

# SUNSHINE COAST REGIONAL DISTRICT REFERRAL REPORT

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**TO:** Electoral Area Services Committee – November 21, 2024

**AUTHOR:** Nick Copes, Planner II

**SUBJECT:** ZONING AMENDMENT BYLAW No. 722.4 FOR 1747 STORVOLD ROAD – ELECTORAL AREA F

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## RECOMMENDATIONS

1. THAT the report titled Zoning Amendment Bylaw No. 722.4 for 1747 Storvold Road – Electoral Area F, be received for information;
  2. AND THAT Zoning Amendment Bylaw No. 722.4 be forwarded to the Board for First and Second Reading;
  3. AND THAT a Public Hearing to consider Zoning Amendment Bylaw No. 722.4 be scheduled;
  4. AND FURTHER THAT Director \_\_\_\_\_ be delegated as the Chair and Director \_\_\_\_\_ be delegated as the Alternate Chair for the Public Hearing
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## BACKGROUND

The SCRД received Zoning Bylaw amendment application to amend Zoning Bylaw 722 to allow for an Assembly use and two auxiliary dwelling units (in addition to two existing single-unit dwellings) for the property at 1747 Storvold Road in Electoral Area A - West Howe Sound.

## CURRENT CONDITIONS AND PROPOSED USES

Table 1 - Application Summary

<b>Owner / Applicant:</b>	Chad Hershler
<b>Legal Description:</b>	LOT F DISTRICT LOT 1398 PLAN 21599
<b>Electoral Area:</b>	F – West Howe Sound
<b>Parcel Area:</b>	Total: 1.94 HA
<b>OCP Land Use:</b>	Rural Residential B
<b>Zoning:</b>	RU1 (Rural Residential One)
<b>Subdivision District:</b>	G (minimum 1.75 HA)
<b>Application Intent:</b>	To allow for assembly use and two auxiliary dwelling units

The subject property, as described in Table 1 above, is within West Howe Sound and is located approximately 2.5 km from the Langdale Ferry Terminal. A business/organization called “Deer Crossing the Art Farm” has been based on the subject property since 2009. The property currently has two single-unit dwellings and some auxiliary buildings located on it. The proponent/property owner has submitted a zoning amendment application to amend the Rural Residential One (RU1) to allow for both an ‘assembly’ use and allow for two auxiliary dwelling units with a maximum of 75 m<sup>2</sup> each. The applicant has provided an application package summarizing their proposal and intent of this application (Attachment A – Applicant Rationale Letter; B –Site Plan; and C – Description of Proposal)

Assembly Use

The applicants state that the proposal will provide “space and facilities for cultural and education programming that reconnects us with the land, ourselves, and each other”. They also note that “The Smart Farm pilot is committed to subsidized access to agricultural land and affordable housing for farmers alongside education and engagement with the community”. It is proposed that events would take place a maximum of 10 times per month, consisting of eight gatherings limited to 40 attendees with hours between 9 am and 7 pm and two gatherings limited to 60 attendees with hours between 9 am and 10 pm.

Figure 1 – Location Map



## DISCUSSION

### Planning Analysis

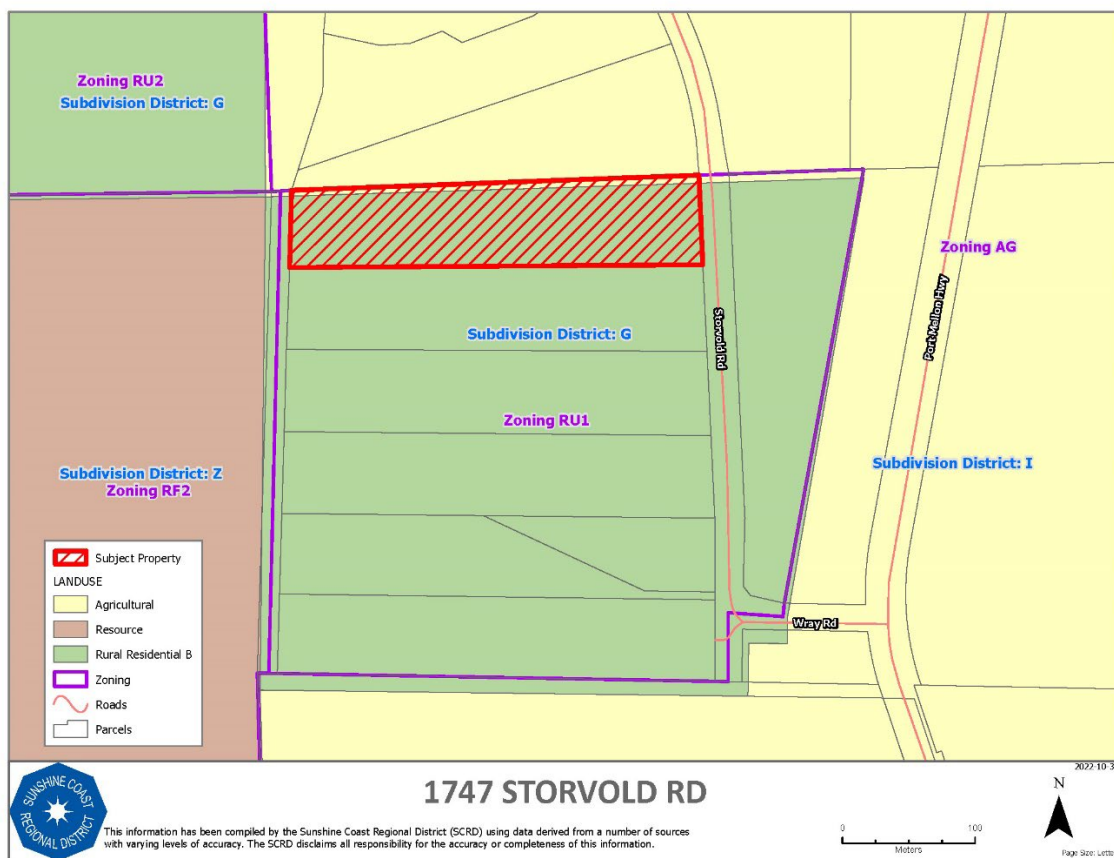
#### West Howe Sound Official Community Plan

The parcel is within the Rural Residential B land use designation (Figure 3), with parcels to the south and east having the same land use designation. Parcels to the north have an 'Agricultural' land use designation and are located within the Agricultural Land Reserve (ALR). The parcel to the west has a Resource land use designation.

#### Zoning Bylaw No. 722

The subject parcel is currently zoned RU1 (Rural Residential One) which allows for agriculture and a variety of related uses, such as agriculture, garden nursery, keeping of livestock, vehicle repair and maintenance, animal shelters, manufacturing and storage. In Area F, two single unit dwellings, each of which is permitted a 55m<sup>2</sup> secondary suite, are permitted on lots over 1.75 hectares.

Figure 2 -OCP Land Use, Zoning and Subdivision District Map



Land Use Policies

Assembly and Housing Policies

The OCP establishes objectives for Rural Residential Land Use (Section 5.2):

1. To provide for rural residential densities which reflect the terrain and servicing provisions.
2. To provide for a variety of single-family housing types and parcel sizes.
3. To ensure that parcel sizes and residential densities permitted are appropriate for the level of infrastructure services that can be provided.
4. To minimize residential land use conflicts with agricultural and resource activities, as well as reduce vulnerability to natural hazards.
5. To provide for home occupation employment opportunities compatible in scale and character with residential and rural settlement

Section 5.3.2 of the OCP (Rural Residential B) notes that this designation applies to rural acreage parcels mostly located outside of service areas, including water distribution, fire protection and solid waste collection. These acreage parcels are conducive to a variety of rural uses including agriculture, home occupations, garden nurseries, low density campgrounds and keeping of livestock. Relevant to this application Section 5.3 (2) states the following in regard to use and density:

- *spiritual and cultural retreats may be considered where properties are large enough to provide sufficient buffer to neighbouring parcels*
- *Existing properties without further subdivision potential that are 1.5 hectares and greater in size shall be permitted to have two dwellings.*

Housing

Section 6.2 (1) of the OCP notes the following as an objective for providing affordable housing:

*Opportunities for affordable housing, rental housing, and special needs housing shall be made available in most parts of the plan area through zoning provisions permitting auxiliary dwellings and duplexes, subject to parcel size and other on-site and location requirements*

Furthermore, Section 6.3 (1) notes the following policy:

*Allow flexibility in zoning for auxiliary dwellings and duplexes, or suites within dwellings, where there is appropriate liquid waste disposal and the additional dwelling units on parcels are appropriate for the neighbourhood character.*

Section 7 of the OCP describes *Densification Strategies to Support Affordable Housing and the following objectives:*

- *Increase the supply of housing units through infill development on existing eligible parcels.*
- *Integrate housing development with the rural context.*
- *Use housing agreements to secure affordable housing.*

### Agriculture

Relevant Agriculture-related OCP objectives for this proposal as noted in Section 4.3 include:

- *To increase food production and food security within the OCP area.*
- *To provide for agricultural activities, particularly small-scale sustainable market garden farming, including on-site sales.*
- *To increase opportunities for local farmers to provide local sources of a range of agricultural products, including the opportunity to market locally-produced food products.*
- *To support local production and processing of value added agricultural products.*

### **Staff Analysis: Assembly Use**

The applicant's proposal for an assembly use to provide educational and cultural gatherings on the subject property is a use that may be considered for properties designated Rural Residential B, where properties are large enough to provide sufficient buffer to neighbouring parcels. There are a limited number of properties with this designation in the West Howe Sound OCP area and of these properties several of them are not really feasible due to challenges with topography and access. The most viable sites for such assembly uses are the properties on Storvold Road and properties on the east side of Gilmour Road, north of Cemetery Road. Sites zoned RU1 allow for uses such as agriculture, keeping of livestock, vehicle repair and maintenance, animal shelters, manufacturing and storage. These are uses that also have the potential to generate noise, vehicular traffic and other related impacts. The applicant has developed mitigation measures to address concerns with noise, traffic and parking, privacy and fire protection, particularly with respect to the neighbour to the immediately to the south, with such measures including:

- the completion of an acoustic survey and mitigation plan which included berming and a privacy fence/hedge;
- a Site Plan showing proposed uses, mitigation measures, parking for 24 vehicles on site and details of vehicular circulation;
- fire protection measures, to include including the provision of three 2.5 gallon pressurized water extinguishers
- proposed stormwater management measures

It should be noted that all existing buildings to be used for assembly use will require a change of use permit and be subject to BC Building Code requirements. Only outdoor assembly use would be permitted until such time.

In summary, the assembly use proposed for educational and cultural gatherings is considered an acceptable use for properties designated Rural Residential B. There are also mitigation measures proposed on the site to reduce the impact on neighbouring properties. Staff are supportive of this element of the zoning amendment.

### **Staff Analysis: Housing Use**

The current RU1 zoning allows for two-single unit dwellings, both of which would be permitted to have 55m<sup>2</sup> secondary suites. Rather than have secondary suites, as the applicant has stated that the existing dwellings are not suited to easy conversion to add suites, the applicant is instead proposing two auxiliary dwelling units restricted to a maximum size of 75m<sup>2</sup> each. Effectively, the proposal would replace the secondary suite allowance with the ability to have slightly larger, detached units.

While the OCP encourages infill and multi-unit development primarily in the settlement cluster area and other residential areas, it also notes that along with increased density, there should be appropriate service provision including solid waste collection, storm water management, sewage treatment facility, regional fire protection, traffic circulation, convenient access to major roads and community amenities and compatibility with the surrounding rural environment. This is a policy that is also relevant for the proposed assembly use.

When evaluating the applicant's proposal, it is worth noting that it is a modest increase to density of a specific parcel. While the location is rural, the applicant is proposing sewage treatment on site, wells for on-site-water needs and a fire protection strategy. These servicing aspects have also been reviewed against the assembly uses proposed on-site.

In order to meet the objective of providing affordable housing, the applicant is intending to rent the units at a rate that is below average rental rates for similar-sized units in the area, which will result in more attainable housing for families or individuals. While the OCP mentions the use of a housing agreement, the applicant has indicated that they would prefer not to go through this process. Given that the two auxiliary dwelling units are in place of suites that would be permitted and that a housing agreement is somewhat onerous from an administrative perspective for such a small project, staff are supportive of this element of the project. Further details of the proposed housing can be found in Attachment C.

### **Staff Analysis: Agriculture**

The applicant has noted that *"The Smart Farm pilot is committed to subsidized access to agricultural land and affordable housing for farmers alongside education and engagement with the community"*. The project supports goals from the SCRD's Agricultural Area Plan and the SCRD's 2012 We Envision Sustainability Plan. Further information can be found in the "Food Security" section of the applicant's Rationale Letter (Attachment A). As such the proposal can also be seen to meet OCP objectives and other SCRD Plans related to the support for small-scale agricultural activities.

Zoning Bylaw Amendment Bylaw No. 722.4

Staff have drafted a site-specific amendment within the RU1 Zone for this parcel. Permitted uses would be those of the RU1 Zone, with additional provisions for two auxiliary dwelling units and assembly use. Zoning Bylaw amendment 722.4 has been drafted to allow for the following:

1. An assembly use on the subject property with the following conditions of use:
  - Maximum of 8 daytime gatherings per month. Gatherings limited to 40 non-resident attendees with hours between 9 am and 7 pm;
  - Maximum of 2 all-day gatherings per month. Gatherings limited to 60 non-resident attendees with hours between 9 am and 10 pm;
  - A minimum of 24 parking spaces shall be provided on the parcel while the assembly use is occurring (18 required for assembly use and 6 for the residential use) and related measures to restrict speeds of vehicles on site, in lieu of paving driveways and parking areas; and
  - Additional restrictions, include no overnight accommodation with the assembly use.
  
2. The allowance for two auxiliary dwelling units on the subject property with the following conditions:
  - Each unit shall be limited to a maximum floor area of 75 m<sup>2</sup>
  - Each auxiliary dwelling unit shall be used for rental tenure only
  - Short term rental is not permitted

In order to ensure compliance with the proposed mitigation measures, BC Building Code requirements and best practice recommendations, a covenant will be registered on title as part of bylaw adoption, which will include the following requirements:

- That prior to any assembly use taking place within a building that change of use permit/building permits must be obtained
- That prior to any assembly use taking place on the property, the following must be completed:
  - The provision of appropriate washroom facilities for assembly use
  - Construction and delineation of parking areas
  - Installation of mitigation measures, including landscaping, fencing and berming, and speed limit controls for vehicular traffic;
  - Implementation and ongoing maintenance of fire protection measures, including the provision of three 2.5 gallon pressurized water extinguishers; and
  - Implementation and maintenance of certain FireSmart recommendations, including the use of FireSmart suggested plants, non-combustible vents, keeping gutters clean of dry debris and maintaining vegetation around buildings

Development Permit Areas

If the zoning amendment is approved, a development permit (DPA 3 – Slope Hazards) would be required for the placement of the two auxiliary dwelling units and any new assembly use buildings to address geotechnical hazards in the area.

Options

Possible options to consider

**Option 1: Proceed with first and second reading of the bylaw amendment and schedule a public hearing.**

**This is the recommended option.**

If this option is chosen staff will schedule a public hearing. Results of the public hearing will be presented at a future committee meeting along with options for third reading and subsequent adoption.

**Option 2: Deny the proposed bylaw amendment**

If this option is chosen the application process would end. The applicant would be eligible for a partial refund of fees.

**Option 3: Request amendments to the proposal and/or further information prior to the application proceeding**

*Timeline for Next Steps*

Figure 4 – Application Timeline



Should first and second reading be given to the zoning bylaw amendment, staff will arrange for a public hearing date. Public notice of the zoning bylaw amendment would be done in accordance with Section 466 of the *Local Government Act*. Public comments received during the notice period, in addition to during the Public Hearing would be included in a future report for the Electoral Area Services Committee. MOTI approval would be required after third reading and prior to adoption of the bylaw. Any conditions imposed on approval would be completed prior to adoption.



*Communications Strategy*

A public information meeting (PIM) was conducted by the applicant in coordination with SCRD staff on April 21<sup>st</sup>, 2022. A summary of the PIM can be found in Attachment D. In general concerns raised included noise, traffic and parking, privacy, fire protection and ongoing unauthorized gatherings. Staff have also informed residents that they would have a subsequent opportunity to submit feedback during the public hearing process. The applicant has developed plans to mitigate concerns raised in the PIM, as discussed above.

*Agency Referrals*

The application has been referred to Skwxwú7mesh Nation, Ministry of Transportation and Infrastructure (MOTI), Vancouver Coastal Health (VCH), Agricultural Land Commission (ALC), Gibsons Fire Department, building department and infrastructure department.

Agency	Comment
MOTI	Preliminary approval for an assembly use was granted for a period of one year (now expired). Applicant to ensure stormwater remains on the property. Applicant to demonstrate sufficient parking on the property. Provincial Public Highway Use Permit for commercial access required. SCRD will request new approval after third reading in accordance with Section 52 of the <i>Transportation Act</i> .
ALC	The ALC’s interests are unaffected as the property does not lie within the ALR. That said, the subject property adjoins the ALR, however, the proposed expansion of uses will not likely have any negative effects on the adjoining ALR.
VCH	Any new or proposed drinking water system catering to multiple dwellings must comply with VCH regulations outlined in the BC Drinking Water Protection Act/Regulation. Per the BC Sewage System Regulation, any construction, alteration, or repair of a sewage system requires the involvement of an Authorized Person (AP). An AP could be a registered Professional Engineer or Geoscientist with the BC Association of Professional Engineers and Geoscientists, or a Registered Onsite Waste Water Practitioner. The AP will be responsible for designing the appropriate sewerage system and handling all necessary paperwork submissions to VCH. We have no objections to the development proceeding at this time, provided that it meets the aforementioned conditions.
Skwxwú7mesh Nation	Recommends using Chance Find Management Procedure.
SCRD Building Division	<ol style="list-style-type: none"> <li>1. All buildings required to be supplied by water will need to conform to requirements as mandated by the Authority Having Jurisdiction (VCH).</li> <li>2. All buildings requiring connection to the septic system will need to demonstrate compliance of the system at time of any Building Permit Application(s).</li> </ol>

	<ol style="list-style-type: none"> <li>3. All buildings must comply with the Building Bylaw (No. 687) and applicable Sections of the BC Building Code.</li> <li>4. All new buildings will require a Building Permit as outlined in the Building Bylaw.</li> <li>5. All existing buildings that have a proposed change to the permitted use (e.g. assembly use) must apply for a Building Permit for a Change of Use and will be subject to all relevant BC Building Code requirements.</li> <li>6. All proposed new dwellings will be subject to all BC Building Code requirements along with the requirement for Home Warranty Insurance through BC Housing.</li> </ol>
<p>SCRD Utilities Division</p>	<p>No comments. This property is outside SCRD water serviceable area without major capital infrastructure improvements.</p>
<p>Gibsons Fire Dpt.</p>	<p>Not in fire service area; fire department cannot comment. Refer to BCBC and BCFC for fire regulations. Fire protection measures associated with the assembly use will be prescribed in the covenant and will be addressed by the applicant.</p>
<p><i>West Howe Sound Advisory Planning Commission (Attachment F – November 22, 2022, Meeting Minutes</i></p>	<p>This application was referred to the West Howe Sound Advisory Planning Commission meeting of November 22<sup>nd</sup>, 2022. The APC provided the following recommendations:</p> <ul style="list-style-type: none"> <li>• a public hearing be scheduled for the zoning amendment bylaw application;</li> <li>• planning staff consider whether there are alternatives such as secondary suites available in Zoning Bylaw No. 722 that could accommodate the applicant’s need for additional residents on the land, without the requirement of the auxiliary buildings being part of the bylaws;</li> <li>• the Board look at the assembly aspect in the broader sense of the SCRD;</li> <li>• the assembly part of the application takes into account the safety aspects of larger gatherings; and</li> <li>• the density be re-examined and discussed before proceeding to have a site-specific zoning.</li> </ul>

**STRATEGIC PLAN AND RELATED POLICIES**

This application supports the Social Equity and Reconciliation Lens by providing spiritual and cultural opportunities to people of diverse backgrounds.

This application also supports the Governance Excellence Lens by providing for effective, efficient and informed decision-making.

**CONCLUSION**

This report provides an evaluation of the application based on the review of applicable policy, initial public consultation, and the specific site context. The applicant’s proposal to allow for assembly use and two auxiliary dwelling units as part of a Smart Farm pilot project supports many of the goals and policies in the West Howe Sound OCP, including, to provide for cultural and spiritual gatherings, provision of rental housing options and to support agriculture. Overall, staff are supportive of the proposal given applicable OCP policies, the Rural Residential B land use designation and the Rural Residential One (RU1) zoning. Staff recommend that the bylaw receive first and second reading and a public hearing be scheduled.

**ATTACHMENTS**

Attachment A – Applicant Rationale Letter

Attachment B –Site Plan

Attachment C – Description of Proposal

Attachment D – Public Information Meeting Summary

Attachment E – Zoning Amendment Bylaw No. 722.4

Attachment F – West Howe Sound Advisory Planning Commission Minutes, November 22, 2022

Reviewed by:			
Manager (Acting)	X – K. Jones	CFO/Finance	
GM	X – I. Hall	Legislative	X – S. Reid
CAO	X – T. Perreault	Solid Waste	