

# SUNSHINE COAST REGIONAL DISTRICT

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

July 26, 2023

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RECOMMENDATIONS FROM THE AREA "A" ADVISORY PLANNING COMMISSION MEETING HELD  
AT SOUTH PENDER OFFICE, MADEIRA PARK, BC

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

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

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

### MINUTES

#### Area A Minutes

The Egmont/Pender Harbour (Area A) APC Minutes of April 26, 2023 were approved as circulated.

The following minutes were received for information:

- Halfmoon Bay (Area B) APC Minutes of April 25, 2023
- Elphinstone (Area E) APC Minutes of April 26 & June 28, 2023
- West Howe Sound (Area F) APC Minutes of April 25 & May 23, 2023

## REPORTS

*The Area A APC reviewed the Regional Growth Framework Baseline Research report.*

### **Recommendation No.1**      *Regional Growth Framework Baseline Research*

The Area A APC recommended that the Regional Growth Framework Baseline Research report be received for information.

*The Area A APC discussed the proposed amendments to Bylaw 337 (Area A) with respect to the PEP 2 Phase 1 Policy Fix Micro Project and had the following recommendation, concerns and issues:*

### **Recommendation No.2**      *Planning Enhancement Project (PEP) 2 Phase 1 Policy Fix Micro Project: Amendment Zoning Bylaw No. 722.9 and 337.123 Watercourse and Shoreline Protection Amendments.*

The Area A APC recommended that the SCR D Board adopt Option No. 3, make no changes at this time, and that the proposed amendments do not receive first reading and no amendments to Bylaw 337 be enacted at this time.

#### CONCERNS AND ISSUES:

- These amendments are not “housekeeping” items
- Given the importance and number of waterfront properties in Area A, the proposed changes will have a significant and negative impact on both property values and the amount of subdividable land.
- Area A residents need to be informed of the proposed changes and provided with an opportunity to ask questions and provide their input.
- Justification for pushing these changes through on an emergency basis has not been justified; specific provincial legislative requirements are not specified and vague references to fostering climate resilience is not adequate justification.
- The changes would aggravate rather than clarify the regulatory confusion and layer on additional and conflicting compliance and enforcement issues.
- The committee is concerned about the assumption that all areas should have the same OCP or Zoning bylaw as this idea has never been vetted with the residents of Area A, this Committee, PHARA or our community associations. Area A has extensive waterfront properties and a topography and economic climate quite different than the other Electoral areas and municipalities of the Sunshine Coast.

#### **Parcel Area Calculation for Subdivision Purposes**

- There may be confusion between “useable parcel area” (where a minimum useable size is set out in s.413 of Bylaw 337 for each Subdivision Area) and a calculation of the total area of the property proposed to be subdivided (the numerator in calculating minimum lot size). The Streamside Protection Enhancement Area (SPEA) is already excluded from the definition of “useable parcel area” in Bylaw 337. If specified requirements for minimum lot size, useable parcel area and lot coverage ratios are otherwise met, the committee did not see a benefit to excluding SPEA area. Requirements of the SPEA report (and a restrictive covenant on title) would restrict development on the resulting subdivided lots.
- The proposed definition of a stream or watercourse contains a novel, additional exclusion in

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calculating parcel area (new 402 (iv)) that goes beyond the current Riparian Areas Protection Act (RAP) because it removes the connection between such water and preservation of fish habitat.

- As drafted, the proposed exclusion would include areas of pooled water over vast areas of land that is the temporary and natural consequence of precipitation in a Coastal Rainforest area of rocky sloping land. The committee questioned the exclusion of such water areas if there was no connection to protecting fish habitat and recommends deletion of 402 (iv).

#### **Hardscaping Definition**

- The benefit of creating a “hardscaping” definition was questioned, as it would further confuse the issue and be of limited benefit.
- The Changes proposed would not prevent hardscaping near the waterfront, because the prohibition would only apply where a SPEA area has been created in an RAP QEP report. That report is triggered by: an application for development (an undefined term in RAP regulations) or by a land being within a Development Permit Area (DPA) #4 under the Area A OCP).
- The proposed wording would not prevent a buyer of a vacant lot (whose land is not within Development Permit Area #4) building a road to the water, clearing trees, importing sand or gravel, building a retaining wall etc. because no SPEA would exist at that point.
- Such activities are unlawful where land is within a DPA #4 – Riparian ( see OCP s. 3.10 and 3.10.8), but it was noted most landowners are not aware that their property is within a DPA.
- It would be of benefit to include “hardscape” in the “Land Alteration” definition in OCP s. 3.10 (c).

#### **Streamside Buffer**

- It was noted that a once a SPEA is delineated in the RAR report, it usually specifies what can be built or grown or not removed within the SPEA (down to identified trees, etc.) and the SCRDR often requires a covenant specifying such restrictions be registered against title.
- The 5-metre buffer is significant (increasing the SPEA setback area by potentially 20- 50%) and of questionable value. If the SPEA (as determined based on the professional reliance model set out in the RAP) is not adequate in protecting a stream or watercourse (and nearby roots and canopy), it seems the Province should revisit this legislation.
- Given the huge impact of these site restrictions for many property owners in Area A, limiting building of: patios, decks, pathways, stairs, etc., to access and enjoy the waterfront, the stated rationale of “ critical green infrastructure asset that strengthens the resilience to climate change impacts” is not enough.
- Scientific justification is needed for something going beyond protection of fish habitat.
- Given the vast tracts of Crown land within Area A subjected to annual permitted deforestation, it is difficult to justify the hardship to (only) waterfront property owners by requiring an additional 5 metre “no build” zone.

#### **Water Setbacks**

- The proposed increased setback requirements pose serious consequences to landowners in Area A by reducing property values and rendering many parcels “unbuildable”.
- Serious justification and the opportunity for public input is requested.
- Varying setbacks means existing properties will lose privacy as neighbours are forced to build behind them and those required to build further back will have restricted sight lines and want to clear more trees for water views.
- The committee is concerned with the reality that, as the SCRDR increases these restrictions (without increasing the resources available to enforce them), trees will disappear to maintain view lines (Why do people buy waterfront?), paths and stairs will appear, (residents want safe

access to waterfront), larger hardscaping will be built (such a long trek to the shore) and this activity will now occur (and be visible) in a (proposed) larger setback area.

- Bylaw enforcement, requests for variance and pressure on planning staff will grow exponentially, because the consequences are critical to waterfront owners.
- The changes suggested are an oversimplified band-aid non-solution to a complex issue.

## **NEW BUSINESS**

This APC requests a meeting with the planning department with all APC's in attendance.

## **DIRECTOR'S REPORT**

The Director's report was received.

**NEXT MEETING**      September 27, 2023

**ADJOURNMENT**      8:30 p.m.