

SUNSHINE COAST REGIONAL DISTRICT
WEST HOWE SOUND (AREA F)
ADVISORY PLANNING COMMISSION MEETING AGENDA
Tuesday, September 24, 2024 at 7:00 p.m.

Meeting will be Held Online via MS Teams

CALL TO ORDER

AGENDA

1. Adoption of the Agenda

DELEGATIONS

MINUTES

2. West Howe Sound (Area F) APC Minutes of June 25, 2024 Pages 1 - 2
3. Egmont/Pender Harbour (Area A) APC Minutes of June 26, 2024 pp 3 - 5
July 2024 Meeting Cancelled
4. Halfmoon Bay (Area B) APC Minutes of June 25 & July 23, 2024 pp 6 - 11
5. Roberts Creek (Area D) APC Minutes of July 15, 2024 pp 12 - 14
June 2024 Meeting Cancelled
6. Elphinstone (Area E) APC Minutes of June 25, 2024 pp 15 - 19
July 2024 Meeting Cancelled

BUSINESS ARISING FROM MINUTES AND UNFINISHED BUSINESS

REPORTS

7. Development Variance Permit DVP00100 (798 Marine Drive) pp 20 - 26

NEW BUSINESS

DIRECTORS REPORT

NEXT MEETING

ADJOURNMENT

SUNSHINE COAST REGIONAL DISTRICT

AREA F – WEST HOWE SOUND ADVISORY PLANNING COMMISSION

June 25, 2024

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

PRESENT:	Chair	Susan Fitchell
	Members	Katie Thomas Miyuki Shinkai Jon McMorran Tom Fitzgerald
ALSO PRESENT:	Director, Electoral Area F	Kate-Louise Stamford (Non-Voting Board Liaison)
	Recording Secretary	Diane Corbett
REGRETS:	Member	Marlin Hanson
ABSENT:	Members	Ryan Matthews Vivian McRoberts-Sosnowsk

CALL TO ORDER 7:02 p.m.

AGENDA The agenda was adopted as presented.

MINUTES

West Howe Sound (Area F) Minutes

The West Howe Sound (Area F) APC minutes of May 28, 2024 were approved as presented.

REPORTS

Advisory Planning Commission Questionnaire Results Summary

The staff report on the Advisory Planning Commission questionnaire results summary was received for information. Chair Fitchell thanked the SCRD for the opportunity to comment and give feedback.

Discussion ensued on the summary chart “Question Area” topics. Comments included:

- Meeting location: travel to Area D & E APC meetings seems doable, Areas B and A would be a long drive. Best to meet in the community you live in. Getting to SCRD office

via public transit is not easy in the evening.

- Meeting agendas: want a report back regarding board decisions; want clarification on points in the application; difficult to find minutes on Regional District website.
- Convening monthly: if there are no referred topics to be discussed, as we are a group of volunteers taking time out of our lives to meet, if there is nothing to discuss, don't think APC should meet. Think the community association would be more the spot for general community topics. APC's job is to report on the applications.
- Requests: Staff attending meetings is valuable. Is helpful to know how to follow Roberts Rules of Order, and to keep meetings in scope. Interest in how APCs can provide more actionable and in scope recommendations/comments to the Board. A reference document would be helpful.

DIRECTOR'S REPORT

The Director's report was received.

NEXT MEETING Tuesday, July 23, 2024

ADJOURNMENT 7:40 p.m.

SUNSHINE COAST REGIONAL DISTRICT

EGMONT/PENDER HARBOUR (AREA A) ADVISORY PLANNING COMMISSION

June 26, 2024

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

PRESENT:	Chair	Sean McAllister
	Members	Yovhan Burega
		Gordon Littlejohn
		Bob Fielding
		Catherine McEachern
		Jane McOuat
ALSO PRESENT:	Electoral Area A Director	Leonard Lee
		(Non-Voting Board Liaison)
	Electoral Area A Alternate Director	Christine Alexander
		(Non-Voting Board Liaison)
	Administrative Assistant/Recorder	A. O'Brien
REGRETS:	Members	Alan Skelley
		Dennis Burnham
		Tom Silvey

CALL TO ORDER 7:10 p.m.

AGENDA The agenda was adopted as presented.

Sean McAllister was designated as Chair for this meeting.

ELECTION OF CHAIR AND VICE CHAIR

The 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 March 27, 2024 were approved as circulated.

The following minutes were received for information:

- Halfmoon Bay (Area B) APC Minutes of March 26, 2024.
- Roberts Creek (Area D) APC Minutes of March 18, 2024.
- Elphinstone (Area E) APC Minutes of March 26, 2024.
- West Howe Sound (Area F) APC Minutes of May 28, 2024.

REPORTS

Advisory Planning Commission Questionnaire Results Summary

Points from discussion included:

- The feedback comments lack specificity (ie.how many responding members were in agreement).
- Members feel that their efforts are useless and are not sure why they are here.
- Would like to know Board decisions were made based on following APC recommendations
- Would like clarity about the types of applications and items that are referred to the APC.
- Frustration with the lack of meetings and therefore the type of questions in the survey don't seem to apply to us.
- Would like to request that staff attend meetings to introduce items and answer questions about the application and Planning processes, if requested.
- Would like the following questions to be asked of APC members: What do you feel is the purpose/role of the APC? Where do members feel our knowledge and advice can help our Director with policy and decision-making? Could the Directors provide feedback on that question?
- Feels that the APC could be commenting on more than the very few referrals received.
- Potential topic is the Advisory Board for the Dock Management Plan.
- Would like to see the APC provided with more information on sewer and water updates and what will happen in the future, especially in relation to upcoming increased charges to property owners.
- Can the SCRDP request improvements to the roads through MOTI?
- This survey does not help inform changes related to improving how our knowledge and perspective can have maximum effect.

Recommendation No. 1 *Advisory Planning Commission Questionnaire Results Summary*

The Egmont/Pender Harbour (Area A) APC recommended that the APCs be asked what changes could help improve how our local knowledge and perspective can affect the next steps.

Recommendation No. 2 *Advisory Planning Commission Questionnaire Results Summary*

The Egmont/Pender Harbour (Area A) APC recommended that the Electoral Area Directors provide feedback on how they would like to use their APCs for advice.

Recommendation No. 3 *Advisory Planning Commission Questionnaire Results Summary*

The Egmont/Pender Harbour (Area A) APC recommended the Electoral Area Directors review the past Board Recommendations that reduced the items which would be referred to the APCs and assess the pros and cons of implementing those changes.

The Electoral Area A APC would like to extend thanks to the previous Recording Secretary Kelly Kammerle for her assistance and help over many years of service.

DIRECTOR'S REPORT

The Director's report was received.

NEXT MEETING July 31, 2024

ADJOURNMENT 8:58 p.m.

**SUNSHINE COAST REGIONAL DISTRICT
HALFMOON BAY (AREA B) ADVISORY PLANNING COMMISSION**

June 25, 2024

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

PRESENT:	Chair	Nicole Huska
	Members	Len Coombes Bob Baziuk Ellie Lenz Kelsey Oxley Kim Dougherty Suzette Stevenson Alda Grames Barbara Bolding (Recorder)
ALSO PRESENT:	Director, Electoral Area B	Justine Gabias (Non-Voting Board Liaison)
DELEGATION:	Cove Beach Rd. Proponent	Martin & Michelle Gerber (Owners) Eric Pettit (Architect) Jim Green (Consultant)
MEMBERS OF THE PUBLIC:		Darlene Tymo

CALL TO ORDER 7:07 p.m.

AGENDA The agenda was adopted as presented.

MINUTES

Halfmoon Bay (Area B) Minutes

The Halfmoon Bay (Area B) APC minutes of March 24, 2024 were approved as presented.

Minutes

The following minutes were received for information:

- Egmont/Pender Harbour (Area A) APC Minutes of March 27, 2024
- Roberts Creek (Area D) APC Minutes of March 18, 2024

- Elphinstone (Area E) APC Minutes of March 26, 2024
- West Howe Sound (Area F) APC Minutes of May 28, 2024

REPORTS

Advisory Planning Commission Questionnaire Results Summary

Information was received with thanks to Staff for providing the information and feedback to us.

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

- Owners and Architect provided background information including:
 - Intent of this project
 - History and chronology of the permitting process for this build, Staff advice received over time, challenges of building through the transition of Bylaws (310 to 722).
 - Provisions made for fire suppression involving a private well and the pool in question.
- APC members' discussed numerous issues related to both variances being considered. Discussion brought us to the point where we agreed that we needed more information before making a recommendation to approve or deny the variances in question. Our main concerns form Recommendation No. 1 (below).

Recommendation No.1 *Development Variance Permit DVP00099 (7531 Cove Beach Road)* *–Electoral Area B*

The Area B APC recommended that before making a recommendation regarding the DVP further information be provided on at least the following points:

- SCRD's view of the chronology/history of events surrounding the various permit applications—what, who, when (especially as they relate to the transition from Bylaws 310 to 722).
- Explanation of how this subdivision meets the 5 DVP criteria that are listed on page 4 of the Staff Report to the EAS committee that was included in the APC's agenda package.
- How to prevent this DVP from becoming a precedent, both in the local area and throughout the SCRD
- Current reports relevant to this DVP, especially impact from proposed new structures (pool and adu) from qep(s), geotech, fire service. and if qep and geotech reports do not address it, foreshore/ocean impact, storm and flood damage prevention

- Calculation of Maximum Parcel Coverage especially as it relates to the original subdivision of this property. Was there an error or omission made at the time of subdivision by not changing the subdivided lots in the Cove from RU1 to a more suitable zone? Apparently different, yet still appropriate zoning would have allowed a Maximum Coverage of >15%.
- ADU floor area and height. Does it conform to 722 or is a variance part of this DVP application?
- What can and cannot occur on the ocean side of a 7.5 M setback from the natural ocean boundary e.g.
 - Types of structures
 - Types of landscaping
 - Construction access

AND THAT a member of the SCRDP planning staff be present when the Area B APC meets to discuss the information that we receive, to clarify points and answer questions that will surely arise.

DIRECTOR'S REPORT

The Director's report was received.

NEXT MEETING July 23, 2024

ADJOURNMENT 9.20 p.m.

SUNSHINE COAST REGIONAL DISTRICT

HALFMOON BAY (AREA B) ADVISORY PLANNING COMMISSION

July 23, 2024

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

PRESENT:	Chair	Nicole Huska
	Members	Len Coombes Bob Baziuk Kim Dougherty Suzette Stevenson Alda Grames Barbara Bolding (recorder)
ALSO PRESENT:	Manager, SCRD Planning and Dev. SCRD Planner II DVP00099 Applicant	Jonathan Jackson Nick Copes Eric Pettit
DELEGATION:	Birch Way Representative	Konstantin Vassev
PUBLIC:		5
ABSENT:	Members	Ellie Lenz Kelsey Oxley Justine Gabias (Director, Area B)

CALL TO ORDER 7:16 p.m.

AGENDA The agenda was adopted as presented.

MINUTES

Halfmoon Bay (Area B) Minutes

The Halfmoon Bay (Area B) APC minutes of June 25, 2024 were approved as presented.

Minutes

The following minutes were received for information:

- Egmont/Pender Harbour (Area A) APC Minutes of 26 June, 2024
- Elphinstone (Area E) APC Minutes of 26 June, 2024
- West Howe Sound (Area F) APC Minutes of 25 June, 2024

REPORTS

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

A detailed discussion of issues related to this application occurred. The participation of SCRD staff members was very helpful to our further understanding of many of the circumstances related to it.

The development permit request was considered in 2 parts as outlined in the Staff Report Recommendation.

Regarding 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, the APC was divided on this request. No members opposed the 7.5 m set back as it has already been approved. However, while a majority of members supported the request for approval of a “structure” (i.e. a pool) in this space, at least 3 members opposed construction of the same.

Reasons:

Reasons to support a “structure” (i.e. pool) in this space included:

- Construction of a plaza in this space is already approved
- Pool is preferable to a heat reflecting plaza
- Question comes down to a ‘waterscape” vs. a hardscape

Concerns of those opposed to construction of a pool included:

- If the pool is to be part of a heat sink for summer cooling, the possibility of warm water being released into the ocean needs to be assessed by the appropriate agency.
- Pool will increase parcel coverage beyond that which is allowed by current zoning.
- During the design and permit approval process, the owners and architect became aware of the specific bylaws requirements re: definitions of “structures” and of allowable square footage in this zone, and yet seem to have chosen a plan that would lead to overbuilding.
- Pool and fence (per artist’s drawings available on the architect’s website) is not in keeping with the OCP guidelines

Regarding Section 7.9.3 to vary the maximum parcel coverage for a parcel over 3500 m2 in the RU1 Zone from 15% to 20.5%:

The Halfmoon Bay APC was about evenly divided on this request. We could not reach agreement and so could not make a recommendation.

Reasons:

Those in support of the request to increase the maximum parcel coverage considered the unique situation described in this application. Key points included:

- SCRD bylaw anomalies that apparently allow up to 35% parcel coverage on smaller parcels
- Application to reduce lot size will increase staff time and SCRD costs. Approval now may create time and cost savings.

- The large eaves of the house do not cover living space, and in fact protect it from summer heating. They provide beneficial cooling effects, which are becoming essential during our increasingly hot summers.

Those opposed to the increase were concerned with the following:

- The increase to the maximum parcel coverage contradicts the previous (310) and the current (722) bylaws applicable to the current zoning of this property. Increased parcel coverage also contradicts OCP principles.
- During the planning and approval process, other designed options were possible but apparently not pursued. The overall site plan was known, but not included with the original permit application. If it had been, adjustments could have been made at the time.
- Both the old and new bylaws (known to any applicant) include overhangs/eaves in area coverage calculations. This may differ other jurisdictions, but it's this region's standard. The calculation method has been, and will continue to be applied to all other permit applicants on the Coast. We need to apply the bylaws consistently.

Zoning Amendment Bylaw No. 722.11 for Subdivision of 8000 Birch Way

Discussion touched on water supply, highway/roadway access, and the potential for subdivision of the new lots and covenants. Once again, the presence of SCRD staff was helpful.

Recommendation No. 1 *Zoning Amendment Bylaw No. 722.11 for Subdivision of 8000 Birch Way*

The Halfmoon Bay APC supports the application for rezoning of 8000 Birch way as outlined in the staff report attached to our meeting agenda.

Reasons:

- It conforms to the criteria for consideration of a 1 hectare parcel size described in the staff report. Once subdivided, it will still be similar to properties in the neighbourhood.

NEXT MEETING September 17, 2024 by Zoom

ADJOURNMENT 9:45 p.m.

SUNSHINE COAST REGIONAL DISTRICT

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

July 15, 2024

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

PRESENT:	Chair	Mike Allegretti
	Members	Erik Mjanes (recorder) Gerald Rainville Robert Hogg Chris Glew Chris Richmond
ALSO PRESENT:	Kelly Backs	Electoral Area D Director (Non-Voting Board Liaison)
	Denise Lofstrom	Applicant
REGRETS		Meaghan Hennessey Lesley-Anne Staats Francesca Hollander Jim Budd Caroline Tarneaud Vicki Dobbyn (recorder)

CALL TO ORDER 7:09 p.m.

AGENDA The agenda was adopted as presented.

MINUTES

The Roberts Creek (Area D) APC Minutes of March 18, 2024 were approved as circulated.

The following minutes were received for information:

- Egmont/Pender Harbour (Area A) APC Minutes of March 27, 2024
- Halfmoon Bay (Area B) APC Minutes of March 26, 2024
- Elphinstone (Area E) APC Minutes of March 26, 2024
- West Howe Sound (Area F) APC Minutes of May 28, 2024

REPORTS

Agricultural Land Commission Application ALR00028 (801 Leek Road)

Prior to committee discussion, the applicant presented an overview of the proposed project and answered questions from APC members. Presentation included an overview of applicant's existing business (Bruinwood Distillery) and background of the current application, including timeline, status of riparian development permit (approved), arborist report, and explanation of notice of intent process vs. application for non-farm use. Applicant provided an overview of proposed use of site, also summarized in the SCRD staff report. ALC application is seeking approval to bring in fill solely for construction of meadery ("lounge").

APC members wished to note that two of the APC members reside in the vicinity of 801 Leek Road. Request was made to note this in the minutes.

Questions from committee included:

- clarification of LCB rules re: alcohol sales, lounge capacity, noise mitigation.
- status of neighbourhood consultations and feedback to date.
- confirmation that existing topsoil would not be removed from site.
- discussion re: the requirement for 50% of farm products used in alcoholic beverage production be produced by the same farm. Clarification provided that SCRD is responsible for this assessment but would likely defer to ALC expertise when calculating 50% threshold compliance.
- questions about project details (e.g., bear proofing, traffic impacts, parking, fencing).

Key Points of Discussion:

- Concerns about future use, how to ensure that any future owner(s) is committed to "farming" rather than a commercial enterprise of a different nature.
- Concerns about details of the land use, parking square footage, traffic in/out of Leek Rd and Highway 101.
- Committee members expressed concern that a similar brewery development had been allowed to be established despite community concerns related to non-compliance with certain ALC requirements.
- Support expressed for the proposed use as it leverages Sunshine Coast's tourism potential, contributes to local economic development through niche/boutique business. It is a welcome step towards moving away from dependency on resource-based economic development.
- It was noted that applicant/owner has demonstrated success with a somewhat similar business over last 7 years.
- Smaller scale (max 30 seat lounge) and nature of the business (more winery than pub, focus on high quality, niche product and food) were cited as more suitable for the location than larger, louder commercial operation.
- Since application concerns only approval to add fill for building construction, committee has no concerns with proposal provided that all ALC requirements are met re fill specifications.

Recommendation No. 1 *Agricultural Land Commission Application ALR00028 (801 Leek Road)*

The Area D ACP supports the application to the ALC and recommends it proceed to the EAS.

REPORTS

Advisory Planning Commission Questionnaire Results Summary was received for information.

DIRECTORS REPORT

Director's Report was received.

NEXT MEETING September 16, 2024

ADJOURNMENT 8:30 p.m.

SUNSHINE COAST REGIONAL DISTRICT

AREA E – ELPHINSTONE ADVISORY PLANNING COMMISSION

June 25, 2024

RECOMMENDATIONS FROM THE AREA E ADVISORY PLANNING COMMISSION MEETING HELD AT FRANK WEST HALL, 1224 CHASTER ROAD, ELPHINSTONE, BC

PRESENT:	Chair	Michael Sanderson
	Members	Laura Macdonald Arne Hermann Devin Arndt Clinton McDougall Nara Brenchley (Recorder)
ALSO PRESENT:	Electoral Area E Director	Donna McMahon (Non-Voting Board Liaison)
	SCRD Senior Planner FORTIS BC Delegation	Sven Koberwitz Jason Cochrane
REGRETS:		Anthony Paré Mary Degan

CALL TO ORDER 7:01 pm

AGENDA

The agenda was adopted as presented with the rearrangement of items 8 and 9 to allow Jason Cochrane as the FORTIS BC delegation to be heard sooner and therefore able to leave before the meeting was finished.

MINUTES

The Elphinstone (Area E) APC Minutes of March 26, 2024 were approved as circulated.

The following minutes were received for information:

- Egmont/Pender Harbour (Area A) APC Minutes of March 27, 2024
- Halfmoon Bay (Area B) APC Minutes of March 26, 2024
- Roberts Creek (Area D) APC Minutes of March 18, 2024
- West Howe Sound (Area F) APC Minutes of March 26 & May 28, 2024

REPORTS

Advisory Planning Commission Questionnaire Results Summary

Points of discussion included:

- It was noted that each Electoral Area of the Sunshine Coast and APC is quite different in opinions and priorities.
- A 50% response (22 of 44 APC members) for the questionnaire is quite poor.
- While it would be ideal for a staff member of the SCRD to attend APC meetings, the timings of evening meetings and staff capacity and budgeting constraints make that difficult.
 - We appreciated SCRD Senior Planner, Sven Koberwitz' attendance this evening.
- Would having a staff member dedicated to APC attendance, rather than relying on contractors to take minutes, help streamline meetings and make the APC more effective?
- What if we took our own meeting minutes as we are doing this evening?
- We greatly appreciate when the reports lay out what information / comments / recommendations are being sought in order to facilitate discussion and save time.
 - Distillation of the information provided and what feedback is sought is invaluable.

The Area E APC appreciates the opportunity to be heard and looks forward to seeing what recommendations will be made to the board and therefore what changes may occur. We await our September meeting.

Development Permit DP000310 for 1020 Keith Road (FORTIS BC)

Jason Cochrane, of FORTIS BC, addressed the APC and spoke to the application:

- Low pressure issues have been identified within the distribution system on the coast with areas of Redroofs Road and Langdale being at the extreme ends.
- The solution involves high pressure storage tanks filled in the summer when usage is low.
 - Want to get up and running quickly as now is the time to fill the tanks.
- Acknowledgement that work started prior to DP being in place not knowing it was required.
 - Property was logged in end of 2022. Timber was given to Squamish nation.

Key Points of Discussion included:

- If the project was more visible, some variety of colours on the individual buildings would be nice. Something like the wrap at Roberts Creek Road and Highway.
 - This is not actually something we can require, given the current guidelines. There is potential to address this in OCP updates.

- Landscaping is part of the DP. We would like to see Native grasses and pollinator meadow rather than lawn grasses. The application states “Native Hydroseed”, but the Premier Pacific Blend is not comprised of native species.
- Cedar hedging is a fire hazard and requires a lot of irrigation. Time to move on to more drought tolerant plantings.
 - While a “softening” treatment in front of the frost (chain link) fence surrounding the facility is necessary, a deciduous hedgerow is suggested or perhaps a solid fence with a mural to be lower maintenance.
- Application notes “BC Landscape Society Specifications” when there is no such entity, it is the Canadian Landscaping Standards that should be applied.
- Light pollution concerns: a nuisance to neighbours and detrimental to wildlife. Dark skies friendly would be preferred.
 - This site has security concerns requiring permanent lighting, motion sensors are not sufficient. What about low or red lights, only turning brighter when motion is detected?

Recommendation No. 1 *Development Permit DP000310 for 1020 Keith Road (FORTIS BC)*

The Area E APC recommended that while the proposal meets the form and character guidelines at a minimum the Area E APC would like to see an increase in the diversity of plants used in the landscaping as follows:

- Native plants and grasses would require less maintenance than lawn grass and support pollinators.
- Drought tolerant alternatives to cedar hedging should be considered.

Agricultural Land Commission Application ALR00026 (437 Hough Road)

Key Points of Discussion included:

- Don't all properties need a house to be in place before an auxiliary building?
- What protocols are in place to ensure this land is actually looked after?
- Right to Farm Act can be treated as a loophole. We have very little procedural ability to make someone prove they are indeed farming the land.
- Land clearing is considered part of farming. One can clear right up to and through a stream.
- A Farm plan is a business plan.
- Professional reliance: An agrologist should be retained to assess/confirm that the soil is “poor quality” as stated by the applicant.
- The SCRDP should do due diligence and the Agricultural Land Commission (ALC) should review Regional District comments (regarding both relevant local planning policies and technical considerations) in arriving at a decision by the South Coast Panel.
- Why was the previous owner required to provide more documentation at this stage when that application was ultimately denied?

- A member of the committee, attending a recent conference, heard from ALC representatives that they would love to see regional districts NOT forwarding as many applications that they then have to go and deny.
- Fees for applications received by the SCRD are set and they don't stretch to cover reviewing agrologist reports etc which the SCRD has no expertise to evaluate. That's the ALC's job.
- We, the Area E APC, cannot evaluate this on a speculative or technical merits.
- We recognize the SCRD staff does not have the required expertise to review these types of reports.
- This parcel is adjacent to a riparian area. Huge concern for the salmon bearing stream. This is a key area (i.e. impact on stream Riparian Areas Protection Regulation setbacks and habitat) where the Regional District has certain jurisdiction. As such, potential impacts of proposed fill in the vicinity of watercourses must be addressed and specific concerns forwarded to the Land Commission of consideration in the application.
- This is an incredibly large volume of fill! Without a proposed fill plan it is impossible for the SCRD to adequately address potential impacts on the adjacent watercourse. The referenced Site Plan (Figure.1) included in the Staff Report was inadequate for this purpose.
- A QEP should be involved. An environmental assessment must be undertaken as the basis for a water management plan. What if the fill is freshly dumped and we get another atmospheric river and it all washes into the stream?
- Where is this "quality soil" coming from? Is each load to be analyzed? What makes it "quality"?
- Augmenting soil is a farm use (i.e. manure amendments) fill is not a farm use.
- Contamination of streams should be monitored. Fertilizer is going to run off.
- Does the Right to Farm Act really supersede all riparian protections? The Agricultural Land Reserve (ALR) land does have some protections for watercourses.
- We are especially worried about fertilizer run off.
- Plans for the barn and house should be in place before anything else to hold the owners in place and keep them from flipping the property.
- The SCRD should request the farm plan and further information like the previous application was required to provide.
- Because this is not a farm use, the ALC can and should require stream protection, storm water management plan, a detailed fill plan and riparian assessments before proceeding.
- While it is recognized that much of the noted additional technical information is within the Land Commission's mandate to require and review, at a minimum it is the obligation of the Regional District to support the Commission's application requirements as part of it's review.

Recommendation No. 2 *Agricultural Land Commission Application ALR00026 (437 Hough Road)*

The Area E APC recommended that the ALC be made aware of the concern about the large volume of fill and the potential for the soil and fertilizers to contaminate the salmon bearing tributary of Chaster Creek

AND THAT a QEP be required to provide an environmental assessment and Storm Water Management Plan to determine and address any potential impacts on the creek.

Recommendation No. 3 *Agricultural Land Commission Application ALR00026 (437 Hough Road)*

The Area E APC recommended that an agrologist be retained to test the existing soil to confirm it is indeed “poor quality” to justify such a large volume of fill being placed and to recommend the quality of soil to be imported to improve the site soils.

Recommendation No. 4 *Agricultural Land Commission Application ALR00026 (437 Hough Road)*

The Area E APC recommended that, because fill is not a recognized farm use, the applicant provide more information which needs to be submitted to both the SCRD and Land Commission at an earlier stage in the review process including a detailed topographical survey, a detailed fill plan, and in this case a QEP assessment of where the fill is to go, addressing potential impacts and proposed mitigation measures.

NEW BUSINESS

An item of New Business arose as a result of discussing jurisdictional limitations with our agenda items.

Recommendation No. 5 *OCP and Bylaw updates*

The Area E APC recommended that the following bylaws be introduced as part of the OCP update:

- Dark Sky policy
- Soil and Fill Removal and Deposit
- Noxious weed / invasive species control.

DIRECTORS REPORT

The Director’s report was received.

NEXT MEETING July 23, 2024

ADJOURNMENT 8:58 pm

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: West Howe Sound Advisory Planning Commission – September 24, 2024

AUTHOR: Devin Rajala, Planning Technician III

SUBJECT: **Development Variance Permit DVP00100 (798 Marine Drive) - Electoral Area F**

RECOMMENDATION

- (1) THAT the report titled Development Variance Permit DVP00100 (798 Marine Drive) - Electoral Area F be received;**
 - (2) AND THAT the West Howe Sound Advisory Planning Commission review the application and provide recommendation(s) to SCRD Board.**
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BACKGROUND

The SCRD has received a development variance permit application for 798 Marine Drive in Electoral Area F.

The intent of the application is to allow for the completion of a partially constructed deck, and includes the following requested variances:

1. a reduction of the minimum setback from a side parcel line from 1.5 metres to 0.38 metres and
2. a reduction of the minimum setback from the natural boundary of the ocean from 15 metres to 2.9 metres.

The purpose of this report is to present this application to the West Howe Sound Advisory Planning Commission for comment.

DISCUSSION

Analysis

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

- 5.14.1 (b) The setback of building or structure shall be: the minimum setback from a parcel line not adjacent to a highway, an internal private road, a waterbody or a watercourse shall be as follows: Height of building and structure ≤ 8.5 m
Setback 1.5 m
- 5.16.1 (a) 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: 15 m of the natural boundary of the ocean.

Construction of a deck near the bottom of the property had already begun but was halted in October 2023. due to a stop work order issued by the Sunshine Coast Regional District (SCRD). Footings, posts, and joists were installed prior to the stop work order being issued.

The property is located at 798 Marine Drive in the West Howe Sound Electoral Area. The halted development is located within the following Development Permit Areas (DPA): DPA 1B – Coastal Slopes and DPA 6 – Shoreline Protection & Management.

The proposed development plans are included in Attachment A.

Table 1 – Application Summary

Owner/Applicant:	Raymond Roach/Ben Smale
Legal Description:	LOT 9 BLOCK DISTRICT LOT 687 PLAN 2075
PID:	008-245-061
Electoral Area:	F – West Howe Sound
Civic Address:	798 Marine Drive
Land Use Zone:	R1 (Residential One)
OCP Land Use:	Residential
Parcel Area:	661.94 square meters
Proposed Variances:	To retroactively vary a zoning bylaw setback to accommodate the construction of a deck.

Figure 1 - Location Map



Variance Criteria

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

- The location of the deck does not impact the vision line of neighboring properties.
- The encroachment into the setback area is not adjacent to habitable space.
- The encroachment into the setback area does not set a precedent as neighboring properties have similar setback encroachments.
- The deck location utilizes an existing retaining wall foundation reviewed for suitability by a geotechnical engineer. There are no other reasonably safe locations for this deck that would not create further slope stability issues.
- The development occurs over a previously developed area and does not require clearing of natural vegetation for construction.

Staff Comment

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

In relation to the proposed variance to Section 5.16.1 (a) the reduction of the minimum setback from the natural boundary of the ocean from 15 metres to 2.9 metres:

- The setback regulation from the natural boundary of the ocean serves to strengthen property protection from flooding and facilitate environmental protection, public enjoyment of natural coastline, and reconciliation. At the time of the adoption of Zoning Bylaw 722 in December 2022, this setback requirement was increased from 7.5 m to 15 m, to reflect the above objectives. With this lens the extent of the proposed variance is seen as extensive.
- The proposed variance is seen as defeating the intent of provincial guidelines intended to inform local governments of industry standards that mitigate risks associated with climate adaptation. Future sea level rise may increase the risk of coastal erosion and accelerate the retreat of shorelines. Ultimately, sea level rise planning needs to be considered as part of new development/redevelopment in these coastal interface areas.

In relation to the proposed variance to Section 5.14.1 (b) a reduction of the minimum setback from a side parcel line from 1.5 metres to 0.38 metres :

- The purpose of the side setbacks between parcels is for practical reasons such as privacy and overlook and providing space for access between the side of the building or structure and the property line.

Timeline for next steps or estimated completion date

This application will be considered by the SCRD Board at an upcoming meeting of the Electoral Area Services Committee once APC comments are received.

CONCLUSION

The proposed development variance permit to vary the setback line from the natural boundary of the ocean, and from a parcel line not adjacent to a highway, an internal private road, a waterbody or a watercourse, would facilitate the construction of a deck on the property.

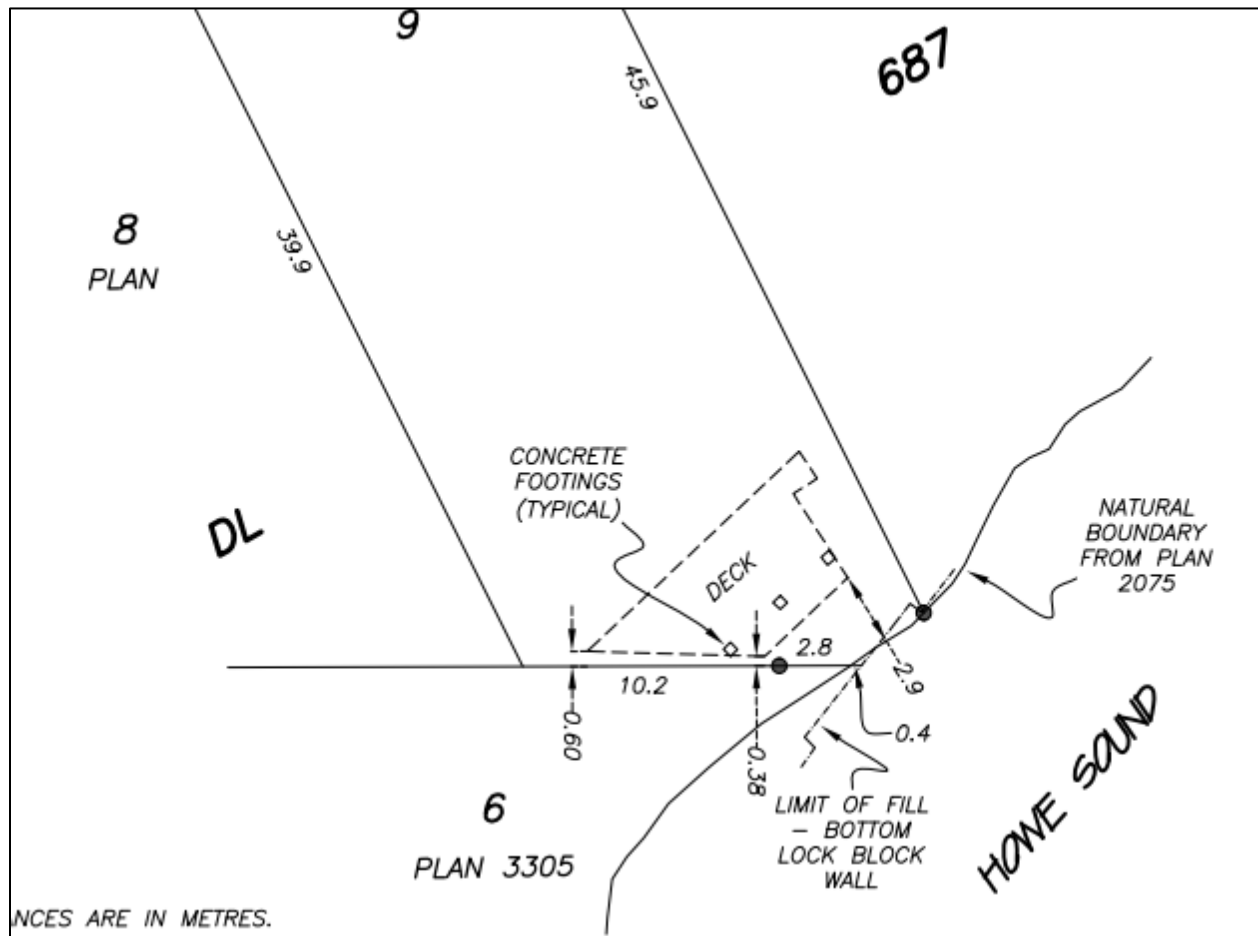
Given the proximity of the proposed structure to the natural boundary of the ocean and to a parcel line bordering a neighbouring property, staff are not supportive of the variance application as proposed and recommend removal of the structure.

ATTACHMENTS

Attachment A –Site Plan

Attachment B – Site Photo

ATTACHMENT A –SITE PLAN



ATTACHMENT B – SITE PHOTO

