

## **SUNSHINE COAST REGIONAL DISTRICT**

### **HALFMOON BAY (AREA B) ADVISORY PLANNING COMMISSION MEETING AMENDED AGENDA**

Tuesday, June 25, 2024 at 7:00 p.m.

Meeting will be Held Online via ZOOM

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#### **CALL TO ORDER**

#### **AGENDA**

1. Adoption of the Agenda

#### **DELEGATIONS**

#### **MINUTES**

- |   |             |
|---|-------------|
| 2. Halfmoon Bay (Area B) APC Minutes of March 26, 2024          | Pages 1 - 2 |
| 3. Egmont/Pender Harbour (Area A) APC Minutes of March 27, 2024 | pp 3 - 4    |
| 4. Roberts Creek (Area D) APC Minutes of March 18, 2024         | pp 5 - 6    |
| 5. Elphinstone (Area E) APC Minutes of March 26, 2024           | pp 7 - 9    |
| 6. West Howe Sound (Area F) APC Minutes of May 28, 2024         | pp 10 - 12  |

#### **BUSINESS ARISING FROM MINUTES AND UNFINISHED BUSINESS**

#### **REPORTS**

- |  |            |
|--|------------|
| 7. Advisory Planning Commission Questionnaire Results Summary                                      | pp 13 - 14 |
| 8. <b>INSERT</b> Development Variance Permit DVP00099 (7531 Cove Beach Road) –<br>Electoral Area B | pp 15 - 29 |

#### **NEW BUSINESS**

#### **DIRECTORS REPORT**

#### **NEXT MEETING**

#### **ADJOURNMENT**

## SUNSHINE COAST REGIONAL DISTRICT

### HALFMOON BAY (AREA B) ADVISORY PLANNING COMMISSION

March 26, 2024

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RECOMMENDATIONS FROM THE HALFMOON BAY (AREA B) ADVISORY PLANNING COMMISSION MEETING HELD ELECTRONICALLY VIA ZOOM

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<b>PRESENT:</b>	Chair	Nicole Huska
	Members	Len Coombes Bob Baziuk Ellie Lenz Kelsey Oxley Kim Dougherty Suzette Stevenson
<b>ALSO PRESENT:</b>	Director, Electoral Area B	Justine Gabias (Non-Voting Board Liaison)
	Recorder	Diane Corbett
<b>ABSENT:</b>	Members	Alda Grames Barbara Bolding

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**CALL TO ORDER** 7:06 p.m.

#### ELECTION OF CHAIR AND VICE CHAIR

Nicole Huska was elected Chair of Halfmoon Bay Advisory Planning Commission.

Kim Dougherty was elected Vice Chair of Halfmoon Bay Advisory Planning Commission.

**AGENDA** The agenda was adopted as presented.

#### MINUTES

##### Halfmoon Bay (Area B) Minutes

The Halfmoon Bay (Area B) APC minutes of September 26, 2023 were approved as presented.

##### Minutes

The following minutes were received for information:

- Egmont/Pender Harbour (Area A) APC Minutes of September 27, 2023
- Roberts Creek (Area D) APC Minutes of September 18, 2023 & February 19, 2024
- Elphinstone (Area E) APC Minutes of September 26, 2023
- West Howe Sound (Area F) APC Minutes of September 26, 2023

**REPORTS****Amendment Zoning Bylaw No. 722.9 And 337.123 - Watercourse and Shoreline Protection**

Points from discussion of Amendment Zoning Bylaw Nos. 722.9 and 337.123 for watercourse and shoreline protection included:

- This exercise is supposed to bring SCRD into alignment with provincial legislation. If that legislation is already in effect and the approval for the subdivision comes from MoTI, why are we doing this? Don't understand what the system is.
- What happens if a landowner puts forward a subdivision proposal and they have drawn lots from existing SCRD regulations rather than provincial?
- Agree with the housekeeping aspect and being consistent with provincial legislation.
- The riparian areas need to be respected at all stages of private property ownership and development, not just once the application is moving through to final stages. We have seen in local properties there is no enforcement. Often the damage is done before proposals get to MoTI. There needs to be adequate enforcement of the regulations to protect SPEAs, and adequate resourcing for enforcement.
- Would like to see staff doing site visits prior to approval, and, if any infractions have occurred, that subdivision approval is not given until remediation occurs.
- Would like to see a presentation of what the provincial regulation wording says, beside what the SCRD is proposing to add.
- We need someone here to help us with the definitions of what we are looking at.
- Not sure of the rationale for going 5m above the provincial regulations.
- Look at the varied size of machinery. Has advancement of machine technology been taken into consideration? Wonder how onerous that will be on a small lot for an owner. Recommend that provision be made for small parcel size.
- Recommend that the SCRD explore: more consequences for violations against SPEAs such as withholding subdivision until remediation efforts are complete; as well as increased public awareness about the reporting mechanisms regarding violations.
- The APC is generally in agreement with the majority of the amendments for the purposes of bringing the bylaws into alignment with existing provincial regulations.

**Recommendation No.1**      *Amendment Zoning Bylaw Nos. 722.9 And 337.123 - Watercourse and Shoreline Protection*

The Halfmoon Bay APC recommended that Option 2, proceed with Second Reading for one or more of the proposed amendments, be supported;

AND THAT the 17-metre boundary for swamp or pond (section 515(1)(d)), and the 5 metres in addition to the provincial 30 metres for the SPEA buffer be considered for OCP renewal rather than Second Reading.

**DIRECTOR'S REPORT**

The Director's report was received.

**NEXT MEETING**      April 23, 2024

**ADJOURNMENT**      8:36 p.m.

## SUNSHINE COAST REGIONAL DISTRICT

### AREA A - EGMONT/PENDER HARBOUR ADVISORY PLANNING COMMISSION

March 27, 2024

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RECOMMENDATIONS FROM THE AREA "A" ADVISORY PLANNING COMMISSION MEETING HELD  
AT PENDER HARBOUR SATELLITE OFFICE, 12828 LAGOON ROAD, MADEIRA PARK, B.C

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<b>PRESENT:</b>	Chair	Alan Skelley (recorder)
	Members	Sean McAllister Yovhan Burega Dennis Burnham Gordon Littlejohn Bob Fielding
<b>ALSO PRESENT:</b>	Area A Alternate Director	Christine Alexander (Non-Voting Board Liaison)
<b>REGRETS:</b>	Members	Jane McOuat Tom Silvey Catherine McEachern
	Electoral Area A Director	Leonard Lee (Non-Voting Board Liaison)

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**CALL TO ORDER** 7:07 p.m.

**AGENDA** The agenda was adopted as presented.

#### ELECTION OF CHAIR AND VICE CHAIR

Election of Chair and Vice Chair was deferred to the next meeting.

#### MINUTES

##### Area A Minutes

The Egmont/Pender Harbour (Area A) APC Minutes of September 27, 2023 were approved as circulated.

The following minutes were received for information:

- Halfmoon Bay (Area B) APC Minutes of September 26, 2023
- Roberts Creek (Area D) APC Minutes of September 18, 2023 & February 19, 2024
- Elphinstone (Area E) APC Minutes of September 26, 2023
- West Howe Sound (Area F) APC Minutes of September 26, 2023

## REPORTS

Amendment Zoning Bylaw No. 722.9 AND 337.123 Watercourse and Shoreline Protection.

**Recommendation No.1**      *Amendment Zoning Bylaw No. 722.9 AND 337.123 Watercourse and Shoreline Protection.*

The Area A APC recommends that Zoning Bylaw be left unchanged as it is, and furthermore, respectfully requests that the Planning Department respond to the questions raised in the communication from one of the APC members on 26 July, 2023.

## DIRECTOR'S REPORT

No Director's Report

**NEXT MEETING**      April 24, 2024

**ADJOURNMENT**      7:45 p.m.

## SUNSHINE COAST REGIONAL DISTRICT

### ROBERTS CREEK (AREA D) ADVISORY PLANNING COMMISSION

March 18, 2024

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RECOMMENDATIONS FROM THE ROBERTS CREEK (AREA D) ADVISORY PLANNING COMMISSION MEETING HELD AT ROBERTS CREEK LIBRARY READING ROOM LOCATED AT 1044 ROBERTS CREEK ROAD, ROBERTS CREEK, BC

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<b>PRESENT:</b>	Chair	Mike Allegretti
	Members	Francesca Hollander Chris Richmond Caroline Tarneaud James Budd Chris Glew Lesley-Anne Staats Gerald Rainville
<b>ALSO PRESENT:</b>	Vicki Dobbyn	Recording Secretary
<b>REGRETS</b>		Meaghan Hennessey Erik Mjanes Robert Hogg
	Kelly Backs	Electoral Area D Director (Non-Voting Board Liaison)

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**CALL TO ORDER** 7:00 p.m.

**AGENDA** The agenda was adopted as presented.

#### MINUTES

The Roberts Creek (Area D) APC Minutes of February 19, 2024 were approved as circulated.

#### REPORTS

Amendment Zoning Bylaw No. 772.9 and 337.123 – Watercourse and Shoreline Protection

#### Key Points of Discussion:

- Revisions are long overdue, so the process should be sped up by having second and third readings as soon as possible.
- This can also be discussed at the OCPC if more needs to be done.

- A member received information from a logging company engineer that protection may not apply to riparian areas that don't have fish, so the concern is that feeder creeks without fish that flow into streams that do have fish may not have the same protections as streams with fish.
- It would be effective to liaise with Squamish Nation on logging issues.

**Recommendation No. 1**      *Amendment Zoning Bylaw No. 772.9 and 337.123 – Watercourse and Shoreline Protection*

The Area D APC recommended that the bylaw revisions be supported.

**Recommendation No. 2**      *Amendment Zoning Bylaw No. 772.9 and 337.123 – Watercourse and Shoreline Protection*

The Area D APC recommended that the Province be urged to acknowledge the connection between SCRD's environmental concerns/ bylaws and the negative impact activities like logging and mining on crown land has on our regional district and local economy.

**Recommendation No. 3**      *Amendment Zoning Bylaw No. 772.9 and 337.123 – Watercourse and Shoreline Protection*

The Area D APC recommended that the same respect for riparian protection apply to all logging and mining activity in Area D.

## **DIRECTORS REPORT**

No Director's Report was received.

## **NEXT MEETING**

April 15, 2024, 7:00 pm, Roberts Creek Library

**ADJOURNMENT**      8:20 p.m.

**SUNSHINE COAST REGIONAL DISTRICT**

**AREA E – ELPHINSTONE  
ADVISORY PLANNING COMMISSION**

**March 26, 2024**

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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	Laura Macdonald Arne Hermann Michael Sanderson Devin Arndt Clinton McDougall Nara Benchley
<b>ALSO PRESENT:</b>	Electoral Area E Director	Donna McMahon (Non-Voting Board Liaison)
	Recording Secretary	Vicki Dobbyn
<b>REGRETS:</b>		Anthony Paré

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**CALL TO ORDER** 7:02 p.m.

**ELECTION OF CHAIR AND VICE CHAIR**

Mary Degan was elected Chair  
Michael Sanderson was elected Vice Chair

**AGENDA**

The agenda was adopted as circulated.

**MINUTES**

Elphinstone (Area E) APC Minutes of September 26, 2023 were approved as circulated.

The following minutes were received for information:

- Egmont/Pender Harbour (Area A) APC Minutes of September 27, 2023
- Halfmoon Bay (Area B) APC Minutes of September 26, 2023
- Roberts Creek (Area D) APC Minutes of September 18 and February 19, 2024
- West Howe Sound (Area F) APC Minutes of September 26, 2023



## REPORTS

### Amendment Zoning Bylaw No. 772.9 and 337.123 – Watercourse and Shoreline Protection

Keys points of discussion:

- Some concern that an overly prescriptive bylaw will deter people from appropriately and legally managing water on their property. Design guidelines may help resolve this.
- Saanich has some interesting design guidelines, and the following wording from the its website under Streamside Development Permit Area was provided for consideration:
  - “4. The following measures should be taken to ensure that development outside the SPEA but within the Development Permit Area does not negatively impact the SPEA and the water quality and hydrology of the stream:
    - a) maintain hydrological characteristics that emulate the pre-development state of the land:
      - minimize impervious surfaces;
      - return the storm water runoff from impervious surfaces of the development to natural hydrologic pathways in the ground to the extent reasonably permitted by site conditions, and treat, store and slowly release the remainder per the specifications of Schedule H to the Subdivision Bylaw;
      - minimize alteration of the contours of the land outside the areas approved for buildings, structures and site accesses by minimizing the deposit of fill and the removal of soil; and
      - minimize the removal of native trees outside the areas approved for buildings, structures and site accesses.”
- Stream Keepers group on the coast would be a good resource.
- How are these bylaws going to be enforced?
- It could devalue some properties by reducing buildable footprint, so there may be public reactions to this.
- It needs positive PR messaging about the health of our water systems.
- Concern about the clarity of “Proposed Amendment 2: Buffer from Streamside Protection and Enhancement Areas (SPEA)” as it is not clear about what is permitted and what is not permitted in this buffer, and what the differences are in the purpose and allowed uses between SPEA and buffer.
- The SCRDP states that the 5m additional setback is there for construction to ensure total protection of the SPEA. This 5m zone will likely be negatively impacted from construction activities, therefore, hardscaping with permeable pavers, gravel or other non permanent site elements seems reasonable.
- While there was agreement that there should be no permanent structures in the 5 m buffer and hardscaping and other non-permanent site elements be permitted, it was raised that the no construction provision could be overly restrictive, particularly in areas where there are clearly no significant environmental features within the actual SPEA adjacent to the buffer to protect. It was suggested that some discretion be permitted during review of building permits for new construction to allow temporary construction works within the 5 m buffer but it would have to be supported by a Qualified Environmental Consultant's assessment.

**Recommendation No.1**      *Amendment Zoning Bylaw No. 772.9 and 337.123 – Watercourse and Shoreline Protection*

The Area E APC recommended that the SCRD provide education to the public about what it means to have riparian areas on their property and how to manage them.

**Recommendation No. 2**      *Amendment Zoning Bylaw No. 772.9 and 337.123 – Watercourse and Shoreline Protection*

The Area E APC recommended that “hardscaping” be replaced with “permanent structures or site elements”

**Recommendation No. 3**      *Amendment Zoning Bylaw No. 772.9 and 337.123 – Watercourse and Shoreline Protection*

The Area E APC recommended that Option #4 be supported - To proceed to first reading after considering these points of discussion and recommendations.

**DIRECTOR’S REPORT**

The Director’s report was received.

**NEXT MEETING**      April 23, 2024

**ADJOURNMENT**      9:15 p.m.

## SUNSHINE COAST REGIONAL DISTRICT

### AREA F – WEST HOWE SOUND ADVISORY PLANNING COMMISSION

May 28, 2024

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RECOMMENDATIONS FROM THE WEST HOWE SOUND (AREA F) ADVISORY PLANNING  
COMMISSION MEETING HELD ELECTRONICALLY VIA ZOOM

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<b>PRESENT:</b>	Chair	Susan Fitchell
	Members	Katie Thomas Miyuki Shinkai Jonathan McMorran Marlin Hanson
<b>ALSO PRESENT:</b>	Director, Electoral Area F	Kate-Louise Stamford (Non-Voting Board Liaison)
	Alternate, Director Electoral Area F	Ian Winn (Non-Voting Board Liaison)
	Recording Secretary	Diane Corbett
	Public	3
<b>ABSENT:</b>	Members	Tom Fitzgerald Ryan Matthews Vivian McRoberts-Sosnowski

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**CALL TO ORDER** 7:04 p.m.

#### ELECTION OF CHAIR AND VICE CHAIR

Susan Fitchell was elected Chair of West Howe Sound Advisory Planning Commission.

Miyuki Shinkai was elected Vice Chair of West Howe Sound Advisory Planning Commission.

**AGENDA** The agenda was adopted as presented.

#### MINUTES

##### West Howe Sound (Area F) Minutes

The West Howe Sound (Area F) APC minutes of September 26, 2023 were approved as circulated.

##### Minutes

The following minutes were received for information:

- Egmont/Pender Harbour (Area A) APC Minutes of September 27, 2023 & March 27, 2024
- Halfmoon Bay (Area B) APC Minutes of September 26, 2023 & March 26, 2024
- Roberts Creek (Area D) APC Minutes of September 18, 2023, February 19, 2024, & March 18, 2024
- Elphinstone (Area E) APC Minutes of September 26, 2023 & March 26, 2024

## REPORTS

### Official Community Plan Amendment No. 640.6 & Zoning Bylaw Amendment No. 722.10 – 1691 Jensen Road

The APC discussed the staff report regarding Official Community Plan (OCP) Amendment and Zoning Bylaw Amendment applications to change the OCP land use designation, zoning designation, and subdivision district of the 0.3 ha non-Agricultural Land Reserve (ALR) portion of 1691 Jensen Road to enable subdivision and future residential development of the portion of the parcel outside of the ALR.

Owner/agent David Morgan provided background on the amendment applications and responded to APC member inquiries. He outlined issues raised at a Public Information Meeting on the applications that he sponsored on May 8, 2024, and discussed how he planned to address these.

The applicant's daughter, Holly Morgan, spoke of her intention to move back to the Sunshine Coast to work, and to live on the property.

Points from ensuing discussion included:

- Don't see anything wrong with it.
- Not clear on what the plan is.
- Uses permitted are quite different between the agricultural land and R1. That is a reason to change the zoning along with the subdivision. A buffer of non-agricultural uses between the agricultural and the non-agricultural uses is a positive part of the plan.
- This is quite simple. Right now you can only have one house on that whole lot. Subdivision allows you to have an additional house. It is not in the ALR anymore. The OCP says it should be Agricultural but you are changing that to make it Residential. I support both of those changes. Allowing for a house in a place that does not allow for agricultural use makes sense. Don't see how one household would cause too much traffic on the road; it should not necessitate a traffic survey.
- Squamish Nation had expressed concern for the movement of elk through the area.
- During the build, make sure neighbours are informed regarding any potential traffic issues. Ensure that trucks are moving as safely as possible and under the speed limit.
- At the Public Information Meeting, had the impression that lots of people were not happy and were upset with development happening. Concerns included: the residence being rented out, and tenants going in and out; traffic issues; moving any ALR land and making it residential; uncertainty about what was happening with the property as a whole; and the change of OCP and land use designation. It would be worthwhile to hear more opinions from the neighbourhood through a public hearing. Be careful in how we examine this in going forward.
- Heard that there was a lot of confusion with the subdivision information at the meeting. Many thought it was going to be the entire 40 hectares that would be subdivided.
- At a public hearing, there should be more clarity regarding future development.

- Sounds like signage on the site isn't helpful, creating some confusion. Clear this up before a public hearing. If area residents live outside the 100-metre notification area, they would not receive a mailout with information. Need to increase communication regarding planning applications to prevent confusion. Would be helpful if signage has a public hearing date.
- This subdivision has implications further than the 100 metres.

**Recommendation No. 1**      *Official Community Plan Amendment No. 640.6 & Zoning Bylaw Amendment No. 722.10 – 1691 Jensen Road*

The Area F APC recommended support for the OCP and zoning amendment for 1691 Jensen Road.

**DIRECTOR'S REPORT**

The Director's report was received.

**NEXT MEETING**      Tuesday, June 25, 2024

**ADJOURNMENT**      8:49 p.m.

## SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

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**TO:**           Area B Advisory Planning Commission (APC) – June 25, 2024  
                  Area E Advisory Planning Commission (APC) – June 25, 2024  
                  Area F Advisory Planning Commission (APC) – June 25, 2024  
                  Area A Advisory Planning Commission (APC) – June 26, 2024  
                  Area D Advisory Planning Commission (APC) – July 15, 2024

**AUTHOR:**    Ian Hall, General Manager, Planning & Development

**SUBJECT:**    ADVISORY PLANNING COMMISSION QUESTIONNAIRE RESULTS SUMMARY

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### RECOMMENDATIONS

**THAT** the report titled **Advisory Planning Commission Questionnaire Results Summary** be received for information;

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### Purpose

On April 24, 2024, a questionnaire was sent to Advisory Planning Commission (APC) members to seek feedback on the current APC model and meeting logistics. The purpose of this report is to summarize the results of the questionnaire and provide information on how this feedback will be used to inform potential changes.

### Questionnaire Summary

A questionnaire was sent to all forty-four (44) current APC members and twenty-two (22) questionnaire responses were received. Staff committed to report back on findings. Table 1 summarizes the feedback received.

*Table 1: APC Questionnaire Summary of Feedback Received*

Question Area	Summary of Feedback Submitted
Meeting Format	<ul style="list-style-type: none"><li>• Preference for meetings to be held in-person over a full virtual format.</li><li>• Considerable support for the option to join in-person meetings virtually (hybrid meeting format).</li></ul>
Meeting Time	<ul style="list-style-type: none"><li>• Differing availability for meeting start time ranging from 9AM to 8PM, noting a few comments that meeting before 6PM is more difficult for those who work.</li><li>• General agreement that meetings should end by 8:30PM or 9PM.</li><li>• Meetings should be held between Monday and Thursday.</li></ul>
Meeting Location	<ul style="list-style-type: none"><li>• Preference for meeting in-person in APC's local electoral area.</li></ul>

	<ul style="list-style-type: none"> <li>Majority of members are willing to travel to the SCRD Field Road office for multi-electoral area and/or region-wide meeting items, workshops, and presentations.</li> <li>Majority of members are not willing to travel to other electoral areas.</li> <li>Comments note that traveling for in-person meetings is prohibitive to members who work, have kids, and rely on public or active transportation. Further, winter road conditions and the cost of gasoline were noted.</li> </ul>
Meeting Structure & Content	<ul style="list-style-type: none"> <li>Unanimous support for meeting agendas to include report backs on Board decisions for items referred to APCs.</li> <li>Considerable interest in learning and capacity building presentations and workshops.</li> <li>Mix of support and opposition to APC meetings convening monthly regardless of having referral items to discuss.</li> </ul>
Identified Topics for Capacity Building	<ul style="list-style-type: none"> <li>Introduction to planning application processes and regional district decision-making.</li> <li>Challenges for the SCRD and how other comparable regional districts are dealing with these challenges.</li> <li>Overview of the OCP Renewal project and objectives.</li> <li>Presentation on the of weak areas of the current OCPs.</li> <li>How fees can be used to maintain and upgrade infrastructure.</li> <li>Affordable housing in the SCRD.</li> <li>Water servicing.</li> </ul>
Requests	<ul style="list-style-type: none"> <li>Staff attend meetings to introduce items and answer questions.</li> <li>Training to keep meetings in scope, on task, and time efficient including Roberts Rules of Order.</li> <li>Training on how APCs can provide more actionable and in-scope recommendations / comments to the Board.</li> <li>Provide a reference document outlining where to find relevant data, such as OCPs, bylaws, maps, jurisdictional responsibilities, MOTI setbacks, etc.</li> </ul>

## **Next Steps**

Staff will use feedback to provide recommendations to the SCRD Board. The aim of the proposed changes would be to improve how local knowledge and perspectives on planning and land use matters referred to APCs is captured in order that volunteer time and expertise can have maximum impact. Consideration of resourcing will need to form part of the analysis.

Staff are planning to share the results of the questionnaire and recommendations for change/enhancement at the Electoral Area Services (EAS) Committee Meeting on July 18, 2024.

The EAS Committee meeting agenda and instructions on how to watch the meeting in-person or electronically will be posted on the SCRD website by end of day Friday, July 12, 2024:  
<https://www.scrd.ca/agendas>.

Thank you to all respondents to the questionnaire.

## **SUNSHINE COAST REGIONAL DISTRICT STAFF MEMO**

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**TO:** Halfmoon Bay Advisory Planning Commission – June 25, 2024

**AUTHOR:** Nick Copes, Planner II

**SUBJECT:** Development Variance Permit DVP00099 (7531 Cove Beach Road) –  
Electoral Area B

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### **RECOMMENDATIONS**

THAT the report titled Development Variance Permit DVP00099 (7531 Cove Beach Road) – Electoral Area B be received;

AND THAT the Halfmoon Bay Advisory Planning Commission review and provide recommendation(s) to SCRD Board.

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On June 20, 2024, the Electoral Area Services Committee recommended to the SCRD Board that Development Variance Permit DVP00099 (7531 Cove Beach Road) – Electoral Area B be referred to the Area B (Halfmoon Bay) Advisory Planning Commission. Given the timing of this memo, the Board adoption of the EAS recommendation (expected to occur on June 27, 2024) had not yet occurred.

Staff are referring the attached staff report to the APC for review and comment. Comments from the APC will be summarized in a future report for the Board's consideration of the application.



## SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

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**TO:** Electoral Area Services Committee – June 20, 2024

**AUTHOR:** Nick Copes, Planner II

**SUBJECT:** Development Variance Permit DVP00099 (7531 Cove Beach Road) - Electoral Area B

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### RECOMMENDATION

- (1) **THAT the report titled Development Variance Permit DVP00099 (7531 Cove Beach Road) - Electoral Area B be received;**
  - (2) **AND THAT Development Variance Permit DVP00099 (7531 Cove Beach Road) to vary Zoning Bylaw No. 722 to allow for the construction of an auxiliary dwelling unit and pool on the property be issued, as follows:**
    - (a) Section 5.16.1 (a) to reduce the setback for a structure adjacent to the natural boundary of the ocean from 15 m to 7.5 m.**
    - (b) Section 7.9.3 to vary the maximum parcel coverage for a parcel over 3500 m<sup>2</sup> in the RU1 Zone from 15% to 20.5%.**
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### BACKGROUND

The SCRD has received a development variance permit application for 7531 Cove Beach Road in Electoral Area B that requests relaxations to Zoning Bylaw No. 722 to allow for the proposed construction of a swimming pool and an auxiliary dwelling unit. The intent of the application is to decrease the setback from the natural boundary of the ocean from 15 m to 7.5 m for the pool structure and increase the maximum allowable parcel coverage from 15% to 20.5% to allow for the pool and auxiliary dwelling unit.

The purpose of this report is to present this application to the Electoral Area Services Committee for consideration and decision.

### DISCUSSION

#### *Analysis*

Zoning Bylaw No. 722 contains the following regulations which the application proposes to vary:

- 5.16.1 No, building or structure or any part thereof, except a boathouse located within an inter-tidal zone or within the I13 Zone, shall be constructed, reconstructed, moved, located or extended within:
- a) 15 m of the natural boundary of the ocean;

## 7.9.3 Parcel Coverage

PARCEL AREA	MAXIMUM PARCEL COVERAGE
≤3500 m <sup>2</sup>	35%
>3500 m <sup>2</sup>	15%

The proposed pool is considered a structure and in order to be constructed at the proposed location, a variance is required to the natural boundary setback from 15 m to 7.5 m.

The subject property is 4,050 m<sup>2</sup>, and therefore subject to a maximum 15% parcel coverage. The proposed construction of the pool and auxiliary dwelling unit are counted towards parcel coverage, bringing the proposed requested total parcel coverage to 20.5%, which necessitates the request for a second variance. For parcel coverage, the single-unit dwelling, currently under construction on the property, contributes 603.41 m<sup>2</sup> or 14.92% of lot coverage, with the proposed auxiliary dwelling unit and swimming pool contributing 2.45% (99.46 m<sup>2</sup>) and 2.5% (101.34 m<sup>2</sup>) of additional lot coverage respectively. In total this results in 20.3% of proposed parcel coverage, or 804.21 m<sup>2</sup>. The requested variance is for 20.5% parcel coverage, or an increase of 5.5% and seeks to provide a 0.2% buffer (about 8 square metres) to ensure that if the variance is approved that the constructed buildings and structures will have flexibility for small margins of error or on-site changes.

The superstructure of single-unit dwelling under construction is in place and accounts for all but 0.08% of the permitted parcel coverage. Given the balance of parcel coverage remaining, it is unlikely that construction of the auxiliary dwelling unit or the pool would be possible without a variance to parcel coverage.

The proposed development plans are included in Attachment A.

Table 1 – Application Summary

<b>Applicant:</b>	Eric Pettit, Open Space Architecture
<b>Legal Description:</b>	STRATA LOT 1 DISTRICT LOT 1582 STRATA PLAN EPS5814
<b>PID:</b>	031-056-814
<b>Electoral Area:</b>	Area B
<b>Civic Address:</b>	7531 Cove Beach Road
<b>Property Size:</b>	4,050.80 m <sup>2</sup>
<b>Zoning:</b>	RU1 (Rural Residential 1)
<b>OCP Land Use:</b>	Residential B
<b>Proposed Use:</b>	To vary the setback to the natural boundary of the ocean and the maximum permitted parcel coverage to allow for the construction of a swimming pool and auxiliary dwelling unit.

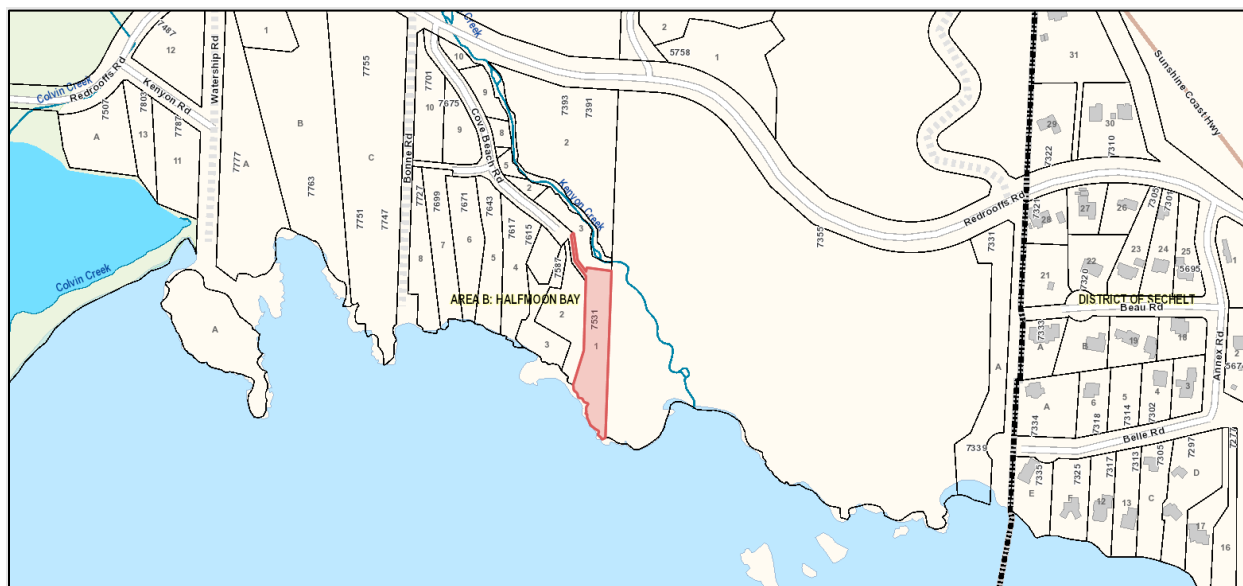


Figure 1 - Location Map

It is noted that in the Halfmoon Bay OCP, a 'Future Waterfront Park Opportunity' is flagged within this general area, though this potential goal was not pursued at the time of the original subdivision.

### Consultation

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

Referral Agency	Comments
shíshálh Nation	Comments not received.
Protective Services/HMB Fire	Comments not received.
SCRD Building Division	No concerns with the proposed variance from a BC Building Code perspective.
Neighbouring Property Owners/Occupiers	Notifications were mailed on May 22, 2024, to owners and occupiers of properties within a 100 m radius of the subject property. Comments received prior to the report review deadline are attached for EAS consideration.

Notifications to surrounding properties were completed in accordance with Section 499 of the *Local Government Act* and the Sunshine Coast Regional District Bylaw No. 522. Comments received prior to the report review deadline are attached. Those who consider their interests affected may also attend the Committee of the Whole meeting and speak at the call of the Chair.

### Applicant's Rationale & Planning Analysis

Staff have evaluated this application using SCRD Board Policy 13-6410-6 (Development Variance Permits) as criteria as follows:

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;
2. The variance should not negatively affect adjacent or nearby properties or public lands;
3. The variance should not be considered a precedent, but should be considered as a unique solution to a unique situation or set of circumstances;
4. The proposed variance represents the best solution for the proposed development after all other options have been considered; and
5. The variance should not negatively affect the natural site characteristics or environmental qualities of the property.

The applicant's response to these criteria and staff analysis are provided below.

### *Applicant Rationale*

#### Parcel Coverage

- Other residential lots allow for 35% parcel coverage, including the R2 zoning, when the lot is under 3,500m<sup>2</sup>,
- While the parent parcel was rezoned to allow for subdivision, the RU1 zoning was not changed (which would allow greater parcel coverage).
- The parcel coverage increase is needed due to large overhangs as part of the architecture. If excluding the overhangs, parcel coverage for the dwelling under construction and proposed ADU is 11% and counting the pool is 13.5%.
- The pool counts towards parcel coverage, but is in place of a plaza, which would not count as parcel coverage.

#### Setback

- An existing hard surfaced plaza is allowed at the 7.5 m setback, adding the pool would not encroach further into the natural boundary setback than the plaza.
- The auxiliary dwelling unit and pool would not have any impact on the neighbouring properties. The ADU is in the middle of the property and the pool would soften the visual impact of the existing plaza.
- The 7.5 m setback was in place under Zoning Bylaw 310, in place at the time of initial discussions for the development of the site, including the proposed swimming pool.

#### General Rationale

- The architecture and layout of the buildings respects natural site characteristics and attempts to blend into the topography (bedrock areas).
- The pool is critical to the functioning of the site, to the following extent:
  - it is part of a geo-thermal ocean loop to provide energy efficient heating and cooling solution for the home and this requires the pool to be close to the ocean to operate the Ocean Thermal Loop.

- it would act as a backup fire suppression system, which would be supplied by an onsite well (not SCRD water). The wildfire suppression system provides benefits and wider protection to the neighbourhood.
  - it would act as a wave break to reduce flooding impact on the home.
- Confusion around application timing and bylaw changes.

#### *Staff Comment*

Staff provide the following comments on the proposed variances and applicant's rationale:

#### Parcel coverage

In the review of the proposed variance of the parcel coverage from 15% to 20.5% it is noted that the applicant has a valid Building Permit for a single-unit dwelling, which is currently under construction, with the superstructure in-place at the time of writing this report. This dwelling, which has a total livable floor area of approximately 510 m<sup>2</sup>, was proposed with a parcel coverage of 603.41 m<sup>2</sup> or 14.92%,

Though there were site design options available to the property owner prior to the design and construction commencement of the 510 m<sup>2</sup> single-unit dwelling that would have allowed for a lesser parcel coverage, staff are cautiously supportive of the proposed variance to lot coverage based on the unique situational context as outlined below:

- Topographic challenges of site, including steep slopes, bedrock and high-water mark and flood construction levels, which governed the design and layout of the under-construction single-unit dwelling. Rather than designing within a three-storey stacked floor plan, which would have a greater massing and visual impact, the dwelling has been designed such that it is tiered to blend with the natural topography of the site, meaning that it has limited visual impact both from the shore and neighbouring properties, which is seen as a positive element (see page 4 of Attachment A). It would be fair to say that this tiered design has resulted in a higher lot coverage for the single-unit dwelling in comparison to a more traditional three-storey stacked floor plan.
- The architectural design includes significant overhangs, which for the single-unit dwelling and ADU total 7% of the parcel coverage. Though this is an architectural choice, such overhangs are in excess of that seen on typical buildings and do not contribute to the livable indoor floor area proposed. Larger overhangs can also provide benefits in terms of cooling for dwellings during summer months.
- The swimming pool is counted as part the parcel coverage as it is considered a structure and contributes 2.45% (99.46 m<sup>2</sup>) towards the proposed parcel coverage. The pool is proposed in place of a plaza on the site, which would not count as parcel coverage. From a massing impact perspective it is considered that there is no tangible difference whether this portion of the site has a swimming pool located in this space or a plaza and the inclusion of the pool includes some positive components, as noted in the applicant's rationale.
- The RU1 zoning allows for parcel coverages of up to 35% for lots up to 3,500 m<sup>2</sup>, with lots over that size being restricted to 15%. Though this is a requirement in the Zoning Bylaw to ensure larger lots in general have lower lot coverages, it is noted that, for example a 2,500 m<sup>2</sup> lot would allow for a parcel coverage of 875 m<sup>2</sup>, whereas the subject lot of 4,050 m<sup>2</sup> (550 m<sup>2</sup> over the 3,500 m<sup>2</sup> cutoff), is limited to 607.5 m<sup>2</sup>. In this case the applicant proposes parcel coverage of 830.25 m<sup>2</sup>. Given the size of the lot,

being 550 m<sup>2</sup> over the size at which parcel coverage decreases to 15%, staff feel the requested variance is reasonable. It is noted that outside of this specific application this element of the Zoning Bylaw may require further consideration as part of a review of parcel coverage requirements within zones.

#### Setback

The proposed setback variance from 15 m to 7.5 m is for the construction of the swimming pool. There is a plaza being constructed in the area where the pool is proposed, which was included as part of the Building Permit plans for the single-unit dwelling. The Building Permit was approved under Zoning Bylaw 310, which only required a 7.5 m setback. As the pool was not part of the original Building Permit, it is now subject to Zoning Bylaw 722, which requires a 15 m setback resulting in the request for a variance. As noted, in relation to the parcel coverage above, the location of a swimming pool has no further tangible impact or encroachment than the construction of a plaza would, so staff are supportive of the proposed variance given this context.

#### Summary

Staff are broadly supportive of the variance application as proposed. The proposal has also garnered support from the Cove Beach neighbourhood as noted in the attached comments.

A development permit has been applied for which will address matters associated with the Development Permit Areas present on the site and which will ensure that the proposed development (site plan) is safe for intended use.

#### Options / Staff Recommendation

Possible options to consider:

**Option 1: Issue the permit (staff recommendation)**

This would permit the proposed construction of the pool and auxiliary dwelling unit on the property to proceed.

**Option 2: Refer the application to the Area B APC**

The APC would discuss the proposed variance in consideration of the Board's DVP policy and provide a recommendation to the EAS. Further notification is not required with this option.

**Option 3: Issue the permit for aspects of the proposed variance**

This may include support for the setback variance or parcel coverage variance, (or for certain aspects of the proposed parcel coverage variance).

**Option 4: Deny the permit**

The zoning bylaw regulation would continue to apply, and the construction of the structures would not be permitted as proposed.

## **STRATEGIC PLAN AND RELATED POLICIES**

The Governance Excellence Lens within the SCRD's Strategic Plan supports effective, efficient and informed decision-making.

The proposed variance was reviewed and evaluated for conformance with the SCRD Board policy 13-6410-6 (Development Variance Permits) criteria.

## **CONCLUSION**

The proposed development variance permit to vary the setback and parcel coverage would facilitate the construction of a swimming pool and an auxiliary dwelling unit. As set out above, staff are broadly supportive of the application and recommend issuing the development variance permit. If approved, the applicant would be able to proceed to the building permit stage.

## **ATTACHMENTS**

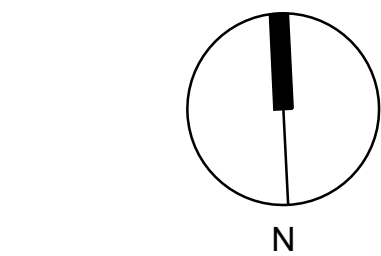
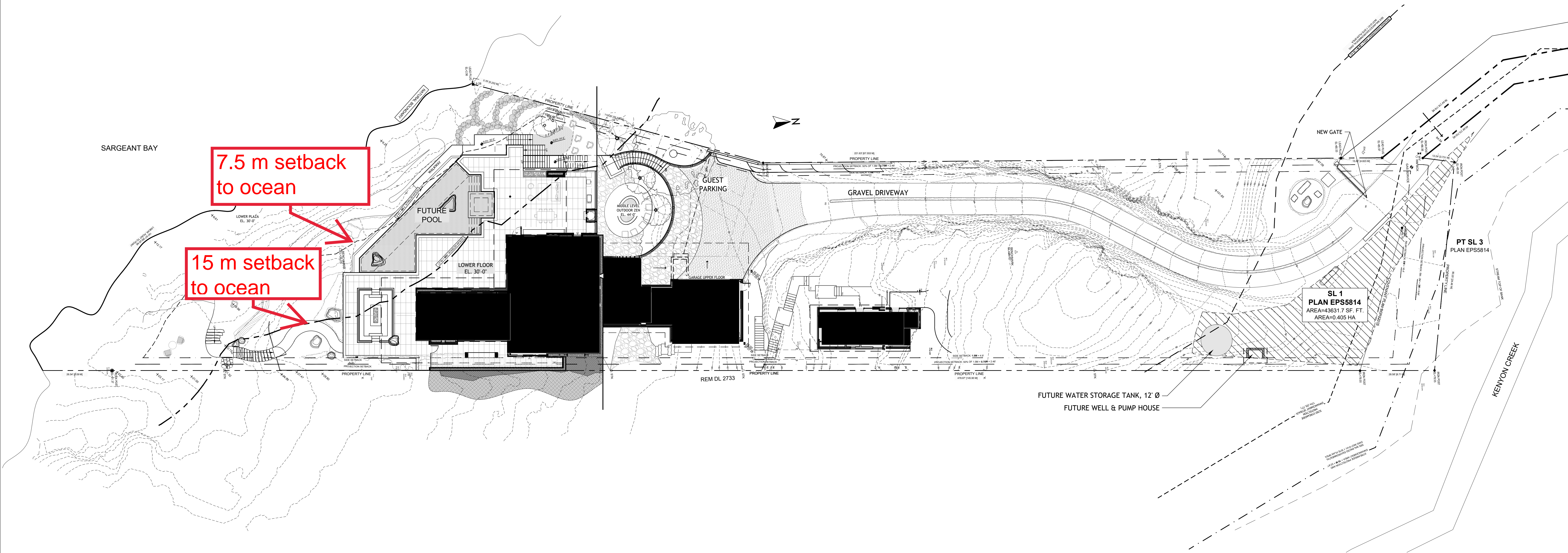
Attachment A – Site Plans and Renderings

Attachment B – Comments Received

Reviewed by:			
Manager	X – J. Jackson	Finance	
GM	X - I. Hall	Legislative	X – S. Reid
A/CAO	X – T. Perreault	Assistant Manager	X – K. Jones



DATE	ISSUED FOR
08 OCT 2021	DEVELOPMENT PERMIT
21 JAN 2022	BUILDING PERMIT
21 MAR 2022	BP ADDITIONAL ITEMS
16 OCT 2023	DEVELOPMENT PERMIT



THE BUILDER IS RESPONSIBLE FOR CHECKING ALL DIMENSIONS AND SHALL NOTIFY OPENSOURCE ARCHITECTURE OF ANY DISCREPANCIES PRIOR TO CONSTRUCTION. DRAWINGS NOT TO BE SCALED FOR DIMENSIONS. ALL WINDOW AND DOOR SIZES ARE APPROXIMATE AND THE MANUFACTURER AND BUILDER SHALL CO-ORDINATE ACTUAL ROUGH OPENING DIMENSIONS. ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF OPENSOURCE ARCHITECTURE AND MAY NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF THESE PARTIES.

SEAL

PROJECT  
**ECHO BEACH**  
MAIN HOUSE  
7531 COVE BEACH ROAD  
HALFMOON BAY, BC  
V0N 1Y0 CANADA

SHEET TITLE  
**PROPOSED SITE  
PLAN**

PROJECT NUMBER  
20-07  
SCALE  
1/16" = 1'-0"  
SHEET NUMBER  
ARCH E1

**A-1.02**

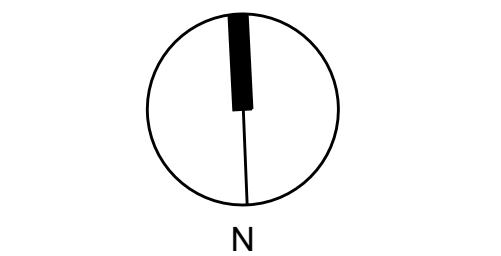
CIVIC ADDRESS:  
**7531 COVE BEACH ROAD**  
**HALFMOON BAY, BC V0N 1Y0**

LEGAL DESCRIPTION:  
**P.I.D. 031-056-814**  
**LOT 1**  
**PLAN EPS5814**  
**DISTRICT LOT 1582**

CODE EDITION: **BCBC 2018 (PART 9)**  
CLASSIFICATION: **GROUP C RESIDENTIAL**  
ZONING: **RU1 (SUBDIVISION D), W1**  
DEVELOPMENT PERMIT AREAS:  
**DPA 1A COASTAL FLOODING**  
**DPA 2A CREEK/RIVER CORRIDOR**  
**DPA 1B COASTAL SLOPES**

1 | PROPOSED SITE PLAN  
SCALE: 1/16" = 1'-0"





THE BUILDER IS RESPONSIBLE FOR CHECKING ALL DIMENSIONS AND SHALL NOTIFY OPENSOURCE ARCHITECTURE OF ANY DISCREPANCIES PRIOR TO CONSTRUCTION. DRAWINGS NOT TO BE SCALED FOR DIMENSIONS. ALL WINDOW AND DOOR SIZES ARE APPROXIMATE AND THE MANUFACTURER AND BUILDER SHALL CO-ORDINATE ACTUAL ROUGH OPENING DIMENSIONS. ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF OPENSOURCE ARCHITECTURE AND MAY NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF THESE PARTIES.

SEAL

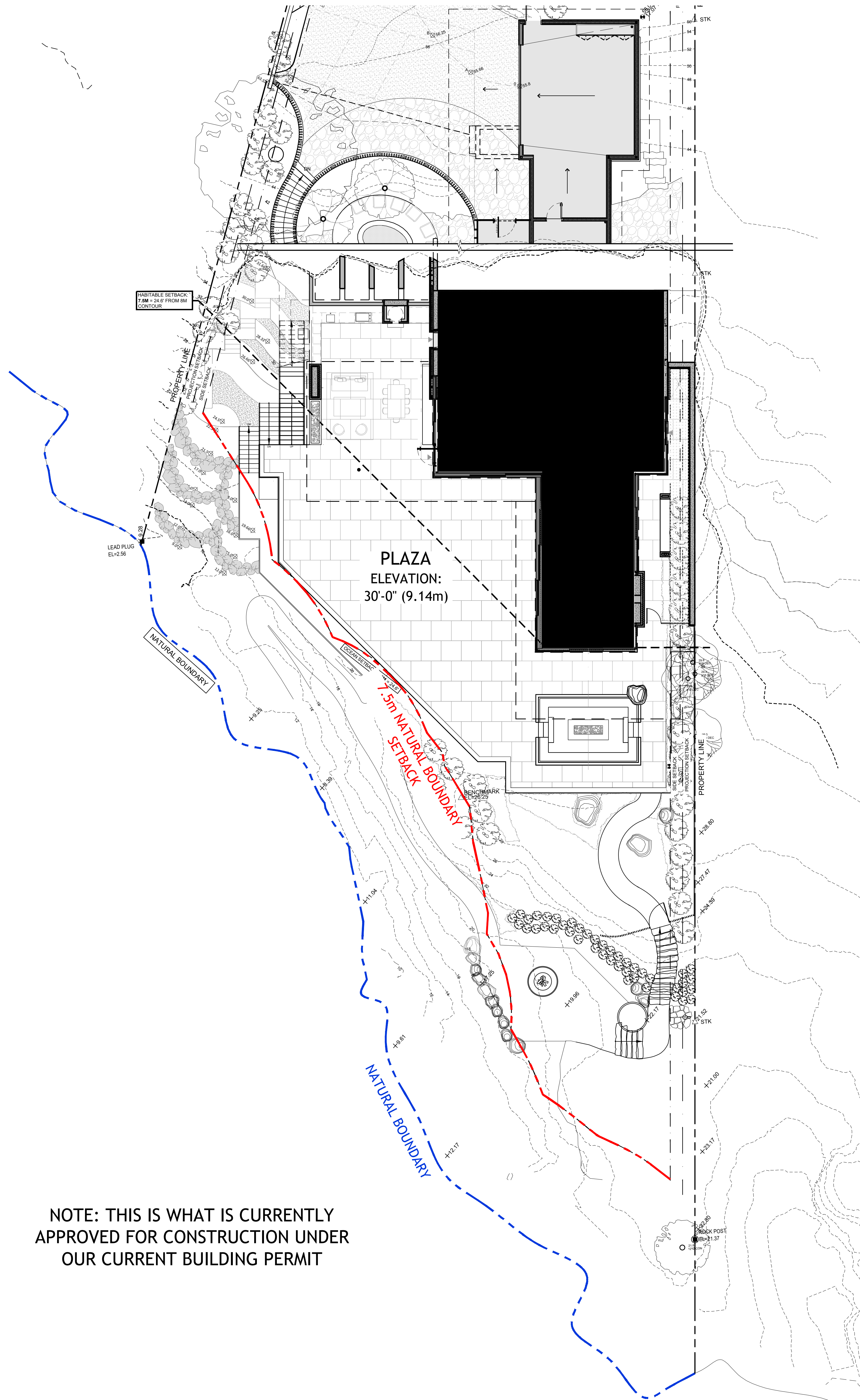
PROJECT  
**ECHO BEACH**  
MAIN HOUSE  
7531 COVE BEACH ROAD  
HALFMOON BAY, BC  
V0N 1Y0 CANADA

SHEET TITLE  
**PROPOSED SITE  
PLAN-POOL  
DESIGN**

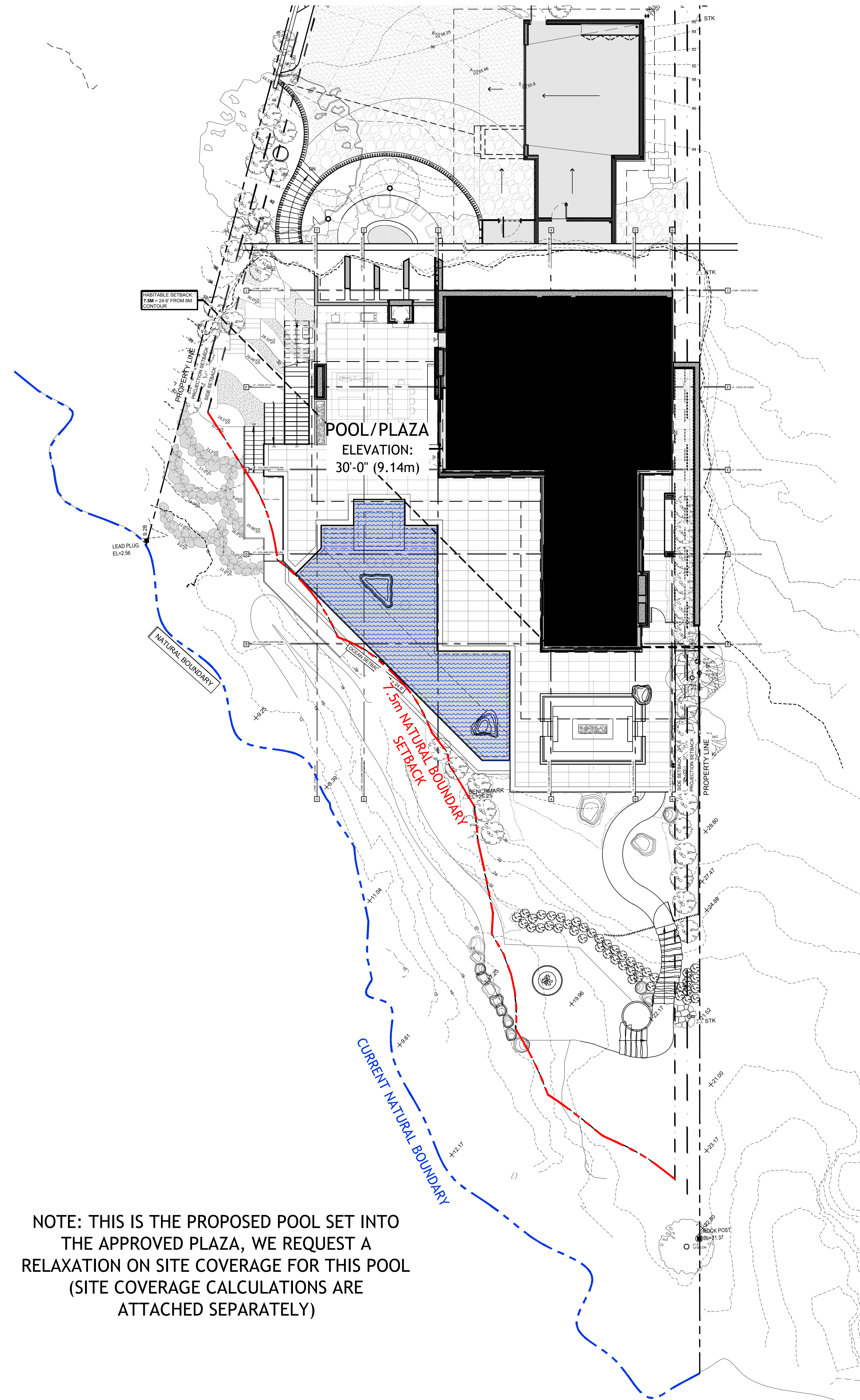
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20-07  
SCALE  
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SHEET SIZE  
ARCH E1  
SHEET NUMBER

**A-1.02.1**

ISSUED FOR DEVELOPMENT PERMIT - 16 OCTOBER, 2023



1 | APPROVED BP DESIGN (NO POOL)  
SCALE: 1:125



2 | PROPOSED PLAZA DESIGN (WITH POOL)  
SCALE: 1:125





1 | SOUTH WEST CORNER



2 | SOUTH EAST CORNER



3 | NORTH WEST CORNER

Date	Issue / Revisions
14 FEB 2024	ISSUED FOR DVP

THE BUILDER IS RESPONSIBLE FOR CHECKING ALL DIMENSIONS AND SHALL NOTIFY OPENSOURCE ARCHITECTURE OF ANY DISCREPANCIES PRIOR TO CONSTRUCTION. DRAWINGS NOT TO BE SCALED FOR DIMENSIONS. ALL WINDOW AND DOOR SIZES ARE APPROXIMATE AND THE MANUFACTURER AND BUILDER SHALL CO-ORDINATE ACTUAL ROUGH OPENING DIMENSIONS. ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF OPENSOURCE ARCHITECTURE AND MAY NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF THESE PARTIES.

Seal

Project

**ECHO BEACH  
ACCESSORY  
DWELLING UNIT**  
7531 COVE BEACH ROAD  
HALFMOON BAY, BC  
V0N 1Y0 CANADA

Sheet Title

IMAGES

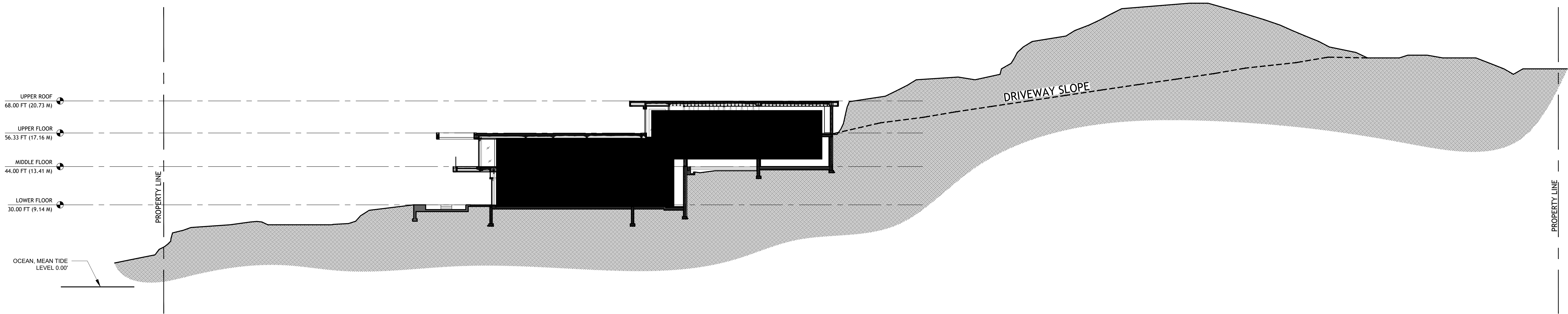
Project Number  
20-07

Scale (Sheet Size Arch C)  
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Sheet Number  
**A0.04**



DATE	ISSUED FOR
08 OCT 2021	DEVELOPMENT PERMIT
21 JAN 2022	BUILDING PERMIT



1 | SITE SECTION  
SCALE: 1/16" = 1'-0"

THE BUILDER IS RESPONSIBLE FOR CHECKING ALL DIMENSIONS AND SHALL NOTIFY OPENSOURCE ARCHITECTURE OF ANY DISCREPANCIES PRIOR TO CONSTRUCTION. DRAWINGS NOT TO BE SCALED FOR DIMENSIONS. ALL WINDOW AND DOOR SIZES ARE APPROXIMATE AND THE MANUFACTURER AND BUILDER SHALL CO-ORDINATE ACTUAL ROUGH OPENING DIMENSIONS. ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF OPENSOURCE ARCHITECTURE AND MAY NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF THESE PARTIES.

SEAL

PROJECT  
**ECHO BEACH**  
MAIN HOUSE  
7531 COVE BEACH ROAD  
HALFMOON BAY, BC  
V0N 1Y0 CANADA

SHEET TITLE  
**SITE SECTION**

PROJECT NUMBER  
20-07  
SCALE  
1/16" = 1'-0"  
SHEET NUMBER

SHEET SIZE  
ARCH E1

**A-1.03**

## Comments for DVP00099

1.

I am writing this letter of support for 7531 Cove Beach Road and their Development Variance Permit application DVP000999 to vary Zoning Bylaw No. 722. I live in the same Cove Beach subdivision, at [REDACTED] Cove Beach Road (Strata Lot [REDACTED]), nearby this property (Strata Lot 1).

These requested variances do not present any material adverse conditions for us at [REDACTED] Cove Road and the construction is otherwise very orderly, tidy, and the house is of high quality and will be a nice addition to the Sunshine Coast and our neighbourhood.

Sincerely,

Michael Ward

2.

Good morning,

We are the owners of [REDACTED] Cove Beach Road, Halfmoon Bay (Lot [REDACTED]), in the Cove Beach strata development. We have learned that one of our fellow Cove Beach owners (Lot 1) is seeking a variance permit (#DVP00099), which will be reviewed on June 20. We wish to express our support for this variance permit in its entirety. The owners of Lot 1 have proven not only to be conscientious neighbours during their build, but their variance request will also benefit the strata community as a whole given their plans to enable water storage and forest fire fighting capabilities, particularly given the water shortage realities we experience in Halfmoon Bay and in light of the location of our homes surrounded by forests. Further, given the secluded location of their lot compared to the rest of the strata community, in our opinion, increasing their parcel coverage limit will have no negative impact on any of the other homes in the strata (or other neighbouring properties) and will not impede any views.

Best,

Tammy Shoranick and Dayton Turner

[REDACTED] Cove Beach Road, Halfmoon Bay

3.

We are Cove Beach residents living at [REDACTED] Cove Beach Lane.

We support the proposed Development Variance Permit # DVP00099 application.

Sincerely,

Sandra Trujillo

Ross Russell

4.

Dear members of the Variance Board,

This is to express my support of our neighbour's application for their new house at 7531 COVE BEACH RD HALFMOON BAY.

All Cove Beach properties present design challenges due to the land's rugged topography which includes steep cliffs, rock outcrops and difficult access. We are struggling with our own lot where a tall rock face is squeezing our building envelope along a very narrow corridor. Through ongoing consultation with neighbours, Cove Beach owners are creating a stunning community nestled in this difficult terrain.

We agree with the addition of a well and pool at 7531 Cove Beach. As a forest interface neighbourhood adjacent to a vacant lot on the East side of Cove Beach, fire is a big concern for us. We appreciate our neighbours' efforts to protect our small community, essentially building a reservoir as part of a well thought-out site plan.

We also support the site coverage variance requested for 7531 Cove Beach. Our neighbours' rationale for asking for an extra 5.5% site coverage is sound. We also appreciate that they chose to add ground floor area rather than adding the extra space on an upper floor: this gives their home a lower profile.

I am a Cove Beach Resident living at [REDACTED] Cove Beach Rd, Halfmoon Bay and a planning professional. I support the proposed Development Variance Permit #DVP00099 application.

Gaetan Royer, BArch, MPI, MEng

5.

Re: Statutory Notification for Development Variance Permit #DVP00099 (7531 Cove Beach Road)

We are neighbours living adjacent to the Cove Beach Subdivision at [REDACTED] Kenyon Rd, Halfmoon Bay, BC. We support the proposed Development Variance Permit #DVP00099 application to permit the construction of an auxiliary dwelling unit and pool on the subject parcel, located at 7531 Cove Beach Road.

Sincerely, Heather and Bob

Heather and Robert Newman

6.

We are Cove Beach Residents living at [REDACTED] Cove Beach Lane in Halfmoon Bay.

We have received and reviewed the Statutory Notification for Development Variance Permit # DVP00099 issued by the SCRD on May 22, 2024.

Be advised, we are in support of this application.

Joseph and Patricia Finn

7.

I have concerns about both parts of this Variance application and believe they contravene many of the Goals of the Halfmoon Bay "OCP". Since your committee focuses on the zoning by-laws I will try to direct my thoughts there.

The existing By-law setback for a structure adjacent to the natural boundary is intended to reduce visual trespass, increase natural open spaces, provide an adequate buffer zone to the tidal area, free public waterfront access and this Lot is designated in the OCP as a Future Waterfront Park opportunity. Reducing the setback requirement will infringe on these objectives.

Increasing max parcel coverage is problematic in several ways. Strata Lot 1 has minimal soil over slow rain water infiltration granite rock and limited vegetation coverage. This increases potential for environmental contamination from storm water run-off into the ocean. The Cove Beach strata development has a limited community septic system in close proximity to the ocean. Additional coverage may over extend the septic system and will increase demand for the Regional District's fresh water supply.

The By-laws were in place prior to the design of the development of Strata Lot 1 and its owner would have considered them prior to the design of the property. Instead this application, both for parts a) and b) are attempting to end run the By-laws and there is no necessity to provide variances. With Lot 1 being part of a gated strata development, it can not be argued that an auxiliary dwelling unit is even intended for housing intensification.

Tom Phillips