The SCRD will have the opportunity to provide comments to the Province through the referral process should a further application for private moorage be made.

The waterway around this area is shared by many users including commercial and industrial users and recreational boaters and kayakers alike. There are other existing docks and beaches along the Thornbrough Channel. The application does not appear to obstruct public use of the area.

SCRD mapping does not indicate any eelgrass beds in the vicinity. Any eelgrass beds in or near the tenure area should be identified and protected. According to the applicant's project management plan, aluminum grate decking will be used on the gangway to allow light penetration to the water. The concrete floats are to be anchored by concrete blocks which will be set rather than dragged on the sea floor to minimize disturbance of the marine environment and water turbidity. All machinery and tools used for construction of the facility will be inspected for fluid leaks and be in good working order prior to arrival to the site to minimize the chance of spill. Emergency spill kits will be located on installation barges. The applicant will also implement all applicable timing windows and best management practices for moorage facilities.

The applicant indicates that they have not contacted First Nations. Staff recommend that comments received from the Skwxwú7mesh Nation be addressed as a condition of Provincial approval.

The Regional District will also require a building permit and/or a development variance permit if any structures are constructed to access the moorage facility.

### *Options*

The Province requests SCRD to decide on one of the following options in response to the referral:

1. Interests unaffected
2. No objection to approval of project
3. No objection to approval of project subject to conditions
4. Recommend refusal of project due to reasons

Planning staff recommend Option 3, subject to comments outlined in the Recommendations.

### *Consultation*

The Province referred this application to First Nations, SCRD and other agencies it identifies as appropriate. The applicant is responsible for advertising the application in a local paper to enable comments from the public.

The proposal will be referred to the Natural Resource Advisory Committee (NRAC) and the West Howe Sound Advisory Planning Commissions for review in July. Comments from these agencies will be forwarded to the Province.



*Timeline for Next Steps*

The Province extended the deadline to comment on this application to July 13, 2018 in order to obtain a Board Resolution. The Resolution will be forwarded to FLNRORD and final decision will be made by the Province.

Recommendations from this report must be forwarded to the Regular Board meeting of July 12, 2018 in order to meet the extended deadline.

**STRATEGIC PLAN AND RELATED POLICIES**

The following SCRD Strategic Plan objectives and success indicators relate to the subject of this report:

- Create and use an “environmental lens” for planning, policy development, service delivery and monitoring.

**CONCLUSION**

The SCRD was provided an opportunity to comment on a Provincial referral to permit a private residential moorage in the Plowden Bay area. The proposal was analyzed against applicable SCRD policies, bylaws and regulations. The proposal is found to have no perceivable negative impact on SCRD land use and services. Staff recommend responding to the Province with the option that the SCRD has no objection to the project subject to conditions identified in this report.

*Attachments*

Attachment A – Referral Package

Reviewed by:			
Manager	X - A. Allen	Finance	
GM	X - I. Hall	Legislative	
CAO	X – J. Loveys	Other	



# Crown Land Tenure Application

Tracking Number: 100235384

ATS # 269972

## Applicant Information

If approved, will the authorization be issued to an Individual or Company/Organization? Company/Organization

What is your relationship to the company/organization? Agent

## APPLICANT COMPANY/ORGANIZATION CONTACT INFORMATION

Applicant is an Individual or an Organization to whom this authorization Permit/Tenure/Licence will be issued, if approved.

**Name:** AJB Investments Ltd.

**Doing Business As:**

**Phone:** 604-998-1133

**Fax:**

**Email:**

**BC Incorporation Number:**

**Extra Provincial Inc. No:**

**Society Number:**

**GST Registration Number:**

**Contact Name:** Nigel Bester

**Mailing Address:** 301-38 Fell Avenue  
North Vancouver BC V7P 3S2

## AGENT INFORMATION

Please enter the contact information of the Individual/Organization who is acting on behalf of the applicant.

**Name:** Adam Mark Thomsen

**Doing Business As:** All Tides Consulting & Design

**Phone:** 604-885-8465

**Fax:**

**Email:** alltidesconsulting@gmail.com

**BC Incorporation Number:**

**Extra Provincial Inc. No:**

**Society Number:**

**GST Registration Number:**

**Contact Name:** Adam Thomsen

**Mailing Address:** 5431 Carnaby Place  
Sechelt BC V0N3A7

**Letter(s) Attached:** Yes (Letter of Agency 03012018.pdf)

## CORRESPONDENCE E-MAIL ADDRESS

If you would like to receive correspondence at a different email address than shown above, please provide the correspondence email address here. If left blank, all correspondence will be sent to the above given email address.

**Email:** adam@greenwavemarine.com

**Contact Name:** Adam Thomsen

## ELIGIBILITY

Question	Answer	Warning
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Do all applicants and co-applicants meet the eligibility criteria for the appropriate category as listed below?	Yes	
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Applicants and/or co-applicants who are Individuals must:

1. be 19 years of age or older and
2. must be Canadian citizens or permanent residents of Canada. (Except if you are applying for a Private Moorage)

Applicants and/or co-applicants who are Organizations must either:

1. be incorporated or registered in British Columbia (Corporations also include registered partnerships, cooperatives, and non-profit societies which are formed under the relevant Provincial statutes) or
2. First Nations who can apply through Band corporations or Indian Band and Tribal Councils (Band or Tribal Councils require a Band Council Resolution).

## TECHNICAL INFORMATION

Please provide us with the following general information about you and your application:

### EXISTING TENURE DETAILS

**Do you hold another Crown Land Tenure?**

Yes

**Please specify your file number:**

Both properties on either side of PID: 008-075-794

If you have several file numbers, please make a note of at least one of them above. Example numbers: 1234567, 153245, others

### ALL SEASONS RESORTS

The All Seasons Resorts Program serves to support the development of Alpine Ski and non-ski resorts on Crown land. For more detailed information on this program please see the operational policy and if you have further questions please contact FrontCounter BC.

**Are you applying within an alpine ski resort?** No

### WHAT IS YOUR INTENDED USE OF CROWN LAND?

Use the "Add Purpose" button to select a proposed land use from the drop down menu.

If you wish to use Crown land for a short term, low impact activity you may not need to apply for tenure, you may be authorized under the Permissions policy or Private Moorage policy.

To determine if your use is permissible under the Land Act please refer to either the Land Use Policy - Permissions or Land Use Policy - Private Moorage located here.

Purpose	Tenure	Period
Residential Strata Moorage	Licence of Occupation	More than thirty years

### ACCESS TO CROWN LAND

**Please describe how you plan to access your proposed crown land from the closest public road:**

Water access only lot. Tenure access via water.

### RESIDENTIAL

Please contact FrontCounter BC before you apply as Crown land for residential use is limited.

<b>Specific Purpose:</b>	Strata Moorage
<b>Period:</b>	More than thirty years
<b>Tenure:</b>	Licence of Occupation

### TOTAL APPLICATION AREA

Please give us some information on the size of the area you are applying for.

**Please specify the area:** .448 hectares

### PROJECT DETAILS

**Are you applying to purchase your existing lease or licence?** No

**Are you applying for a parcel of land so that you can construct a Thermal Loop (part of a** No

system for heating or cooling a residence)?  
Are you applying to build a seawall, retaining wall, or similar structure? No

**IMPORTANT CONSIDERATIONS**

Do you, or someone you live with hold an existing Residential Tenure? No

Are you applying to purchase a tenured residential lot (a lot for which your immediate family presently pay a rental fee to the government)? No

Are you applying for a parcel of land on a small island (less than 64.75 Ha in size)? No

Are you applying for a parcel of land in a remote area, which you intend to use as residence? No

Are you applying for a parcel of land, at least partially covered by water, where you intend to place a Float Home? No

Are you applying to build a septic field? No

**ADDITIONAL QUESTIONS**

In many cases you might require other authorizations or permits in order to complete your project. In order to make that determination and point you in the right direction please answer the questions below. In addition, your application may be referred to other agencies for comments.

Is the Applicant or any Co-Applicant or their Spouse(s) an employee of the Provincial Government of British Columbia? No

Are you planning to cut timber on the Crown Land you are applying for? No

Are you planning to use an open fire to burn timber or other materials? No

Do you want to transport heavy equipment or materials on an existing forest road? No

Are you planning to work in or around water? Yes

1. If you will be working in or around fresh water, you will require a Water Sustainability Act Change Approval or Notification from the Province.2. The federal Department of Fisheries and Oceans might need to review your project.3. Review the Transport Canada website if the Navigation Protection Act applies.

Does your operation fall within a park area? No

**LOCATION INFORMATION**

**LAND DETAILS**

Please provide information on the location and shape of your Crown land application area. You can use one or more of the tools provided.

☒ I will upload a PDF, JPG or other digital file(s)

## MAP FILES

Your PDF, JPG or other digital file must show your application area in relation to nearby communities, highways, railways or other land marks.

Description	Filename	Purpose
metes and bounds provided for FLNRO to use to create shape file	AJB Investments Inc. Group ...	Residential

## ATTACHED DOCUMENTS

Document Type	Description	Filename
General Location Map	Site Plans A-D	AJB Investments Inc. Group ...
Management Plan	Management Plan	AJB Investments Inc. Manage...
Other	Letter of Agency	Letter of Agency 03012018.pdf
Other	Municipal bylaw compliance confirmation	SCRD Bylaw Compliance Confi...
Other	Photo1	photo1.JPG
Other	Photo2	photo2.JPG
Other	Photo3	photo3.JPG
Other	Proof of Upland Ownership	BC Tax Assessment DL 2657.pdf
Site Plan	Site Plans A-D	AJB Investments Inc. Group ...

## PRIVACY DECLARATION

☒ Check here to indicate that you have read and agree to the privacy declaration stated above.

## REFERRAL INFORMATION

Some applications may also be passed on to other agencies, ministries or other affected parties for referral or consultation purposes. A referral or notification is necessary when the approval of your application might affect someone else's rights or resources or those of the citizens of BC. An example of someone who could receive your application for referral purposes is a habitat officer who looks after the fish and wildlife in the area of your application. This does not apply to all applications and is done only when required.

Please enter contact information below for the person who would best answer questions about your application that may arise from anyone who received a referral or notification.

**Company / Organization:** Green Wave Marine Services Inc.  
**Contact Name:** Adam Thomsen  
**Contact Address:** 5431 Carnaby Pl. Sechelt BC  
V0N3A7  
**Contact Phone:** 604-998-1133  
**Contact Email:** adam@greenwavemarine.com

☒ I hereby consent to the disclosure of the information contained in this application to other agencies, government ministries or other affected parties for referral or First Nation consultation purposes.

#### IMPORTANT NOTICES

- Once you click 'Next' the application will be locked down and you will NOT be able to edit it any more.

#### DECLARATION

☒ By submitting this application form, I, declare that the information contained on this form is complete and accurate.

#### OTHER INFORMATION

Is there any other information you would like us to know?

Please contact Agent Adam Thomsen if any additional information is required. Thank you.

#### APPLICATION AND ASSOCIATED FEES

Item	Amount	Taxes	Total	Outstanding Balance
Crown Land Tenure Application Fee	\$250.00	GST @ 5%: \$12.50	\$262.50	\$0.00

#### OFFICE

Office to submit application to:

Surrey

#### PROJECT INFORMATION

Is this application for an activity or project which requires more than one natural resource authorization from the Province of BC?

No

#### APPLICANT SIGNATURE

Applicant Signature

Date

#### OFFICE USE ONLY

Office Surrey	File Number 2412018	Project Number 269972
	Disposition ID 932772	Client Number 291063

**Project Management Plan**  
**Group Moorage Crown Land Tenure Application**  
**AJB Investments Ltd. – Dec.26, 2017**  
District Lot 2657, PID: 008-075-743  
**(WATER ACCESS ONLY)**

*There are two different section “b’s” in the Frontcounter bc private moorage applications management plan requirement, I have included information for both as to not miss any required information*

*The following “Section b” is listed as a requirement in the ‘private moorage application requirements list – marine’*

**Section B – Project Details**

**Description of existing structures such as type (dock, wharf, etc.), construction (pilings, floats, etc.), and materials (include any preservatives);**

There are no existing structures at the proposed project site. There is an existing rip rap wall located at the natural boundary originally installed for use in the commercial logging industry.

**Size and dimensions of planned (and/or existing) improvements including floating docks, wharves, boathouses, retaining walls, pilings or areas to be filled or dredged as well as construction material used;**

- One 7' x 4' x 2' concrete abutment
- One 70' x 6' aluminum gangway with light penetrating decking
- One 30' x 12' concrete float
- One 60' x 12' concrete float
- Seven lengths of galvanized moorage chain
- Four concrete anchor block systems
- Three galvanized anchor pins

**Include dimensions and distances from property lines**

All system structures are greater than 5m from side property lines.

**If other docks are located within 25 meters of the site plan, please include these docks on the site sketch;**

There are no other docks located within 25m of the proposed site plan.

**Indicate how public access is maintained along the beach;**

This location sees little to no public traffic on the shoreline. However, as seen in drawing Plan D there is ample clearance at the high water line for the public to walk under (greater than 2m).

**Type of use - number of boats, seasons, etc., and**

This proposed group moorage system will be used exclusively by the residence of the upland property and their guests year round. Year round use is necessary as this is a water access only lot. The property is zoned RU2 and the construction of three residential houses is planned (in compliance with SCRD bylaw 310). The group moorage facility proposed will be able to facilitate two 30' boats, two 18' boats and one 60' boat. There are no services planned to be installed on the float, the float will not be used for commercial purposes, and no income will be generated by the facility.

*The following "section b" is listed as a requirement in the provided specific information template required '[http://www.for.gov.bc.ca/land\\_Tenures/documents/management\\_plan.pdf](http://www.for.gov.bc.ca/land_Tenures/documents/management_plan.pdf)'*

**Section B – Proposed Use Description**

**Information on these topics below may be required as part of the application processing and if further detail is necessary that is not part of the application and management plan received, you will be contacted and requested to provide additional information.**

**I. Background**

**Proposed use – what is proposed including any phased development details – should sync with**

**"Purpose" chosen:**

- Installation of a group moorage system for use by the upland residence and their guests.
- Floats will allow moorage space for each of the three upland family homes on a year round basis.
- The upland owner/s will not charge money for moorage or any other amenity provided by the float system.
- No additional phases are planned for the project. The moorage facility seen in site plans A - D is the only structure planned at this time.

**Why here and now:**

The construction of the upland residences are planned to commence and the moorage facility will allow for construction materials to be delivered to site. Once the residences are built the structure will be used as a group moorage by the occupying families.

**Details of any preliminary investigative work and any other approvals obtained:**

Written confirmation has been given by the Municipality that the project plans comply with local zoning bylaws. In this location the water fronting the property is not zoned and therefore no zoning bylaws



pertain to the installation of the private moorage. The confirmation is included in the tenure application package.

**Current zoning:**

Upland Lot – “RU2” / Water – No zoning designation

**For commercial activity – the location of competition, potential market statement:**

N/A

**II. Location**

**General description of:**

The group moorage system will front the water access only District Lot 2657, PID: 008-075-743, Port Mellon, B.C.

**Access plans – how will you or your clients be accessing the parcel:**

Upon completion the mooring system will be accessed from the water and from the upland lot. During installation the proposed mooring system location will be accessed by boat and barge.

**Traffic including volume of traffic and phase or season:**

It will be likely that the residence of the houses will be seasonal residence, only visiting the property on occasion throughout the fall and winter months and much more frequently in the summer and spring. Due to this, the tenure area will probably see fairly small amount of vessel traffic throughout the winter/fall with a higher volume of traffic in the summer/spring. The moorage will only be used by the property residence private boats and occasional guests.

**Seasonal expectations of use:**

Year round use is necessary.

**Land use on parcel, adjacent parcels and surrounding area:**

Upland Lot is zoned - RU2.

**Confirmation of Safety plan including first aid:**

Moorage structure installation contractor to have Health and safety plans. All boat owners using the group moorage will have a current boater's license and required Transport Canada safety equipment aboard.

### **III. Infrastructure**

#### **New facilities or infrastructure proposed and any ancillary uses:**

##### **Description of Structures to be Installed**

AJB Investments Ltd. proposes to install adjoining 30' x 12' and 60' x 12' concrete floats to be used as a group moorage facility for private use. The float will front District Lot 2657, PID: 008-075-743 in Plowden Bay just east of Port Mellon, B.C. A 70' x 6' aluminum gangway will extend from a concrete abutment above the natural boundary to the concrete float system. Aluminum grate decking will be installed on the gangway to allow light penetration. The floats are to be anchored using galvanized moorage chain, four concrete anchor block systems, and three galvanized anchor pins. The anchor blocks will be set on the sea floor (not dragged). The anchor pins will be drilled and set into bedrock at the low water line.

##### **Size and Dimensions of planned improvements**

- One 7' x 4' x 2' concrete abutment
- One 70' x 6' aluminum counterweighted gangway with light penetrating decking
- One 30' x 12' concrete float
- One 60' x 12' concrete float
- Seven lengths of galvanized moorage chain
- Four concrete anchor block systems
- Three galvanized anchor pins

#### **Existing and proposed roads and their use by season, and any proposed connections to public or FSR roads:**

N/A

#### **Utility (power, electrical, telecommunications) requirements and sources:**

N/A

#### **Water supply; (use and quantity if known) and,**

N/A

#### **Waste disposal (note if septic system required), sewage, sanitation facilities and refuse disposal.**

N/A

### **IV. First Nations**

Describe any contact you may have had, including the name of the First Nation(s) and individuals contacted. Provide copies of or a description of any information you may have acquired from or provided to the First Nation(s) (potential benefits, partnership opportunities, special interests,

concerns, etc.) and any information regarding archaeological resources and areas of cultural significance you are aware of in the vicinity of the proposed project.

We have not had any contact with First Nations. We are not aware of any areas of cultural significance close to the proposed moorage site.

#### **Section C – Additional Information:**

#### **V. Environmental**

**Describe any significant impacts and proposed mitigation with respect to:**

##### **a. Land Impacts**

##### **Cutting of vegetation:**

A small area of the lot will be cleared and leveled for the house build and the private moorage installation.

##### **Soil disturbance:**

A small area of the lot will be cleared and leveled for the house build and the private moorage installation. Minimal seafloor disturbance will occur with the placement of the float anchors and chains.

##### **Riparian encroachment:**

The moorage system will be located on the ocean fronting District Lot 2657, PID: 008-075-743. There was one creek observed near the project site. The creek is located 65m to the north from the proposed concrete abutment location.

##### **Management of pesticides, herbicides:**

N/A

##### **Visual impacts:**

Visual impacts will be negligible. There are no surrounding houses or neighbors.

##### **Known archaeological sites:**

We are not aware of any archaeological sites in the area.

##### **Types of construction methods and materials used:**

-We anticipate minimal land impact.

- All system components will be transported in by barge with no impact to the foreshore or sea floor.
- No machinery will work in the intertidal zone.
- the floats will have a minimum clearance from the sea floor of 1.5m at low tide (0' chart datum).
- Three holes will be drilled into bedrock at the low water line to accommodate the 1" anchor pins.
- The anchor blocks will be set on the sea floor (not dragged) minimizing environmental impact.
- All applicable Best Management Practices, Operational Statements, and Timing Windows will be followed during all build and installation phases.
- Construction materials to be used for the project are noted in previous sections.

## **b. Atmospheric Impacts**

### **Sound:**

- There are no audio impacts at the proposed moorage site now.
- Besides the personal boat use there will be no audio impacts at the moorage site after installation.
- Sound impacts will occur when the barge/crane install the moorage facility. Other minimal sound impacts will occur throughout the installation process. There are no surrounding residences which will be affected by the noise.
- Work will be conducted in an efficient and timely manner minimizing sound impacts.

### **Odor:**

- There are no odor impacts at the proposed moorage site now.
- Besides personal boat use there will be no odor impacts at the moorage site after installation.
- Minimal odor impacts will occur throughout the installation process.
- Work will be conducted in an efficient and timely manner minimizing odor impacts.

### **Gas:**

- Minimal fuel emissions and welding gases are the only gases that will be produced during installation.
- Personal boat use will be the only source of fuel emissions following the installation.

### **Fuel emissions:**

- Minimal fuel emissions and welding gases are the only gases that will be produced during installation.
- Personal boat use will be the only source of fuel emissions following the installation.

### **Explain current conditions, source, type and range of emission:**

- Minimal fuel emissions from the tug boat, crane, and small tools are the only gases which will be produced during installation.
- Personal boat use will be the only source of fuel emissions following the installation.

### **c. Water or Land covered by water Impacts**

#### **Drainage effect:**

N/A

#### **Sedimentation:**

- Minimal water turbidity expected when the anchor blocks are installed.
- Water quality will remain the same.

#### **Water diversion:**

N/A

#### **Water quality:**

- Minimal water turbidity expected when the anchor blocks are installed.
- Water quality will remain the same.

#### **Public access:**

Although this location sees little to no public traffic on the shoreline, as seen in drawing Plan D there is ample clearance at the high water line for the public to walk under (greater than 2m).

#### **Flood potential:**

N/A

### **d. Fish and Wildlife Habitat**

#### **Provide current status of fish or wildlife habitat:**

The current status of fish or wildlife habitat is untouched.

#### **Disturbance to wildlife habitat:**

- No drainage effect will occur.
- Minimal water turbidity expected when the anchor blocks are installed.
- Water quality will remain the same.
- All machinery and tools present on site during installation will be inspected for fluid leaks and be deemed in good working order prior to arrival to minimize the chance of a spill.
- The anchor blocks will be set on the sea floor (not dragged) minimizing water turbidity.
- All applicable Timing Windows, Operational Statements and Best Management Practices (BMP's) will be followed during all build and installation phases.

-All mandatory mitigation measures noted in the BMP's will be taken to ensure the least amount of negative effects on fish and wildlife habitat.

-The addition of the floats, piles, anchor blocks, and anchor chain will introduce habitat for wildlife and marine organisms to accumulate on.

**Disturbance to fish habitat or marine environment:**

-No drainage effect will occur.

-Minimal water turbidity expected when the anchor blocks are installed.

-Water quality will remain the same.

-All machinery and tools present on site during installation will be inspected for fluid leaks and be deemed in good working order prior to arrival to minimize the chance of a spill.

-Emergency spill kits are to be located on installation barges/boats.

-The anchor blocks will be set on the sea floor (not dragged) minimizing water turbidity.

-All applicable Timing Windows, Operational Statements and Best Management Practices (BMP's) will be followed during all build and installation phases.

-All mandatory mitigation measures noted in the BMP's will be taken to ensure the least amount of negative effects on fish and wildlife habitat.

-The addition of the floats, piles, anchor blocks, and anchor chain will introduce habitat for wildlife and marine organisms to accumulate on.

**Threatened or endangered species in the area:**

We are not aware of any threatened or endangered species in the area.

**Seasonal considerations:**

All applicable Timing Windows, Operational Statements and Best Management Practices (BMP's) will be followed during all build and installation phases.

**VI. Socio- Community**

**a. Land Use**

**Land management plans:**

N/A

**Public recreation areas:**

There are no public upland recreation areas nearby. The structures will not impact or impede water recreation such as kayaking.

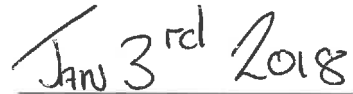
**b. Socio-Community Conditions**

**Provide a description of the demand on fire protection or emergency services:**

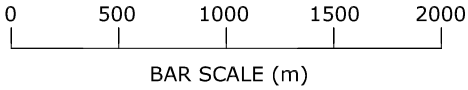
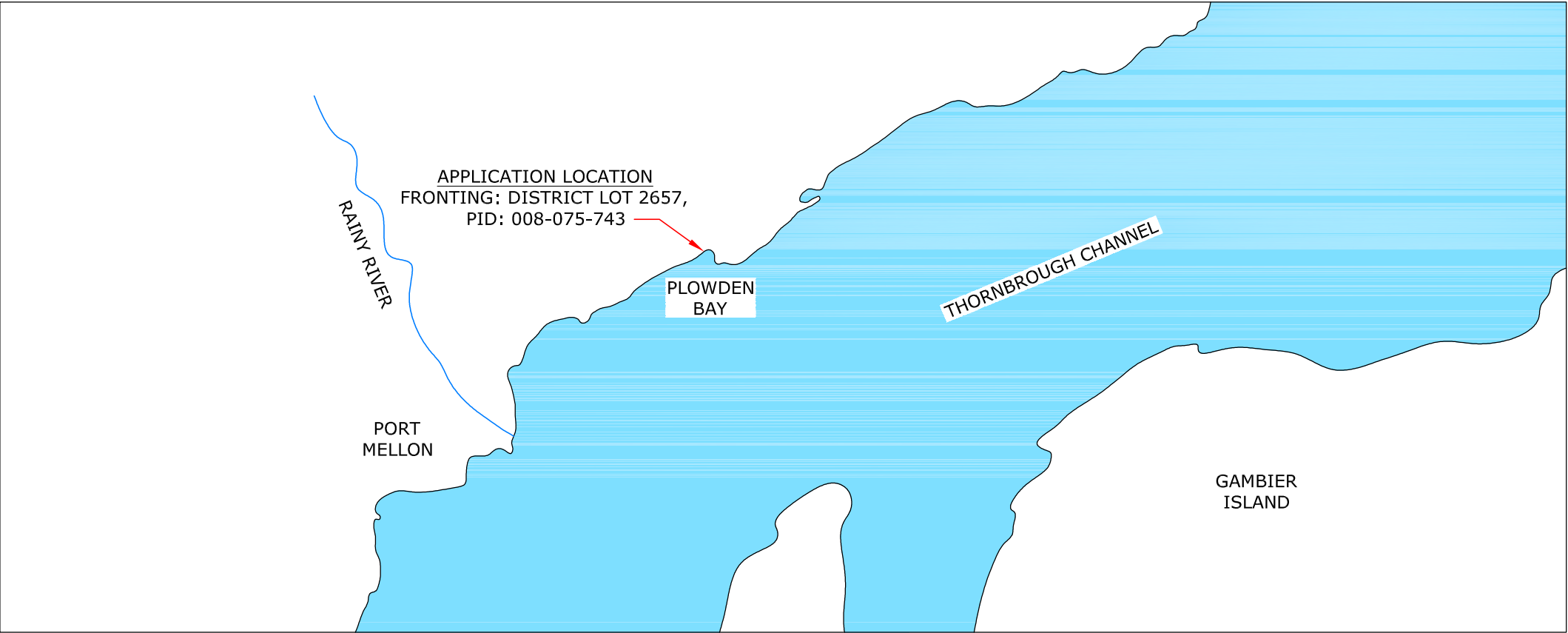
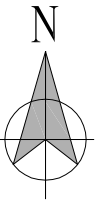
The private moorage addition will increase the demand on emergency services by a negligible amount.



Nigel Bester  
AJB Investments Ltd.



Date



References:

- Sunshine Coast Regional District 'PIMS' - GIS online mapping system
- Garmin GPS - on site

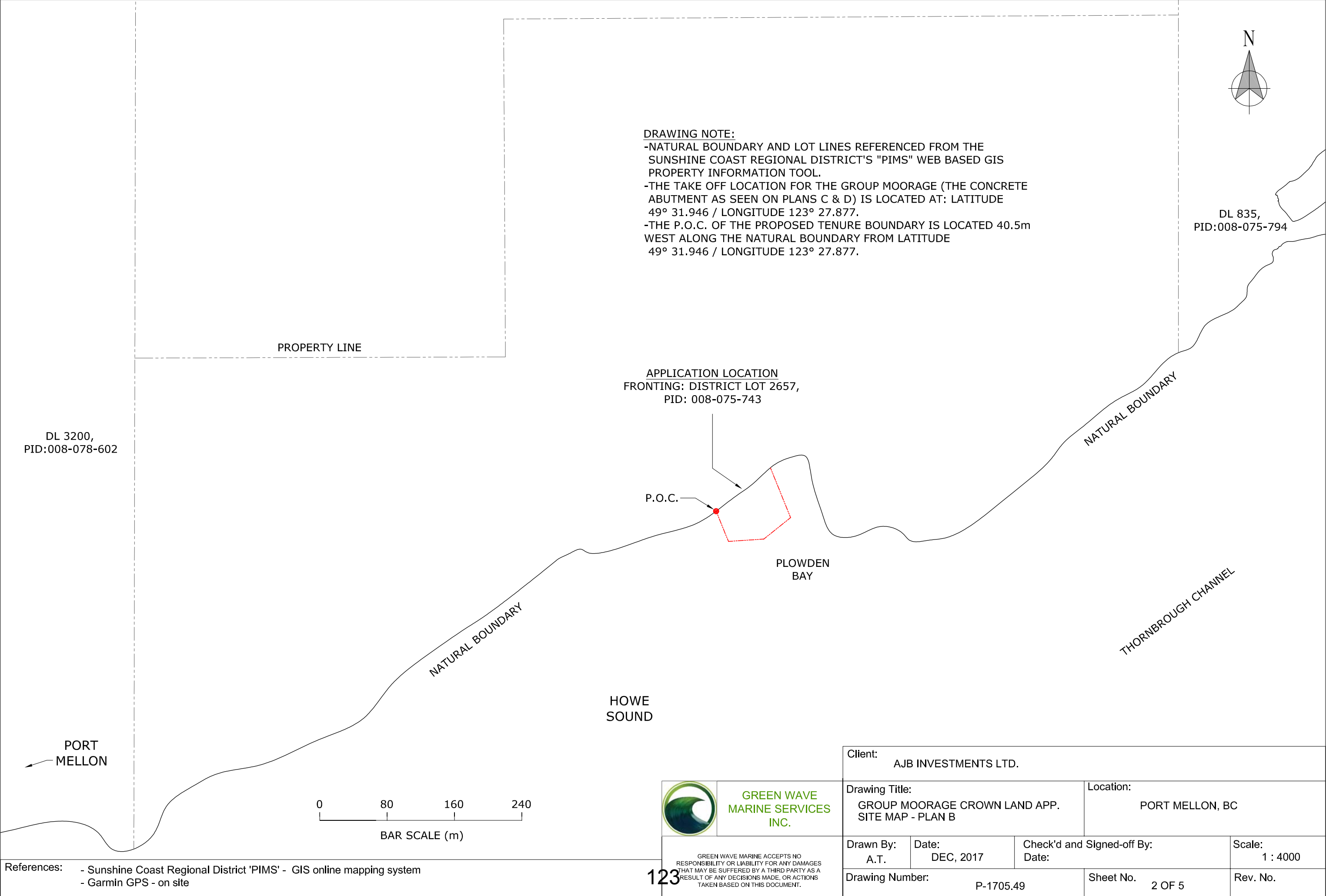


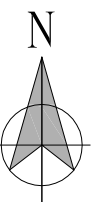
**GREEN WAVE  
MARINE SERVICES  
INC.**

GREEN WAVE MARINE ACCEPTS NO  
RESPONSIBILITY OR LIABILITY FOR ANY DAMAGES  
THAT MAY BE SUFFERED BY A THIRD PARTY AS A  
RESULT OF ANY DECISIONS MADE, OR ACTIONS  
TAKEN BASED ON THIS DOCUMENT.

Client: AJB INVESTMENTS LTD.			
Drawing Title: GROUP MOORAGE CROWN LAND APP. LOCATION MAP - PLAN A		Location: PORT MELLON, BC	
Drawn By: A.T.	Date: DEC, 2017	Check'd and Signed-off By: Date:	Scale: 1 : 36000
Drawing Number: P-1705.49		Sheet No. 1 OF 5	Rev. No.



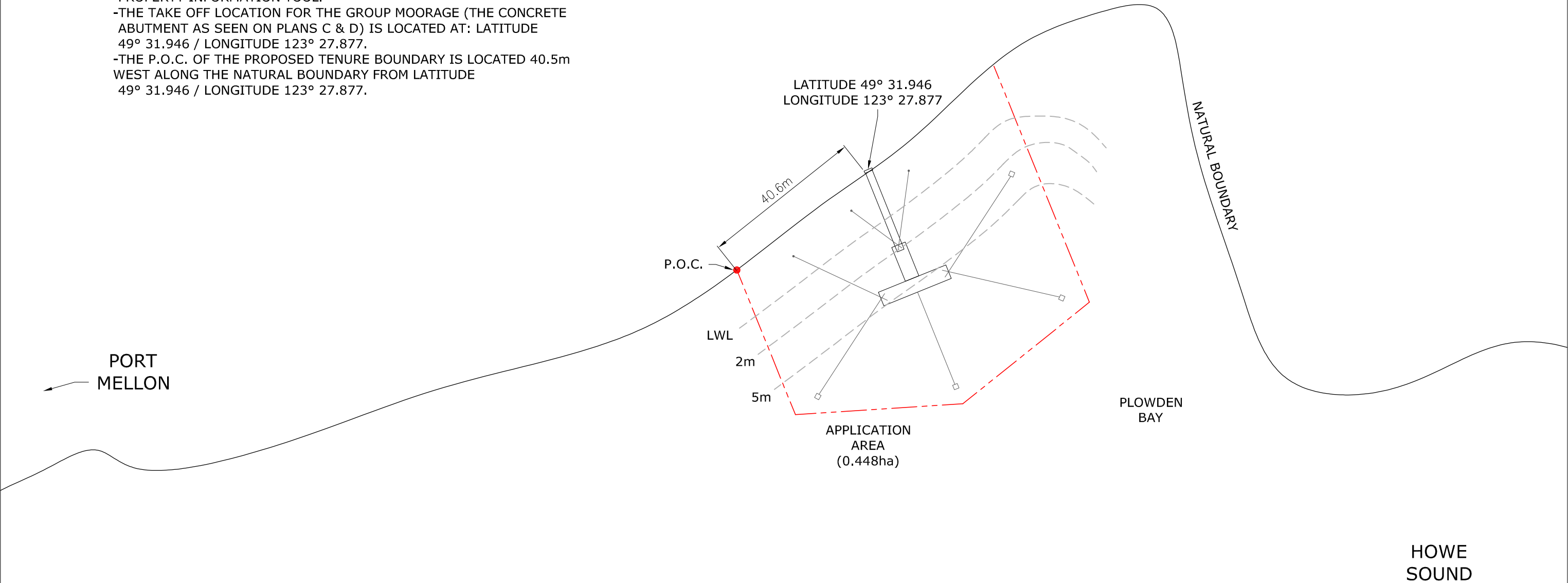




**DRAWING NOTE:**

- NATURAL BOUNDARY AND LOT LINES REFERENCED FROM THE SUNSHINE COAST REGIONAL DISTRICT'S "PIMS" WEB BASED GIS PROPERTY INFORMATION TOOL.
- NATURAL BOUNDARY AND LOT LINES REFERENCED FROM THE SUNSHINE COAST REGIONAL DISTRICT'S "PIMS" WEB BASED GIS PROPERTY INFORMATION TOOL.
- THE TAKE OFF LOCATION FOR THE GROUP MOORAGE (THE CONCRETE ABUTMENT AS SEEN ON PLANS C & D) IS LOCATED AT: LATITUDE 49° 31.946 / LONGITUDE 123° 27.877.
- THE P.O.C. OF THE PROPOSED TENURE BOUNDARY IS LOCATED 40.5m WEST ALONG THE NATURAL BOUNDARY FROM LATITUDE 49° 31.946 / LONGITUDE 123° 27.877.

DISTRICT LOT 2657,  
PID: 008-075-743



References: - Sunshine Coast Regional District 'PIMS' - GIS online mapping system  
- Garmin GPS - on site



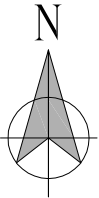
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TAKEN BASED ON THIS DOCUMENT.

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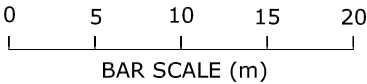
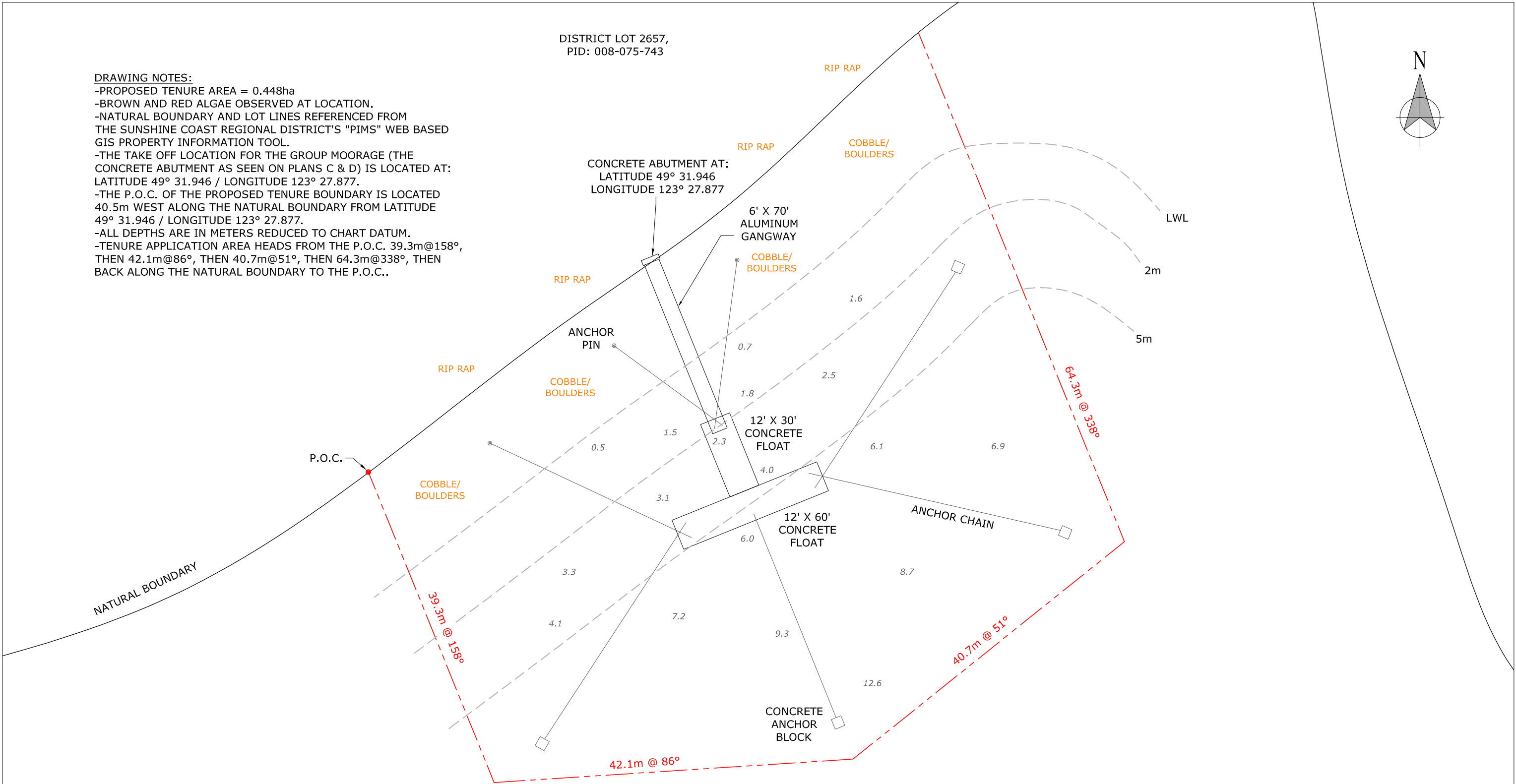
Client: AJB INVESTMENTS LTD.			
Drawing Title: GROUP MOORAGE CROWN LAND APP. LOCATION MAP - PLAN B2		Location: PORT MELLON, BC	
Drawn By: A.T.	Date: DEC, 2017	Check'd and Signed-off By: Date:	Scale: 1 : 1000
Drawing Number: P-1705.49		Sheet No. 3 OF 5	Rev. No.

DISTRICT LOT 2657,  
PID: 008-075-743



DRAWING NOTES:

- PROPOSED TENURE AREA = 0.448ha
- BROWN AND RED ALGAE OBSERVED AT LOCATION.
- NATURAL BOUNDARY AND LOT LINES REFERENCED FROM THE SUNSHINE COAST REGIONAL DISTRICT'S "PIMS" WEB BASED GIS PROPERTY INFORMATION TOOL.
- THE TAKE OFF LOCATION FOR THE GROUP MOORAGE (THE CONCRETE ABUTMENT AS SEEN ON PLANS C & D) IS LOCATED AT: LATITUDE 49° 31.946 / LONGITUDE 123° 27.877.
- THE P.O.C. OF THE PROPOSED TENURE BOUNDARY IS LOCATED 40.5m WEST ALONG THE NATURAL BOUNDARY FROM LATITUDE 49° 31.946 / LONGITUDE 123° 27.877.
- ALL DEPTHS ARE IN METERS REDUCED TO CHART DATUM.
- TENURE APPLICATION AREA HEADS FROM THE P.O.C. 39.3m@158°, THEN 42.1m@86°, THEN 40.7m@51°, THEN 64.3m@338°, THEN BACK ALONG THE NATURAL BOUNDARY TO THE P.O.C..



- References:
- Sunshine Coast Regional District 'PIMS' - GIS online mapping system
  - Garmin GPS - on site

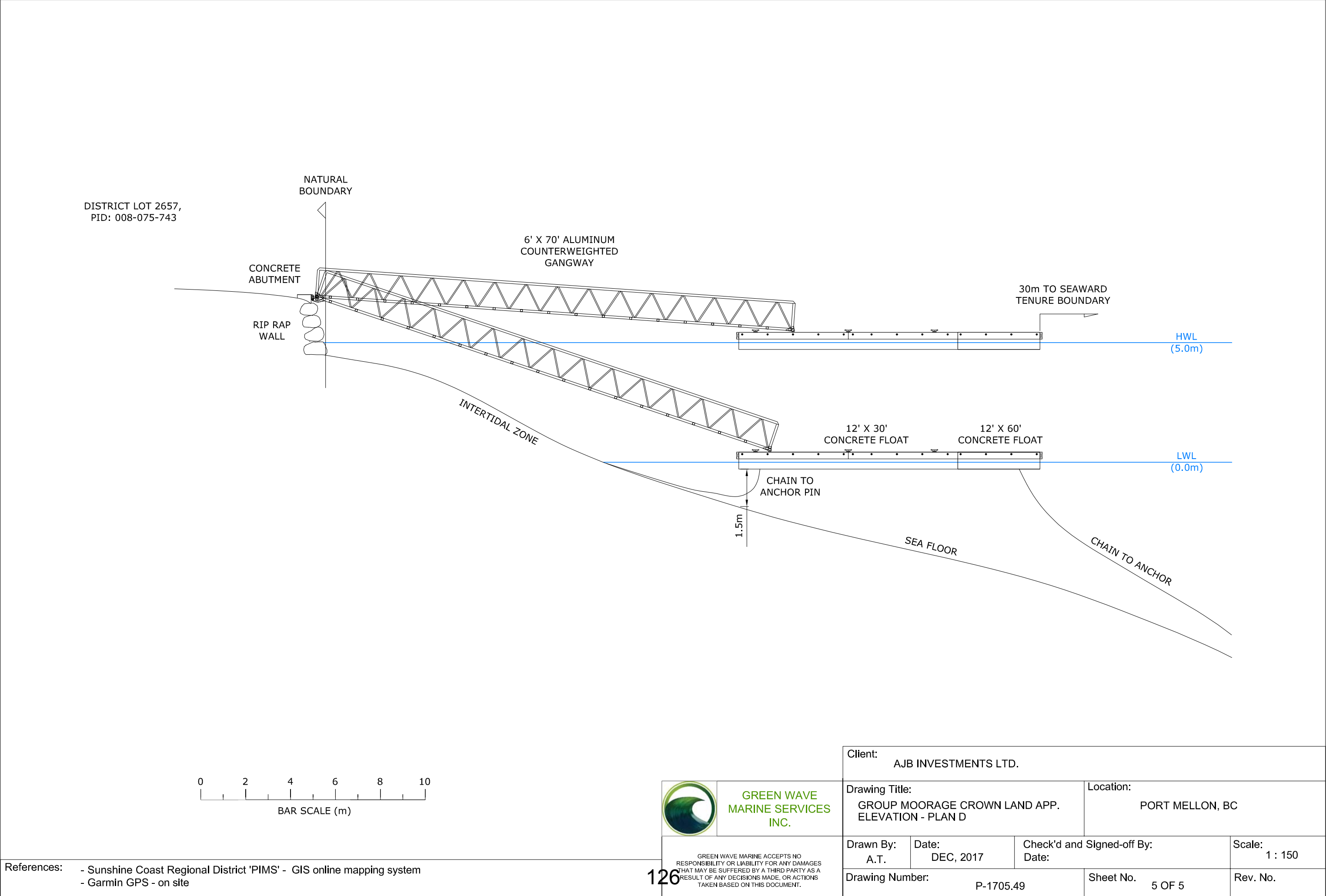


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TAKEN BASED ON THIS DOCUMENT.

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Client: AJB INVESTMENTS LTD.			
Drawing Title: GROUP MOORAGE CROWN LAND APP. SITE PLAN - PLAN C		Location: PORT MELLON, BC	
Drawn By: A.T.	Date: DEC, 2017	Check'd and Signed-off By: Date:	Scale: 1 : 450
Drawing Number: P-1705.49		Sheet No. 4 OF 5	Rev. No.













## SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

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**TO:** Planning and Community Development Committee – July 12, 2018

**AUTHOR:** Sven Koberwitz, Planning Technician

**SUBJECT:** DEVELOPMENT VARIANCE PERMIT APPLICATION DVP00033 (DAVIS) - ELECTORAL AREA A

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### RECOMMENDATIONS

**THAT the report titled Development Variance Permit Application DVP00033 (Davis) - Electoral Area A be received;**

**AND THAT Development Variance Permit DVP00033 to vary the exterior side parcel line setback from 4.5 metres to 1.5 metres, per Section 1011.5(c) of Zoning Bylaw No. 337, be issued subject to:**

- 1. Submission of a professional engineer's report which addresses geotechnical hazards including coastal slopes and coastal flooding;**
  - 2. Comments received from the *shíshálh* Nation within the 60 day referral period.**
- 

### BACKGROUND

The SCRDC has received a development variance permit application to relax the minimum setback to an exterior side parcel line contiguous with a public road from 4.5 metres to 1.5 metres to enable the siting of a new single family dwelling.

Owner / Applicant:	Penny Gotto for Davis
Civic Address:	13087 Claydon Lane
Legal Description:	Lot B District Lot 2226 New Westminster District Plan EPP75821 PID: 030-338-140
Electoral Area:	A - Egmont/Pender Harbour
Parcel Area:	2580 m <sup>2</sup>
OCP Land Use:	Rural Residential A
Land Use Zone:	RU1
Application Intent:	To relax the setback to an exterior side parcel line contiguous with a public road from 4.5 metres to 1.5 metres to enable the siting of a new single family dwelling

*Table 1 - Application Summary*

The subject property is located at 13087 Claydon Lane, a private road, accessed from Claydon Road. Legal road frontage is located along the south parcel line on an undeveloped road right of way.



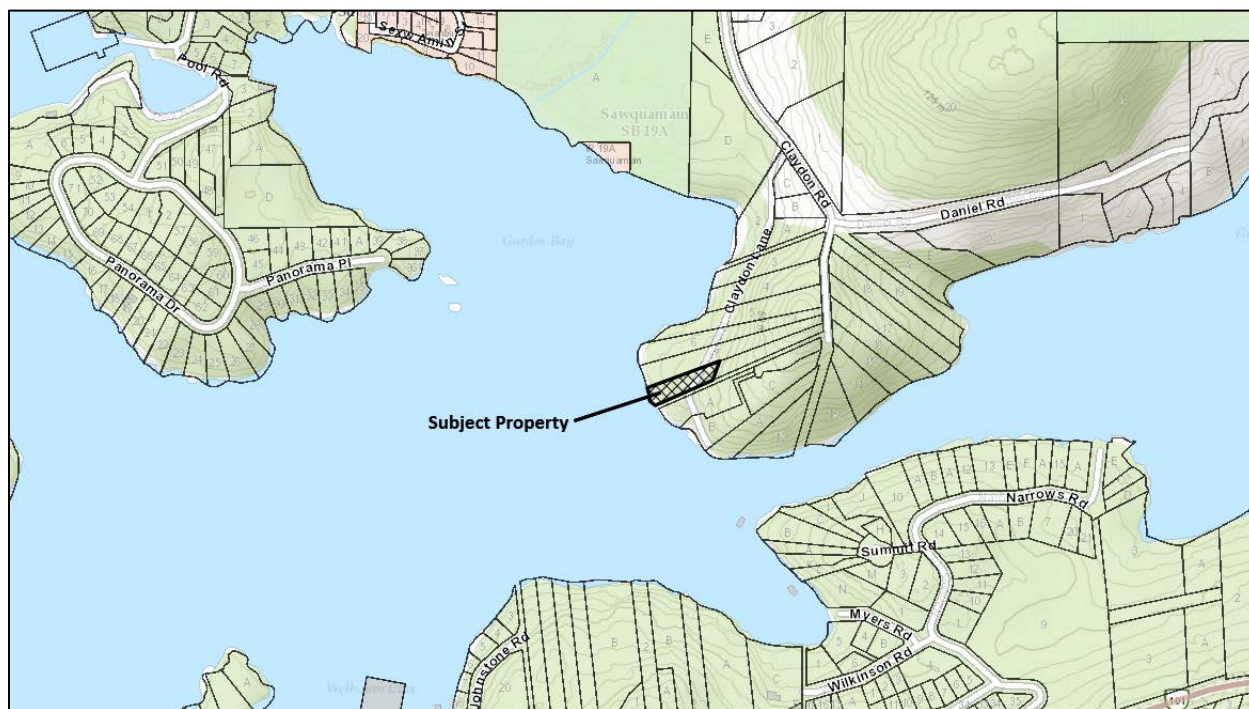


Figure 1 - Location Map

An existing single family home was demolished in spring 2018 and the property owners propose to build a new single family dwelling closer to the ocean, at the required 7.5 metre setback (See Attachment A). In order to preserve three large cedar trees located near the north parcel line the applicant is proposing to locate the home 1.5 metres from the south parcel line rather than the required 4.5 metres.

The purpose of this report is to provide information on the application and obtain direction from the Planning and Community Development Committee.

## DISCUSSION

### *Analysis*

The subject property is approximately 29 metres in width at its widest point near the natural boundary. After accounting for side setbacks of 1.5 metres and 4.5 metres; 23 metres of developable width remains, a narrow lot by rural property standards.

The applicant has indicated the primary reason for locating the building further to the south is to avoid the removal of three large cedar trees to the north and impact to more trees located on the neighbours' property.

The Ministry of Transportation and Infrastructure requires that no buildings be located within 4.5 metres of a public road right-of-way. The applicant has obtained a permit from the Ministry to allow the construction of the proposed home at 1.5 metres from the south parcel line.

Upon inspection by staff, it was determined that due to the steep and rocky terrain of the adjacent right-of-way it is unlikely to be developed to a road standard. There was no evidence indicating that the right-of-way is being used as a public access to the foreshore.

*Official Community Plan*

New development permit areas are included in the proposed 2017 Egmont/Pender Harbour OCP. Proposed DPA #1A (Coastal Flooding) and DPA #1B (Coastal Slopes) affect the subject property. Therefore staff recommend that the applicant be required to submit a report prepared by a qualified professional that addresses the proposed development permit area guidelines.

*Consultation*

The development variance permit application has been referred to the following agencies and parties for comment:

<b>Referral Agency</b>	<b>Comments</b>
SCRD Building Division	All construction must conform to BC Building Code.
shíshálh Nation	Referred on June 12, 2018. Awaiting comments within 60 day referral period per the Heritage Protocol Agreement.
Egmont/Pender Harbour Advisory Planning Commission	At a meeting on June 27, 2018 meeting the APC passed a motion not supporting the application.
Nearby Property Owners/Occupiers	Notifications were distributed on June 15, 2018 to owners and occupiers of properties within a 100 metre radius of the subject property. One comment opposing the application has been received to date.

*Options*

Possible options to consider:

**Option 1: Issue the permit.**

This option would enable the applicant to proceed with applying for a building permit with the siting of the new dwelling as proposed at 1.5 metres from the south parcel line. This option is subject to conditions as outlined in the report recommendation.

Planning staff recommend this option.

**Option 2: Deny the permit.**

The existing exterior side parcel line setback of 4.5 metres would continue to apply per Zoning Bylaw No. 337.

**STRATEGIC PLAN AND RELATED POLICIES**

N/A

## CONCLUSION

The SCRDC has received a development variance permit application to relax the minimum setback to an exterior side parcel line contiguous with a public road from 4.5 metres to 1.5 metres to enable the construction of a new single family dwelling.

The right-of-way is undeveloped and the Ministry of Transportation and Infrastructure has issued a permit allowing the siting of a building within 4.5 metres of a public road.

Planning Staff recommend support of this application as it will retain trees to the north, improve privacy between neighbours, and will have little impact on parcels further to the south.

### *Attachments*

- Attachment A - Site Plan
- Attachment B - Supporting Information from Applicant
- Attachment C - Variance Criteria
- Attachment D - Site Photos
- Attachment E - Comments Received

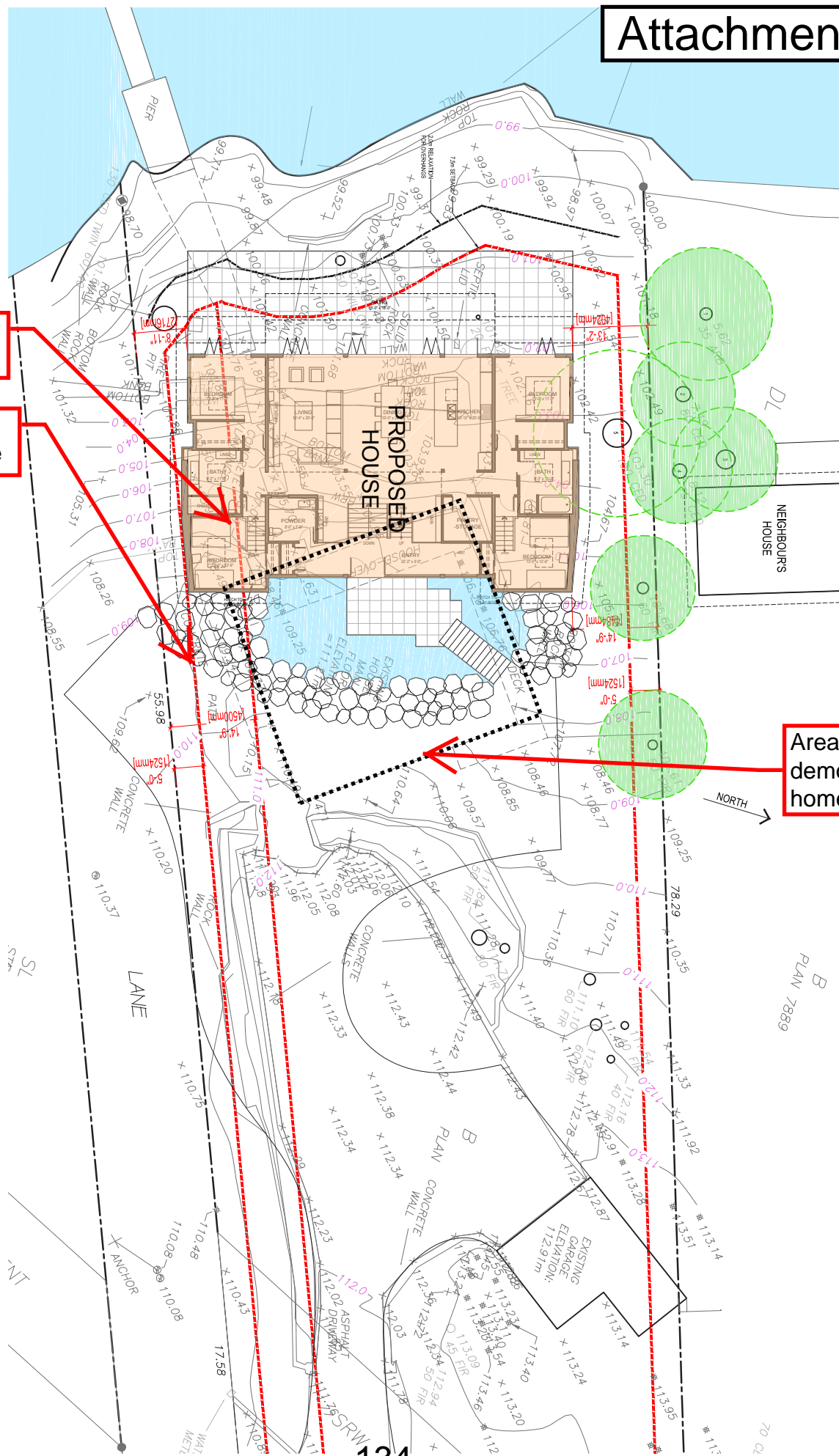
Reviewed by:			
Manager	X - A. Allen	Finance	
GM	X - I. Hall	Legislative	
CAO	X - J. Loveys	Other	

Existing 4.5m  
Setback

Proposed 1.5m  
Setback Variance

DAVIS RESIDENCE - 13087 CLAYDON LANE

PROPOSED SITE PLAN  
1/16"=1'-0" March 15, 2018



Area of  
demolished  
home.



## Attachment B



We request locating the new house closer to the south property line so as not to impact the three (3), existing, large cedar trees on the neighbour's property on the north side.

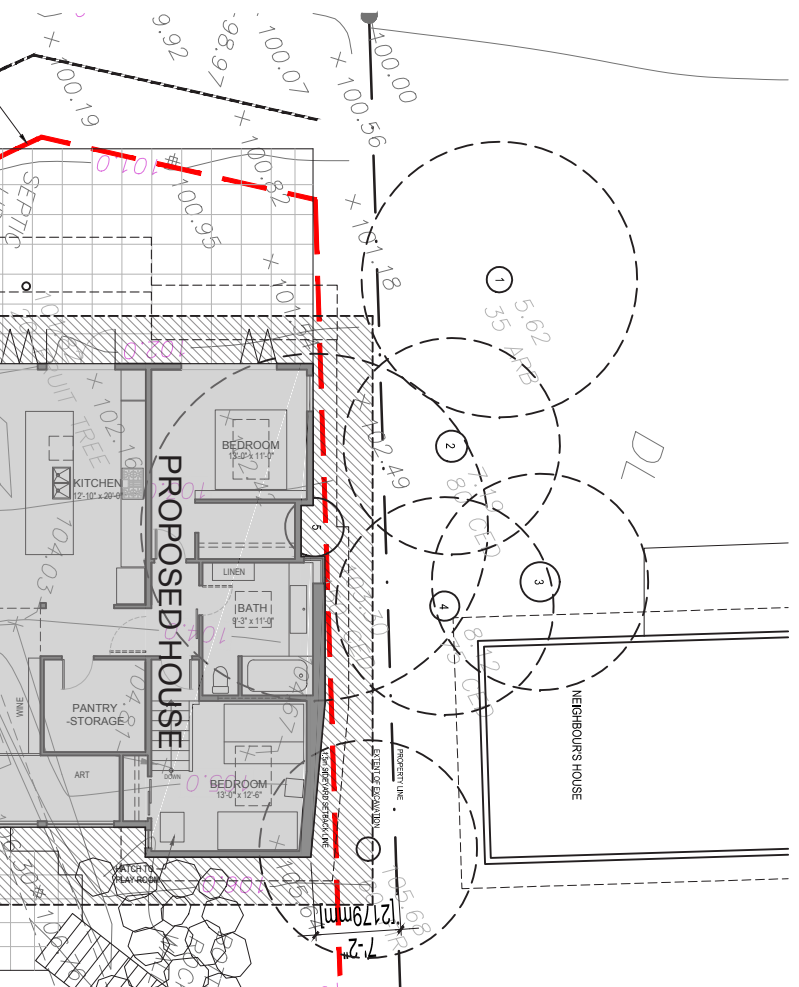
Locating the house as shown will require a relaxation of the side yard setback on the south side from 4.5 m to 1.5m. We feel that this is a reasonable variance due to the nature of the existing lane easement. The lane easement has an extremely steep slope and is currently not being used in any way and is likely never to be used as a lane.

If the house had to be located tight to the north side yard setback line, then the existing cedar tree and its root system extending to the property line, would require removal which would greatly reduce the stability of the neighbouring trees.

We feel that the proposed siting of the house would be beneficial for the neighbour's privacy on the north side and also does not impact any neighbors on the south side.



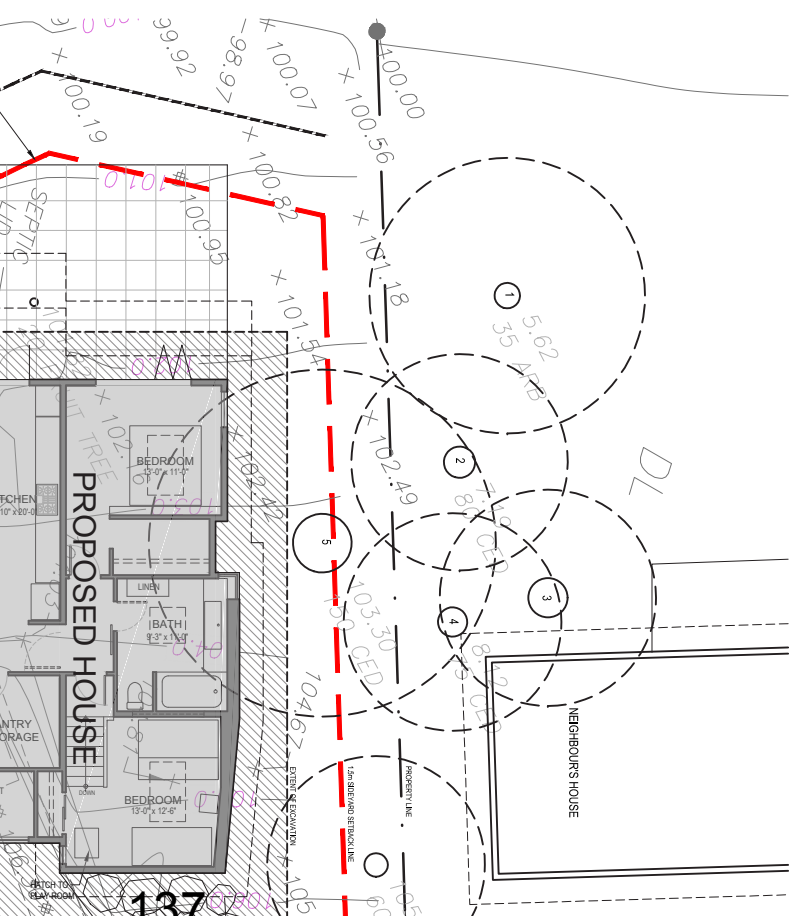




HOUSE LOCATED ADJACENT TO NORTH SIDE YARD SETBACK LINE

EXISTING ROOT SYSTEM OF NEIGHBOUR'S TREES IMPACTED BY EXCAVATION

Excavation will remove tree 5 stump and the majority of tree 5 root system and therefore will compromise existing root system of trees 1 - 4 to the extent that they will become unstable.



HOUSE LOCATED AWAY FROM NORTH SIDE YARD SETBACK LINE (THEREFORE REQUIRING VARIANCE AT SOUTH SIDE YARD SETBACK LINE)

EXCAVATION PROVIDES BETTER ROOT PROTECTION FOR NEIGHBOUR'S TREES

Excavation will retain tree 5 stump and only partially remove tree 5 root system. This will preserve existing root system of trees 1 - 4.

## Variance Criteria:

All new development should meet the Regional District's applicable bylaw standards. A variance is considered only as a last resort. An application for a development variance permit should meet most, if not all, of the following criteria, in order to be considered for approval:

- 1 The variance should not defeat the intent of the bylaw standard or significantly depart from the planning principle or objective intended by the bylaw. Please elaborate how the requested variance meets this criteria:

SIDEYARD SETBACK VARIANCE REQUESTED ALLOWS THE PROPOSED NEW HOUSE TO BE LOCATED IN A MORE SUITABLE LOCATION ON SITE.

- 2 The variance should not adversely affect adjacent or nearby properties or public lands. Please elaborate how the requested variance meets this criteria:

THE VARIANCE REQUESTED IS INTENDED TO MINIMIZE ADVERSE EFFECTS ON THE NEIGHBOUR'S TREES.

- 3 The variance should not be considered a precedent, but should be considered as a unique solution to an unusual situation or set of circumstances. Please elaborate how the requested variance meets this criteria:

THE VARIANCE REQUESTED ADDRESSES A BUILDING SPRING SOLUTION SPECIFIC TO THIS PROPERTY.

- 4 The variance represents the best solution for the proposed development after all other options have been considered. Please elaborate how the requested variance meets this criteria:

TWO OPTIONS EXIST - SEVERELY IMPACT THE NEIGHBOUR'S TREES OR MINIMIZE THE IMPACT TO THE NEIGHBOUR'S TREES. THE VARIANCE MINIMIZES IMPACT ON THE NEIGHBOUR'S TREES.

- 5 The variance should not negatively affect the natural site characteristics or environmental qualities of the property. Please elaborate how the requested variance meets this criteria:

THE VARIANCE ENHANCES THE NATURAL SITE CHARACTERISTICS BY NOT NEGATIVELY IMPACTING THE NEIGHBOUR'S TREES.





## PERMIT TO REDUCE BUILDING SETBACK LESS THAN 4.5 METRES FROM THE PROPERTY LINE FRONTING A PROVINCIAL PUBLIC HIGHWAY

PURSUANT TO TRANSPORTATION ACT AND/OR THE INDUSTRIAL ROADS ACT AND/OR THE MOTOR VEHICLE ACT AND/OR AS DEFINED IN THE NISGA'A FINAL AGREEMENT AND THE NISGA'A FINAL AGREEMENT ACT.

**BETWEEN:**

The Minister of Transportation and Infrastructure

Sechelt Area Office  
Box 950  
Sechelt, BC V0N 3A0  
Canada

("The Minister")

**AND:**

John Davis  
Charlotte Davis  
13087 Claydon Lane  
Garden Bay, British Columbia V0N1S1  
Canada

("The Permittee")

**WHEREAS:**

- A. The Minister has the authority to grant permits for the auxiliary use of highway right of way, which authority is pursuant to both the Transportation Act and the Industrial Roads Act, the Motor Vehicle Act, as defined in the Nisga'a Final Agreement and the Nisga'a Final Agreement Act;
- B. The Permittee has requested the Minister to issue a permit pursuant to this authority for the following purpose:  
  
The construction of a building, the location of which does not conform with British Columbia Regulation 513/04 made pursuant to section 90 of the Transportation Act, S.B.C. 2004, namely; to allow Setback reduction at 13087 Claydon Lane from 4.5 metres to 1.5 metres to accommodate the construction of a new home, and reduce impact to adjacent trees and slope stability on neighbour's property to the north, as shown on drawing submitted by the applicant, attached to this permit as 'Appendix A' .
- C. The Minister is prepared to issue a permit on certain terms and conditions;

ACCORDINGLY, the Minister hereby grants to the Permittee a permit for the Use (as hereinafter defined) of highway right of way on the following terms and conditions:

- 1. This permit may be terminated at any time at the discretion of the Minister of Transportation and Infrastructure and that the termination of this permit shall not give rise to any cause of action or claim of any nature whatsoever.
- 2. This permit in no way relieves the owner or occupier of the responsibility of adhering to all other legislation, including zoning, and other land use bylaws of a municipality or regional district.
- 3. The Permittee shall indemnify and save harmless the Ministry, its agents and employees, from and against all claims, liabilities, demands, losses, damages, costs and expenses, fines, penalties, assessments and levies made against or incurred, suffered or sustained by the Ministry, its agents and employees, or any of them at any time or times, whether before or after the expiration or termination of this permit, where the same or any of them are based upon or arise out of or from anything done or omitted to be done by the Permittee, its employees, agents or Subcontractors, in connection with the permit.
- 4. The rights granted under this permit are for an indefinite period. Should the said structure be destroyed, removed or dismantled, this permit is automatically cancelled and another permit will not necessarily be granted.



5. The Permittee to be responsible for any and all drainage issues as they pertain to the said works.
6. This permit in no way relieves the owner or occupier of the responsibility of adhering to all other legislation, including zoning, and other land use bylaws of a municipality or regional district.
7. It is the permittee's responsibility to obtain permission from the Ministry of Environment, pursuant to Section 7 of the Water Act, for works in or around any natural water-course, as and if required.
8. The Ministry of Transportation and Infrastructure and/or the Maintenance Contractor shall not be held accountable for any damage(s) to the said structure, however caused.
9. No further additions or improvements shall be made to the said structure without prior consent of the Ministry of Transportation and Infrastructure.
10. The Permittee shall make diligent attempts to determine if there are other users of the right of way in the vicinity of the Permittee's location whose use may be affected. It shall be the responsibility of the Permittee to contact any such users before exercising any of the rights granted hereunder and to attempt to reach an accommodation.
11. No portion of the structure shall encroach upon the Highway right-of-way. No portion of the structure shall be located less than 1.5 metres from the Highway right-of-way.
12. The Permittee shall be responsible for replacing any survey monuments that may be disturbed or destroyed by the Use. Replacement must be by a British Columbia land surveyor at the Permittee's expense.
13. The Permittee shall determine the location of Highway right-of-way to ensure their permitted work is within Ministry jurisdiction. The Permittee is responsible for all trespass issues.
14. If any BCLS survey posts are removed, moved or damaged during the construction of the said Works they must be replaced by a registered BC Land Surveyor at the expense of the Permittee.
15. It is the responsibility of the permittee to ensure that all equipment and vehicles crossing Provincial highways or side roads have the proper approvals and insurance as required and issued by the Commercial Vehicle Safety and Enforcement Division. For permits or inquiries please contact the Provincial Permit Centre at 1-800-559-9688.
16. No gates are to be placed within Ministry of Transportation and Infrastructure right-of-way.
17. Any damage to the Ministry of Transportation and Infrastructure's right-of-way as a direct result of the permitted works, shall be repaired and maintained by the permittee in perpetuity.
18. The layout shown on the submitted drawing is a condition of this permit, and any change in layout without the prior consent in writing of the Designated Ministry Official shall render the permit void.
19. Permittee shall supply surveyed "AS BUILT" drawings upon completion of the said works. Drawings must include offset from right-of-way boundary.
20. Should the said structure be destroyed, removed or dismantled, this permit is automatically cancelled and another permit will not necessarily be granted for a new similar structure.
21. The Permittee may not assign any part of this Agreement without the consent, in writing, of the Minister.
22. A copy of this permit must be on site at all times during the said works.
23. If the Permittee proceeds on this permit, it is deemed that all terms and conditions have been accepted.

The rights granted to the Permittee in this permit are to be exercised only for the purpose as defined in Recital B on page 1.

Dated at Sechelt, British Columbia, this 11th day of April, 2018

Kattia Woloshyniuk  
Area Development and Operations Technician  
On Behalf of the Minister





*Figure 1 - Public right-of-way (water meter box located in vicinity of property line).*

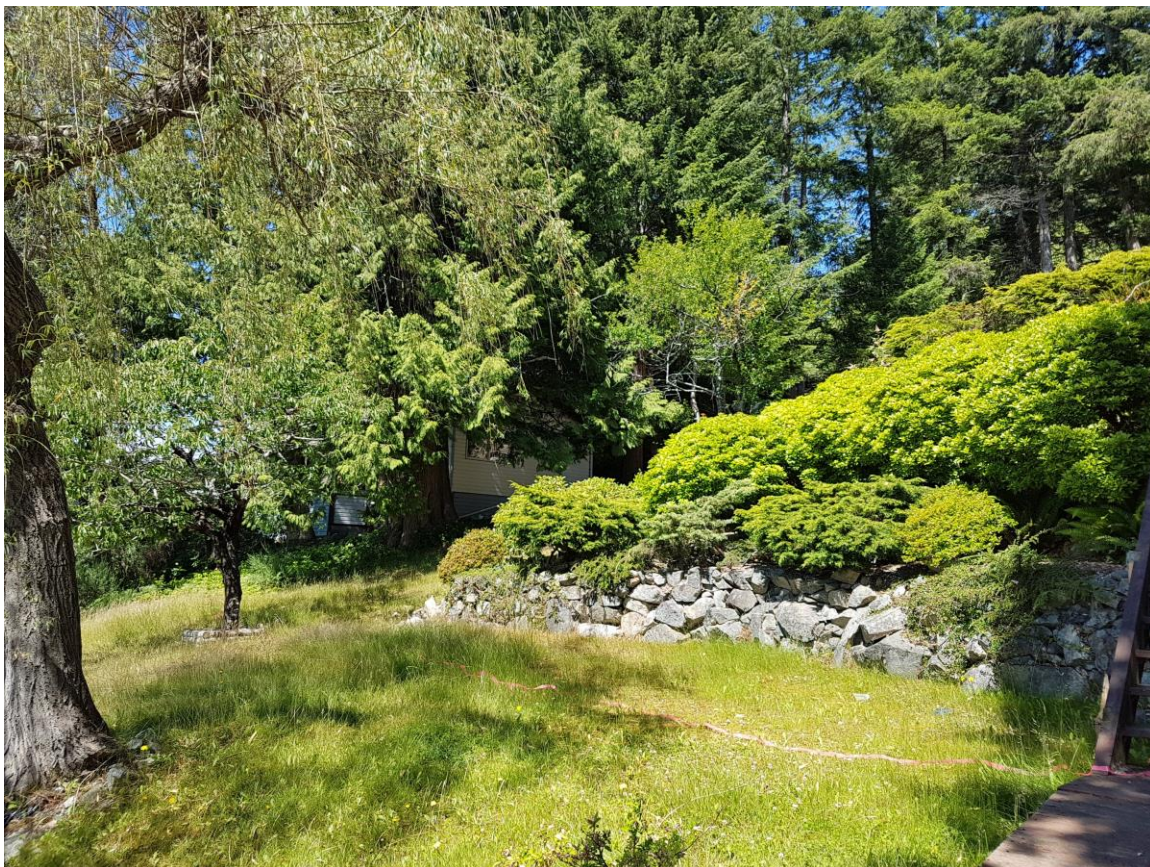


*Figure 2 - Area adjacent to north parcel line.*





*Figure 3 - Cedar trees intended to be preserved. Neighbours home located to the left.*



*Figure 4 - Approximate area of proposed home.*



**Sven Koberwitz**

---

**From:** anne clemence [REDACTED]  
**Sent:** June-30-18 11:48 AM  
**To:** Planning Department  
**Subject:** Lot B , district lot 2226 , New Westminster District , Plan EPP75821 . 13087 , Claydon Lane ,Garden Bay , B C .

In regard to the above Property I would like to state that I am not in favour of allowing the encroachment of the proposed building site , diminishing the required set back .

The Architect should be able to design an adequate dwelling on the land the owners have paid for

Yours truly ,

Anne H . Clemence

13058 , Claydon Lane , Garden Bay ..

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This email was scanned by Bitdefender

## SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

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**TO:** Planning and Community Development Committee – July 12, 2018

**AUTHOR:** Sven Koberwitz, Planning Technician

**SUBJECT:** DEVELOPMENT VARIANCE PERMIT DVP00036 (RICHARDS) - ELECTORAL AREA A

---

### RECOMMENDATIONS

**THAT** the report titled Development Variance Permit DVP00036 (Richards) - Electoral Area A be received;

**AND THAT** Development Variance Permit DVP00036 to vary Section 601.4 of Zoning Bylaw No. 337, 1990, from 6.0 metres to 4.0 metres, be issued, subject to:

1. Comments received from the shíshálh Nation within the 60 day referral period.
- 

### BACKGROUND

The SCRd received an application for a development variance permit to vary the minimum width of a dwelling in the R1 zone of Zoning Bylaw No. 337. The intent of this application is to enable the property owners to locate a manufactured home on the property. The subject property is located in close proximity to the Earls Cove Ferry Terminal on Mountainview Road. The subject property is currently undeveloped except for a small shed.

Owner / Applicant:	David M. Richards
Civic Address:	5341 Mountainview Road
Legal Description:	Lot 40 District Lot 5387 Plan 16493 PID: 007-494-718
Electoral Area:	A - Egmont/Pender Harbour
Parcel Area:	2589 m <sup>2</sup>
OCP Land Use:	Residential A
Land Use Zone:	R1 - Residential 1
Application Intent:	To vary the minimum width of a building containing a dwelling, as per Section 601.4 of Zoning Bylaw No. 337, from 6.0 m to 4.5 m.

*Table 1 - Application Summary*



Figure 1 - Location Map

The manufactured home dimensions are approximately 4.3 m by 11.5 m (14 ft. by 38 ft.), therefore a variance is required to relax the minimum required width of 6.0 m for dwelling. Planning staff recommend incorporating a 0.3 metre margin to allow for any discrepancy in the final building width.

The purpose of this report is to provide information on the application and obtain direction from the Planning and Community Development Committee on moving forward.

## DISCUSSION

### Analysis

The 6.0 metre width requirement for buildings containing a dwelling is a carry-over from previous SCRD zoning bylaws that directly prohibited mobile homes. Zoning can regulate size and dimensions of buildings but not building type. In effect the 6.0 metre minimum width requirement continues the restriction on mobile homes within R1 zones under Zoning Bylaws 337 and 310.

The Timberline Road area was originally subdivided in 1976 although many of the lots have remained undeveloped since then.

Manufactured homes are constructed to national building code standards and are an increasingly popular option for more affordable housing. The SCRD has received a number of development variance permit applications requesting a relaxation of the minimum dwelling width in the Earls Cove neighbourhood and the SCRD generally. To date these applications have

been supported to support more affordable housing types. The minimum dwelling width regulation is under review by Planning Staff as part of the Zoning Bylaw 310 review.

*Official Community Plan*

The Egmont/Pender Harbour OCP contains several policies supporting affordable housing options including specifically objective 7.8 related to residential land uses:

- 7.8        *To provide a range of housing types and opportunities to address affordable, rental and special needs housing.*

The Draft 2017 Egmont/Pender Harbour OCP also contains policies supporting the provision of affordable housing including residential land use objective:

- 2.1.1(h)   *To encourage the building of a range of housing types and opportunities to address affordable, rental, seniors and special needs housing.*

And residential land use policy;

- 2.1.2(a)   *Opportunities for affordable rental, seniors and special needs housing shall be made available through zoning providing for auxiliary dwellings, duplexes, suites within houses, **mobile homes**, special rental housing, transition homes, and full size second dwellings in most parts of the Plan area subject to parcel size and other requirements.*

*Options*

Possible options to consider:

**Option 1:     Issue the permit.**

This would authorize the applicant to proceed with locating the proposed manufactured home on the property. Planning staff consider this application to directly support the provision of affordable housing options on the Sunshine Coast.

Planning staff recommend this option.

**Option 2:     Deny the permit.**

The existing regulation requiring a minimum 6.0 metre width for dwellings in the R1 zone would continue to apply.



*Organization and Intergovernmental Implications*

The development variance permit has been referred to the following agencies for comment:

<b>Referral Agency</b>	<b>Comments</b>
SCRD Building Division	No concerns with application.
<i>shíshálh</i> Nation	Referred on June 13, 2018. Awaiting comments.
Egmont/Pender Harbour Advisory Planning Commission	At a meeting on June 27, 2018 meeting the APC passed a motion supporting the application.
Neighbouring Property Owners/Occupiers	Notifications were distributed on June 15, 2018 to owners and occupiers of properties within a 50 metre radius of the subject property.

**STRATEGIC PLAN AND RELATED POLICIES**

N/A

**CONCLUSION**

The SCRD has received a development variance permit to vary the minimum width requirement for a dwelling, as per Section 601.4 of Zoning Bylaw 337, from 6.0 m to 4.0 m.

The 6 m width requirement is a remnant of earlier zoning practices and is under review in light of contemporary affordable housing challenges.

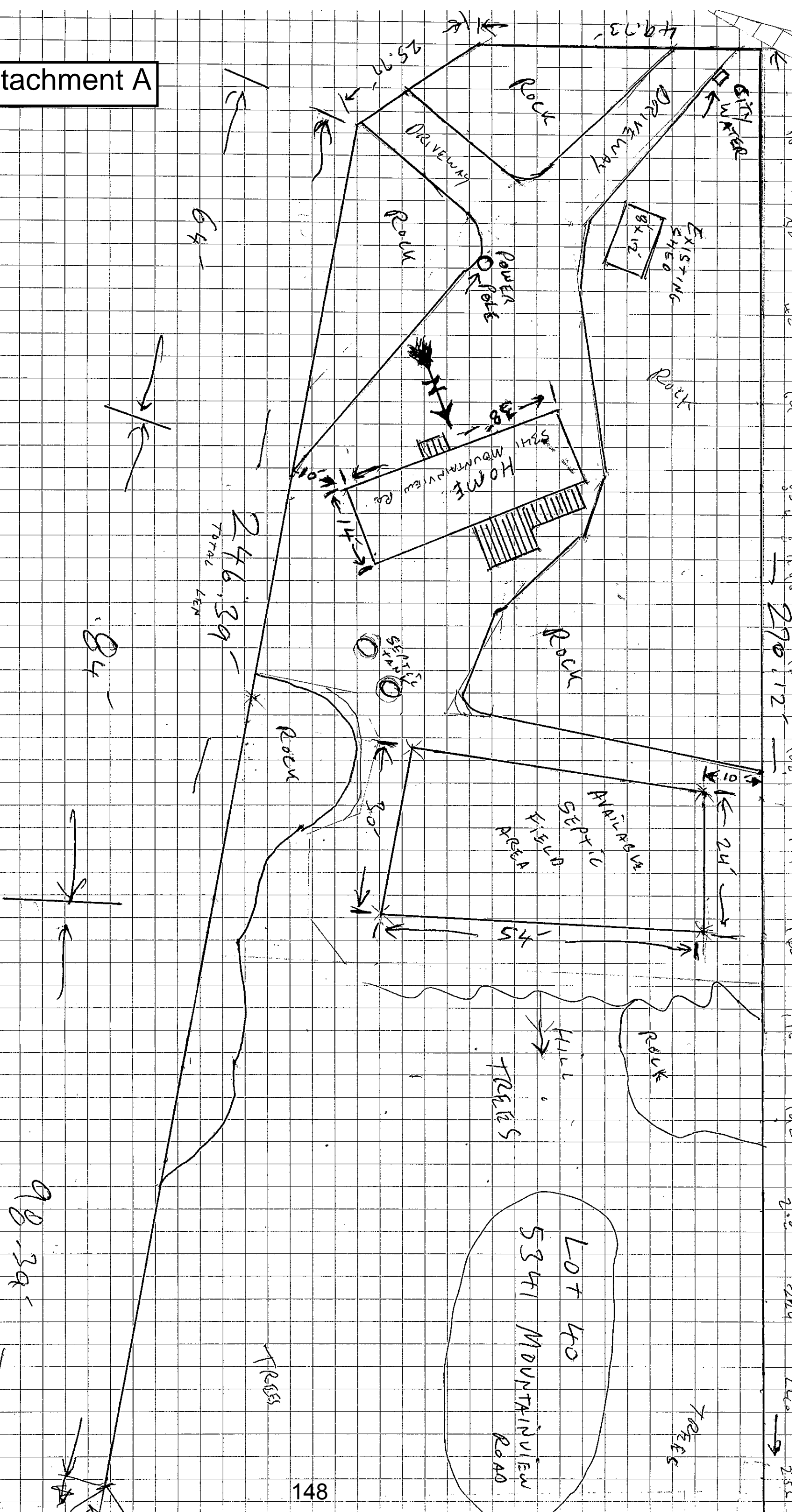
Staff recommend support of this application subject to comments received from the *shíshálh* Nation within the 60 day referral period.

*Attachments*

Attachment A - Site Plan  
 Attachment B - Variance Criteria  
 Attachment C - Site Photos

Reviewed by:			
Manager	X - A. Allen	Finance	
GM	X - I. Hall	Legislative	
CAO	X - J. Loveys	Other	

Attachment A



# Attachment B

## Variance Criteria:

All new development should meet the Regional District's applicable bylaw standards. A variance is considered only as a last resort. An application for a development variance permit should meet most, if not all, of the following criteria, in order to be considered for approval:

- ① The variance should not defeat the intent of the bylaw standard or significantly depart from the planning principle or objective intended by the bylaw. Please elaborate how the requested variance meets this criteria:

THE PROPOSED STRUCTURE WOULD MAKE USE OF LIMITED  
READILY AVAILABLE SPACE AND MINIMIZE  
ALTERATIONS TO THE SURROUNDINGS

- ② The variance should not adversely affect adjacent or nearby properties or public lands. Please elaborate how the requested variance meets this criteria:

NO BLASTING OR CLEAR CUTTING WOULD  
BE REQUIRED

- ③ The variance should not be considered a precedent, but should be considered as a unique solution to an unusual situation or set of circumstances. Please elaborate how the requested variance meets this criteria:

THE IMMEDIATE SURROUNDINGS ARE COMPRISED OF A  
CONSIDERABLE AMOUNT OF ROCK. THE PROPOSED  
MANUFACTURED HOME WOULD REQUIRE THE LEAST  
MODIFICATION TO THE PROPERTY.

- ④ The variance represents the best solution for the proposed development after all other options have been considered. Please elaborate how the requested variance meets this criteria:

OTHER TYPES OF STRUCTURES WOULD REQUIRE SPECIALIZED  
ARCHITECTURAL DESIGN, DETAILED ENGINEERING, AND  
CONSIDERABLE MODIFICATIONS TO THE PROPERTY.

- ⑤ The variance should not negatively affect the natural site characteristics or environmental qualities of the property. Please elaborate how the requested variance meets this criteria:

PLACEMENT OF THE PROPOSED STRUCTURE WOULD MAKE  
EXTENSIVE ALTERATIONS TO THE SURROUNDINGS UNNECESSARY.  
THERE BY ELIMINATING ANY POSSIBLE DETRIMENTAL  
EFFECTS TO NEIGHBORING PROPERTIES.





*Figure 1 - Area of Proposed Manufactured Home*



*Figure 2 - Entrance off Mountainview Road*



## SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

**TO:** Planning and Community Development Committee – July 12, 2018

**AUTHOR:** Sven Koberwitz, Planning Technician

**SUBJECT:** FRONTAGE WAIVER FOR SUBDIVISION SD000015 (GEMMELL) - ELECTORAL AREA D

### RECOMMENDATIONS

**THAT** the report titled Frontage Waiver for Subdivision SD000015 (Gemmell) - Electoral Area D be received;

**AND THAT** the requirement for 10% lot frontage onto a road for Lot 1 in the proposed subdivision of Lot A District Lot 3381 Plan 18234 be waived.

### BACKGROUND

The Ministry of Transportation and Infrastructure issued Preliminary Layout Approval for the subdivision of Lot A District Lot 3381 Plan 18234 into two parcels. One of the proposed lots has a panhandle layout in order to provide legal access to Hansen Road.



Figure 1 - Location of subject property.

Section 512 of the *Local Government Act* requires that all new parcels have a minimum 10% parcel frontage onto a highway unless a local government waives the requirement. The SCRD

Board must consider waiving the lot frontage requirement for the subdivision to proceed as proposed.

## **DISCUSSION**

### *Analysis*

The application involves a two lot subdivision of the subject property fronting Hansen Road (Attachment A). The subject property is located within the 'F' subdivision district and each new lot is above the minimum parcel size of 10,000 sq. m.

Lot 2, as proposed, will have greater than 10% frontage along Flume Road. However Lot 1 will have less than 10% frontage due to the need for panhandle access. In order to accommodate existing homes and areas for sewage disposal fields a panhandle layout is the recommended option for this subdivision.

Preliminary Layout Approval has been issued by the Ministry of Transportation and Infrastructure Approving Officer and given that the access has been approved as part of the subdivision, the Planning and Development Division supports the frontage waiver request.

The Roberts Creek Advisory Planning Commission recommended support for the subdivision application on February 20, 2017.

### *Options*

Possible options to consider:

#### **Option 1: Issue the waiver.**

The proposed 2 lot subdivision will be approved provided all other conditions of the Preliminary Layout Approval are met.

Planning Staff recommend this option.

#### **Option 2: Deny the waiver.**

The subdivision could not proceed as proposed.

## **STRATEGIC PLAN AND RELATED POLICIES**

N/A

## **CONCLUSION**

A waiver for the 10% frontage requirement is required by the SCRD Board for the subdivision application to proceed. Preliminary Layout Approval has been granted by the Ministry of Transportation and Infrastructure. The proposed layout does not pose any challenges and therefore Planning Staff support the frontage waiver request.

*Attachments*

Attachment A - Proposed Subdivision Plan

Reviewed by:			
Manager	X - A. Allen	Finance	
GM	X - I. Hall	Legislative	
CAO	X - J. Loveys	Other	



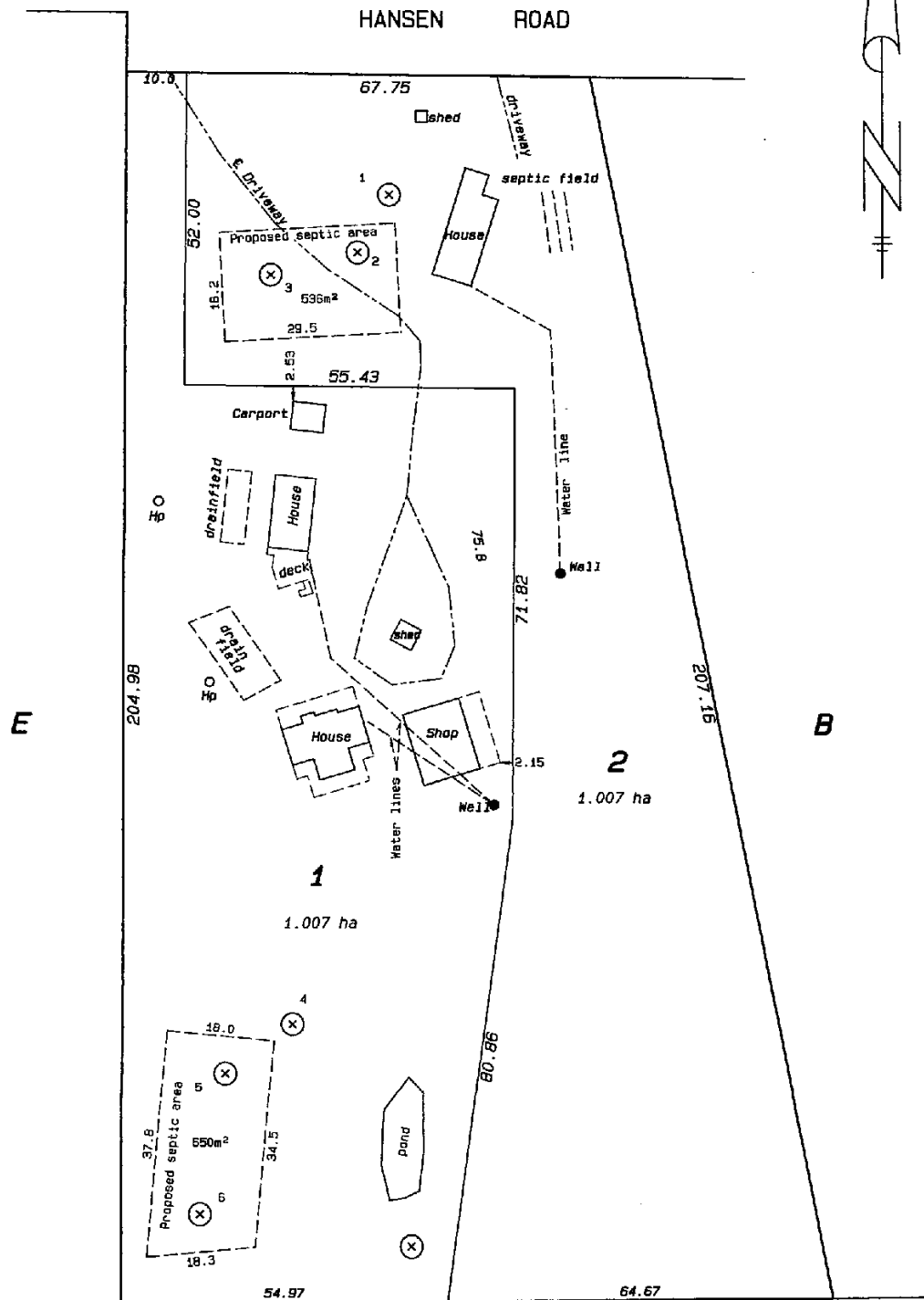
PROPOSED SUBDIVISION OF LOT A, DL 3381, PLAN 18234.

SCALE 1 : 500

3199 Hansen Road

Attachment A

(X) Indicates test hole located  
Hp denotes hydro pole.



Larry W. Penonzek  
B. C. Land Surveyor  
Box 505 Gibsons, B.C.  
VON 1V0 Ph 886-2531

23

December 12, 2016

2515P - 1305

## SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

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**TO:** Planning and Community Development Committee – July 12, 2018

**AUTHOR:** Ian Hall, General Manager, Planning and Community Development

**SUBJECT:** **SUNSHINE COAST SEARCH AND RESCUE ASSOCIATION LEASE – BUILDING EXPANSION**

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### RECOMMENDATIONS

**THAT the report titled Sunshine Coast Search and Rescue Association Lease – Building Expansion be received;**

**AND THAT the Delegated Authorities be authorized to execute the revised Lease Agreement dated August 1, 2018 and discharge of the previous lease dated March 1, 2008 (BB206922) with Sunshine Coast Search and Rescue Association.**

---

### BACKGROUND

The SCRD Board adopted the following recommendation on October 26, 2017:

299/17      **Recommendation No. 2** *Sunshine Coast Search and Rescue Association Lease*

THAT the report titled Sunshine Coast Search and Rescue Association Lease be received;

AND THAT the Sunshine Coast Search and Rescue Association receive confirmation of intent to support an amendment to the existing lease to increase the duration beyond the ten years required for the purpose of Community Gaming Grant;

AND FURTHER THAT staff report to a future Committee on the recommended terms of the new lease.

In 2008, the Sunshine Coast Search and Rescue Association (SCSARA) received Board approval to construct a search and rescue hall on land leased from SCRD on the 1975 Field Road property. In 2016 the Board endorsed the expansion of the lease area to add on to the existing building. The expansion will improve security and storage capacity and enhance the ability to conduct training/meetings at the building.

The current lease between SCRD and SCSARA is registered with the Land Title Office for the purpose of a community use building, which is further defined as search and rescue vehicle and equipment storage.

SCSARA has prepared a new lease (Attachment A) relating to the expanded area. Staff are presenting the terms of the lease as directed and recommend that the Delegated Authorities be authorized to execute the new lease.

## **DISCUSSION**

The CAO and Senior staff meet with the SCSAR representatives on Tuesday June 19, 2018. SCSARA presented a proposed lease including standard terms. Working in partnership with SCSARA, staff have requested and have confirmed a number of changes to the document as initially presented to better represent and protect the interests of both parties.

Items to note or that have changed from the former lease are:

Term: The 2008 lease was for 15 years; three 5 year terms, for the land area. An amendment approved in 2016 to expand the lease area to enable building expansion for the addition did not address the length of the lease. The new lease has a term of 10 years (section 2.2 and 2.3), followed by four 10-year renewal options (possible total of 50 years; the anticipated life of the building). A review of the lease and associated operational issues will be undertaken by the parties every five years.

Use: The community use purpose of the lease would continue, with a definition that has been expanded (section 1.1(d)) beyond search and rescue vehicle and equipment storage to also include meetings and training, reflecting the full range of uses for the expanded space. Any use beyond these purposes would require authorization from SCR D.

Surrender: At the end of the lease term, the building will become property of SCR D (section 13). This is a standard lease term unchanged from the current lease and is not indicative of the desire of the Regional District to assume ultimate ownership of the building. Staff need to further explore the financial implications of any such transfer (Financial Implications).

Staff have reviewed the terms of the lease and recommend that the delegated authorities be authorized to execute the lease.

### *Organizational Implications*

The expansion of the SCSARA building footprint results in the loss of land available on the Field Road property impacting parking, traffic flow for vehicles and the new transit expansion. Staff have discussed with SCSARA ways to positively mitigate these impacts and will continue to coordinate and partner with SCSARA to make effective use of space.

### *Financial Implications*

The 2016 approval to amend the lease to support building expansion included \$2,000 toward assisting in legal fees. It is not anticipated that there are any additional short term financial impacts associated with the request identified in this report. Impending changes to Public Sector Accounting Standards regarding asset retirement obligations are anticipated to have financial implications to the SCR D. Staff continue to explore the impacts related to the changes in accounting standards and how the SCR D plans to maintain the asset if ownership transfers.

*Timeline for next steps or estimated completion date*

Pending Board decision, the lease can be executed.

SCSARA applied to the District of Sechelt in September 2017 for leasehold subdivision (required under Section 73 of the Land Title Act for leases exceeding 3 years) and is working with the District through the development variance permit and development permit processes prior to issuance of a building permit. SCRD staff have been/will be available for coordination as needed in our role as property owner. Construction will proceed once a building permit is issued.

Should there be any amendment to the lease area resulting from the District of Sechelt's planning processes, Schedule A in the lease document would need to be amended.

**STRATEGIC PLAN AND RELATED POLICIES**

This project meets the strategic priority of Facilitating Community Development by increasing our local volunteer search and rescue capacity and providing the volunteers with high quality equipment and facilities.

**CONCLUSION**

SCSARA has presented a lease to support an expansion of the SCSARA building on Field Road. The expanded building, for which Board support has previously been expressed, will improve security and storage capacity and enhance the ability to conduct training/meetings.

Staff have reviewed the terms of the lease and recommend that the delegated authorities be authorized to execute the lease.

Reviewed by:			
Manager		CFO/Finance	X – T. Perreault
GM		Legislative	
CAO	X – J. Loveys	Other	

## SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

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**TO:** Planning and Community Development Committee – July 12, 2018  
**AUTHOR:** Ian Hall, General Manager, Planning and Community Development  
**SUBJECT:** **PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT - 2018 Q2 REPORT**

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### RECOMMENDATION

**THAT the report titled Planning and Community Development Department - 2018 Q2 Report be received.**

---

### BACKGROUND

The purpose of this report is to provide an update on activity in the Planning and Community Development Department for the Second Quarter (Q2) of 2018: April 1 to June 30, 2018.

The report provides information from the following divisions: Planning & Development, Building, Ports & Docks, Facility Services & Parks, Corporate Sustainability, Recreation & Community Partnerships, and Pender Harbour Aquatic & Fitness Centre.

## PLANNING AND DEVELOPMENT DIVISION

### ***Regional Planning [500]***

Key projects in Q2 included:

- BURNCO Aggregate Mine Proposal: SCRD received response from Province regarding SCRD concerns regarding the EA processes. On May 10, 2018 the Federal Minister of Environment and Climate Change, announced that the project is unlikely to cause significant adverse environmental effects and passed the Project back to Fisheries and Oceans Canada to ensure implementation of the mitigation measure. A report will be provided in Q3 regarding BURNCO's application to rezone the processing area.
- Regional Inter-Jurisdictional Invasive Plant Management Strategy for the Sunshine Coast. Planning staff worked with the consultant to complete and distribute the draft of the Invasive Species Technical Working Group. Members of the Invasive Species Technical Working Group reviewed the document and recommended additional amendments. Amendments have been made and document is in development.

### ***Rural Planning [504]***

Key projects in Q2 included:

- Twin Creeks Official Community Plan Review – Referrals to external agencies were made in Q2. Referral comments received will be incorporated into a staff report in Q3.
- Densification Strategies to support Affordable Housing – OCP amendments have been considered for second reading and referred to advisory committees, and a public hearing is to be scheduled for July 23, 2018.
- Short Term Rentals – stakeholder meetings held and two reports considered at Planning and Community Development Committee: Public Participation at February 8, 2018 and Policy Options at March 8, 2018. Staff will provide a report to a Q4 committee with draft regulations and proposed bylaw amendments.
- Zoning Bylaw 310 Review – The two-part Advisory Summit was held in Q2. The summit engaged members of SCRD advisory groups on scope of zoning bylaw and to review issues and topic areas of the bylaw which will be explored further with stakeholders and the general public.
- Temporary Housing Pilot Project – Staff continue to work on the file and a report is planned for Q3.



## OPERATIONS

### Development Applications Statistics

Applications Received	A	B	D	E	F	Q2 2018	2018 YTD
Development Permit		6		1	2	9	18
Development Variance Permit	1			1	1	3	8
Subdivision	3	2	2	2		9	16
Rezoning/OCP	2		2			4	10
Board of Variance							
Agricultural Land Reserve							
<b>Total</b>	<b>6</b>	<b>8</b>	<b>4</b>	<b>4</b>	<b>3</b>	<b>25</b>	<b>52</b>

There were 25 Development Applications received in Q2 2018 compared to 18 in Q2 2017.

- The 2017 total for Development Applications was 80.
- The 2016 total for Development Applications was 57.
- The 2015 total for Development Applications was 51.

### Provincial and Local Government Referrals

Referrals	DoS	ToG	SIGD	Isld Trst	SqN	Province	Other*	Q2 2018	2018 YTD
Referrals						9		9	14

There were 9 Referrals received in Q2 2018 compared to 13 in Q2 2017.

- The 2017 total for Referrals was 36.
- The 2016 total for Referrals was 34.
- The 2015 total for Referrals was 48.

### Building Permit Reviews Completed by Planning Staff

BP Review	A	B	D	E	F	Q1 2018	2018 YTD
Building Permit Reviews by Planning	38	12	13	18	5	86	149

There were 86 Building Permit Reviews completed in Q2 2018 compared to 64 in Q2 2017.

- The 2017 total for Building Permit Reviews was 241.
- The 2016 total for Building Permit Reviews completed was 293.
- The 2015 total for Building Permit Reviews completed was 215.

Development Applications Revenue

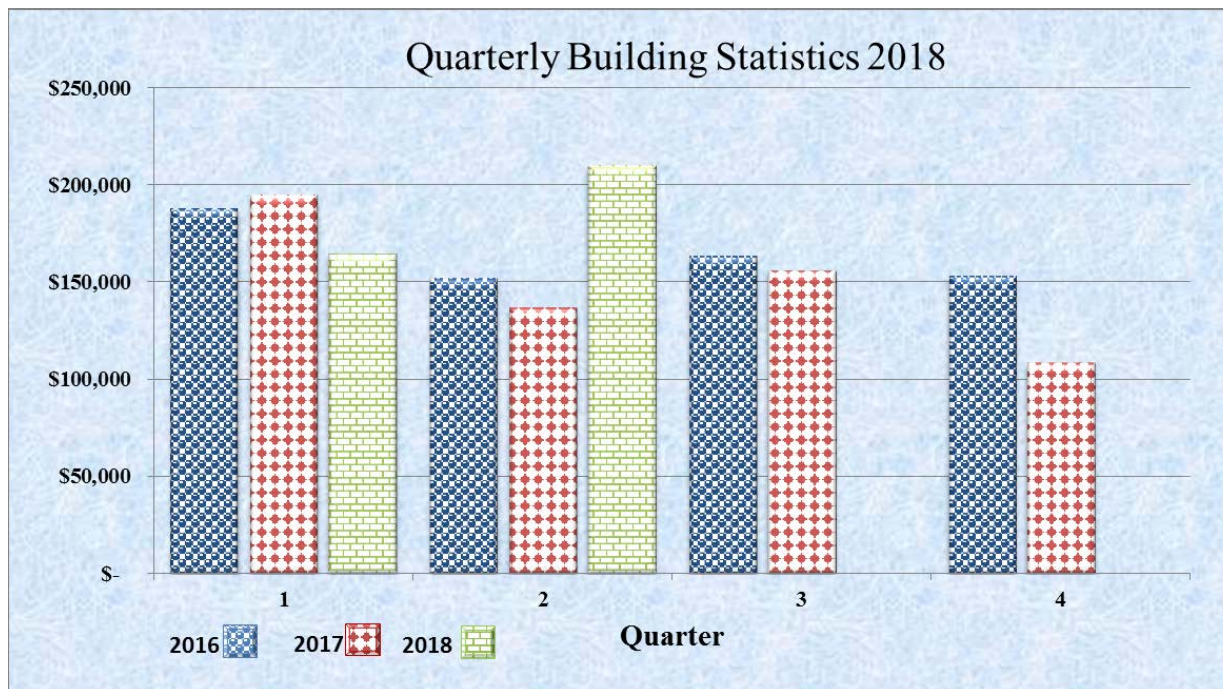
Revenue Stats	A	B	D	E	F	Q2 2018	2018 YTD
DP		\$3,400		\$500	\$1,000	\$4,900	\$9,700
DVP	\$500			\$500	\$500	\$1,500	\$5,000
Subdivision	\$1,730	\$2,555	\$2,060	\$2,060		\$8,405	\$13,965
Rezoning/ OCP	\$2,900		\$2,900			\$5,800	\$28,525
BoV							\$0
ALR							\$0
Total	\$5,130	\$5,955	\$4,960	\$3,060	\$1,500	\$20,605	\$43,225

Development Applications revenue was \$20,605 in Q2 2018 compared to \$14,160 in Q2 2017.

- The 2017 total for Development Applications revenue was \$63,360.
- The 2016 total for Development Application revenue was \$54,505.

## BUILDING DIVISION

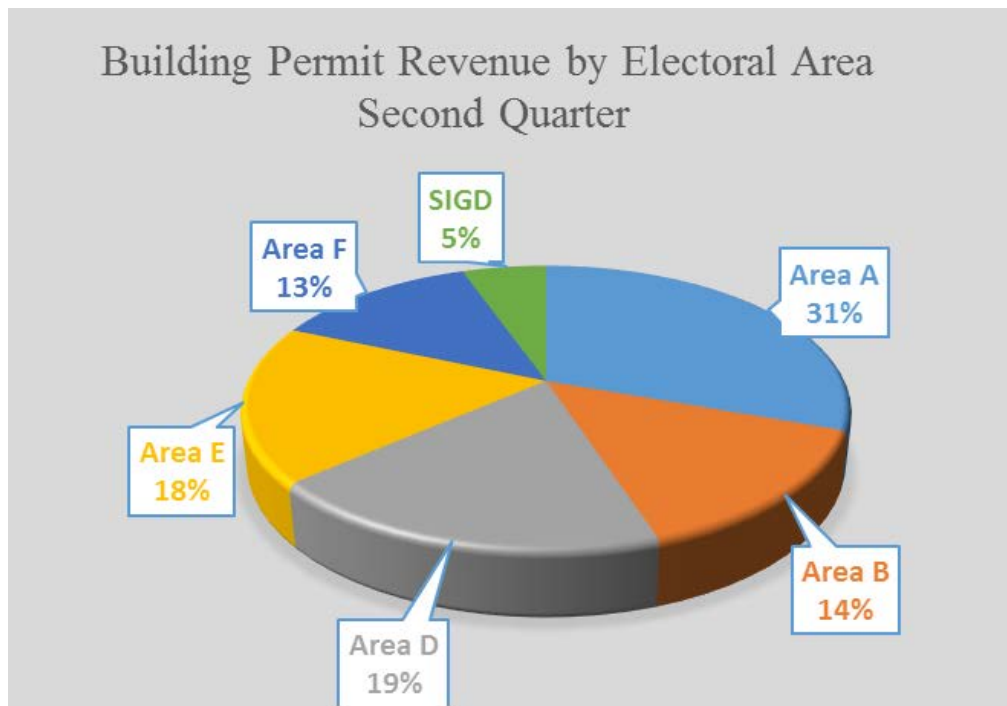
### Quarterly Building Statistics Comparison 2016 - 2018



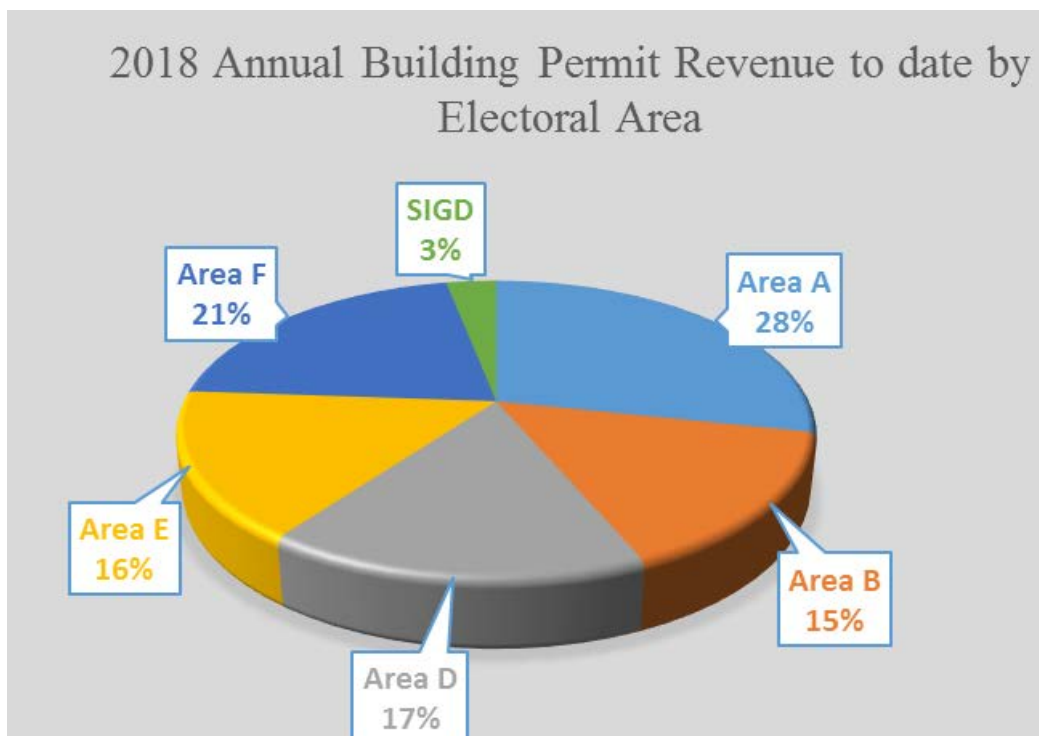
### Building Revenue Q2 Comparison 2010 - 2018



Building Permit Revenue by Electoral Area – Q2 2018



Building Permit Revenue by Electoral Area 2018 year to date.



Quarterly Value of Construction Yearly Comparison 2017 - 2018





## PORTS AND DOCKS DIVISION

### OPERATIONS

A work package of seasonal preventative maintenance and additional minor repairs has been assembled for action in late Q2/early Q3.

Maintenance and inspection of dock cranes was completed in Q2. Planning for recommended repairs will follow.

Ports load ratings and safety assessment scope developed in Q2 for tendering in Q3.

### PORTS MONITORS (POMO) COMMITTEE

The POMO approach of “eyes on the dock” to identify condition, maintenance or operation issues provided useful feedback during Q2 that enables SCR D to respond to issues more quickly and more efficiently.

A number of updates were published to POMO representatives in Q2 providing updates on service interruptions and mitigating measures related to capital projects and emergency repairs at docks. Water taxi companies and emergency service providers were also notified.

The next POMO meeting is scheduled for July 11, 2018. The meeting is planned to include a field tour of Hopkins Landing to educate POMO members on the components of a dock and how to report issues.

### MAJOR PROJECTS

- Gambier Float replacement – installation completed in Q2 with some decking and minor finishing to be complete in early Q3.
- Major capital projects at West Bay and Halkett Bay were completed in Q2 with support from Western Economic Diversification/Government of Canada through a Canada 150 grant. Full grant support has been received by SCR D.
- Engineering for 2018 capital projects initiated in Q2.

#### *Gambier Harbour New Steel Float and Decking*



*Halkett Bay New Piles, Refurbished Ramp and Float*



*West Bay New Port Approach Deck and Railing*





**FACILITY SERVICES DIVISION**

***Building Maintenance [313]***

<b>Building Maintenance Tickets</b>	<b>April 1 – June 30</b>
Tickets received	81
Tickets resolved	71
Open (unresolved) tickets as of June 30 <sup>th</sup>	34

***Recreation Facilities [613]***

- Sechelt Aquatic Centre: annual maintenance shutdown completed, pool reopened June 24.
- Gibsons and District Aquatic Facility: planning for annual shutdown complete. Facility will be closed for annual maintenance from July 1-28.
- Gibsons & Area Community Centre and Sunshine Coast Arena: Working in coordination with WorkSafeBC and Technical Safety BC, Staff proceeded with Board-approved regulatory compliance projects at both arenas. Planning toward ice installation for August 20 (GACC) and September 23 (SCA) continues. Communication updates were provided to user groups and regulatory authorities.

## PARKS DIVISION

### ***Cemeteries [400]***

*Q2 Statistics – April 1<sup>st</sup> to June 30<sup>th</sup>*

	2018 Q2	2017 Q2	2018 Q2	2017 Q2
Service	Burials	Burials	Cremations	Cremations
Plots Sold	3	3	4	3
Niches Sold	N/A	N/A	5	1
Interments	1	2	9	4
Inurnments (Niche)	N/A	N/A	4	1

### ***Parks [650]***

#### PROJECTS

#### ***Parks, Trails and Beach Access***

- Suncoaster Trail Phase 2 planning continued. Project support from VCH Active Communities Grant has been granted. Diamond Head Consulting has been selected as the consultant team which will assist SCRD in identifying route and trail design standards. Staff will confirm project schedule with consultant; public participation in Q3.
- The Gambier Island SW Peninsula Trail Public consultation process concluded. Staff are developing funding options for the West Bay Connector Trail.
- Katherine Lake Campground opened May 19.
- Tree management work completed at Whispering Firs Park (Area E), Cliff Gilker Park (Area D), Dan Bosch Park and Katherine Lake Campground (Area A).

#### ***Sports Fields***

All sports fields were fertilized and seeded in Q2.

*Number of bookings per sports field in 2018 Q2 compared to 2017 Q2 bookings:*

Sports Field	2018 Q2 Bookings	2017 Q2 Bookings
Lions Field	1	3
Cliff Gilker	202	126
Connor Park	175	234
Maryanne West	0	1
Shirley Macey Park	120	61

#### ***Community Halls***

Number of bookings in Community Halls in 2018 Q2 compared to 2017 Q1 bookings:

Community Hall	2018 Q2 Bookings	2017 Q2 Bookings
Eric Cardinall	55	78
Frank West Hall	47	49
Coopers Green	45	34
Chaster House	51	86

- A second application for rehabilitation work at Grantham's Hall was made to the Canada Cultural Spaces Fund program. SRCD continues to liaise with Government of Canada staff.

### Coopers Green Hall Replacement Design Project

The Task Force hosted an open house in March to gather feedback from the community on the schematic design work done to date. More than 40 people attended the open house with a number of follow-up written comments received. This input was very helpful to the Task Force in terms of testing elements of the design. See the Public Feedback Summary on the project website – [www.scrd.ca/Coopers-Green](http://www.scrd.ca/Coopers-Green).

Some of the key items raised at the open house and addressed by the Task Force through recommendations to the project architect include:

- Adding an entry space with room for greeting or sign-in
- Additional entry and storage space for coats
- Rearrangement of spaces within the building to optimize views and promote engagement with the park, drop off area and the water
- Addition of preliminary design details to suggest natural material opportunities, a west coast aesthetic, and maximize natural light
- Careful consideration of the idea of adding an additional smaller meeting space, but ultimately recommending a single hall venue that can be configured for a range of group sizes
- Inclusion of spaces that could be used to showcase and celebrate shíshálh culture through interpretation or art

In Q3, Principle Architecture will be proceeding with design development. This process will include an updated project cost estimate, design of building systems including a new septic system and examining opportunities to manage construction and maintenance costs through smart design choices. An evolved design will be presented to the Task Force and the community in fall 2018.



A recently completed estimate (Class C) of \$1,895,000 was prepared by a cost consultant based on the most recent schematic design. Estimates will be refined throughout the design process. This estimate includes hall construction, new septic system, demolition of existing building, site servicing and construction permits. Net building cost is estimated at \$433 per square foot.



### ***Dakota Ridge [680]***

- A Dakota Ridge volunteer groomer and trail host acknowledgment event was held in early April.
- Staff are planning for annual access road and trail maintenance.

## **RECREATION AND COMMUNITY PARTNERSHIPS DIVISION**

### ***Project Highlights***

The annual shutdown for the maintenance of the Sechelt Aquatic Centre took place from May 26<sup>th</sup> to June 23<sup>rd</sup>. The annual shutdown for the maintenance of the Gibsons and District Aquatic Facility started July 1<sup>st</sup> with a completion date scheduled for July 28<sup>th</sup>.

### ***Gibsons and District Aquatic Facility***

#### Admissions and Program Registrations

<b>GDAF</b>	<b>Q2 2018</b>	<b>Q2 2017</b>
Admission Visits	4,692	4,931
Program Registrations	1,381	1,289

This represents a decrease of 239 admission visits for the April – June 2018 period.

These numbers include 308 L.I.F.E Admissions for those requiring participation assistance for 2018.

### ***Gibsons and Area Community Centre***

#### Admissions and Program Registrations

<b>GACC</b>	<b>Q2 2018</b>	<b>Q2 2017</b>
Admission Visits	18,505	16,697
Program Registrations	1,843	1,063

This represents an increase of 1,808 admission visits in the April -June 2018 period. This increase is primarily due to improved and more accurate tracking of actual numbers with respect to facility rental totals.

Included in this admission total are 516 L.I.F.E admissions for those requiring participation assistance for 2018 and arena facility rental attendance.

### ***Sunshine Coast Arena***

#### Admissions and Program Registrations

<b>SCA</b>	<b>Q2 2018</b>	<b>Q2 2017</b>
Admissions	1,656	2,162
Program Registrations	0	0

This represents a decrease of 506 admission visits in the April - June 2018 period. This change is mostly because of more accurate tracking actual numbers with respect to facility rental totals.

Included in this total are 14 L.I.F.E admissions for those requiring participation assistance for 2018.

### ***Sechelt Aquatic Centre***

#### Admissions and Program Registrations

<b>SAC</b>	<b>Q2 2018</b>	<b>Q2 2017</b>
Admission Visits	30,736	29,802
Program Registrations	3559	3,398

This represents an increase of 934 admission visits in the April - June 2018 period.

Included in this total are 1220 L.I.F.E. admissions for those requiring participation assistance for 2018.

### ***Pender Harbor Aquatic and Fitness Centre***

#### Admissions and Program Registrations

<b>PHAFC</b>	<b>Q2 2018</b>	<b>Q2 2017</b>
Admission Visits	3,681	3,125
Program Registrations	1,449	1,005

This represents an increase of 556 visits for the April-June 2018 period.

Included in this total are 112 L.I.F.E admissions for those on low income for 2018.

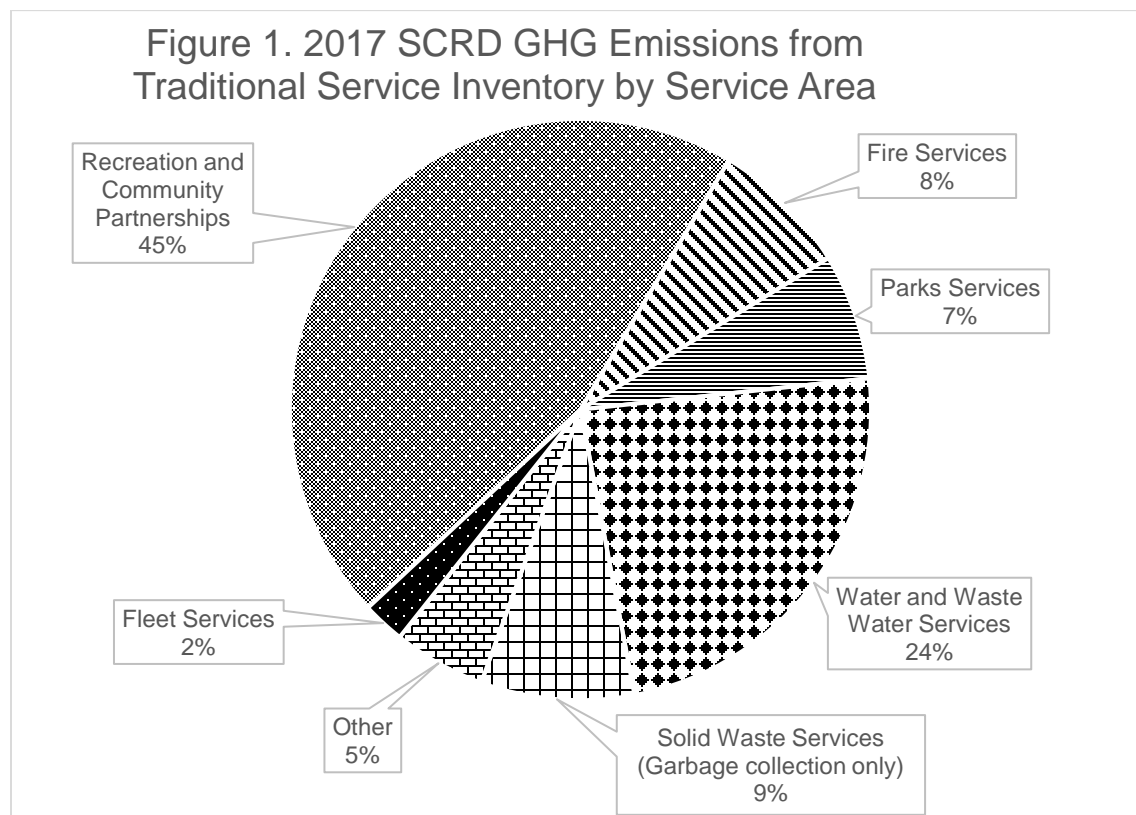
Program registration increased due to an increase in Swim Lesson registrations with respect to all age groups plus the development of some specialized fitness workshops such as 'Roll Out'.

Special events in Q2 included the annual Swim Grad and Barbeque hosted by the Pender Harbour Aquatic Society. 50+ children and parents enjoyed a fun time and great food.

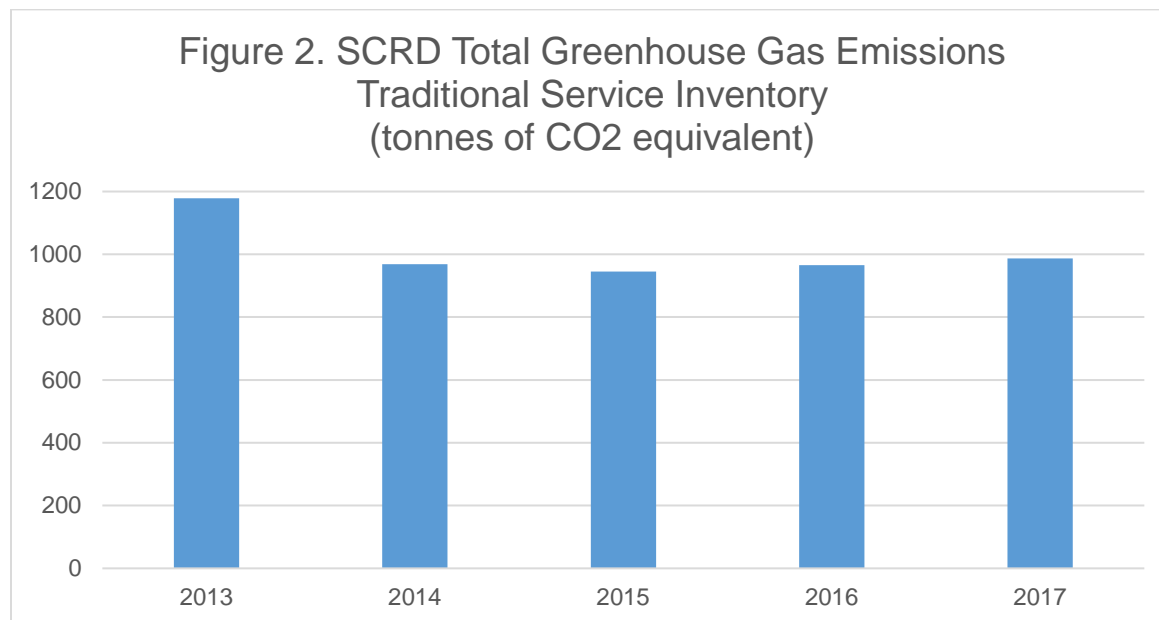
## CORPORATE SUSTAINABILITY

As a Climate Action Charter signatory and to be eligible for the Climate Action Revenue Incentive Program (CARIP), SCRD calculates its greenhouse gas emissions and completes the Climate Action / Carbon Neutral Progress Survey every year. The 2017 Survey was shared with the Province in May and is publicly available on the SCRD website.

SCRD contributed 987 tonnes of CO<sub>2</sub>e in 2017 as part of its Traditional Service Inventory (TSI). The scope of TSI emissions are defined for local governments by the Province of British Columbia. Figure 1 outlines the emissions breakdown by Service Area. Emissions under the “Other” label include services such as Administration, Building Services, Bylaw Enforcement, and Outdoor Lighting. Figure 2 compares TSI emissions over the past five years.

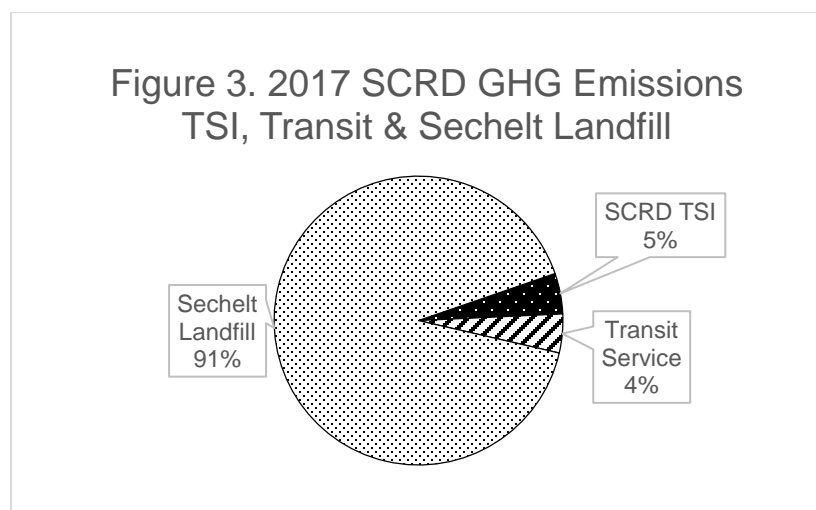






Although out of scope of the TSI, SCRD contributes greenhouse gas emissions from the Transit Service and the Sechelt Landfill. In 2017, the Transit Service contributed 942 tonnes of CO<sub>2</sub>e and the Sechelt Landfill contributed 19,781 tonnes of CO<sub>2</sub>e. Transit emissions should be considered as an alternative to emissions (likely greater) from private vehicles. The Sechelt Landfill emissions were calculated for 2017 for the first time because Environment and Climate Change Canada (ECCC) lowered the threshold for GHG reporting for landfills to 10,000 tonnes and the Sechelt Landfill exceeds this revised threshold.

Figure 3 represents calculated emissions breakdown for 2017 for TSI, Transit Service and the Sechelt Landfill combined.



Reviewed by:			
Manager		Finance	
GM		Legislative	
CAO	X – J. Loveys	Other	

## SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

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**TO:** Planning and Community Development Committee – July 12, 2018

**AUTHOR:** Ian Hall, General Manager, Planning and Community Development

**SUBJECT:** CANNABIS LEGALIZATION – REGIONAL DISTRICT BYLAW COMPARISON

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### RECOMMENDATIONS

**THAT the report titled Cannabis Legalization – Regional District Bylaw Comparison be received for information.**

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### BACKGROUND

The SCRD Board adopted the following resolution on June 28, 2018:

202/18      **Recommendation No. 5**    *Cannabis – SCRD Land Use Regulations*

AND THAT the topic of Cannabis Land Use Regulations be added to the next available Committee meeting for discussion, along with information on the status of the Squamish Lillooet Regional District and Comox Valley Regional District bylaws including their rationale for pursuing the proposed amendments.

### DISCUSSION

Following the Board's direction, the status of the Squamish Lillooet Regional District (SLRD) and Comox Valley Regional District (CVRD) bylaws pertaining to cannabis regulations are provided in this report and enclosed as Attachment A and Attachment B.

#### Squamish Lillooet Regional District (Attachment A)

Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999, Amendment Bylaw No. 1544-2017, No. 1545-2017, No. 1546-2017 and No. 1547-2017 regarding Cannabis Regulations were adopted on May 23, 2018.

The bylaw:

- Unless otherwise expressly permitted prohibits cannabis retail in all zones including zones which broadly permit retail sales/stores or use, farm retail sales/retail sales of farm products, convenience store, or accessory retail use/auxiliary retail sales.
- Replaces former references to *medical marihuana production facility with cannabis production facility*.
- Defines cannabis as meaning cannabis as defined in the Cannabis Act
- Defines cannabis production facility as a premise used for cultivation, processing, testing, destroying, storing or distribution of cannabis authorized by a licence issued by Health Canada.

The SLRD approach to preparing for cannabis legalization, as described on the SLRD website, is as follows:

### ***PREPARING FOR CANNABIS LEGALIZATION***

*In order to be ready for cannabis legalization, the SLRD is taking the following steps to prepare:*

- 1. Update SLRD Electoral Area Zoning Bylaws – current proposed zoning amendments. The SLRD is taking an incremental approach to the regulation of cannabis in the Electoral Areas – maintaining the status quo for both retail and production while considering new uses through site-specific zoning amendment processes (once the Cannabis Act comes into effect).*
- 2. Seek Public Feedback – take the survey ([link](#)). And once the Cannabis Act comes into effect and the full framework for legalization is established, the SLRD will be exploring further community engagement opportunities.*
- 3. Develop and Implement Regulations - regulations will take into account public feedback and will be explored in depth following the legalization of cannabis (when the full Federal and Provincial regulatory framework is revealed).*

#### *Next Steps*

*(Once Cannabis Act comes into effect)*

- 1. Develop a public engagement and communication strategy for each of the four Electoral Areas to obtain community input and feedback regarding retail sales of cannabis.*
- 2. Potentially develop and implement zoning regulations, taking into account public feedback and cannabis legalization framework.*
- 3. Update the Electoral Area Official Community Plans; specifically, there is a medical marihuana production facility development permit area covering each Electoral Area.*
- 4. Continue to monitor, seek public feedback and revise regulations as necessary.*

### Comox Valley Regional District (Attachment B)

Comox Valley Regional District Bylaw No. 537, being the “Comox Valley Zoning Bylaw, 2005 Amendment No.74 to Prohibit Non-Medical Cannabis Retail and Production received First and Second Readings on June 5, 2018. A public hearing was held on June 28, 2018. Third and Final Reading of the bylaws are proposed at the July 24, 2018 CVRD Board Meeting. More information is found on the CVRD website ([link](#)).

The bylaw:

- Replaces, in definitions, medical marihuana with cannabis.
- Expands/redefines prohibition of medical marijuana production in all zones with prohibition of cannabis production and wholesale or retail sale of cannabis in all zones.

- States that as a use permitted on conditions: *“the establishment of medical marihuana production on ALR lands in relation to farming for consistency within the Agricultural Land Commission Act, its regulations and orders of the Commission must not be permitted unless by a rezoning of the land.”*
- Revises regulations related to medical cannabis production on ALR lands to state that it is not permitted unless by a Temporary Use Permit or rezoning of the land, in accordance with Official Community Plan policies.

The CVRD approach to preparing for cannabis legalization is as follows:

- Although the planning department is in the process of a comprehensive review of the Zoning Bylaw, the new Zoning Bylaw will not be in place by August 2018 and therefore there could be a window under which production and retail could lawfully be established (i.e., retail use, agricultural use).
- The proposed approach is a two-step process of precautionary zoning with the “door closed” until federal and provincial regulations are established, and then the Comox Valley Regional District (CVRD) can “open the door” to provide access in locations and to the degree that is acceptable to the community.
- To address implementation of cannabis legalization, staff recommend that the Zoning Bylaw be amended specifically to prohibit non-medical cannabis production and retail to prevent non-medical cannabis related uses from being established as a lawful use. Any location that is proposed for the production or retail sale of non-medical cannabis would require a rezoning or a Temporary Use Permit.

#### *Organizational and Intergovernmental Implications*

To be determined pending Committee discussion and Board direction.

#### *Consultation and Timeline for Next Steps*

To be determined pending Committee discussion and Board direction.

### **STRATEGIC PLAN AND RELATED POLICIES**

N/A

### **CONCLUSION**

Local governments are considering steps to address community needs and impacts related to the legalization of cannabis.

Examples of bylaw amendments from SLRD and CVRD are provided for Committee information.

Staff continue to monitor the regulatory framework associated with cannabis legalization and will provide further updates as federal and provincial decisions are made.

Attachments:

Attachment A - Squamish Lillooet Regional District Zoning Amendment Bylaw No. 1544-2017, No. 1545-2017, No. 1546-2017 and No. 1547-2017 – Cannabis Regulations Third Reading and Adoption

Attachment B - Comox Valley Regional District Staff Report – Zoning Bylaw Amendment to Prohibit Non-Medical Cannabis Retail and Production, May 8, 2018

Reviewed by:			
Manager		Finance	
GM		Legislative	
CAO	X – J. Loveys	Human Resources	





## **REQUEST FOR DECISION**

Zoning Amendment Bylaw No. 1544-2017, No. 1545-2017,  
No. 1546-2017 and No. 1547-2017 – Cannabis Regulations  
Third Reading and Adoption

**Meeting Date:** May 24, 2018

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**To:** SLRD Board

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### **RECOMMENDATIONS:**

THAT Bylaw No. 1544-2017, cited as "Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999, Amendment Bylaw No. 1544-2017" be read a third time.

THAT Bylaw No. 1545-2017, cited as "Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013, Amendment Bylaw No. 1545-2017" be read a third time.

THAT Bylaw No. 1546-2017, cited as "Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1546-2017" be read a third time.

THAT Bylaw No. 1547-2017, cited as "Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016, Amendment Bylaw No. 1547-2017" be read a third time.

THAT Bylaw No. 1544-2017, cited as "Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999, Amendment Bylaw No. 1544-2017" be adopted.

THAT Bylaw No. 1545-2017, cited as "Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013, Amendment Bylaw No. 1545-2017" be adopted.

THAT Bylaw No. 1546-2017, cited as "Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1546-2017" be adopted.

THAT Bylaw No. 1547-2017, cited as "Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016, Amendment Bylaw No. 1547-2017" be adopted.

### **KEY ISSUES/CONCEPTS:**

The Board made the following resolutions at its April 18, 2018 Board meeting:

*THAT first reading of Bylaw No. 1544-2017, cited as "Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999, Amendment Bylaw No. 1544-2017" be rescinded.*

*THAT first reading of Bylaw No. 1545-2017, cited as “Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013, Amendment Bylaw No. 1545-2017” be rescinded.*

*THAT first reading of Bylaw No. 1546-2017, cited as “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1546-2017” be rescinded.*

*THAT first reading of Bylaw No. 1547-2017, cited as “Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016, Amendment Bylaw No. 1547-2017” be rescinded.*

*THAT Bylaw No. 1544-2017, cited as “Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999, Amendment Bylaw No. 1544-2017” be read a first and second time.*

*THAT Bylaw No. 1545-2017, cited as “Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013, Amendment Bylaw No. 1545-2017” be read a first and second time.*

*THAT Bylaw No. 1546-2017, cited as “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1546-2017” be read a first and second time.*

*THAT Bylaw No. 1547-2017, cited as “Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016, Amendment Bylaw No. 1547-2017” be read a first and second time.*

*THAT pursuant to section 464 of the Local Government Act, the public hearing regarding the following bylaws be waived:*

- *Bylaw No. 1544-2017, cited as “Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999, Amendment Bylaw No. 1544-2017”,*
- *Bylaw No. 1545-2017, cited as “Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013, Amendment Bylaw No. 1545-2017”,*
- *Bylaw No. 1546-2017, cited as “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1546-2017”, and*
- *Bylaw No. 1547-2017, cited as “Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016, Amendment Bylaw No. 1547-2017”.*

*THAT notice of the waiver of the public hearing regarding the following bylaws be given in accordance with section 467 of the Local Government Act:*

- *Bylaw No. 1544-2017, cited as “Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999, Amendment Bylaw No. 1544-2017”,*
- *Bylaw No. 1545-2017, cited as “Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013, Amendment Bylaw No. 1545-2017”,*
- *Bylaw No. 1546-2017, cited as “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1546-2017”, and*
- *Bylaw No. 1547-2017, cited as “Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016, Amendment Bylaw No. 1547-2017”.*

*THAT SLRD staff develop a public engagement and communication strategy for each of the four Electoral Areas to obtain community input and feedback regarding retail sales of cannabis (once legalized).*

### Notice of Waiving of Public Hearings

Notice was provided in the Squamish Chief, Pique Newsmagazine (May 10<sup>th</sup> and 17 editions) and Lillooet News (May 9<sup>th</sup> and 16<sup>th</sup> editions). The opportunity to present written submission was highlighted on the SLRD website and social media.

### Information Referrals

Information referrals were provided to member municipalities and First Nations as an “FYI” to our neighbouring jurisdictions to communicate how the SLRD is preparing for the federal legalization of cannabis.

### Public Survey

A public survey is open seeking feedback from the public on the areas that local government can regulate (retail outlets, public consumption, and personal cultivation). Input will help the SLRD develop and implement regulations (following the legalization of cannabis) to best meet the communities’ desires and also achieve objectives established by the federal and provincial governments. The online survey is linked here: [www.slrd.bc.ca/CannabisRegulations](http://www.slrd.bc.ca/CannabisRegulations)

### Social Media

Notice of the Waiving of the Public Hearings and opportunity for Public Feedback on SLRD cannabis regulations was communicated through SLRD Facebook and Twitter platforms.

## **RELEVANT POLICIES:**

Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999  
Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013  
Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002  
Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016

## **BACKGROUND:**

In April 2017, the Government of Canada introduced Bill C-45 (the *Cannabis Act*) and Bill C-46 (the Act to amend the *Criminal Code*) with plans to make non-medical cannabis legal in Canada by July 2018. The *Cannabis Act* is currently sitting at second reading, with June 7 the deadline for the Senate to pass the legislation, as agreed upon by the Senate leaders and government. While the proposed *Cannabis Act* provides an overall framework for cannabis legalization and regulation, it also provides authorities for all levels of government. Generally, the *Cannabis Act* provides authority for the Federal government to regulate commercial cultivation, processing, and sales (by phone or online), with Federal licences required for these activities. Provincial governments will have authority to establish age limit, distribution and retail models, among others. Local governments will have authority to regulate certain aspects like retail location and rules, regulatory compliance, public consumption, and land use/zoning. As such, local governments are preparing for cannabis legalization through regulatory updates.

A key concern is the potential for legal non-conformity or “grandfathering” (as per section 528 of the *Local Government Act*) of cannabis retail operations. To address this concern, the proposed zoning amendments would prohibit cannabis retail in the SLRD Electoral Areas now, ahead of the Federal and Provincial changes thereby ensuring that potential cannabis retail/sales

operations do not have an argument for legal non-conformity. It should be recognized that as the SLRD does not have the authority to issue business licences, zoning is the only authority the SLRD can exercise to regulate where and how cannabis is sold. The subject zoning amendments also propose new definitions and seek to clarify existing cannabis production (cultivation/processing) regulations.

## ANALYSIS:

### Summary of Proposed Amendments:

- Exclude the sale of cannabis as a part of retail uses (currently permitted in commercial zones, some industrial zones, and under some home business/home craft provisions) by prohibiting *cannabis retail* in the Electoral Area zoning bylaws. This will address concerns about legal non-conformity and will compel any prospective cannabis retail sales outlets to apply for a rezoning, thus allowing for public input and Board decision-making. It also acknowledges that regional districts have a more limited authority to regulate compared to municipalities which have broader authority under the Community Charter and powers such as business licensing.
- Replace all references to *medical marihuana production facility* with *cannabis production facility*. The *Cannabis Act* and subsequent Federal licences for cultivation and processing (production) will not distinguish between medical cannabis production and non-medical/recreational cannabis production. This will mean that in the SLRD cannabis production will be permitted as per the current *medical marihuana production facility* zoning regulations, which went through an extensive public process. Additionally, it should be noted that the *Marihuana for Medical Purposes Regulations* (MMPR) are no longer in effect.
- Add definition of cannabis, cannabis retail, and cannabis production facility.

See Appendices B, C, D, and E for the full proposed zoning amendments.

### SLRD Approach

The following has been communicated as the SLRD approach to preparing for cannabis legalization.

## PREPARING FOR CANNABIS LEGALIZATION

In order to be ready for cannabis legalization, the SLRD is taking the following steps to prepare:

1. Update SLRD Electoral Area Zoning Bylaws – current proposed zoning amendments. The SLRD is taking an incremental approach to the regulation of cannabis in the Electoral Areas – maintaining the status quo for both retail and production while considering new uses through site-specific zoning amendment processes (once the Cannabis Act comes into effect).
2. Seek Public Feedback – take the survey (linked above)! And once the *Cannabis Act* comes into effect and the full framework for legalization is established, the SLRD will be exploring further community engagement opportunities.
3. Develop and Implement Regulations - regulations will take into account public feedback and will be explored in depth following the legalization of cannabis (when the full Federal and Provincial regulatory framework is revealed).

### Next Steps

(Once Cannabis Act comes into effect)

1. Develop a public engagement and communication strategy for each of the four Electoral Areas to obtain community input and feedback regarding retail sales of cannabis.
2. Potentially develop and implement zoning regulations, taking into account public feedback and cannabis legalization framework.
3. Update the Electoral Area Official Community Plans; specifically, there is a medical marihuana production facility development permit area covering each Electoral Area.
4. Continue to monitor, seek public feedback and revise regulations as necessary.

### **REGIONAL IMPACT ANALYSIS:**

Cannabis legalization and regulation will have impacts across the regional district, though impacts and concerns may vary between urban and rural/remote areas. Authorities also vary between municipalities and regional districts. As such, the SLRD approach may differ from that of some of the member municipalities.

### **OPTIONS:**

#### Option 1

Give third reading and adopt “Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999, Amendment Bylaw No. 1544-2017”.

Give third reading and adopt “Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013, Amendment Bylaw No. 1545-2017”.

Give third reading and adopt “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1546-2017”.

Give third reading and adopt “Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016, Amendment Bylaw No. 1547-2017”.

#### Option 2

Do not give third reading or adoption of “Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999, Amendment Bylaw No. 1544-2017” and refer back to staff for clarification or revision.

Do not give third reading or adoption of “Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013, Amendment Bylaw No. 1545-2017” and refer back to staff for clarification or revision.

Do not give third reading or adoption of “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1546-2017” and refer back to staff for clarification or revision.

Do not give third reading or adoption of “Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016, Amendment Bylaw No. 1547-2017” and refer back to staff for clarification or revision.

Option 3

As per Board direction.

Preferred Option

Option 1

**APPENDICES:**

Appendix A: Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999, Amendment Bylaw No. 1544-2017

Appendix B: Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013, Amendment Bylaw No. 1545-2017

Appendix C: Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1546-2017

Appendix D: Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016, Amendment Bylaw No. 1547-2017

Submitted by: C. Daniels, Planner

Reviewed and Approved by: L. Flynn, Chief Administrative Officer



SQUAMISH-LILLOOET REGIONAL DISTRICT  
BYLAW NO. 1544-2017

A bylaw of the Squamish-Lillooet Regional District to amend the Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999 (Electoral Area A)

**WHEREAS** the Board of the Squamish-Lillooet Regional District wishes to amend Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999;

**NOW THEREFORE**, the Regional Board of the Squamish-Lillooet Regional District, in open meeting assembled, enacts as follows:

1. This bylaw may be cited for all purposes as “Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999, Amendment Bylaw No. 1544-2017”.
2. Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999 is amended by inserting a new section 4.16 into Section 4 General Regulations as follows:

**Cannabis Retail**

4.16 Unless expressly permitted in this bylaw, *cannabis retail* is prohibited in all zones including zones which broadly permit retail sales/stores or use, farm retail sales/retail sales of farm products, convenience store, or accessory retail use/auxiliary retail sales.

- (a) By replacing all references to *medical marihuana production facility* with *cannabis production facility*.
- (b) By deleting the term and definition “*medical marihuana production facility*” from Section 1 Definitions.
- (c) By adding new terms and definitions to Section 1 Definitions in alphabetical order, as follows:

**CANNABIS** means cannabis as defined in the *Cannabis Act*.

**CANNABIS RETAIL** means the sale of cannabis.

**CANNABIS PRODUCTION FACILITY** means a premise used for cultivation, processing, testing, destroying, storing or distribution of cannabis authorized by a licence issued by Health Canada.

READ A FIRST TIME this	20 <sup>th</sup> day of	SEPTEMBER, 2017.
FIRST READING RESCINDED this	18 <sup>th</sup> day of	APRIL, 2018.
READ A FIRST TIME, as amended, this	18 <sup>th</sup> day of	APRIL, 2018.
READ A SECOND TIME this	18 <sup>th</sup> day of	APRIL, 2018.
PUBLIC HEARING WAIVED on the	18 <sup>th</sup> day of	APRIL, 2018.
READ A THIRD TIME this	23 <sup>rd</sup> day of	MAY, 2018.
ADOPTED this	23 <sup>rd</sup> day of	MAY, 2018.

Jack Crompton  
Chair

Kristen Clark  
Corporate Officer



**SQUAMISH-LILLOOET REGIONAL DISTRICT  
BYLAW NO. 1545-2017**

A bylaw of the Squamish-Lillooet Regional District to amend the Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013

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**WHEREAS** the Board of the Squamish-Lillooet Regional District wishes to amend Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013;

**NOW THEREFORE**, the Regional Board of the Squamish-Lillooet Regional District, in open meeting assembled, enacts as follows:

1. This bylaw may be cited for all purposes as “Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013, Amendment Bylaw No. 1545-2017”.
2. Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013 is amended by inserting a new section 4.16 into Section 4 General Regulations as follows:

**Cannabis Retail**

4.16 Unless expressly permitted in this Bylaw, *cannabis retail* is prohibited in all zones including zones which broadly permit retail sales/stores or use, farm retail sales/retail sales of farm products, convenience store, or accessory retail use/auxiliary retail sales.

- (a) By replacing all references to *medical marihuana production facility* with *cannabis production facility*.
- (b) By deleting the term and definition “*medical marihuana production facility*” from Section 1 Definitions.
- (c) By adding new terms and definitions to Section 1 Definitions in alphabetical order, as follows:

**CANNABIS** means cannabis as defined in the *Cannabis Act*.

**CANNABIS RETAIL** means the sale of cannabis.

**CANNABIS PRODUCTION FACILITY** means a premise used for cultivation, processing, testing, destroying, storing or distribution of cannabis authorized by a licence issued by Health Canada.

READ A FIRST TIME this	20 <sup>th</sup> day of	SEPTEMBER, 2017.
FIRST READING RESCINDED this	18 <sup>th</sup> day of	APRIL, 2018.
READ A FIRST TIME, as amended, this	18 <sup>th</sup> day of	APRIL, 2018.
READ A SECOND TIME this	18 <sup>th</sup> day of	APRIL, 2018.
PUBLIC HEARING WAIVED on the	18 <sup>th</sup> day of	APRIL, 2018.
READ A THIRD TIME this	23 <sup>rd</sup> day of	MAY, 2018.
ADOPTED this	23 <sup>rd</sup> day of	MAY, 2018.

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Jack Crompton  
Chair

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Kristen Clark  
Corporate Officer

**SQUAMISH-LILLOOET REGIONAL DISTRICT  
BYLAW NO. 1546-2017**

A bylaw of the Squamish-Lillooet Regional District to amend the Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002

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**WHEREAS** the Board of the Squamish-Lillooet Regional District wishes to amend Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002;

**NOW THEREFORE**, the Regional Board of the Squamish-Lillooet Regional District, in open meeting assembled, enacts as follows:

1. This bylaw may be cited for all purposes as “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1546-2017”.
2. Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002 is amended by inserting a new section 4.26 into Part 4 General Zoning Provisions and Regulations as follows:

**Cannabis Retail**

4.26 Unless expressly permitted in this Bylaw, *cannabis retail* is prohibited in all zones including zones which broadly permit retail sales/stores or use, farm retail sales/retail sales of farm products, convenience store, or accessory retail use/auxiliary retail sales.

- (a) By replacing all references to *medical marihuana production facility* with *cannabis production facility*.
- (b) By deleting the term and definition “*medical marihuana production facility*” from Part 1 Interpretation.
- (c) By adding new terms and definitions to Part 1 Interpretation in alphabetical order, as follows:

**CANNABIS** means cannabis as defined in the *Cannabis Act*.

**CANNABIS RETAIL** means the sale of cannabis.

**CANNABIS PRODUCTION FACILITY** means a premise used for cultivation, processing, testing, destroying, storing or distribution of cannabis authorized by a licence issued by Health Canada.

READ A FIRST TIME this	20 <sup>th</sup> day of	SEPTEMBER, 2017.
FIRST READING RESCINDED this	18 <sup>th</sup> day of	APRIL, 2018.
READ A FIRST TIME, as amended, this	18 <sup>th</sup> day of	APRIL, 2018.
READ A SECOND TIME this	18 <sup>th</sup> day of	APRIL, 2018.
PUBLIC HEARING WAIVED on the	18 <sup>th</sup> day of	APRIL, 2018.
READ A THIRD TIME this	23 <sup>rd</sup> day of	MAY, 2018.
ADOPTED this	23 <sup>rd</sup> day of	MAY, 2018.

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Jack Crompton  
Chair

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Kristen Clark  
Corporate Officer

**SQUAMISH-LILLOOET REGIONAL DISTRICT  
BYLAW NO. 1547-2017**

A bylaw of the Squamish-Lillooet Regional District to amend the Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016

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**WHEREAS** the Board of the Squamish-Lillooet Regional District wishes to amend Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016;

**NOW THEREFORE**, the Regional Board of the Squamish-Lillooet Regional District, in open meeting assembled, enacts as follows:

1. This bylaw may be cited for all purposes as “Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016, Amendment Bylaw No. 1547-2017”.
2. Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016 is amended by inserting a new section 4.24 into Section 4 General Regulations as follows:

**Cannabis Retail**

4.24 Unless expressly permitted in this Bylaw, *cannabis retail* is prohibited in all zones including zones which broadly permit retail sales/stores or use, farm retail sales/retail sales of farm products, convenience store, or accessory retail use/auxiliary retail sales.

- (a) By replacing all references to *medical marihuana production facility* with *cannabis production facility*.
- (b) By deleting the term and definition “*medical marihuana production facility*” from Section 1 Definitions.
- (c) By adding new terms and definitions to Section 1 Definitions in alphabetical order, as follows:

**CANNABIS** means cannabis as defined in the *Cannabis Act*.

**CANNABIS RETAIL** means the sale of cannabis.

**CANNABIS PRODUCTION FACILITY** means a premise used for cultivation, processing, testing, destroying, storing or distribution of cannabis authorized by a licence issued by Health Canada.

READ A FIRST TIME this	20 <sup>th</sup> day of	SEPTEMBER, 2017.
FIRST READING RESCINDED this	18 <sup>th</sup> day of	APRIL, 2018.
READ A FIRST TIME, as amended, this	18 <sup>th</sup> day of	APRIL, 2018.
READ A SECOND TIME this	18 <sup>th</sup> day of	APRIL, 2018.
PUBLIC HEARING WAIVED on the	18 <sup>th</sup> day of	APRIL, 2018.
READ A THIRD TIME this	23 <sup>rd</sup> day of	MAY, 2018.
ADOPTED this	23 <sup>rd</sup> day of	MAY, 2018.

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Jack Crompton  
Chair

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Kristen Clark  
Corporate Officer

**DATE:** May 8, 2018**FILE:** 3360-20 / RZ 1CV 18**TO:** Chair and Directors  
Electoral Areas Services Committee**FROM:** James Warren  
Acting Chief Administrative OfficerSupported by James Warren  
Acting Chief Administrative Officer**J. Warren****RE: Zoning Bylaw Amendment to Prohibit Non-Medical Cannabis Retail and Production****Purpose**

To recommend an amendment to the Zoning Bylaw that would prohibit the production and distribution of non-medical cannabis in anticipation of federal legalization.

**Recommendations from the Chief Administrative Officer:**

1. THAT the board endorse the external agency referral list outlined in Appendix A;  
  
AND THAT the board give first and second readings of Bylaw No. 537, being the “Comox Valley Zoning Bylaw, 2005, Amendment No. 74”, Appendix B attached to staff report dated May 8, 2018, which proposes an amendment to the Zoning Bylaw to address implementation of the legalization of cannabis;
2. THAT staff report back to the Electoral Areas Services Committee with a fulsome analysis of options regarding regulations once the *Cannabis Act* and related regulations have been approved and made available to the public.

**Executive Summary**

- The federal government is in the process of passing legislation to legalize non-medical cannabis through the *Cannabis Act* anticipated in August 2018. The focus is on the legalization of non-medical cannabis activities including production, distribution and consumption.
- Medical cannabis will still be regulated separately under the existing *Access to Cannabis for Medical Purposes Regulation* (ACMPR), which may be revisited once the *Cannabis Act* has become law.
- On April 26, 2018, the province introduced cannabis legislation that lays out the regulatory framework for implementation of legalized cannabis in BC:
  - BC’s *Cannabis Distribution Act* (Bill 31-2018) will establish BC’s jurisdiction over wholesale distribution of cannabis and provide authority for government-run retail sales.
  - BC’s *Cannabis Control and Licensing Act* (Bill 30-2018) will establish licensing of private retailers, and restrictions on the possession, personal cultivation and consumption of cannabis by adults and prohibitions of minors.
- Although the planning department is in the process of a comprehensive review of the Zoning Bylaw, the new Zoning Bylaw will not be in place by August 2018 and therefore there could be a window under which production and retail could lawfully be established (i.e., retail use, agricultural use).

- The proposed approach is a two-step process of precautionary zoning with the “door closed” until federal and provincial regulations are established, and then the Comox Valley Regional District (CVRD) can “open the door” to provide access in locations and to the degree that is acceptable to the community.
- To address implementation of cannabis legalization, staff recommend that the Zoning Bylaw be amended specifically to prohibit non-medical cannabis production and retail to prevent non-medical cannabis related uses from being established as a lawful use. Any location that is proposed for the production or retail sale of non-medical cannabis would require a rezoning or a Temporary Use Permit.

Prepared by:

Concurrence:

**R. Holme****A. Mullaly**


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 Robyn Holme, MCIP, RPP  
 Long Range Planner

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 Alana Mullaly, M.Pl., MCIP, RPP  
 Acting General Manager of Planning and  
 Development Services Branch
**Stakeholder Distribution (Upon Agenda Publication)**

None	
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**Background/Current Situation**

The federal government is in the process of adopting the *Cannabis Act* (Bill C-45) and related impaired driving amendments to the *Criminal Code* (Bill C-46). These new regulations focus on the legalization of non-medical cannabis activities including production, distribution and consumption.

Under the proposed federal framework the provinces have some flexibility around the legalization of non-medical cannabis. To this end, B.C. has introduced two bills, currently at first reading. The bills include direction on home cultivation limits, possession limits and public space consumption. Further, the bills include direction on the proposed public retail model and indicate that local governments will be authorized to prohibit non-medical cannabis uses, or to supplement regulations should they choose.

Despite the information the province has provided in relation to the intended approach for the implementation of legalized non-medical cannabis, the provincial legislation has not been approved. As changes may arise as the two implementing bills move through the house, the specifics of the regulatory framework that local government will be working within remain relatively unclear.

**Medical Marihuana Regulatory Framework**

Medical cannabis will still be federally regulated separately under the existing ACMPR. The CVRD Rural Official Community Plan (OCP) and Zoning Bylaw regulate medical cannabis; no changes are proposed to the OCP framework at this time. Presently, production of medical marihuana requires a site-specific zoning amendment and can proceed without an amendment to the OCP if the proposed location is in either the Agricultural or Resource designation. Staff is not proposing any change to the fundamentals of this framework.

### Non-Medical Cannabis Local Government Regulatory Framework

Generally, legal counsel has recommended that local governments initially establish a zoning bylaw prohibition of cannabis retail and production and then take time to work with their respective communities to establish a locally appropriate regulatory framework.

Prohibiting cannabis related uses prior to legalization of non-medical cannabis will ensure no potentially unwanted or inappropriate uses are established in the electoral areas. Given that the provincial bills were granted first reading on April 26, 2018 (and not made publically available prior to that date), staff recommend implementing interim zoning regulations to prohibit all non-medical cannabis related uses. This will allow sufficient time to review the provincial legislation (once approved), consult with citizens, stakeholders, external agencies and First Nations and develop CVRD appropriate changes to the Zoning Bylaw and other related bylaws, if necessary.

The proposed amendment to the Zoning Bylaw will be sufficient to prohibit the growing, cultivation, production, processing, storage and sale of non-medical cannabis in the electoral areas.

### Next Steps

An inter-departmental working group of staff in planning and development, bylaw compliance, community services branch, human resources and communications will be established to review the legislative framework and assess options for the CVRD. The working group will bring forward an implementation strategy with recommendations to the executive management team in June to receive further direction. Staff will report back to the Electoral Areas Services Committee (EASC) with a fulsome analysis of options regarding regulations once the *Cannabis Act* and provincial legislation are in place.

### **Policy Analysis**

Part 14 of the *Local Government Act* (RSBC, 2015, c. 1) (LGA) provides the framework for local government authority over planning and land use management.

### **Options**

The board may:

1. Authorize external agency referrals; grant first and second reading of the proposed Zoning Bylaw amendment; direct staff to report back to EASC with a fulsome analysis of options regarding regulations once the *Cannabis Act* and related regulations have been approved and made available to the public.
2. Maintain the status quo.

Staff recommends Option 1, as the proposed Zoning Bylaw amendment responds to legal advice, and mitigates potential risk related to not having regulations in place (i.e. establishment of lawful non-conforming uses).

### **Financial Factors**

There are no immediate financial implications associated with this report. The Zoning Bylaw amendment was prepared in house by staff. The CVRD will bear the expenses of staff time, newspaper advertisements and costs related to a public hearing.

### **Legal Factors**

The content of the proposed amendment has been reviewed by counsel as part of the comprehensive Zoning Bylaw review.

**Regional Growth Strategy Implications**

There are no directly related Regional Growth Strategy implications related to staff's proposed approach.

**Intergovernmental Factors**

The proposed two-step process of precautionary zoning with the “door closed” until federal and provincial regulations are established, and then a community-driven “opening of the door” to provide access in locations and to the degree that is acceptable to the community is akin to the approach that the Town of Comox has recently undertaken.

The City of Courtenay is in the process of reviewing options and may bring forward changes to their Zoning Bylaw later this spring. The Village of Cumberland already put a regulatory framework in place in 2016 to prohibit non-medical and medical cannabis retail use.

Appendix A contains a list of the external agencies to which the proposed Zoning Bylaw amendment be forwarded. The Zoning Bylaw amendment will also be referred to First Nations in accordance with the Referrals Management Program.

**Interdepartmental Involvement**

Planning staff have consulted with various CVRD departments including community parks, recreation services, communications, bylaw compliance and human resources. Departmental comments have been included in this report.

**Citizen/Public Relations**

The proposed bylaw amendment will be forwarded to Electoral Area A, B and C Advisory Planning Commissions (APC) and the Agricultural APC for comment. Public consultation will be undertaken in accordance with the LGA. If the board concurs with staff's recommendation to proceed to public hearing, staff will aim to schedule a hearing date in early July. This would enable the board to consider bylaw adoption prior to the anticipated August approval of the federal *Cannabis Act*.

Attachments: Appendix A – “External Agency Referral List”  
Appendix B – “Bylaw No. 537”



## Agency and First Nations Referral List

- ☒ The following agencies will receive a referral of the proposed Development Permit Area amendments.

### First Nations

<input checked="" type="checkbox"/>	K'ómoks First Nation	<input checked="" type="checkbox"/>	Homalco Indian Band
<input checked="" type="checkbox"/>	We Wai Kai Nation of the Laich-Kwil-Tach Treaty Society	<input checked="" type="checkbox"/>	Wei Wai Kum / Kwiakah First Nation of the Kwiakah Treaty Society

### Federal Departments and Agencies

<input type="checkbox"/>	Canadian Coast Guard	<input type="checkbox"/>	Public Works and Government Services Canada
<input type="checkbox"/>	Department of National Defence (CFB Comox)	<input checked="" type="checkbox"/>	RCMP
<input type="checkbox"/>	Fisheries and Oceans Canada	<input type="checkbox"/>	Transport Canada Navigable Waters
<input type="checkbox"/>	Indian and Northern Affairs Canada		

### Provincial Ministries and Agencies

<input checked="" type="checkbox"/>	Agricultural Land Commission	<input type="checkbox"/>	Ministry of Municipal Affairs & Housing
<input type="checkbox"/>	BC Assessment	<input type="checkbox"/>	Ministry of Forests, Lands and Natural Resource Operations & Rural Development
<input type="checkbox"/>	BC Parks	<input type="checkbox"/>	Ministry of Energy and Mines
<input type="checkbox"/>	BC Ferry Services Inc.	<input type="checkbox"/>	Ministry of Environment & Climate Change Strategy
<input type="checkbox"/>	BC Transit	<input type="checkbox"/>	Ministry of Tourism, Arts and Culture
<input type="checkbox"/>	Ministry of Indigenous Relations & Reconciliation	<input type="checkbox"/>	Ministry of Transportation and Infrastructure
<input checked="" type="checkbox"/>	Ministry of Agriculture	<input type="checkbox"/>	Ministry of Forests, Lands and Natural Resource Operations BC Wildfire Services

**Local Government**

<input type="checkbox"/>	Comox (Town of)	<input type="checkbox"/>	Alberni-Clayoquot Regional District
<input type="checkbox"/>	Courtenay (City of)	<input type="checkbox"/>	Strathcona Regional District
<input type="checkbox"/>	Cumberland (Village of)	<input type="checkbox"/>	Regional District of Mount Waddington
<input type="checkbox"/>	Islands Trust	<input type="checkbox"/>	Regional District of Nanaimo

**Other**

<input checked="" type="checkbox"/>	Agricultural Advisory Planning Commission	<input type="checkbox"/>	Comox Valley Economic Development Society
<input type="checkbox"/>	School District No. 71 (Comox Valley)	<input checked="" type="checkbox"/>	Vancouver Island Health Authority (Environmental Health)
<input checked="" type="checkbox"/>	Advisory Planning Commission B Lazo North	<input type="checkbox"/>	Union Bay Improvement District
<input checked="" type="checkbox"/>	Advisory Planning Commission C Puntledge-Black Creek	<input checked="" type="checkbox"/>	Advisory Planning Commission A Baynes Sound – Denman/Hornby Islands

Bylaw No. 537  
Comox Valley Regional District

## STATUS

Title: Comox Valley Zoning Bylaw, 2005, Amendment No. 74

Applicant: Comox Valley Regional District

Electoral Area: Electoral Area A, B and C

File No.: 3360-20 / RZ 1CV 18

Purpose: To amend Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005”, to prohibit the production and distribution of non-medical cannabis

Participants: All Electoral Areas



Application Received:	<b>Date:</b>	
Electoral Areas Services Committee:	<b>Date:</b> <b>Recommendation:</b>	
Comox Valley Regional District Board:	<b>Date:</b> <b>Decision:</b>	
Comox Valley Regional District Board	<b>Date:</b> <b>Decision:</b>	
Public hearing:	<b>Date:</b>	
Comox Valley Regional District Board:	<b>Date:</b> <b>Decision:</b>	
Ministry of Transportation and Infrastructure	<b>Required:</b> <b>Date Sent:</b> <b>Date Approved:</b>	No
Comox Valley Regional District Board: Decision:	<b>Date:</b>	

**Comox Valley Regional District**  
**Bylaw No. 537**

**A Bylaw to Amend the “Comox Valley Zoning Bylaw, 2005”  
being Bylaw No. 2781**

The board of the Comox Valley Regional District, in open meeting assembled, enacts the following amendments to the “Comox Valley Zoning Bylaw, 2005,” being Bylaw No. 2781:

**Section One Text Amendment**

- 1) Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005,” is hereby amended as set out in Schedule A attached to and forming part of this bylaw.

**Section Two Title**

- 1) This Bylaw No. 537 may be cited as the “Comox Valley Zoning Bylaw, 2005, Amendment No. 74”

<b>Read a first time this</b>	<b>day of</b>	<b>201X.</b>
<b>Read a second time this</b>	<b>day of</b>	<b>201X.</b>
<b>Public hearing held this</b>	<b>day of</b>	<b>201X.</b>
<b>Read a third time this</b>	<b>day of</b>	<b>201X.</b>

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 537, being the “Comox Valley Zoning Bylaw, 2005, Amendment No. 74,” as read a third time by the board of the Comox Valley Regional District on the XX day of XX 20XX.

\_\_\_\_\_  
Corporate Legislative Officer

**Approved by the Ministry of Transportation and  
Infrastructure this**

**day of** **201X.**

**Adopted this**

**day of** **201X.**

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Corporate Legislative Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 537, being the “Comox Valley Zoning Bylaw, 2005, Amendment No. 74,” as adopted by the board of the Comox Valley Regional District on the XX day of XX 20XX.

\_\_\_\_\_  
Corporate Legislative Officer

## Schedule A

### Section One Text Amendments

- 1) Part 200, “Interpretation”, is hereby amended by deleting the definitions of “Medical marihuana production”, “Retail”, “Wholesale”, “Agricultural Use”, “Agricultural Products” and inserting the following new definitions in alphabetical order:

***“Agricultural use”***

Means the use of land, buildings or structures for the growing, rearing, producing, harvesting, packing, storing and wholesaling of agricultural crops or raising livestock; includes processing crops grown on the land, the storage and repair of farm machinery and implements of husbandry used on that farm, and the storage, sale and processing of agricultural products harvested, reared or produced by the agricultural use. For the purpose of this Bylaw, Agriculture also includes apiculture and aquaculture, but specifically excludes intensive agriculture and cannabis production.

***“Cannabis”***

Has the same meaning as in the *Cannabis Act* (Canada), subject to any prescribed modifications.

***“Cannabis production”***

Means the commercial production, cultivation, synthesis, harvesting, altering, propagating, processing, packaging, storing and distribution of plants or scientific research of cannabis or cannabis products under the *Cannabis Act*.

***“Cannabis production (medical)”***

Means the commercial production, cultivation, synthesis, harvesting, altering, propagating, processing, packaging, storing and distribution of plants or scientific research of cannabis or cannabis products for medicinal purposes in accordance with a license issued by Health Canada under the *Access to Cannabis for Medical Purposes Regulation* (ACMPR).

***“Plant nursery and greenhouse”***

Means the use of land or buildings for growing, cultivating, harvesting, storing and sale of flowers, trees, bushes, bedding plants, and may include the sale of related gardening products and materials but specifically excludes cannabis production.

**“Retail sales”**

Means the sale of goods to the general public and the accessory maintenance and repair of goods sold, but excludes vehicular fuels and cannabis.

**“Wholesale”**

Means establishments or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies and includes the maintenance and repair of such goods that are sold, but excludes the wholesale distribution of cannabis.”

- 2) Part 302(2) “Uses Prohibited In All Zones” be amended by deleting:

“x) Medical marihuana production, or any component thereof, except as expressly permitted elsewhere in this bylaw”

and replacing it with the following text:

“x) Cannabis production, or any component thereof.

xi) Wholesale or retail sale of cannabis.”

- 3) Part 303 (3) (viii) “Uses Permitted on Conditions” be amended as follows:

**“viii) Cannabis Production (medical)**

The establishment of medical marihuana production on ALR lands in relation to farming for consistency within the *Agricultural Land Commission Act*, its regulations and orders of the Commission must not be permitted unless by a rezoning of the land.”

- 4) Part 303 (2) “Farm Use Regulations” be amended by inserting the following new text after Part 303(2)(iv):

**“v) Cannabis Production (Medical)**

The establishment of cannabis production (medical) on ALR lands in relation to farming for consistency within the *Agricultural Land Commission Act*, its regulations and orders of the Commission must not be permitted unless by a rezoning of the land.”

- 5) Part 304 “Home Occupations”, Part 306 “Domestic Business”, and Part 307 “Domestic Industrial Use” be amended by replacing all instances of “medical marihuana” with “cannabis.”

- 6) Part 300 “General Regulations” be amended by deleting:

**“316 Medical Marihuana Production**

1. The establishment of medical marihuana production, or any component thereof, on non-ALR lands must not be permitted unless by a rezoning of the land, in accordance with official community plan policies”

and inserting the following:

**“316 Cannabis Production (Medical)**

1. The establishment of cannabis production, or any component thereof, on non-ALR lands must not be permitted unless by a Temporary Use Permit or rezoning of the land, in accordance with Official Community Plan policies”.



**SUNSHINE COAST REGIONAL DISTRICT****AREA A - EGMONT/PENDER HARBOUR  
ADVISORY PLANNING COMMISSION****June 27, 2018**


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RECOMMENDATIONS FROM THE AREA 'A' ADVISORY PLANNING COMMISSION MEETING  
HELD AT THE PENDER HARBOUR SATELLITE OFFICE, 12828 LAGOON ROAD, MADEIRA  
PARK, BC

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<b>PRESENT:</b>	Chair	Alan Skelley
	Vice Chair	Janet Dickin
	Members	Alex Thomson Sean McAllister Gordon Littlejohn Dennis Burnham
<b>ALSO PRESENT:</b>	Area A Director	Frank Mauro
	Senior Planner	David Rafael
	Recording Secretary	Kelly Kammerle
	Public	3
<b>REGRETS:</b>		Jane McOuat
		Catherine McEachern
		Gordon Politeski
		Peter Robson
		Tom Silvey
		Yovhan Burega

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**CALL TO ORDER** 7:00 p.m.

**AGENDA** The agenda was adopted as presented.

**DELEGATIONS**

David Richards, Development Variance Permit Application DVP00036  
Kris Sneddon & Paul Toszczak, Provincial Referral 102649829-002 Sunshine Coast Mountain  
Adventure  
David Rafael, Senior Planner – Revised OCP Amendments – Densification Strategies to  
Support Affordable Housing – Considerations for Second Reading

## MINUTES

### 3.1 Area A Minutes

The Area A APC minutes of May 30, 2018 were approved as circulated.

The following minutes were received for information:

- Halfmoon Bay (Area B) APC Minutes of May 22, 2018
- Roberts Creek (Area D) APC Minutes of May 14, 2018
- Elphinstone (Area E) APC Minutes of May 30, 2018
- West Howe Sound (Area F) APC Minutes of May 22, 2018
- Planning and Community Development Committee Minutes of May 10, 2018

## REPORTS

### **Recommendation No. 1**      *Provincial Referral 102649829-002 (Sunshine Coast Mountain Adventure)*

APC recommends approval of Provincial Referral 102649829-002 with the following comments and concerns:

- SCRD conditions are met
- Addressing any comments from shíshálh and Skwxwu7mesh Nations

#### Concerns:

- Lack of consultation with local nature/environmental groups
- Damage to environment through trail building/maintenance and human archives
- Disturbance to wildlife from helicopters, bikers, hikers and humans in area
- 5 people per helicopter means over 1,000 round trips once the business is operating at full capacity
- Clients accessing the trails from Coal Harbour may well bring limited economic benefits.

### **Recommendation No. 2**      *Provincial Referral 102115507-001 for Private Moorage (Stoddard)*

APC recommends approval of Provincial Referral 102115507-001 for a Private Moorage with the following comments:

- SCRD conditions are met

### **Recommendation No. 3**      *Provincial Referral 102850995-002 for a Private Moorage Baker Bay (Johnston)*

APC recommends support of Provincial Referral 102850995-002 for a Private Moorage Baker Bay (Johnson) with the following comments:

- SCRD conditions are met

Revised OCP Amendments – Densification Strategies to support Affordable Housing –  
Consideration for Second Reading

- Received for information with SCRD staff in attendance to answer any questions

**Recommendation No. 4**     *Development Variance Permit Application DVP00033 (Davis)*

APC recommends denying the approval of DVP00033 (Davis) with the following comments:

- Concern of loss of public access
- Neighbours should be consulted

**Recommendation No. 5**     *Development Variance Permit Application DVP00036 (Richards)*

APC recommends approval of DVP00036 with the following comments:

- SCRD conditions are met
- Addressing any comments from shíshálh Nation

**DIRECTOR'S REPORT**

The Director's Report was received.

**NEXT MEETING**     July 25, 2018.

**ADJOURNMENT**     9:20 p.m.

**SUNSHINE COAST REGIONAL DISTRICT****AREA B - HALFMOON BAY  
ADVISORY PLANNING COMMISSION****June 26, 2018**


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RECOMMENDATIONS FROM THE AREA B ADVISORY PLANNING COMMISSION MEETING  
HELD IN THE COOPERS GREEN COMMUNITY HALL AT COOPERS GREEN PARK, 5500  
FISHERMAN ROAD, HALFMOON BAY, BC

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<b>PRESENT:</b>	Chair	Frank Belfry
	Members	Barbara Bolding Guy Tremblay Bruce Thorpe Alda Grames Jim Noon Marina Stjepovic Elise Rudland Eleanor Lenz
	Area B Director	Garry Nohr
<b>ALSO PRESENT:</b>	Recording Secretary SCRD Staff	Katrina Walters Yuli Siao Andrew Allen
	Public	4
<b>REGRETS:</b>		Lorn Campbell

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**CALL TO ORDER**                      7:00 p.m.

**AGENDA**                              The agenda was adopted with the following additions:

Business Arising from Minutes and Unfinished Business

Halfmoon Bay OCP Amendment Bylaw 675.6 and Zoning  
Amendment Bylaw 310.181-Rockwater Resort Development

## MINUTES

### Area B Minutes

The Area B APC minutes of May 22, 2018 were adopted as presented.

### Minutes

The following minutes were received for information:

- Egmont / Pender Harbour (Area A) APC Minutes, May 30, 2018
- Roberts Creek (Area D) APC Minutes, May 14, 2018
- Elphinstone (Area E) APC Minutes, May 30, 2018
- West Howe Sound (Area F) APC Minutes, May 22, 2018
- Planning and Development Committee Minutes, May 10, 2018.

## BUSINESS ARISING FROM MINUTES AND UNFINISHED BUSINESS

### Halfmoon Bay OCP Amendment Bylaw 675.6 and Zoning Amendment Bylaw 310.181-Rockwater Resort Development

The APC heard SCRD planning staff Yuli Siao and Andrew Allen explain details of the Rockwater application in the staff report from May 22, 2018 (Halfmoon Bay OCP Amendment Bylaw 675.6 and Zoning Amendment Bylaw 310.181 - Rockwater Resort Development).

The following concerns/points/issues were noted by the APC:

- Would like to challenge the proposal to change Rockwater to a hub for residential occupancy. Prefer tourist accommodation.
- Confused about the density calculations and if the proposed density is compliant with the Area B OCP.
- During the process of making the current OCP, the understanding in the community was that the three suitable land uses for a community hub would be looked at in a site specific way to see where these uses are specifically needed in the community. Multi-family was seen as suitable near the school in Welcome Woods where there is bus service. At Rockwater, multi-family residential doesn't really fit the area.
- Stumped by the fact that two uses are occurring simultaneously (tourist commercial and mixed multi-family residential), and that the calculation of density for each is not correlated; it doesn't make sense.
- Would like to see information from consulting engineer about difference in sewage capacity calculation between tourist commercial and mixed multi-family residential.
- For the hotel & restaurant use, or weddings, parking requirements go up for these services and think the provided calculations are too low: need to provide more visitor parking. Should have a two car allowance per unit because of the remoteness of this location and lack of public transportation.
- The OCP talked about not increasing density in an area that is far from public transportation and this should be considered in the decision.
- Parking is critical in this area.

- Policy 21.4 of the Liquid Waste Management Plan states that new subdivisions and developments shall not include any facility for the ocean disposal of Liquid Waste. I consider this proposal a new development and cannot support it. The intent of the plan was to stop ocean outfalls. The Rockwater proposal is just encouraging things to get very loose and should not be allowed.
- If we are needing to re-zone, that means that it is a new development, not existing.
- Don't see this as affordable housing which was the intent of multi-family residential.
- What was the reason for the reduced setback on part of the building?
- Back to the hub: don't recall that Rockwater was located in the hub.
- There is still the rest of the OCP; we talked about a diversity of housing options in the hub for housing affordability, not just high end residences.
- Propose that the APC does not support the two amendment bylaws for the reasons presented on the last page of handout material distributed to staff. (as well as the proposed reduced setbacks).
- This will not be creating a community centre if it is changed to multi family. It is going to become more restrictive rather than inclusive and is taking away from the exact character we are trying to build in the community.
- Should say we don't want mixed residential here.
- Not seeing the proposal as the best option in this tucked away remote area that has issues with parking, accessibility, and water quality, encourage staff to consider more community gathering spaces.
- If we are looking to have more public access here, the mixed family residential doesn't go with it; tourist commercial does.
- Rockwater is beautiful place; that will all change; not the right location for high density.

**Recommendation No. 1.** Halfmoon Bay OCP Amendment Bylaw 675.6 and Zoning Amendment Bylaw 310.181-Rockwater Resort Development

Regarding Halfmoon Bay OCP Amendment Bylaw 675.6 and Zoning Amendment Bylaw 310.181-Rockwater Resort Development, the APC recommends that the proposal be denied for the following reasons:

1. Disagree with the proposed multi-family residential land use designation.
2. Proposed increase in density and the lack of supporting infrastructure including transportation options for future residents.
3. The proposal for liquid waste management is against the policies of the Halfmoon Bay Liquid Waste Management plan and doubles the present volume of ocean discharge.
4. Lack of clarity in defining and supporting public use of the public right of way.
5. Not consistent with the spirit / intent of the community hub.

**Recommendation No. 2.** Halfmoon Bay OCP Amendment Bylaw 675.6 and Zoning Amendment Bylaw 310.181-Rockwater Resort Development

Regarding Halfmoon Bay OCP Amendment Bylaw 675.6 and Zoning Amendment Bylaw 310.181-Rockwater Resort Development, the APC supports the continued tourist commercial land use designation and the value it brings to a creative development of Halfmoon Bay.

## REPORTS

### Provincial Referral 102649829-002 Sunshine Coast Mountain Adventures

The APC discussed the staff report regarding Provincial Referral 102649829-002 Sunshine Coast Mountain Adventures. The following concerns/points/issues were noted:

- Support developing relationship with various tourism operators.
- The proposal is good and the application is low impact.
- Concerned about the number of trips.
- Concerned about the impact of noise on wildlife: goats, grizzly and wolves.
- Would like to see boundaries set in place to ensure that the intent is maintained by possible future owners if the business is sold.
- Support the local jobs it could generate; could we ensure jobs for locals?
- Would like to see some way of ensuring local tourism benefits i.e. (trips have to start or end in Sechelt)
- Regarding garbage, sewer and drinking water: would like to see more detail on that in the plan.
- Guidelines and best practices: what mechanisms are in place to ensure any operators are following through with the plan?
- Could have an operating charter or principles that the company is accountable to.
- Community mentioned concerns about the bike paths in sensitive areas; have to be cognisant of these areas.
- Thinking of flight paths and protecting wildlife, but also what about people in town, are there limited flight paths? Concerned about noise.
- Make sure the shíshálh First Nations has been involved.
- Propose to support the application with the concerns already listed.

### **Recommendation No. 1.** Provincial Referral 102649829-002 Sunshine Coast Mountain Adventures

Regarding Provincial Referral 102649829-002 Sunshine Coast Mountain Adventures, the APC recommends that the application be supported with note of the concerns listed above.

### Zoning Amendment Bylaw 310.180, 2018 Toma Subdivision

The APC discussed the staff report regarding Zoning Amendment Bylaw 310.180, 2018 Toma Subdivision. The following concerns/points/issues were noted:

- Prefer that the hooked parcels that extend into the covenant for the creek be remainder parcels.
- Can there be a 'no disturb' covenant on those hooked parcels so that they remain as extended riparian area?
- Has there been any discussion about the stability of the soil / road where the waterfall is?
- Is there any community benefit to this change? The OCP density permits it, but the zoning does not quite permit it.



- This proposal makes more sense than the hooked parcels on the previous proposal.
- Talked about a community dock; is there a possibility of making it happen?
- The septic is a community system for the strata; is it feasible?
- What are we getting out of it for community benefit? Could request that one lot be affordable?
- Would local government ask for extra community contribution; what can they give back? Could they give towards the hall?
- Suggest that we support this amendment.
- Suggest that staff look at other options for supporting community contributions as part of the rezoning consideration.
- Did they did submit a geotechnical report? Ask that they distribute it to APC members

**Recommendation No. 1.** Zoning Amendment Bylaw 310.180, 2018 Toma Subdivision

Regarding Zoning Amendment Bylaw 310.180, 2018 Toma Subdivision, the APC recommends that the application be supported.

**Revised OCP Amendments-Densification Strategies to Support Affordable Housing-Considerations for Second Reading**

The APC discussed the staff report regarding Revised OCP Amendments-Densification Strategies to Support Affordable Housing-Considerations for Second Reading. The following concerns/points/issues were noted:

- As a base, affordable housing is rental housing.
- There is some wording that is very confusing 'similar cluster areas' vs 'hubs.' Also find a number of clauses encouraging high density housing when don't think it was the intent.
- Since we live in a rural community; how can high density strengthen the community?
- Think we have to go back to the OCP; the two properties by Fawn Road Market are on clay and sewage going into the storm water...think we have to go back to the OCP and reassess where the hub areas should be. In the future the crown land by the school would be a good area.
- Policy 'b' 1 on page 116 should be an overriding statement of what we want to achieve: "Water supply, solid waste collection...access to community amenities can all be appropriately provided and the development design is compatible with the surrounding neighborhoods...."
- Makes it confusing because each area OCP has different terminology; must be a way of simplifying the document.
- Trying to get the zoning bylaws to be consistent; now get the OPC's to have consistency across the board.
- Suggest wordsmithing be streamlined; if it was sent to us in a Word document we could make changes and send it back to the SCRD.
- Like the idea of some density in some areas that doesn't destroy the character; want to prevent that from happening; allow greater density in areas where it makes sense allow carriage houses; additional dwellings etc.
- It is important to grow our community in a responsible way so that it is compatible with surrounding neighbourhoods.

**Recommendation No. 1.** Revised OCP Amendments-Densification Strategies to Support Affordable Housing-Considerations for Second Reading

Regarding Revised OCP Amendments-Densification Strategies to Support Affordable Housing-Considerations for Second Reading, the APC requests a Word copy of the document that may be used for wordsmithing and returned to the SCRD.

**DIRECTOR'S REPORT**

The Director's Report was received.

**NEXT MEETING** July 24, 2018

**ADJOURNMENT** 10:11 p.m.

**SUNSHINE COAST REGIONAL DISTRICT****ROBERTS CREEK (AREA D) ADVISORY PLANNING COMMISSION****June 18, 2018**


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RECOMMENDATIONS FROM THE ROBERTS CREEK (AREA D) ADVISORY PLANNING COMMISSION MEETING HELD IN THE ROBERTS CREEK LIBRARY READING ROOM LOCATED AT 1044 ROBERTS CREEK ROAD, ROBERTS CREEK, B.C.

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<b>PRESENT:</b>	Chair	Bill Page
	Members	Gerald Rainville Marion Jolicoeur Mike Allegretti Danise Lofstrom Nichola Kozakiewicz Dana Gregory
<b>ALSO PRESENT:</b>	Electoral Area D Director SCRD Senior Planner Recording Secretary	Mark Lebbell Yuli Siao, Vicki Dobbyn
<b>REGRETS:</b>	Members	Heather Conn

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**CALL TO ORDER** 7:05 p.m.

**AGENDA** The agenda was adopted as presented with the addition of the report titled "Revised OCP Amendments – Densification Strategies to Support Affordable Housing – Consideration for Second Reading"

**MINUTES**Area D Minutes

Roberts Creek (Area D) APC minutes of May 14, 2018 were approved as circulated.

Minutes

The following minutes were received for information:

- Egmont / Pender Harbour (Area A) APC Minutes of May 30, 2018
- Halfmoon Bay (Area B) APC Minutes of May 22, 2018
- Elphinstone (Area E) APC Minutes of May 30, 2018
- West Howe Sound (Area F) APC Minutes of May 22, 2018

- Planning and Community Development Committee Minutes of May 10, 2018

## REPORT

The report titled “Subdivision Application Referral SD000038 (Schmieg) 2018-01481 was received.”

## DISCUSSION

- The south end of big lot is country residential and the north end is rural which conforms to OCP.
- It appears there is no problem with perc test.
- New farm designation is called AG. The difference between RU1 and AG is that in RU1 you can build two houses, but in AG a house has to be for immediate family.
- Is there a benefit to put land in AG zone when land is subdivided?
- If it goes in AG zone, will it make more land available for farming?
- This is a larger issue for SCRD land use policy.
- Suggestion that this be a recommendation from Agriculture Advisory Committee.

### **Recommendation No. 1** *Subdivision Application Referral SD000038 (Schmieg) 2018-0148*

APC recommendation is that Subdivision Application Referral SD000038 (Schmieg) 2018-0148 be supported as proposed.

## REPORT

The report titled “Revised OCP Amendments – Densification Strategies to Support Affordable Housing – Consideration for Second Reading” was received.

## DISCUSSION

Yuli Siao, Senior Planner commented as follows:

- The direction has not changed but policy was refined to integrate into existing policy and provide more clarity. Staff are dealing with 4 current OCP's and draft OCP for Pender Harbour.
- This is a set of policies overlaying the existing OCP's and is quite general, with the same themes such as focussing on infill and densification in village hub area.
- The second part (c and d) addresses growth in Residential areas outside of the village hub, not in rural and agricultural zones. Part c addresses developments exceeding density limits and of three lots or less, and there are only the usual technical requirements such as septic, fire protection, and traffic circulation. Part d addresses developments exceeding density limits and of more than three lots, where in addition to the technical requirements, there is a requirement for a contribution to affordable housing.
- Amenity contribution to be negotiated with the SCRD. Applicants have to apply for re-zoning and then a housing agreement has to be negotiated. The contribution does not necessarily have to be land from the development, it could be a funding contribution. Where funding goes would have to be determined by the SCRD.
- Policy e is about integrating affordable housing.
- Policy f is about housing agreements.
- In this version they strengthened the affordable housing density bonusing as an incentive.

- It was noted that there haven't been any density bonusing applications in Area D. Co-housing was created before these policies.

Discussion of APC members:

- Other levels of government have to get involved to create affordable housing.
- If through a housing agreement a monetary contribution was made for affordable housing, the funds can be retained for use in the same rural area. This could be put in the housing agreement.
- It was noted that the first paragraph in section 79.1 of the Area D OCP will be deleted and be replaced with more specific wording about where density can occur – infill, core, and out of core.
- Bylaw 310 looks at other permitted uses. There is a public meeting on June 20, 2018 at the Roberts Creek Hall on Bylaw 310.

**Recommendation No. 2** *Revised OCP Amendments – Densification Strategies to Support Affordable Housing – Consideration for Second Reading*

APC recommended that the Revised OCP Amendments be supported, and the SCRD develop a communication strategy and material regarding density bonusing so that applicants are aware of this option early in the process of consideration.

AND THAT the SCRD seek funding from the federal and provincial governments for affordable housing projects.

**DIRECTOR'S REPORT**

The Director's Report was received.

**NEXT MEETING**      July 16, 2018

**ADJOURNMENT**      8:42 p.m.

**SUNSHINE COAST REGIONAL DISTRICT****AREA E – ELPHINSTONE  
ADVISORY PLANNING COMMISSION****June 27, 2018**


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RECOMMENDATIONS FROM THE AREA E ADVISORY PLANNING COMMISSION MEETING  
HELD AT FRANK WEST HALL, 1224 CHASTER ROAD, ELPHINSTONE, BC

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<b>PRESENT:</b>	Chair	Mary Degan
	Members	Dougald Macdonald Nara Brenchley Bob Morris Rob Bone
<b>ALSO PRESENT:</b>	Electoral Area E Director Senior Planner Recording Secretary Public	Lorne Lewis Yuli Siao Diane Corbett 1
<b>REGRETS:</b>	Members	Rod Moorcroft Lynda Chamberlin
<b>ABSENT:</b>	Members	Patrick Fitzsimons Jenny Groves

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**CALL TO ORDER**                      7:00 p.m.

**AGENDA**                              The agenda was adopted as presented.

**MINUTES**Elphinstone (Area E) APC Minutes

The Area E APC minutes of May 30, 2018 were approved as circulated.

Minutes

The following minutes were received for information:

- Egmont/Pender Harbour (Area A) APC Minutes of May 30, 2018
- Halfmoon Bay (Area B) APC Minutes of May 22, 2018
- Roberts Creek (Area D) APC Minutes of May 14, 2018
- West Howe Sound (Area F) APC Minutes of May 22, 2018
- Planning and Community Development Committee Minutes of May 10, 2018

**REPORTS**Subdivision Application Referral SD000041 (Sandy) 2018-02014

The APC discussed the staff report regarding Subdivision Application Referral SD000041 (Sandy) 2018-02014.

The applicant responded to APC inquiries, and indicated he would be willing to dedicate parkland instead of cash-in-lieu, if that were an option.

The following points were noted:

- It is a straightforward application.
- If the SCRD is looking at opportunities to create higher density, areas just being developed are an opportunity.
- Regarding cash-in-lieu versus a parks dedication:
  - There is talk about developing Veterans Road also; if there were to be more people in that area, they would want a park.
  - When Redi-Mix property is subdivided, there will be a huge park dedication.
  - It would be interesting to explore the idea of a park in that area with the amount of development that may be happening.
- Discussion of use of auxiliary dwellings and Air BnB.

**Recommendation No. 1** *Subdivision Application Referral SD000041 (Sandy) 2018-02014*

The APC recommended approval of Subdivision Application Referral SD000041 (Sandy) 2018-02014 based on that:

- it meets all the requirements of the OCP;
- it seems to be suitable land for this kind of subdivision.

Provincial Referral 102649829-002 – Sunshine Coast Mountain Adventures

The APC discussed the staff report regarding Sunshine Coast Mountain Adventures, Provincial Referral 102649829-002.

The following concerns were noted:

- Human interference in wildlife habitats and pristine wilderness with no human development.
- Scope and scale of the project.
- Fire hazard.
- That tours be guided.
- Dealing with emergencies (forest fires, bad weather, helicopter crash, etc.).
- Noise impacts on wildlife and human settlements.
- Any hunting component.
- That no dogs be permitted.
- Lack of information;
  - How the operation would be monitored and regulated.
  - Expectations about possible capacity of the operation.
  - How local outfitters/guides would fit into the picture.
  - How this would benefit the community.



Comments included:

- This is low impact compared to impacts of logging and gravel extraction in the province. It is a fairly limited modification to the environment, the additional traffic in all forms. Otherwise it is pretty benign environmentally. It would mean the area would be protected for its recreational values.
- It could be workable if there were yearly monitoring, particularly as the operation gets going. An independent body could look at it after a year or two, including looking at regulations controlling the use.
- It sounds like it could be interesting.
- It is another way for us to go after tourist dollars we aren't currently getting.
- Would like to hear opinions of local conservation experts who know the mountains in the area, who would know what kind of impact this would have.

### **Recommendation No. 2** *Sunshine Coast Mountain Adventures*

The Elphinstone APC recommended that the APC needs further information from the applicant regarding Sunshine Coast Mountain Adventures (Provincial Referral 102649829-002) to more fully understand the proposal.

### **Revised OCP Amendments – Densification Strategies to Support Affordable Housing - Considerations for Second Reading**

The APC discussed the staff report regarding Revised OCP Amendments – Densification Strategies to Support Affordable Housing.

The Senior Planner provided technical information and commented on the staff report.

Discussion included the following points:

- Review of Elphinstone Official Community Plan map of locations of Comprehensive Development Areas
- Infill and Auxiliary dwellings
  - Encouraging infill introduces new value to the property. Concern about impact of increasing density on rural character.
  - Importance of legitimizing auxiliary dwellings to create long-term rentals.
  - Importance of consideration of peoples' view corridors when reviewing proposals for infill.
  - Need to create affordable housing rather than relying on infill as a solution.
  - Infill would require space for parking and possibly a separate driveway.
  - There is a lot of innovation in small house living to make it sustainable long term, but it is not for everyone.
  - We may need to look at how we define or determine density (people or square footage?).

**Recommendation No. 3** *Revised OCP Amendments – Density Strategies to Support Affordable Housing*

The APC recommended that Revised OCP Amendments – Density Strategies to Support Affordable Housing be supported for the following reasons:

- this reads well and seems to cover everyone's concerns;
- Area E OCP bylaw looks like it has dealt with everything the APC has talked about.

**DIRECTOR'S REPORT**

The Director's report was received.

**NEXT MEETING**      July 25, 2018

**ADJOURNMENT**      8:35 p.m.

**SUNSHINE COAST REGIONAL DISTRICT****AREA F – WEST HOWE SOUND  
ADVISORY PLANNING COMMISSION****June 26, 2018**


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RECOMMENDATIONS FROM THE WEST HOWE SOUND (AREA F) ADVISORY PLANNING COMMISSION MEETING HELD AT ERIC CARDINALL HALL, 930 CHAMBERLIN ROAD, WEST HOWE SOUND, BC

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<b>PRESENT:</b>	Chair	Fred Gazeley
	Members	Susan Fitchell Laura Houle Doug MacLennan
<b>ALSO PRESENT:</b>	Electoral Area F Director Senior Planner Recording Secretary Public	Ian Winn (part) David Rafael Diane Corbett 5
<b>REGRETS:</b>	Members	Maura Lavery Bob Small

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**CALL TO ORDER**                      7:00 p.m.

**AGENDA**

The agenda was adopted as presented. It was noted there were duplicated pages in the agenda package, from page 32 to 35.

**MINUTES**West Howe Sound (Area F) Minutes

The West Howe Sound (Area F) APC minutes of May 22, 2018 were approved as circulated.

Minutes

The following minutes were received for information:

- Egmont/Pender Harbour (Area A) APC Minutes of May 30, 2018
- Halfmoon Bay (Area B) APC Minutes of May 22, 2018
- Roberts Creek (Area D) APC Minutes of May 14, 2018
- Elphinstone (Area E) APC Minutes of May 30, 2018
- Planning and Community Development Committee Minutes of May 10, 2018

**REPORTS****Provincial Referral 102649829-002 – Sunshine Coast Mountain Adventures**

The APC discussed the staff report regarding Provincial Referral 102649829-002 – Sunshine Coast Mountain Adventures.

Two representatives of the project were present. Paul Toszczak gave a brief overview of this proposal for a seasonal tourism operation in the lower Sunshine Coast, with an operational base and head office at Sechelt Airport in Wilson Creek and a storefront at Off the Edge Adventure Sports in Sechelt, that would transport tourists by helicopter to remote mountain areas for mountaineering activities. Mr. Toszczak described the rationale and intentions for the proposal and background on work done to date, and outlined features of proposed operations.

The following concerns and points were noted:

- Applicant should emphasize that it is just the trails they would have tenure on, not the whole land area outlined on the map.
- Concern that the applicant does minimal impact on the natural environment in the development of a trail network.
- Support for having guides who can communicate with the clients, keep people from going off the trail, and educate about the ecosystem, flora and fauna, and fire safety.
- There is concern in Whistler area about the volume of use by mountain bikes in the backcountry, due to poor planning.
- Concern that mountain bikers stay on the trail. An alpine meadow is very fragile and cannot recover as in lower elevations.
- Concern that the sound of a helicopter can be very disturbing for wildlife.
- Concern about impacts on mountain goats. The applicant should gather data on mountain goat population numbers and kidding areas, and work to avoid conflict with mountain goats.
- We should be doing whatever we can to promote healthy recreation, support local business, and promote people coming here.
- It is an excellent idea; a lot of work was done in getting the information together.

**Recommendation No. 1** *Provincial Referral 102649829-002 – Sunshine Coast Mountain Adventures*

The APC recommended that Provincial Referral 102649829-002 – Sunshine Coast Mountain Adventures go to the next stage, subject to meeting the conditions of scheduling a public meeting, and addressing shíshálh and Skwxwú7mesh Nation comments and the requirements of the permit.

**Development Variance Permit DVP00037 (Carvajal) to Reduce Setback to Road, Increase Site Coverage and Increase Maximum Floor Area**

The APC discussed the staff report regarding Development Variance Permit DVP00037 (Carvajal) to reduce the setback to a road, increase maximum site coverage and increase maximum floor area.

The applicant provided site drawings and highlighted aspects of the proposed plan to construct a two-bedroom single-family dwelling on a steep lot with a tall Douglas Fir tree. They described challenges in designing to fit the house on the lot and safely accommodate the tree. The applicant explained that the proposed deck space would be utilized as the outdoor space, rather than creating level ground areas through land excavation.

The Senior Planner commented on technical issues and responded to inquiries.

The following concerns/points were noted:

- Inquiry on whether deck space could be reduced.
- Concern that other property owners in this area have had to adjust their size. It seems unfair to give one an okay when others have accommodated what is required.
- Comment that this is an incredibly designed house; it fits the neighbourhood and the style of the neighbourhood.
- Suggestion that the applicant show the designs to neighbours to get their feedback.
- Support for the requests, subject to comment from neighbours and Ministry of Transportation and Infrastructure permit regarding Fisher Road.
- Suggestion that the applicant look at the cost of infilling the basement to reduce the square footage.

**Recommendation No. 2** *Development Variance Permit DVP00037 (Carvajal)*

The APC recommended support for Option 2: Issue Development Variance Permit DVP00037 to reduce setback, increase maximum floor area, and increase site coverage.

**Revised OCP Amendments–Densification Strategies to Support Affordable Housing - Considerations for Second Reading**

The APC discussed the staff report regarding Revised OCP Amendments–Densification Strategies to Support Affordable Housing. The Senior Planner responded to inquiries.

The following points were noted:

- This is ready for second reading.
- Support changes made to previous version.
- It is important to do infill development around the hubs first; if it is logical, go out to outlying areas.

**Recommendation No. 3** *Revised OCP Amendments–Densification Strategies to Support Affordable Housing*

The APC recommended that the revised bylaws proceed to second reading as the policies strike a balance between competing interests and provide a practical strategy to support affordable housing development while maintaining a sustainable environment and the character of the rural areas.

**DIRECTOR'S REPORT**

The Director's report was received.

**NEXT MEETING**      July 24, 2018

**ADJOURNMENT**      8:41 pm